

Committee Report

Item No: 2

Reference: DC/17/02760

Case Officer: Samantha Summers

Ward: Rickinghall and Walsham

Ward Members: Cllr Jessica Fleming and Cllr Derek Osborne

Description of Development

Outline planning application (access to be considered) - Erection of up to 69 dwellings, open space and associated infrastructure

Location

Land to the South of Diss Road, Botesdale, Suffolk

Parish: Botesdale

Site Area: 3.53ha

Conservation Area: Not in Conservation Area (Adjoins Conservation Area)

Listed Building: Not listed

Received: 07/06/17

Expiry Date: 07/03/18

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr Ben Herbert

Agent: Bidwells

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan 5295-050C – received 09/10/17 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Planning Application Form - received 07/06/17

Site Location Plan 5295-050C – received 09/10/17

Site masterplan 5295-052E - received 12/01/18

Proposed streetscene 5295-053A - received 12/01/18

Site sections 5295-054 sections BB-CC - received 12/01/18

Planning Statement – received 07/06/17

Planning Statement Addendum – received 12/01/18

Design and Access Statement Rev A – received 07/06/17

Landscape and Visual Impact Assessment – received 13/06/17

Transport Assessment – received 13/06/17

Ecological Assessment – received 07/06/17
Tree Assessment – received 07/06/17
Utilities Assessment – received 23/06/17
Surface Water Drainage Strategy – received 13/06/17
Flood Risk Assessment – received 13/06/17
Heritage Statement – received 09/10/17
Phase 1 Contamination Assessment – received 23/06/17

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

History

The subject site forms part of a broader site (SS0949) allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

'Site is potentially suitable, but the following considerations would require further investigation: Highways - regarding access, footpaths and infrastructure required Heritage - impact upon Grade II listed building to the north of the site, and conservation area to the west of the site. Biodiversity - potential impact on protected species

The site is potentially considered suitable for residential development, taking identified constraints into consideration. Part development along northern aspect is recommended to avoid disproportionate development to the settlement. Estimated new net site area: 2ha

The estimated yield recommended in the Draft SHELAA (August 2017) is 50 dwellings.

There is no relevant planning application history relating to the subject site.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats
Suffolk Design Guide
National Planning Policy Framework (NPPF)

Supplementary Planning Documents

- Suffolk Adopted Parking Standards (2015)

List of Other Relevant Legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Two rounds of pre-application discussions held between the applicant and Council officers.

Consultations and Representations

During the course of the application consultation and representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Botesdale Parish Council

Botesdale Parish Council object strongly to further development in Botesdale and Rickinghall without sufficient evidence of local housing need and assurances that infrastructure and services will be able cope. Furthermore, there are very real concerns that a small rural community will be destroyed by inappropriate overdevelopment. Proposals for development put forward in 2016-17 will potentially yield 175 houses compared to the average of 12/year over the past 15 years. Sites identified in the SHLAA have the potential to yield another 300. In a community which currently comprises 1000 homes, this is a rate of growth which residents feel requires more sensitivity than the ad hoc approach currently being applied by MSDC due to the lack of a 5-year housing supply.

With regard to this application, and in the above context, residents feel that this application constitutes overdevelopment which would be damaging to the character of the village. The Conservation Area Appraisal produced by MSDC in 2009 stresses the linear nature of the villages and the shallow settlement pattern along the former main road from Bury St Edmunds to Great Yarmouth, with regular open views to the countryside. Although this plot is outside of the Conservation Area, the open feel and proximity to the countryside continues to the east end of the village where Tollgate House forms a historical gateway to the village.

The toll house was constructed as the lodge to Redgrave Park, part of the 18th century development of a landscape garden to the mansion house. When leaving the village, the building can be seen with the former road to the Park on its left and the main road on its right. This is a strategic position between the roads that made the former lodge suitable for use as a toll house in the late 18th and early 19th centuries.

The toll house was used to control traffic and the collection of tolls on the 'turnpiked' road from Bury St Edmunds to Great Yarmouth as well as traffic coming from Redgrave Park and village. Though there is modern development and an extension behind the listed building, its relationship to the two roads can still clearly be seen when leaving the village. The construction of a new road junction directly opposite the toll house would detract from an understanding of its historic role and relationship to the road junction.

The NPPF paragraph 132 states that the significance of listed buildings can be harmed by development in their setting. We are concerned that the proposed road junction would have a harmful impact by detracting from those qualities of the toll houses setting which contribute positively to its historic significance. As the NPPF makes clear, 'great weight' should be given to the conservation of the historic significance of listed buildings when considering proposed development.

The Design and Access Statement and the Planning Statement makes no justification for the selection of the proposed access location. The Transport Statement confirms merely that the existing roads have an adequate margin of capacity to accommodate the additional traffic. The Bidwell agents who attended the parish council meeting had no greater argument than that it is design-guide compliant.

