

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

5 NOVEMBER 2014

DEV14/142

**Report of the Head of Planning and Regulatory
Services**

**PLANNING APPLICATION F/14/1335/FUL - LAND AT FORMER
SPERRINKS NURSERY, THE STREET, GAZELEY**

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT OFFICER

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Committee Report F/14/1335/FUL

Date: 21 August 2014 **Expiry Date:** 20 November 2014
Registered:

Case Officer: Gareth Durrant **Recommendation:** Refuse planning permission.

Parish: Gazeley **Ward:** Icen

Proposal: Residential Development of 20 no. dwellings (including 6 affordable units).

Site: Land at Former Sperrinks Nursery, The Street, Gazeley

Applicant: Hopkins & Moore (Developments) Limited.

Background:

This application is referred to the Development Control Committee as it is a proposal for 'major' development. The proposal raises complex planning issues of District wide importance.

The proposals are considered contrary to the relevant policies of the National Planning Policy Framework and the 'countryside' location of the site (outside the defined village settlement boundary) means the proposed housing development conflicts with adopted Development Plan policies.

The application is recommended for REFUSAL.

Proposal:

1. Detailed (full) planning permission is sought for the erection of 20 dwellings. The development would be served by a single vehicular access to The Street to the south-west of the site.
2. Details of the numbers, mix and heights of the proposed dwellings, are provided in the table below.

Plot No's	Tenure	No. of beds	Approx height	Materials (walls & roof)
1	Private	4	8 metres	Red brick & artificial slate
2	Private	4	7.8m	Painted render & artificial slate
3,4,5	Affordable	2	9m	Red brick & red pantile
6	Private	4	8.4m	Red brick & terracotta pantile
7	Private	3	9.2m	Red brick & terracotta pantile
8	Private	4	9.1m	Render & red pantile

9	Private	4	8.8m	Red brick & terracotta pantile
10	Private	5	9m	Red brick & red pantile
11, 20	Private	4	7.9m	Painted render & artificial slate
12	Private	5	9m	Red brick & red pantile
13	Private	4	8.7m	Red brick & terracotta pantile
14, 15	Affordable	1	9.4m	Red brick & terracotta pantile
16	Affordable	2	4.9m	Red brick + render & terracotta pantile
17, 18	Private	4	8.6m	Red brick + weatherboard & black pantile
19	Private	4	7.9m	Red brick & red pantile

- At the time this report was prepared, no amendments had been made to the planning application.

Application Supporting Material:

- The planning application is accompanied by the following drawings and reports:
 - Drawings (Location Plan, Block Plan, Roof Plan, Survey, Dwelling & Garage Elevations & Floorplans, Entrance detail, External Works Layout and Details and Artistic Views of the Site Access)
 - External Materials Schedule and drawing.
 - Planning Statement
 - Landscape and Visual Appraisal
 - Design and Access Statement
 - Transport Statement
 - Archaeological Evaluation Report
 - Environmental Sustainability Statement
 - Flood Risk Assessment
 - Phase I/II Geoenvironmental Assessment
 - Phase I Habitat Survey
 - Statement of Community Engagement
 - Arboricultural Impact Assessment & Method Statement, Tree Protection Plan and Landscape Masterplan
 - S106 Draft Heads of Terms
- These documents are available to view on the Council's website.

Site Details:

- The site is situated towards the north east of the village and is accessed from The Street between existing frontage dwellings. The developable area of the site has no road frontage and is set back behind frontage development on The Street. Access into the site also serves 2 existing dwellings and the driveway runs approximately 70 metres east past No's 30 and 40 The Street and the nursery workers' bungalow towards 'Cherry Tree House' before turning north into the development site.
- The site extends to 1.35 hectares and was last in horticultural use as a nursery (Horticultural use shares the same 'category' as agricultural use for the purposes of land use planning). The site is categorised as grade II agricultural land. The north-west site boundary is unmarked, although it runs close to the neighbours 1.8m high close-boarded fence. The north-east boundary is marked by low level field hedging. The south-east boundary is

shared with the curtilage of a dwelling ('Cherry Tree House') and is marked by a combination of a long outbuilding and domestic scale planting. An area of trees and other planting is situated outside the southwest boundary providing visual separation between the site and dwellings fronting The Street.

8. The developable part of the site is situated outside the settlement boundary for Gazeley, which terminates along the west boundary. The vehicular access and the access roadway are within the settlement boundary. The bulk of the site and all 20 proposed dwellings are thus deemed to be in the countryside for the purposes of applying extant Development Plan policies.
9. There are no heritage asset designations at or close to the site. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

Relevant Planning History:

10. 2007 – Outline planning permission refused for 'residential development' (reference F/2006/0964/OUT). The following reasons were cited:
 - The application site is located within the Rural Area, as shown on the Proposals Map to the Forest Heath Local Plan 1995, where there is a presumption against residential development, except for occupational dwellings whose need has been demonstrated to the satisfaction of the local planning authority. No such occupational or other special need has been demonstrated in this instance. Furthermore, development of this scale would be contrary to the distribution of development policies contained within the Development Plan. The proposed development would also be likely to result in unacceptable noise and disturbance associated with traffic using the access road which passes close to a number of existing residential properties. The application is, therefore, contrary to the provisions of policies 3.2, 3.4, 3.5 & 9.1 of the Forest Heath Local Plan 1995 and policies CS3 & ENV4 of the Suffolk Structure Plan 2001.
 - The applicant has failed to demonstrate that the loss of the existing employment use at this site meets the criteria contained in Policy ECON3 of the Suffolk Structure Plan 2001. In the absence of such information/evidence, the application would result in the loss of an existing employment use within the Rural Area, contrary to the provisions of the development plan.
11. 2008 - The applicant appealed against the Council's decision to refuse planning permission and, following a hearing, the appointed Inspector dismissed the appeal (reference APP/H3510/A/07/2051603). The following pertinent points were made by the Inspector:
 - *There are virtually no services in Gazeley. There is a public house, a playing field and a village hall. The nearest shop and post office is at Moulton, about 2 miles distant. The village school is now a special needs unit serving a wide area. Local primary and secondary pupils attend schools elsewhere and travel by dedicated bus. There is also a scheduled bus service 4 times a day for 6 days in 7, in each direction, linking the village to Newmarket and Haverhill. The service to Newmarket is fairly quick and at useful times of the day, but does not extend into the*

evenings. The nearest shop in Moulton is fairly easily accessible by bicycle but along a narrow road. I consider cycling is unlikely to be the preferred means of transport of future occupants of the proposed scheme. In my opinion, the occupants of the new houses would need to use cars for many day to day activities and for most shopping expeditions. This would cut across one of the main aims of Government policy which is to reduce the need to travel by car.