The Planning Statement outlines the core planning principles in the NPPF, one of which is the promotion of good design, i.e. good design is indivisible from good planning and

permission should be refused for developments of poor design that fail to take the opportunities available for improving the quality and character of an area, and the way it functions. The Parish Council would argue that this is an opportunity to align the access with the existing junction with the B1113 and change the priorities by transforming it into a roundabout. This would improve the safety of the near-miss prone junction and present a safer alternative for access and egress from the site than the current proposal. Utilising the existing junction would have the advantage of direct access to the bypass (A143) for travel either east or west, avoiding unnecessary and unwanted additional traffic through the village. Here is an opportunity to improve the quality and character of the area, improve the safety of the junction and preserve the setting of Tollgate House.

The Parish Council therefore objects to the application on the basis that the scale of the development, and particularly the proposed access, does not promote good design and has a harmful impact on Tollgate House and the character of the village.

Reconsultation:

The Parish Council has reviewed the latest submission from Llanover/Bidwells on the application DC/17/02760, and recent responses from the consultees and agrees with the consultees that the information has not materially changed the case. The issues remaining with the Highways comments are likely to be resolved by applying conditions to the application if approved. However, the heritage issues concerning the impact on the setting of Tollgate House remain, and there are consistent arguments presented by The Suffolk Preservation Society, Patrick Taylor (a conservation architect), and the Mid Suffolk Heritage Officer that the proposed access immediately across from Tollgate House presents an unacceptable harm to the setting and the significance of the building.

The Parish Council does not consider that the additional information affects the conclusions drawn in the Parish Councils original submission that the scale of the development, and particularly the proposed access, does not promote good design and has a harmful impact on Tollgate House and the character of the village. The Parish Council therefore objects to the application.

SCC Highways

No objection subject to standard highways conditions.

The off-site footway improvements on Chapel Lane as shown on 46993/P/SK04A is supported in principle by the highway authority but we would like to see some additional features to highlight to the driver they are entering into a shared space. Detailed design can be discussed at the full application process.

Place Services – Landscape

Recommendations

In terms of the likely visual effect on the surrounding landscape, the proposals will impact on the existing open countryside of the rural edge of the village and upon the gateway into Botesdale. Through an appropriate residential development, green infrastructure and mitigation strategy the visual effects can be reduced.

The way in which the proposed development site is accessed has created a very unnatural extension to the village. In this regard the long access road will require a substantial landscape scheme to mitigate the effects of the road.

The following points highlight our key recommendations for the submitted proposals:

- 1) The visual impact of the proposals from some of the properties on Chapel Lane (which are within Botesdale Conservation Area) has been classified by the submitted LVIA as having a major negative impact.. These properties currently have long views to the open countryside. The landscape mitigation proposals at this level of detail fail to substantially demonstrate how the visual impact of the new development has been mitigated. As currently shown, the significance of the proposals will still be major even though mitigation is implemented; further work is required to provide a satisfactory outcome.
 - 2) The south-western corner of the proposals requires further thought, especially how the existing open countryside views can be retained whilst creating a suitable layout and integrated landscape.
 - 3) There are some elements of the submitted proposal that fails to reflect the character of the existing adjacent settlements in Park View. If the outline application is approved, we recommend that the residential layout is revised altogether and reviewed under Urban Design principles as it progresses further. For example, plots A45-50 being a far too dominant built form in what is a country edge development.
 - 4) The proposed public open space (POS) is placed on the north-east corner of the development. If the outline application is approved, we recommend that the location of the POS shall be revised and moved to a more central location to integrate this amenity within the development site.
 - 5) If the outline application is approved, a detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted. We recommend a landscape maintenance plan for the minimum of 3 years, to support plant establishment. SuDS features such as detention basin and others with landscaping elements are also to be included on the landscape management plan and ensure that adoption is in place prior construction. This is to ensure appropriate management is carried out and to maintain functionality as well as aesthetics.
 - 6) Tree species and tree spacing should reflect a more natural appearance avoiding regular spacing and pattern. Tree species should be of a native nature and should reflect existing vegetation in the surrounding landscape.
 - 7) Explore opportunities further to create thicker/wider tree belts for the boundaries of the site, in keeping with the existing tree belts in the neighbouring landscape, in particular the southern and eastern boundaries. This will help to create green links and ecology connections with the existing tree belts in the landscape.
 - 8) If the outline application is approved, a detailed boundary treatment plan including cross sections and specification will need to be submitted as part of a planning condition.
 - 9) Key considerations for street design set out in the Landscape and Visual Appraisal should inform the residential layout and green infrastructure.
 - 10) If the outline application is approved, a SuDS strategy should be integrated within the development layout and utilise the green infrastructure and landscape elements to deliver it.
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Reconsultation comments:

I will expect that the applicant will submit additional information showing details of the infiltration basin covering design, location, existing and proposed levels and any associated planting for this area.

BMSDC – Heritage Team

The Heritage Team refers the decision taker to comments submitted previously regarding this application, and considers that the relocation of the access does not mitigate harm to the significance of the GII Tollgate House.

The proposed access would be an engineered access with curbs and likely blacktop surfaces which would have a particularly urban feel and would not complement the edge of village character of the area. Such an access in this location would result in harm to the significance of Tollgate House, which currently acts as a landmark building on the entrance/exit to Botesdale.

The Heritage Assessment is some 60 pages long, however makes little assessment of the impact on the access road on the significance to heritage assets, particularly Tollgate House.

As explained in earlier comments, Tollgate House was constructed with a deliberate setting in order to charge travellers using the carriageways. The introduction of an access immediately opposite the toll house would thus erode the significance of the building. The applicant's Heritage Statement concludes that there would be 'minor adverse' harm to the significance of Tollgate House. It is suggested by the Heritage Statement that this harm could be mitigated through the layout, design, landscaping of the proposed housing development and materials used for the access road. This assessment is inadequate and shows little understanding of the significance of Tollgate House and its relationship with adjacent roads, and has not justified harm to the setting of the GII listed building.

The Heritage team maintains its position that the introduction of an access immediately opposite Tollgate House would harm the significance of the building, would erode the rural, edge of village character of the area, and is not appropriate. As per previous recommendations, it is advised that an alternative access is found for the proposed development, away from the immediate setting of Tollgate House.

Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Anglian Water

No objection.

Environmental Health - Sustainability

No objection subject to condition requiring submission of Sustainability and Energy Strategy.

Environmental Health - Land Contamination

No objection.

SCC Fire Officer

No objection.

Place Services - Ecology

No objection subject to conditions to secure ecological mitigation and enhancements.

Natural England

No objection.

SCC - Archaeological Service

Strongly advice archaeological evaluation is undertaken at the pre-determination stage. Refusal not recommended however if applicant chooses not to undertake the evaluation prior to determination. Two standard archaeological conditions recommended.

SCC - Flood and Water

Recommend approval of this application subject to conditions

Highways England

No objection.

BMSDC Economic Development

No objection.

BMSDC Infrastructure

This development is in the Community Infrastructure Levy (CIL) High value zone and would attract CIL at a rate of £115m² (subject to indexation). CIL would be calculated upon any reserve matters approval.

SCC Strategic Development

Based on existing forecasts SCC will have no surplus places available at the catchment primary and secondary schools when considering the impact of cumulative growth in the locality. On this basis CIL funding of at least £182,715 (2017/18 costs) will be sought for primary school provision and CIL funding of at least £241,719 (2017/18 costs) will be sought for secondary school provision.

A CIL contribution of £216 per dwelling is sought i.e. £14,904, which will be spent on enhancing provision at the nearest library.

NHS England

Developer contribution via CIL is required to fund increase in capacity within the GP catchment area.

BMSDC – Waste Management

No objection subject to condition regarding bin store and minor layout change to accommodate 32 tonne dustcart.

BMSDC Arboricultural Officer

No objection in principle as there appears to be little conflict between the development, based upon the Indicative Masterplan, and any significant trees/hedges on or adjacent to the site. Any trees and sections of hedgerow that do require removal are unlikely to be of sufficient importance to warrant being a constraint.

If you are minded to recommend approval of the scheme we will require additional information including a Tree & Hedgerow Protection Plan in order to help ensure protection measures for those being retained. Ideally this should be submitted as part of the application but can be dealt with under condition.

Suffolk Police

No objection.

B: Representations

Numerous objections received. Summary of grounds of objection:

- *Impact on character and appearance of the area
- *Impact on the setting of the Grade II listed Tollgate House
- *Impact on the Botesdale Conservation Area
- *Impact on highway safety from proposed T junction
- *Loss of prime agricultural land
- *Loss of hedgerow.
- *Narrowing of dangerously narrow junction on a blind corner (Chapel Lane).
- *Increased strain on doctors and schools
- *Increase in anti-social behaviour with increased village population
- *Pollution and noise
- *Excessive lot density.
- *No employment in village
- *Limited public transport on offer
- *Car parking issues in village will be exacerbated

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site is located on the southern side of Diss Road on the eastern periphery of the village of Botesdale. Botesdale is defined as a 'Key Service Centre' in the Mid Suffolk Core Strategy 2008. The site's northern and western boundaries adjoin the village settlement boundary. The site is set some 70m north of Mill Road.
- 1.2. The site comprises an open arable field (Grade 3 agricultural land) and extends to 3.53 hectares in area. The site is adjoined by residential development (Park View and Chapel Lane) on the northern and western boundaries of the site. The site is adjoined by agricultural land to the east and south.
- 1.3. Tollgate House, a Grade II listed building, is located opposite the proposed site access on the northern side of Diss Road. Hedging and trees line the eastern and southern site boundaries.
- 1.4. The site is not in a Conservation Area, Special Area of Conservation or Special Landscape Area. The site does however, at its western boundary, adjoin the Botesdale Conservation Area, designated in 1973.
- 1.5. There are footpaths along both sides of Diss Road west of the site's proposed vehicle access point offering pedestrian connectivity to the body of the village. Two

bus stops are located on Diss Road approximately 320m west of the site's proposed vehicle access point.