- *Having regard to the lack of evidence of need for affordable housing at Gazeley and the sustainability disadvantages of the location, there is nothing to persuade me that new affordable housing should be located in Gazeley rather than in another location that does have an identifiable need together with more facilities which would enable residents to carry out more of their day to day requirements without needing to travel.*
- *Policy ECON3 of the SP referred to in the reasons for refusal is not now part of the development plan. However, Government guidance in PPS7 encourages economic development and the support of a wide range of economic activity in rural areas. I consider that the loss of this business, which is an appropriate use in the countryside, would be detrimental to the economic health of the area and to rural employment. I have seen the opinion of the appellant's horticultural consultant and understand and appreciate the deteriorating situation, but there may be many reasons for financial underperformance and it is not self-evident that others would not be able to invest in the business and make a greater success of the enterprise, which I saw is ongoing. Moreover, I have no audited accounts; or any evidence that the likelihood of continuing the existing use has been tested by offering the business for sale. Without such assurances, I conclude in respect of this issue that the proposed housing development would lead to a loss of employment in this rural area that would be counter to national policy.*
- *Whilst the effect of future noise and disturbance would be acceptable, there is no identifiable need for additional affordable housing in Gazeley; and no justification for siting such housing with new market housing on a 'rural exception site' outside the settlement boundary of a village with very few services and facilities. It has not been shown conclusively that the loss of the business is inevitable or that employment cannot continue on the site. The proposed development would conflict with the aims of LP policies 3.2 and 9.1 and adopted policies on affordable housing, as well as national guidance.*

Consultations:

12. **Environment Agency – no objections** and provide the following comments (summarised):

- This site is located above a Principal Aquifer, Source Protection Zone (SPZ1), WFD groundwater body and WFD drinking water protected area. We consider the previous land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. The Agency recommends the imposition of conditions to overcome their concerns.
- The agency goes on to consider the potential of flooding from surface water discharge from the development, confirm they have considered the

strategy proposed by the applicants and recommend the imposition of a condition to ensure further details of the proposed surface water scheme are provided and the approved scheme is thereafter implemented.

13. **Anglian Water Services Ltd – no objections** and comment as follows;
 - The foul drainage from this development is in the catchment of Gazeley Water Recycling Centre (formerly Sewage Treatment Works) that will have available capacity for these flows.
 - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
 - We request that the agreed surface water strategy is conditioned in the planning approval.
14. **NHS Suffolk** – comments awaited.
15. **Suffolk County Council (Highways Development Management)** (following submission of amended drawings) **comments** that amendments are required to illustrate continuation of the footpath across the site frontage and a continuous path into the proposed development. The Authority also requests a developer contribution (circa £7,000) to be used towards bus stop improvements close to the site. Following receipt of amendments to satisfactorily address their comments and upon confirmation that the applicants agree to the contribution, the Highway Authority recommends conditions are imposed to secure the following matters;
 - completion of the access,
 - provision and retention of adequate visibility splays,
 - details of bin storage areas to be provided,
 - details of means to prevent the discharge of surface water onto the highway
 - details and provision of internal roads and footpaths
16. **Suffolk County Council (Archaeological Service) – no objections** and comment they do not believe any archaeological mitigation is required.
17. **Suffolk County Council (Strategic Planning) – formal comments awaited.** In advance of submitting its formal comments the Authority has confirmed informally that the catchment primary school is at Moulton and this is forecast to be over capacity so developer contributions for the 5 places generated by the development will be required (£60,905). Also 2 early years (pre-school) places will need to be funded (£12,181) and contributions towards libraries secured = (£4,320).
18. **Suffolk County Council – (Suffolk Fire and Rescue Service) – no objections** to the proposals and advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.

19. **FHDC – (Strategic Housing) supports** and comments as follows;

- The Strategic Housing Team fully supports the proposed development at Sperrinks Nursery, Gazeley. This scheme will deliver our CS9 Core Strategy Policy on affordable housing. The developer has also taken into account a local need for a two bed wheelchair bungalow for a resident of Gazeley. The affordable housing mix suggested is of a good variety and will help to deliver a sustainable community.

20. **FHDC – (Environmental Health) – no objections** and comments as follows:

- The Phase I/II Geoenvironmental Assessment was submitted incomplete in that the listed figures and appendices were not attached, therefore my comments below may be subject to change when the complete report has been submitted.
- On the removal of the above ground storage tank the soils beneath it should be validated and the results submitted to the LPA for approval.

21. **FHDC – (Environmental Health) – no objections** following receipt of the complete Geoenvironmental Assessment. A condition is recommended to ensure soils beneath the above ground storage tank are validated upon their removal and the results submitted to the LPA for approval.

22. **FHDC – (Public Health & Housing) – object** to the planning application and provide the following comments:

Rooms for sleeping must comply with Part X of the Housing Act 1985.

<i>Floor area of room</i>	<i>Number of persons</i>
<i>9.3m² or more.....</i>	<i>2</i>
<i>6.5 m². or more</i>	<i>1</i>

Floor area to be excluded where the ceiling is less than 1.52m high

From the plans provided the following rooms, labelled as bedrooms, are below this minimum standard:

1. Plot 10 Bedroom 5
2. Plot 12 Bedroom 5

Should the above rooms be re-labelled or floor plans altered to meet the above criteria, I would have no objection to the development proceeding but would recommend conditions are applied to control noise and dust impact.

Officer comment – Whilst the development appears to be contrary to the provisions of the Housing Act 1985 governing minimum room sizes, this is not a material planning consideration. Should planning permission be granted for this development, the provisions of the 1985 Act would not be fettered. If room sizes in the relevant plots are not increased, the occupiers may need to use them for a use other than a bedroom (e.g. domestic office) – this minor change would not require the benefit of planning

permission.