2. The Proposal

- 2.1. Outline planning permission with all matters reserved except access is sought for up to 69 dwellings. 24 of the dwellings are proposed as affordable.
- 2.2. An indicative layout has been provided to demonstrate how the site could develop if outline permission is granted. Key elements of the indicative outline are as follows:
 - Single access point from Diss Road and associated construction of a new access road to serve the development, located east of 10 Diss Road and opposite Tollgate House.
 - Construction of a new T junction arrangement onto Diss.
 - Proposed access road to be a minimum 5.5m wide, with 1.8m wide pedestrian footways on both sides.
 - 5m landscaping belts to either side of the proposed access road.
 - Provision of pedestrian/cycle access to Chapel Lane on the western boundary.
 - Tree removal at the Diss Road frontage to facilitate the proposed access road.
 - 2585sqm public open space area.
 - 395sqm public open space area adjacent Chapel Lane.
 - Conventional residential development concentrated to the western end of the site, located directly behind housing fronting Park View.
 - Dwellings adjacent Park View to be single storey.
 - Proposed perimeter landscaping.
 - An attenuation lagoon located at the Diss Road frontage east of the proposed access road.
 - Post and wire fencing with hedgerow between Diss Road and the proposed lagoon.
 - Retention of hedgerow along the site's eastern boundary.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.2. The following paragraphs of the NPPF are considered applicable:
 - Para 6: Achieving sustainable development
 - Para 7: Three dimensions to sustainable development
 - Para 11 - 15: The presumption in favour of sustainable development
 - Para 17: Core planning principles
 - Para 32 and 34: Transport movements
 - Para 47: Delivering a wide choice of high quality homes (including the need to have a 5-year deliverable supply of housing)
 - Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.
 - Para 55: To promote sustainable development in rural areas.
 - Para 56 & 60: Requiring good design

Para 64: Development of poor design must not be supported.
 Para 69: Promoting healthy communities
 Para 70: Delivery of social, recreational, and cultural facilities that the community needs.
 Para 72: Provision of school places. Para 73: Access to high quality open space.
 Para 100: Development and flood risk
 Para 103: Development and increasing flood risk elsewhere
 Para 109: Planning system should contribute to and enhance the natural and local environment.
 Para 112 & 117-119: Development affecting protected wildlife
 Para 115: Conserving landscape and scenic beauty
 Para 123: Planning and noise.
 Paras 128 & 129: Describing the significance of a designated heritage asset.
 Para 131: Determining planning applications that affect heritage assets.
 Para 132: Significance of heritage assets.
 Para 134: Development and less than substantial harm
 Para 186: Approaching decision taking in a positive way.
 Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
 Para 196: Plan led planning system.
 Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
 Paras 203 -206 - Planning conditions and obligations.
 Paras 211 - 212: Using development plans and the NPPF in decision making.
 Paras 214 - 215: The weight attached to development plan policies having regards to their consistency with the NPPF.
 Para 216 - Weight given to policies in emerging plans

4. Core Strategy

- 4.1. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to this scheme:
 FC1 - Presumption in favour of sustainable development.
 FC1.1 - Mid Suffolk's approach to delivering sustainable development
 FC2 - Provision and distribution of housing.
- 4.2. The following parts of the Core Strategy 2008 are considered to be applicable to this scheme:
 CS1 - Settlement hierarchy
 CS2 - Development in the countryside & countryside villages
 CS4 - Adapting to climate change.
 CS5 - Mid Suffolk's environment
 CS6 - Services and infrastructure
 CS9 - Density and mix

5. Supplementary Planning Documents

- 5.1. Suffolk Adopted Parking Standards (2015)

6. Saved Policies in the Local Plans

- 6.1. Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998 relevant to the proposal:

- Policy GP1: Design and layout of new developments
- Policy HB14: Ensuring that Archaeological remains are not destroyed
- Policy H7: Restricting housing development unrelated to the needs of the countryside
- Policy H13: Design and layout of development
- Policy H15: Development to reflect local characteristics.
- Policy H16: Protecting existing residential amenity
- Policy H17: Keeping residential development away from pollution
- Policy CL8: Protecting wildlife
- Policy CL11: Retaining high quality agricultural land
- Policy T9: Parking standards
- Policy T10: Highway consideration in developments
- Policy RT4: Amenity open space and play areas within residential development
- Policy RT12: Footpaths and bridleways

7. Housing Land Supply

- 7.1. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.2. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However recently the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 7.4. In accordance with National Planning Policy Guidance paragraph 030 the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight,

information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'

- 7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures.
- 7.6. A summary of the current MSDC 5 year land supply position is as follows:
 - Core Strategy based supply for 2017 to 2022 = 3.9 years
 - SHMA based supply for 2017 to 2022 = 3.9 years
- 7.7. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
 - an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 7.8. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a five year land supply.