23. **FHDC – (Ecology, Tree and Landscape Officer) - comments** as follows;

Landscape and trees

- The proposal is located to the east of Gazeley on the edge of the existing village. The site is largely enclosed by existing development and vegetation except to the east where there are long views to the countryside and consequently views into the site including from adjacent rights of way. The submitted visual assessment illustrates both the theoretical visual envelope and the location of the site in a prominent plateau location. A photograph (also from the landscape assessment) shows the view into the site from the Public Right of Way to the east. The existing property immediately to the south of the development site is clearly visible.
- The landscape assessment stresses the importance of the interface between the proposed development and the countryside however the landscape proposals include only 4 trees to be planted along this entire boundary (85m in length). No other strategic landscaping is proposed. 2 Focal trees are proposed – one is located overhanging car parking. The remainder of the trees proposed are incidental (described as such on the landscape plan) or street trees (8 proposed in the main body of the site.)
- The landscape strategy proposed in the landscape masterplan is not sufficient to mitigate the visual effects of the proposed development, to integrate the development into the village scene and to provide a setting for the new development.
- The arboricultural report makes recommendations regarding trees outside of the red line which may relate to protected trees. These works would not be directly necessary for the implementation of this planning permission. Works to protected trees outside of the red line should not be undertaken without the necessary consent.
- If consent is granted, the tree protection measures should be implemented in full.

Ecology

- A phase 1 habitat survey has been submitted to support the application. The report identifies that the mature field maple tree (T1 on the tree survey) located in the north east corner of the site has medium roosting potential for bats. The report goes on to state that if the tree is to be effected by the proposals, further survey is recommended. A domestic garden is to be located in the immediate vicinity of this tree and the tree survey recommendation is that the tree is felled to 2m. Additional bat survey is required to assess the impact of the proposals on bats (bats are a European Protected Species).
- A condition requiring the implementation of the recommendations of the ecological report in full should be attached to any approval. This must include a method statement for the clearance of the site. I would suggest

that this brown field site is likely to improve in its suitability for reptiles and should the site remain undeveloped for a number of years a revised reptile survey should be undertaken before any attempt to clear the site.

Representations:

24. **Gazeley Parish Council - objects** to the proposals and provides the following comments:

- A development of this size might set a precedent for further development on land either side of the site where it appears that access could be provided without too much of a problem.
- There are too many houses proposed on the site, out of perspective with other recent developments in the village.
- There does not appear to be a footpath along the access road, which the Parish Council feels is essential in an area where pedestrians, including children, will necessarily be walking.
- The area next to the pond site at the junction of Moulton Road and The Street has flooded several times in recent years. It is felt that the drains in the area fail to cope adequately with a sudden deluge and as a result some houses next to the pond and on the opposite side of the road have been flooded. Residents feel that the drainage ditches fill to capacity in this situation and they fear that a substantial development on land behind The Street will exacerbate the problem.
- The Parish Council is concerned about the number of vehicles that will be going to and from the site. In a development of 20 houses there could be as many as 60 cars on site, plus the necessary delivery and utility vehicles that will obviously visit the site on a regular basis.
- On the subject of Affordable Housing, the Parish Council has concerns about a clause contained within the Draft Legal Agreement. "A cascade will provide for the circumstance where there is no interest or acceptable terms are unable to be reached with a Registered Provider." This will enable the developer to dispose of the affordable dwellings to any person on the open market free from restrictions if a Registered Provider cannot be found. A local housing needs survey identified a need for 4-6 houses for local people in the village. Judging by the language contained within the clause, it is by no means certain that this need will be addressed.
- Further questions were raised: Will the access road be adopted by the local authority? Is there a provision for streetlights on the development and who will be responsible for maintenance of grassed areas?

25. **One e-mail** has been received from a local resident **objecting** to the planning application. This issues and objections raised against the proposals are summarised as follows;

- It is outside the village boundary and its approval may set a precedent for further development outside the village boundary

- Although this site was previously the site of a plant nursery, a plant nursery is deemed an agricultural business and therefore the site is classified a green field site.
- Planning approval on this site could set a precedent for development of other green field sites surrounding the village.
- The village doesn't have the amenities to support such a sizeable development e.g. Very limited public transport, no shop, no Post Office, no school etc.
- The village is designated a Secondary village and therefore this scale of development is not compatible with this status
- 20 additional houses within the village is likely to result in least 40 extra vehicles within the village. Already the roads are in poor condition and in places not really wide enough for traffic to pass in both directions at once. Villagers complain of traffic issues and these sorts of problems are only likely to be worse with such an increase in traffic around the village on a daily basis.
- We have grave concerns in relation to the drains that egress on the site. These drains carry water from Mill Road outside our house and eject the water onto the site. These drains and the flood plain that they egress onto are vital in preventing flooding to a number of properties on Mill Road. As soon as these drains become impaired in any way we, and a number of other residents, suffer flooding when there is any heavy rain.
- The flood assessment report states that there is no risk of flooding on the site and any water from these drains would be adequately dispersed without any negative impact. What I think has not been considered is the increased risk to flooding of the surrounding properties that aren't on the site. Additionally we have been told that measures have been put in place on the site to deal with flooding, but I can't see this shown on the plans and the flood assessment report has not taken account of the severity of this threat.

Policies:

Development Plan

26. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies. The following Development Plan policies are applicable to the proposal:

Core Strategy

27. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

Visions

- Vision 1 – Forest Heath

Spatial Objectives

- Spatial Objective H1 – Housing provision.
- Spatial Objective H2 – Housing mix and design standard.
- Spatial Objective H3 – Suitable housing and facilities (life time homes).
- Spatial Objective C1 – Retention and enhancement of key community facilities.
- Spatial Objective C2 – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- Spatial Objective ENV1 – Habitats and landscapes and improving biodiversity.
- Spatial Objective ENV2 – Climate change and reduction of carbon emissions.
- Spatial Objective ENV3 – Promotion of renewable energy and energy efficiency.
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective ENV5 – Designing out crime and anti-social behaviour.
- Spatial Objective ENV6 – Reduction of waste to landfill.
- Spatial Objective ENV7 – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

Policies

- Policy CS1 – Spatial Strategy.
- Policy CS2 – Natural Environment.
- Policy CS3 – Landscape Character and the Historic Environment.
- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS6 – Sustainable Economic Development and Tourism
- Policy CS7 – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the Court Order).
- Policy CS9 – Affordable Housing Provision.
- Policy CS10 – Sustainable Rural Communities.
- Policy CS13 – Infrastructure and Developer Contributions.

Local Plan

28. A list of extant saved policies from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010). The following saved policies are relevant to these proposals:

- Policies 4.15 – Windfall Sites – Villages.
 - Policies 9.1 and 9.2 – The Rural Area and New Development.
 - Policy 10.2 - Outdoor Playing Space (new provision).
 - Policy 10.3 – Outdoor Playing Space (as part of new development proposals).
 - Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.
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- Inset Map 9 (Gazeley Development Boundary)

Other Planning Policy

Supplementary Planning Documents

29. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (September 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
- Suffolk Advisory Parking Standards (2002)

Emerging Development Plan Policy

30. The Council is currently finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document) and both will soon be placed on public consultation before submission for examination and, ultimately, adoption.

31. Forest Heath District and St Edmundsbury Borough Council's have prepared a 'Joint Development Management Policies Document' (currently with 'submission' status, October 2012). The Document was submitted to the Planning Inspectorate in December 2013 following public consultation and was the subject of examination in July 2014.

32. With regard to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.
33. The emerging Single Issue Review and Site Allocations documents have not been published for public consultation so can be attributed on very little weight in this decision given the significant uncertainties that surround the final content of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site was promoted to be included within an expanded Settlement Boundary but was 'not preferred for inclusion' in the draft document approved by Cabinet for consultation. The Development Management Policies document has been published, has been the subject of public consultation formally submitted to the planning Inspectorate and has been through examination. The Council is presently consulting upon proposed amendments to the document. Accordingly some weight can be attributed to this plan in the decision making process.
34. Objections have been received to the vast majority of the policies set out in the policies document which, according to the guidance, reduces the weight which can be attributed to them. The policies have been reviewed but none are considered particularly determinative to the outcome of this planning application so reference is not included in the officer assessment below.
35. The following emerging policies from the document are relevant to the planning application;
- DM1 – Presumption in Favour of Sustainable Development
 - DM2 - Creating Places – Development Principles and Local Distinctiveness
 - DM5 – Development in the Countryside
 - DM6 – Flooding and Sustainable Drainage
 - DM7 – Sustainable Design and Construction
 - DM8 – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
 - DM12 – Protected Species
 - DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - DM14 – Landscape Features
 - DM15 – Safeguarding from Hazards
 - DM21 – Archaeology
 - DM23 – Residential Design
 - DM28 – Housing in the Countryside
 - DM41 – Community Facilities and Services
 - DM42 – Open Space, Sport and Recreation Facilities
 - DM45 – Transport Assessment and Travel Plans
 - DM46 – Parking Standards

National Policy and Guidance

36. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
37. Paragraph 14 of the Framework identifies the principle objective:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden

thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."

38. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".
39. The relevant policies of the Framework are discussed below in the officer comment section of this report.
40. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

Officer Comment:

41. This section of the report begins with a summary of the main legal requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations and cumulative impacts) before concluding by balancing the proposals benefits against its dis-benefits.

Legal Context

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

42. Given the size of the application site being in-excess of 0.5 hectares, the planning application has been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.

The Conservation of Habitats and Species Regulations 2010

43. Given the location of the various designated nature sites throughout the District (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an appropriate assessment of the implications for that site before consenting to the plan or project.
44. The application site is not in the close vicinity of designated (European) sites of nature conservation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no concerns have been raised following consultation about these proposals. Officers have therefore concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

Natural Environment and Rural Communities Act 2006

45. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Forest Heath Development Plan is comprised of the saved policies of the Local Plan and the adopted Core Strategy (as amended by the judgement handed down by the High Court). National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

47. The application proposals would not affect any listed buildings or their settings or any Conservation Areas designations. Accordingly the provisions of the 1990 Act which require decision makers to have special regard to these designations do not apply to this development.

Crime and Disorder Act 1998

48. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues.

Principle of Development

National Policy context and Forest Heath's 5-year housing supply.

49. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
50. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.
51. The following policy is set out at paragraph 49 of the Framework;

"Housing applications should be considered in the context of the presumption in favour of sustainable development. 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".
52. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The Strategic Housing Market Assessment update takes a fresh assessment of the housing need at the base date of 2011 and is based on more up-to-date evidence than the Core Strategy. From the base date of 2011 (to March 2013) a total of 695 dwellings had been completed leaving a balance of 6,305 dwellings to March 2031. This equates to around 350 dwellings annually or 1750 dwellings (1838 dwellings including the 5% buffer required by the NPPF) over the five-year period 2013-2018.
53. At its meeting on 16th October 2014, Members of the Local Plan Working Group were informed the Council is able to demonstrate a 5.1 year supply of housing. This means that extant Development Plan policies which relate to the supply of housing are of relevance in the consideration of this planning application. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan (Including the Inset Map for Gazeley) and Development Plan policies which seek to restrict housing developments in principle.
54. Officers are of the opinion that the demonstration of a five year supply of housing land is not the determinative factor in the evaluation of this planning application. This is because the Development Plan policies which relate to settlement boundaries date back to 1995. In circumstances where Development Plan policies are out of date, the Framework advises, in Paragraph 14, that planning permission should be granted for sustainable development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'. Regard should also be had to policies set out in the Core Strategy given their more recent adoption.

What is sustainable development?

55. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
56. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
57. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.

Prematurity

58. The Council is shortly to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination. At the same time it will begin the formal process of preparing a Site Allocations Development Plan document both of which will subsequently form part of the Development Plan. In the light of the 'emerging' status of important parts of the development plan, consideration needs to be given to whether the application proposals are premature and whether they would pre-empt decisions that should properly rest with the plan (i.e. the Site Allocations Development Plan Document).
59. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework

and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

60. In this case the development proposal for 20 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation). In any case, it is unlikely that any housing sites will be allocated in any of the Secondary villages (including Gazeley) as part of the forthcoming Site Allocations Development Plan Document such that a potential planning permission for this development would not prejudice any future site allocations process.
61. It would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance.
62. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Development Plan policy context

63. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas) and in villages and other small settlements residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary. Saved Local Plan Policy 4.15 states new housing development will be in the defined development boundaries. Saved Local Plan policy 9.1 requires justification for new development proposals in a rural area and safeguards against unacceptable loss of the best and most versatile agricultural land.

64. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.

65. Policy CS1 defines Gazeley as a Secondary Village and sets out the following criteria for these villages:

The secondary villages will provide nominal housing and employment growth during the plan period where local capacity allows. Where key local services and facilities do exist within these settlements these will be protected;

No urban expansion will be considered for these villages;

Development outside the settlement boundary will be restricted to particular types of development that support the rural economy, meet affordable housing needs, or provide renewable energy subject to all other material considerations and policies.