8. Sustainability of the Proposal

- 8.1. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.
- 8.2. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories:
 - agricultural workers dwellings;

- possible conversion of rural buildings;
 - replacement dwellings;
 - affordable housing on exception sites;
 - sites for Gypsies and Travellers and travelling show people.
- 8.3. Policy H7 of the Local Plan seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 8.4. The proposal site is located in the countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will be permitted. The proposal does not represent rural exception housing for the purposes of the Core Strategy, and is therefore inconsistent with policies CS1, CS2 and H7.
- 8.5. However, in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing, including Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan cannot be considered up-to-date.
- 8.6. In this case and for the reasons detailed in the assessment sections below, despite its countryside location, the site is in a sustainable location due to the accessibility to services and facilities, including by sustainable modes of transport and is therefore acceptable in principle.
- 8.7. The three dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

9. Economic Dimension

- 9.1 The provision of up to 69 dwellings will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. As noted in the supporting Planning Statement, the New Anglia 'Strategic Economic Plan' (April, 2014) observes that housing is a key part of the infrastructure needed to support employment growth, stating that each new home built in the New Anglia area is equivalent to £36,700 more in Gross Value Added (GVA) to the economy. The 'Strategic Economic Plan' acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.

10. Social Dimension

- 10.1. In respect to the provision of new housing, the development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of up to 69 additional dwellings, 24 of which would be much needed affordable dwellings. The scheme will provide a mix of dwelling types and sizes to seek to meet the needs of the local community within and around Botesdale, to ensure that a vibrant and sustainable community is provided.
- 10.2. The scheme will support the village's health, social and cultural well-being by providing significant CIL payments to fund the provision of health facilities, library facilities, etc. as appropriate. Payments will include £182,715 for primary school provision, £241,719 for secondary school provision and a £14,904 libraries contribution.

- 10.3. The matter of the sustainability of the site in terms of access to local services and facilities is discussed further below.

11. Environmental Dimension

Access to Services and Facilities

- 11.1. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising '*housing should be located where it will enhance or maintain the vitality of rural communities*', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 11.2. The site is located in the countryside, however, it lies adjacent the Botesdale settlement boundary. Botesdale and Rickinghall, a designated Key Service Centre, is served by a good range of local services and facilities, including hairdressers, playing field, church, public house, doctors/pharmacy, dentist, nursery school, primary school and convenience store.
- 11.3. A Transport Statement supports the application. A pedestrian and cycleway link is proposed to Chapel Lane, providing excellent pedestrian and cycling connectivity to the village's amenities. The indicative layout shows an excellent footpath network within the development, linking not only to Chapel Lane but also to Diss Road via the proposed access road.
- 11.4. Public transport accessibility from the site is good and the whole development area is within a reasonable walking distance of the existing bus services on The Street and Bury Road via convenient and attractive pedestrian routes. This provides a viable opportunity for residents to commute to other settlements for onward rail travel, such as Diss, and employment uses. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.
- 11.5. Whilst the settlement is served by a good range of services and facilities, it is inevitable as with any village that some journeys out of the it would be a requirement for some residents in order to access many services including employment.
- 11.6. The nearest settlement offering a high degree of services and facilities to meet every day needs is Diss, approximately seven kilometres east of the site. Vehicle trips to this centre would be relatively short.
- 11.7. It is concluded that the site represents a sustainable location for new housing.

Impact on the Landscape

- 11.8. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 11.9. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

- 11.10. The application is supported by a Landscape and Visual Impact Assessment (VIA) that has been reviewed by Council's Landscape Consultant. The consultant notes the way in which the proposed development site is accessed creates a very unnatural extension to the village, however the effect can be reduced by substantial landscape planting. The consultant suggests a number of recommendations regarding layout details, to provide a softer visual impact and more appropriate, respectful response to existing neighbouring development. All of these matters are most appropriately considered through the reserved matters stage of the approvals process.
- 11.11 Critically, there is nothing in the landscape consultant's review of the supporting VIA that suggests the development will result in unacceptable visual amenity outcomes. The character of the area will change, this will be appreciated in views from Diss Road, Bury Road, Mill Road, Park View and Chapel Lane. However, the change will not be so abrupt or as visually intrusive as to warrant a reason for refusal. The development is well related to the body of the village, directly adjoining the settlement boundary.
- 11.12 The submitted VIA observes that the general openness of the arable landscape is offset by the enclosure created by the nearby settlement and tree belts. For this reason the development will not appear isolated in a visual sense. The VIA notes the new development will be seen against the backdrop of the existing settlement edge and will be seen as a simple extension of it.
- 11.13. The landscape of the proposal site is not designated in any formal (e.g. Special Landscape Area) way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty.
- 11.14. Furthermore, whilst development would remain visible, the incorporation of planting and landscaping, as would be expected at the reserved matters stage of the development process, would assist in reducing the level of visibility and harm to landscape character.

Impact on the Character and Appearance of the Area

- 11.15. Policy CS5 requires development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 11.16. Policy CS9 of the Core Strategy seeks average densities of at least 30 dwellings per hectare unless there are special circumstances that require a different treatment.
- 11.17. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 11.18. Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 11.19. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development

- 11.20. The built form of the area is predominately linear, with residential development extending along Diss Road and Park View. The indicative layout displays a form that is not linear, but adopts a more cul-de-sac type arrangement. This is largely a function of the site's proportions, as ribbon type development would be difficult to achieve given the way in which the site boundaries are formed. The development, whilst not replicating neighbouring ribbon development, is not so at odds with the surrounding development pattern that the proposed layout is considered unacceptable.
- 11.21. The Draft SHELAA (August 2017) recommends part development of the site along the northern aspect in order to avoid disproportionate development to the settlement. The document suggests a net site area of 2ha and approximate yield of 50 dwellings. The scheme proposes development at its western end, with a site area exceeding 2ha and a total yield exceeding the recommended 50 dwellings by a further 19 dwellings. Whilst there is some inconsistency with the SHELAA, it is a document offering, at this draft stage, no planning status in respect to land parcels. It would appear the document has not contemplated the development option presented in the application. This does not mean the proposed development is not acceptable, it merely offers an alternative design approach to that considered in the draft SHELAA. For the reasons contained in the assessment above and below, the design approach is valid and one not without merit. In this context, the inconsistency with the draft SHELAA is not fatal to the application.

Impact on Heritage Assets

- 11.22. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 11.23. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 11.24. Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 11.25. Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 11.26. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.27. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative

contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.

- 11.28. Historic England guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.
- 11.29. The nearest heritage asset is a Grade II listed building at Tollgate House located opposite the proposed site access. The application is supported by a Heritage Statement which concludes there would be 'minor adverse' harm to the significance of Tollgate House. The Heritage Statement suggests effects on the listed setting can be lessened through layout, design, landscaping and road construction material.
- 11.30. Council's Heritage Team disagree with the findings of the Heritage Statement. The Heritage Team is of the view that the proposal, in particular the proposed road immediately opposite Tollgate House, will harm the significance of the building. The Parish Council agrees. It is concerned with the listed setting impact, critical of the proposal's ability to accord with paragraph 132 of the NPPF. The Suffolk Preservation Society raises similar concerns to the Parish Council and Council Heritage Team, objecting to severe damaging effect on the listed setting.
- 11.31. There is little doubt the proposal will cause harm to the valued heritage asset, Tollgate House. It is inevitable that the creation of a significant T junction and the associated engineering works, in such proximity of a listed building will impact, to some degree, its setting.
- 11.32. The key test is whether the harm to the heritage asset, in this case to its setting, amounts to less than substantial harm, as stated at paragraph 134 of the NPPF. The term 'less than substantial' harm is a term which according to *Bedford Borough Council v SSCLG & Nuon UK Ltd [2013] EWHC 2847* can refer to a range of impacts from an impact that is 'negligible' in effect, to one which is 'something approaching demolition or destruction.' Given the relationship of the site and the proposed new access to Tollgate House, it is considered in this instance that the 'less than substantial' harm level is at the lower end of this scale. This is not to suggest the impact will be negligible. Far from it. There will be an adverse impact, however it will be moderated; it will certainly be less than a scheme proposing built form immediately opposite the toll house. The impact is also judged to be less than the effect that has already been inflicted by the layby located immediately west of the toll house. The layby facilitates domestic vehicle parking and this has a particularly unfortunate listed setting impact, obscuring views of the toll house when leaving the village. The scheme proposes the conversion of the layby to a bus stop. Assuming the bus stop will necessitate introduction of a no parking restriction, the proposal has the potential to enhance the listed setting through removal of the opportunity for domestic parking.
- 11.33. The Parish Council states that the listed building's relationship to two roads, the former road to the Park on the left of the toll house and the main road to the right, can still clearly be seen when leaving the village. The proposal in no way

undermines this visibility or appreciation. The new access road retains the existing main road layout. The proposal does not alter the area where the former road to the Park once existed, retaining the bench seat, layby, street signage and footways. The proposal does not affect the pleasing manicured perimeter hedging surrounding the toll house. The new road will not in any way obscure views of the toll house when leaving or approaching the village.