Officer comment on the principle of development

66. Whilst the application site is situated outside the defined settlement boundary for Gazeley, a key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and with particular regard to Paragraph 14 of the Framework. The village settlement boundaries are contained in the ageing Local Plan, adopted almost 20 years ago in 1995. In reaching a decision on this planning application regard must be had to the provisions of the Local Plan policies, despite their age and also to policies contained in the adopted Core Strategy, which carry significantly more weight in the decision making process. However, in determining whether or not the proposed development is sustainable and should be granted planning permission, the Framework directs that the benefits arising from development should be considered and balanced against the perceived dis-benefits.

67. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

Loss of Employment opportunities

68. The application site is presently vacant and was previously used as a horticultural business (propagation and sale of plants). There are a couple of buildings remaining on site but all of the glasshouses which once covered significant parts of the site have been removed with just the concrete bases remaining. The horticultural business provided employment opportunities and when an appeal was dismissed in 2007 (see paragraph 11 above) the appeal Inspector considered the site was an 'employment site' protected at the time by Government policies in Planning Policy Statement 7.

69. The Framework commits to securing economic growth, including sustainable growth in rural areas. The document does not contain policies seeking to retain employment sites in employment use per se, but at paragraph 22 states:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

70. The application site is not 'allocated' for employment use.
71. Core Strategy Policy CS6 states that land allocated for employment and existing employment sites will only be considered for alternative uses in exceptional circumstances where it is demonstrated they are no longer viable for employment use and specific community and environmental benefits can be achieved.
72. There are no saved policies in the 1995 Local Plan which seek to retain or control the redevelopment of employment land or premises.
73. The horticultural enterprise previously carried on at the application site is regarded as agriculture for the purposes of land use planning such that the business would share the same planning status as a farm. Accordingly, the use is not regarded a 'traditional' employment use (e.g. the recognised 'A' or 'B' use Classes) which the provisions of CS5 would normally seek to protect.
74. Nonetheless, the site did provide employment whilst in use for horticultural purposes and, in theory, could be used again for employment purposes in future. The applicants have not attempted to address the specific requirements of Policy CS6 and have not demonstrated the site is no longer viable for employment use, nor have they satisfactorily demonstrated there are exceptional circumstances such that alternative (non-employment) uses for the site have been considered.
75. Officers do not consider the loss of the horticultural site is so significant that it warrants refusal of planning permission on this ground alone. There is some doubt as to whether horticultural/agricultural land and premises would be protected by the provisions of CS6 in the same way as, for example, a factory or office development would be and the policy does not seek retention of such sites in perpetuity. Nonetheless, the loss of the site without justification is a dis-benefit of the application to be considered balanced against the benefits of the development being realised in reaching a decision in relation to the planning application.

Impact upon the countryside

76. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but other than continuing protection of formal Greenbelt designations

(of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.

77. The landscape surrounding Gazeley was once designated as 'Special Landscape Area' by policies contained in the 1995 Local Plan. These policies have not been saved such that the local landscape designation has since fallen away. Some elements of the countryside surrounding Gazeley could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit are no longer protected by the 'Special Landscape Area' designation which weakens that potential significantly.
78. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
79. The application site sits outside the Gazeley settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
80. The proposed development for residential development in the countryside is contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites.
81. The application site is categorised as 'Plateau Estate Farmlands' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the landscape forms linear clusters following the A14 from Gazeley, past Bury St Edmunds to Thurston in the east and up along the A134 to Sapiston in the north. This landscape category often feels open, even where coverts and hedges are present. The growth of villages has simplified the landscape locally but the pattern of large fields with hedges and woodland coverts remains apparent.
82. The SLCA recognises that the key forces for change in this landscape include the expansion of existing settlements and the creation of new settlement patterns.
83. The SLCA comments, in a general sense, that in respect of visual impact the regular nature of this landscape means that it does have more potential capacity to accept significant settlement expansion than the ancient countryside of the claylands. The Plateau Farmland with its simpler and more modern land cover and extensive regular pattern of tree cover can be adapted to accept larger growth.
84. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change existing agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
85. The impact of the development proposals upon the landscape qualities and character of the wider countryside would not be significant given the contained character of the site and its position abutting the village. The site benefits from existing built development which has a shielding affect along the north, south and west and the extensive and mature landscaping about

the village (outside the application site) would form a backdrop to new development at the site.

86. The proposed development, particularly the roofs of the taller buildings proposed (up to 10 metres in height) would be visible in the landscape from the east. To an extent the visual impact is capable of some mitigation via new planting, albeit this could take several years to mature to become effective. The landscaping scheme includes insufficient landscaping to effectively mitigate the visual impacts of the proposed development. Further planting is required. This could be secured by means of an appropriately worded condition attached to any (potential) planning permission granted such that it is not fatal to the outcome of the application. Nonetheless, the visual impact of development upon the landscape to the east will be significant immediately following construction of the scheme and will remain so whilst new landscaping establishes itself and matures. This is a dis-benefit of the development proposals which, although not fatal in itself, needs to be balanced against the benefits of the development being realised.

Sustainable transportation (accessibility) and impact upon the local highway network (highway safety).

87. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
88. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
89. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
90. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
91. The Core Strategy categorises Gazeley as a secondary village and is thus regarded as a 'location which is not able to support significant levels of growth. Local employment opportunities are very limited, certainly within the village. People living in Gazeley are likely to need to travel to their place of work. There are very limited community facilities available in the village

such that residents will need to travel to access facilities. The village does not have a shop.

92. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Similarly, the range of services and facilities in the village that might have prevented the need for some car trips are limited. Opportunities for public transport are limited and whilst the Local Highway Authority has requested a developer contribution to upgrade/enhance existing bus stops to make them more attractive to potential users, officers consider this, in isolation, would have little effect in encouraging modal shift from the private motor vehicle to public transport given the limited services on offer (particularly during peak hours).
93. Given the secondary village scale of Gazeley, its shortage of key services and its isolated situation in a rural area, the application site is not particularly accessible and is this considered locationally unsustainable. The unsustainable location of the site and the lack of services, leisure, retail and employment opportunities in the village to support new development is a significant dis-benefit the proposals.
94. The application site takes vehicular access from The Street at a single point. The Street is the principal traffic route through the village. The proposed access is existing and served the horticultural enterprise (when operational) alongside two existing dwellings. The application proposes improvements at the point of access onto The Street and to the access road leading into the proposed development.
95. Means of access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. The Highway Authority has requested additional footpath provision across and adjacent to the site access and these could be secured by condition in the event that planning permission is granted. Subject to these matters being secured, the Highway Authority does not object to the application, subject to various conditions being imposed. Furthermore, given its relatively small scale, the development would not lead to congestion of the highway network, including during am and pm peak hours.