- 11.34 The Parish Council is critical of the proposal in that it would detract from an understanding of the building's historic role and relationship to the road junction. Officers consider the effect of the proposal on the understanding of the building's role to be overstated. The Toll House building itself remains entirely unaltered by the proposal. As noted above, the area where the former road layout existed remains unaltered. The building will look no less like a toll house after the new road has been constructed. The building will be in a no lesser strategic position, in a heritage sense. The building will be in as much a prominent position after the proposed new road construction as before it. After the new road is constructed, when leaving the village the building will remain wholly appreciable in views east.
- 11.35. Arguably the proposal brings a level of enhancement to the heritage asset in an 'appreciation' sense. The new road will introduce new views from it, including nicely framed northern views, which will potentially add to the public experience and appreciation of the heritage asset; a heritage benefit. Relocation of the village sign further from the listed building will be a small, but nonetheless, additional positive outcome.
- 11.36. A very carefully considered landscaping scheme will have a very important role to play in mitigating the visual effects on the listed setting. This is not landscaping in a screening sense, but rather landscaping in a visual softening sense. As noted in the supporting Heritage Statement, screening would curtail the sense of openness. Rather, appropriate planting will create a landscaped space which will take reference from the existing character of the adjacent field and this will provide a respectful visual relationship. Post and wire fencing to the Diss Road frontage represents a subtle visual gesture and certainly not an element of the scheme that could be considered harmful to the listed setting. Landscaping is a reserved matter.
- 11.37. At the level of 'less than substantial harm', the heritage impacts must be considered in the context of the public benefits that the scheme offers, as per Paragraph 134 of the NPPF. The public benefits include: significant economic benefits including employment and greater support for existing local services; significant social benefits by way of increased affordable housing provision; provision of much needed local housing where there is a less than five year supply; improved pedestrian and cycle connectivity for local residents; enhanced landscaping and biodiversity outcomes.
- 11.38. The applicant has analysed alternative access arrangements in an effort to provide a design that responds more favourably to Tollgate House. However these options have been limited owing to the Highways Authority requiring the access position to be located as far west as possible whilst still retaining required visibility splays to reduce the interaction with the existing Hall Lane/Diss Road junction. This said, alternative design options at Diss Road were explored however they all require extensive highway improvement works which, in turn, bring with them significant landscape character implications such as substantial tree removal. The options considered but ultimately discounted included:
- a crossroads junction – not supported on safety grounds;

- alter the priority of the B1113 so Hall Lane would give way to Diss Road –likely greater visual impact on Tollgate House and the village entry;
 - compact roundabout - would necessitate the removal of all trees/hedgerow along the southern side of Diss Road;
 - mini-roundabout - dismissed on technical grounds all set out in the DMRB Technical Directive 54/0.
- 11.39 Alternative access locations via Mill Road and Chapel Lane have also been explored. The applicant's traffic consultant advises:
- Mill Road would require a significant length of widening to bring the road up to required design standards.
 - The junction with the A143 is currently a priority control junction and would likely need to be upgraded to a staggered right turn lane. This would require unnecessary extensive highway improvement works, given the nearby B1113 junction is adequate in its design.
 - The junction of Mill Road with The Street for those heading into the village is also constrained with poor visibility to the west.
 - Chapel Lane would require widening and footway provision that would be within third party ownership to account for the extra vehicles using the narrow access road.
 - Visibility is not achievable from the access road on to Chapel Lane without affecting third party land.
 - Visibility for vehicles from Mill Road/Chapel Lane on to The Street is restricted affecting access into the village by car.
- 11.40. Alternative access options have been thoroughly investigated by the applicant. They have all been discounted for legitimate reasons.
- 11.41 The site is located immediately adjacent to the north-east side of the Botesdale Conservation Area and contributes to the setting of the Conservation Area. Proposed dwellings are well set back from the Conservation Area boundary. The proposed public open space area provides a deliberately meaningful separation distance that will act as a visual buffer between new housing and the body of the Conservation Area. The proposal will change the rural character setting of the Conservation Area and therefore harm will arise. However, it is noted that the part of the Conservation Area nearest the site's Chapel Lane frontage is occupied by very recent townhouse development which diminishes, quite significantly, the sensitivity of the conservation interface. For this reason, and those outlined above, the harm to the significance of the Conservation Area is considered to be less than substantial.

Residential Amenity

- 11.42. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
- 11.43. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 11.44. The indicative layout demonstrates the site is capable of accommodating a residential layout totalling 69 dwellings in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure no unacceptable loss of daylight, sunlight, or overlooking to

the existing residents would ensue. The layout proposes single storey dwellings where in proximity to the dwellings at Park View, an appropriate and respectful design response. It is noted that no objections have been received from residents in respect to potential loss of sunlight/daylight, visual bulk, overshadowing or loss of privacy.

Highway Safety, Access and Parking

- 11.45. Access is a matter sought for approval. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.
- 11.46. The Policy is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
- 11.47. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 11.48. Residents object to the scheme on traffic and parking grounds. However the Local Highway Authority raises no objection to the proposed T junction access arrangement, subject to conditions. The road network is considered suitable to cope with the increased traffic volume.
- 11.49. The internal layout of the site is currently indicative only, and the opportunity would exist at the reserved matters stage to assess how the final design performs in respect to the quantum of parking spaces, turning areas, road and footway layout. Performance against the Suffolk Adopted Parking Standards (2015) is a matter for the detailed design stage. Notwithstanding, the site is sufficiently proportioned to accommodate the parking needs for a 69 dwelling development, including visitor parking. There is nothing before officers to suggest a parking-compliant development could not be achieved.

Flood Risk

- 11.50. The application is supported by a Surface Water Drainage Strategy and Flood Risk Assessment. The site lies in Flood Zone 1, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The submitted reports do not provide any evidence to suggest the proposal should be refused on flood or drainage grounds.
- 11.51. Drainage details are an item to be managed at reserved matters, in consultation with the SCC Flood and Water Management Team.

Land Contamination

- 11.52. The application is supported by a Phase 1 Contaminated Land Survey. Council's Environmental Protection Team have reviewed the information and raise no objection.

Archaeology

- 11.53. Planning conditions securing a programme of archaeological work are considered appropriate given the lack of recent development of the site.

Trees

- 11.54. The application is supported by a Tree Assessment and Tree Survey. The site does not contain any trees of significance. As noted elsewhere in this report, landscaping and planting is proposed to mitigate the landscape impact of the development. Council's Arboricultural Officer raises no objection.

Biodiversity

- 11.55. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 11.56. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 11.57. An ecology report supports the application which has been reviewed by Council's Ecology Consultant. The consultant raises no objection subject to mitigation and enhancement measures which can be addressed by planning conditions.

Loss of Agricultural Land

- 11.58. Policy CL11 of the Local Plan seeks to conserve the district's best and most versatile agricultural land.
- 11.59. The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. Land is graded on a scale of 1-5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor quality agricultural land.
- 11.60. The application site is Grade 3 agricultural land. However, the proposal site comprises a very modest parcel of land in the context of the quantum of agricultural land in the district, and therefore the loss of this parcel of agricultural land will give rise to very limited harm in agricultural productivity terms.

Waste Management

- 11.61. Waste Services does not object to the proposal provided a minor layout revision is undertaken to allow 32 tonne dustcarts access to the development. This detailed

layout matter can be readily addressed at the reserved matters stage of the development process.

12. Planning Obligations / CIL

- 12.1. The application is liable to CIL which would be managed through the standard independent CIL process.
- 12.2. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, as well as a management plan for the principal public open space.

13. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 13.1 Granting this development will result in the following financial benefits:
 - New Homes Bonus
 - Council Tax
 - CIL
- 13.2 These are not material to the planning decision.

PART FOUR – CONCLUSION

14. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015

- 14.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 14.2. Council officers have worked with the applicant through the pre-application stage of the development process.

15. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

- 15.1. There are no known legal implications derived from the determination of this application.

16. Planning Balance

- 16.1. The Council cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).
- 16.2. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

- 16.3. Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.
- 16.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 16.5 The proposal will bring with it economic benefits. The provision of 69 houses will assist in addressing the housing shortfall. Affordable housing provision is a social benefit. The site is a highly sustainable location, a short distance from a good range of local services, as expected from a Key Service Centre. Car dependency will be relatively low, certainly less than for residents in further outlying, rural villages.
- 16.6 The proposal will cause harm to the setting of a valued heritage asset, the Grade II listed Tollgate House. The harm will be less than substantial. There will be harm to the character and appearance of the Botesdale Conservation Area, this too however will be less than substantial. There is arguably some heritage positives, including removal of domestic parking in the layby adjacent the toll house through its conversion to a bus stop, and opening up views of the listed building from the new access road, thereby enhancing public appreciation of the heritage asset.
- 16.7 The proposed development is visually well related to the village, set adjacent the settlement boundary. Visual intrusion into the countryside will be limited given the development is set against the backdrop of the body of the village. The development will not be isolated in a visual or social sense.
- 16.8 Highway safety outcomes are appropriately safeguarded, with the Highways Authority raising no objection to the proposed T junction at Diss Road.
- 16.9 On balance, the identified environmental harm is outweighed by the economic and social benefits. The proposal constitutes sustainable development for which the NPPF carries a presumption in favour and therefore the application is recommended for approval.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager- Planning for Growth to secure:

- (a) Secure 35% Affordable units including mix and tenure;
- (b) Provision, management and maintenance of Public Open Space.

(2) That the Corporate Manager- Planning for Growth be authorised to grant Planning Permission subject to conditions including:

- Standard time limit
- Reserved matters outline
- Accord with approved plans - access
- Access visibility splays
- Access – estate roads detail
- Surface water details
- Agree and implement construction of carriageways and footways
- Agree and implement parking, cycling, and manoeuvring areas
- Details of surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks
- Details of construction surface water management
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Secure mitigation and ecology enhancement measures
- Lighting scheme – biodiversity
- Construction Management Plan
- Construction hours
- Withdrawal PD rights

Notes

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Heating and cooling equipment – noise

3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Corporate Manager- Planning for Growth be authorised to refuse planning permission for reason(s) including:-

Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.