Impact upon natural heritage

96. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
97. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan policy 4.15 sets out criteria against which proposals for new housing development are considered. One

of the criteria requires that such proposals are not detrimental to significant nature conservation interests.

98. A 'Phase I' Habitat Survey has been submitted with the planning application. This assesses whether the development proposals might affect the internationally designated sites and other important sites/species outside which are protect by the Habitats and Species Regulations and/or the Wildlife & Countryside Act and Local Biodiversity Action Plan (BAP).
99. As discussed above, it is concluded that the development proposals would not impact upon any European designated nature conservation sites. The applicants report supports this conclusion. The 'presumption in favour of sustainable development' set out at paragraph 14 of the Framework is therefore material to this planning application.
100. The applicant's report confirms the application site (and some adjacent sites) has been surveyed for a range of rare species. The report recommends a further bat survey is undertaken should a particular mature field maple be impacted by the development works. The arboricultural report accompanying the planning application recommends the tree in question is felled to 2 metres in height. This would have a significant impact upon any bats using the tree and thus, it appears further bat survey work is required in advance of this planning application being determined. However, the tree in question falls outside the application site and is in third-party ownership and control. The applicant is not proposing to undertake works to the tree as part of their development and would not be able to do so in any case without first gaining consent from the owner. The tree in question is not considered to be under threat as a result of the development and any works carried out to it would be separate from and not enforceable by this planning proposal.
101. Bats are protected by the provisions of the Wildlife and Countryside Act 1981 and it is a criminal offence to damage, disturb or destroy protected species or their habitats (including bats). Officers therefore consider there are already appropriate measures in place to protect any protected species that may be using the tree.
102. The applicants report concludes that with a sensitive landscaping scheme and by incorporating other measures recommended (provision of bat boxes, reptile hibernacula, planting of climbing plants, bird nesting boxes and provision of a wildlife corridor (suitable hedgerow) the site could be enhanced for local wildlife post-development.
103. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that a carefully constructed development is likely to result in net ecological gains. The delivery of the enhancement measures set out in the Phase I Habitat Survey could be secured by means of an appropriately worded planning condition.

Impact upon built heritage

104. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their

significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.

105. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
106. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
107. The development proposals would not impact upon any listed buildings, (including their settings) and would not impact upon any Conservation Area (there is no Conservation Area designation at Gazeley).
108. The application site contains no designated heritage assets and would not affect the setting of any designated heritage assets.
109. An Archaeological Evaluation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesignated heritage assets). This has been submitted with the planning application. The report explains the work that carried out to investigate the archaeological potential of the site and confirms that no significant archaeological features or deposits were encountered.
110. The Archaeological Service at Suffolk County Council has been consulted of the planning application and accepts the findings of the applicant's report. Accordingly, no further archaeological work will be needed prior to development commencing and no archaeological mitigation is required.
111. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

112. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."
113. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

"The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development".

114. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.
115. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
116. Matters pertaining to highway, education, health and open space (including sport and recreation) infrastructure are addressed later in this report. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

Infrastructure and Environmental Capacity Appraisal

117. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which has informed preparation of the Development Plan. The IECA report (commissioned jointly with St Edmundsbury Borough Council) considers the environmental capacity of settlements anticipated to receive growth in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points, which are utilised to evaluate potential impacts on infrastructure.
118. The IECA report is the most up to date evidence base of the infrastructure capacity in the District and was a key document of the recent appeal for new housing development at Kentford (reference F/2012/0766/OUT and APP/H3510/A/13/2197077).

Waste water treatment infrastructure

119. Details submitted with the planning application confirms the proposed development would connect to existing foul water systems in the village. The village is served by the Gazeley Water Recycling Centre. IECA does not include Gazeley with the study given that it is not expected to receive significant new growth. Anglian Water Services has, however, confirmed there is capacity within the existing foul water systems and the Recycling Centre to accommodate increased flows from this development. Accordingly, foul water sewerage capacity is not considered a constraint on this development.

Water and energy supplies

120. Given the relatively small scale nature of the proposals (number of dwellings) it is not anticipated that the provision of these services would be placed under undue stress.

Flood risk, drainage and pollution

121. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
122. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
123. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
124. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from any existing watercourse, including the field ditch which runs adjacent to the north west site boundary.
125. The flood risk assessment submitted with the planning application includes a surface water drainage strategy which confirms surface water will be managed via an attenuated surface water drainage system to mimic the existing site drainage. A piped system with over-sized pipes and crates to provide on-site storage and managed discharge to the ditch (at no greater than the existing 'green-field' rate) is proposed. It appears that some of the drainage infrastructure is intended to be positioned below part of the newly formed open space to be provided as part of this development. This does not mean the proposals are contrary to planning policies relevant to SUDS or public open space, but means it is unlikely the Council would adopt the open space because of the additional risks and liabilities arising from the SUDS infrastructure beneath the surface. This means it would fall upon the developer to set up a Management Company to manage these areas. Resolution of the management of the public open spaces and SUDS infrastructure could be secured by means of a planning condition and/or planning obligation under S106 of the Town and Country Planning Act 1990.
126. The planning application is accompanied by a Phase I&II Geoenvironmental report. This concludes the site has not been unduly impacted by former land uses (allotments/agricultural land) and no groundwater was encountered. Furthermore, ground gases are considered to pose a low risk with no mitigation required.
127. The Council's Environmental Health team has commented that a small area of the soils beneath some external tanks will require further investigation, but these investigations and any remediation works arising could be secured via an appropriately worded condition placed upon a (potential) planning permission.

128. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. Reasonable conditions have been recommended for imposition upon any potential planning permission in order to secure appropriate mitigation.
129. Subject to no adverse comments or objections being received from the Council's Environmental Health team, the proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

Impact upon education

130. The County Council as Local Education Authority has confirmed the development falls within the catchment of Moulton primary school which will reach its 315 place capacity in the near future and before any new pupils are likely to emerge from the development. This means that the 5 primary school aged pupils arising from these development proposals would need to be accommodated within an extension to the existing primary school. A developer contribution (in proportion to the number of pupils arising from the development) to be used towards extending the Moulton Primary school could be secured from this development as part of a S106 Agreement (should planning permission be granted).
131. The applicants have submitted a 'S106 Heads of Terms' document with the planning application and this confirms their intention to provide a reasonable and fair contribution in this respect.
132. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.

Design and Layout

133. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
134. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objective ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs that reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

135. Saved Local Plan policy 4.14 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality and saved Policy 9.2 requires development proposals in rural areas to be of a high standard of layout and design.
136. The application seeks full planning permission for development so details of the site layout and appearance of the dwellings are included for consideration.

Relationship to context

137. The application site abuts the north-west of the village and sits behind a line of dwellings fronting onto The Street. The site is visually detached from the core of the village, and has no relationship to the older buildings along The Street. The backland location of the site contrasts with the predominantly linear character of the existing village. Where development has occurred in-depth it normally has a road frontage or visual connections to main roads (e.g. the recently developed All Saints Close), or a looped road (Stubbins Lane/Highwood Road). Given the 'backland' location of the site and its visual detachment from the village, it is not considered that the application proposals would integrate well with the grain and character of existing development in the village. The development would be harmful to the character of the village in this respect.

Connectivity

138. Owing to the 'backland' location of the site there are limited opportunities for connections to be made back into the village footpath and highway network. There is a single point of vehicular access from the site onto The Street and opportunities exist to provide suitable pedestrian connections alongside the access road and across the site frontage.

Existing trees and hedgerows and new planting

139. The site is a treeless site which is not surprising given its former horticultural use and the consequential high coverage of buildings and glasshouses. There are some existing trees overhanging site boundaries and others set further back (west of the site), but none of these would be affected by development. Mature hedgerows along site boundaries would be retained and enhanced.
140. The application proposals include retention of the hedgerows to the outer 'countryside' boundary (east) but the submitted scheme needs to be enhanced with further tree planting along this boundary and throughout the site in order to provide adequate canopy coverage to soften the impact of the development upon the landscape of the open countryside to the east. A further planting scheme which addresses these concerns, including additional tree planting could be secured by means of a planning condition. The inadequacy of the current landscaping proposals is not in itself a sufficient for planning permission to be refused.
141. Further and more precise details of the planting scheme (including species, planting densities etc.), including its implementation and subsequent maintenance could be secured by condition.

Parking provision

142. Given the isolated and unsustainable location of the village it is likely that occupiers of the development would be car dependent for their travel. A higher level of parking provision is therefore required in comparison to more sustainable and better connected locations where people have access to alternative transport modes.
143. A total of 63 car parking spaces are proposed for the development (61 allocated to plots and two for visitors) at an average of just over 3 spaces per dwellings. The smaller affordable units (1 and 2 beds) have fewer spaces (1 space for the 1 bed flats and 2 spaces for the 2-bed dwellings). Parking is provided via a mix of covered (garaged) and uncovered spaces. The level of parking proposed is acceptable but the high parking numbers required serves to demonstrate the car dependent and locationally unsustainable attributes of the village.
144. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new and existing estate roads. The majority of the dwellings have parking contained within the curtilage (garaged or open). Shared parking areas are provided for the affordable units but spaces are allocated close to the dwellings to which they relate such that future residents are likely to use them. Overall and despite their high number, the parking spaces are well contained within the site such that cars would not dominate the visual character of the public realm areas of the development.
145. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

Efficiency of layout

146. The layout of the site is inherently inefficient because of its low density (approximately 15 dwellings per hectare). An increase in development density would be achieved by increasing the number of dwellings provided at the site which would not be appropriate at this unsustainable location. Furthermore, higher densities would also limit opportunities for large garden trees to be provided, would increase the impact of the roofscape of the development and increase parking numbers, all of which would be harmful to the design qualities of the development, the character of the village and the visual amenity of the countryside (to the east). Whilst the development density is low and the layout inefficient as a consequence, the development in the proposed form respects the generally low density character of the rural location and allows for a high quality and low impact development layout to be achieved.

Placemaking

147. It is clear from the plans that the proposals would provide an attractive and well designed place. The fixed point of access into the 'developable area' of the site at the south west corner is used as an opportunity to create an informal street into the development lined by detached dwellings on large plots. This first street is enhanced by high quality garden enclosures, including brick walls. Opportunities exist to provide trees and other planting along the new street.

148. The street then turns to reveal a 'village green' character of development to the rear most parts of the site. Dwellings are grouped around a small green (425sqm of open space) providing a sense of informal enclosure to and surveillance of this space. The green provides the focal point of the development and serves to underline the intentions of the architect to provide the development with a green and spacious character.
149. There are some design weaknesses to the scheme. The first block of affordable housing towards the north-west corner of the site terminates the vista created by the first street into the site. Unfortunately the building presents a blank gable wall to the new street. The arrangement could be improved by turning the building slightly to reveal the principal elevation to view from the new street.
150. Secondly, the second block of affordable housing (including the x2 flats and bungalow) are tucked away behind other plots and are not particularly well integrated into the layout of the site. The architecture of this particular block of dwellings is not of a particularly high quality and appears to be a pragmatic response to providing a prescribed mix of affordable housing and, therefore, perhaps explains why it has been visually enclosed. Had the recommendation not been for refusal of planning permission on insurmountable grounds, officers would have sought improvements to these two areas of the site.
151. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. In this case, the future residents of the scheme would experience a high quality living environment with well designed homes, off-street parking, a centrally located and accessible area of open space and (for most of the private dwellings) generous gardens.

External materials

152. The materials (predominantly red brick and red or terracotta roof tiles, but also some use of render and slate) are, on balance, considered acceptable for this site and location. The roofs would be clad with 'artificial' materials (artificial slate or concrete tiles) and whilst this is unfortunate in design terms no harm would occur. The site would be sufficiently distant from the public footpath to the east (the nearest public vantage point of the site from the countryside) such that it is the colour of the roof materials as opposed to their construction material which is most important.

Cycle and bin storage provision

153. The private dwellings and the six affordable dwellings would be able to utilise their own private spaces to provide for bin and cycle storage. All have access to private rear amenity spaces such that these could be stored away from the public realm. A condition could be imposed upon any potential planning permission granted to ensure provision is made for cycle storage and that bin storage areas are provided at appropriate locations.

Conclusions on design matters

154. The relatively hard, urban character of the housing area would be adequately balanced by the open space, landscaped internal spaces, the

low density and spacious character of the layout and the anticipated the new tree planting.

155. Some elements which would contribute to the character of the development are as yet not fully specified or would need to be secured by conditions. These include renewable energy provision and public lighting. However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved through conditions in the event that planning permission is granted (by Committee or at a potential appeal).
156. The proposal would be as connected to adjoining development as it could be and the rather unfortunate vehicular access arrangements along a lengthy access road are fixed by the site location. The layout would, with only a couple of exceptions, provide a high quality development both in terms of its architecture and place-making attributes.
157. However, it has been identified that a residential development of the visually detached and isolated site would be harmful to the character of the village and this aspect is considered a significant dis-benefit of the proposals.
158. Furthermore it is considered that the internal layout of the scheme is could be improved, namely the positioning and visual integration of the affordable housing units. However, these elements would not, by themselves amount to a ground for refusing planning permission but need to be taken into account in the overall planning balance.

Impact upon residential amenity

159. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) *good planning should contribute positively to making places better for people*. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
160. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.
161. The amenities of occupiers of dwellings abutting (backing on to) the application site would not be adversely affected by development. The adjacent gardens are large such that existing dwellings (with the exception of Cherry Tree House) are sufficiently distant from those proposed by this application. Furthermore a combination of mature planting and/or outbuildings further protects the amenities of adjacent dwellings.
162. Cherry Tree House is the closest existing dwelling to the application site but is well protected by existing boundary features such that the amenities of its occupiers would not be significantly affected by the development. This dwelling and the adjacent bungalow to the west are both positioned alongside the proposed access driveway. The use of the access by up to 22 dwellings (20 proposed + 2 existing) would not be significantly different to the volume of traffic movements associated with the previous nursery use.

The previous use would likely have generated more movements by larger vehicle given its commercial character.

163. Whilst traffic accessing the proposed development would be visible to and audible from the two existing dwellings alongside the access driveway, the situation would be similar to that experienced by many properties that front on to highways. Officers do not consider that the proximity of the access road to the two existing dwellings gives rise to amenity concerns.

Loss of agricultural land

164. The Framework states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Saved Local Plan policy 9.1 confirms that when considering development proposals in the rural area, outside defined settlements, the Council needs to be satisfied that (inter alia) the development will not involve an unacceptable loss of the best and most versatile agricultural land.
165. The development of agricultural land (green field sites) in the District is inevitable given the level of growth planned for by the Core Strategy to 2031. There is not a sufficient stock of available previously developed land (brownfield land) at appropriate locations to accommodate all new development to be realised over this period. Accordingly, the future development of some greenfield sites is inevitable.
166. The application site is Grade 2 agricultural land (very good). The development proposals would lead to the permanent loss of this agricultural land. The Forest Heath district contains large tracts of lower quality grade agricultural land (Grades 3 and 4). The applicants have not demonstrated that it is necessary to develop this 'very good' (Grade 2) agricultural land in favour of alternative land of lower agricultural quality. Accordingly the proposals are contrary to national policy set out in the Framework in this respect. The loss of grade 2 agricultural land to development is a significant dis-benefit of the proposed development. Whilst this would not justify a refusal of planning permission on its own, it is an issue to be taken into account in the overall balance of weighing the development's benefits against its dis-benefits.

Sustainable construction and operation

167. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
168. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
169. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

170. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods. There are also emerging policies relating to sustainable construction set out in the Joint Development Management Policies document (DM2, DM7 and DM8), but these are the subject of currently unresolved objections which means the policies can be attributed only limited weight at the present time.

171. The documentation submitted in support of this planning application confirms that the proposed development will be sustainable, by ensuring that sound design principles will be incorporated into the development - including measures to assist with adapting to and mitigating effects of climate change. Planning conditions could be imposed to secure these measures. On this basis, the development proposals are considered acceptable with regard to sustainable construction and operation.

Planning Obligations

172. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:

- *be necessary to make the development acceptable in planning terms.*
- *be directly related to the development, and*
- *be fairly and reasonably related in scale and kind to the development.*

173. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.

174. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.

175. The developer has confirmed a willingness to agree obligations which they deem to be reasonable and justified. No claim to adjust the policy compliant package of contributions on viability grounds has so far been received.

176. In the event that planning permission is granted for these proposals (at Committee or subsequently at a potential appeal), the following developer contributions will be required from these proposals.

Affordable Housing

177. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
178. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (6 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
179. The applicants have proposed 6 of the 20 dwellings as 'affordable'. The mix and tenures have been agreed with the Council's Strategic Housing team whom are supportive of the proposals (paragraph 19 above).

Education

180. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
181. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. The Local Education Authority (Suffolk County Council) has confirmed informally (formal comments to follow) there is no capacity at the catchment primary school (Moulton) to accommodate the additional pupils forecast to be resident at the proposed development. The Council has requested a financial contribution from this development to be used towards the costs of extending the primary school. It has also informally confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at the development. The Authority has informally confirmed there is no requirement for a contribution to be secured for secondary school provision.

Public Open Space

182. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

183. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
184. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.
185. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. In this case, 425 sq. m of public open space is provided as part of the site layout and a contribution of £105,225 (+£2,635 for maintenance of the on-site provision) is required. The off-site contribution would be used for sport, recreation and open space provision/enhancement away from the site. The financial contributions required could be secured via the S106 Agreement.
186. A condition could be imposed upon any potential planning permission granted to ensure the open space area provided at the site is properly provided, managed and maintained.

Bus stop improvements

187. The Local Highway Authority has requested that a developer contribution is secured from this development to be used to enhance nearby bustops. This is to increase the attractiveness of the bus stops in an attempt to encourage modal shift from the private motor car to public transport. The request is considered reasonable and proportionate in the circumstances. The contribution, which amounts to £6,000, could be secured via a S106 Agreement in the event that planning permission is granted for this development.

Libraries

188. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has informally requested a capital contribution of £4,320.

Health

189. The NHS Property Services have been contacted about these proposals. Their formal comments are awaited. Should it be identified that development of the site would place additional pressure upon NHS services which are at or beyond capacity it would be legitimate to request a developer contribution to be used to mitigate the impacts of their development upon healthcare provision. Any such contribution could be secured via the S106 Agreement.

Summary

190. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational

facilities, education, and libraries would be acceptable. Following completion of a S106 Agreement to secure provision of the required mitigation, the application proposals would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 22 tests set out at paragraph 202 above.

191. At the time this report was prepared, work had not started on drafting a S106 Agreement and in light of the officer recommendation that planning permission is refused (on other grounds), it is not likely that a S106 Agreement would be in place prior to the decision notice being issued. Should Committee Members agree with the Officer recommendation to refuse planning permission, a specific reason for refusal would be required in order to safeguard the provision of the mitigation package in the event of an appeal being submitted. If the applicant were to enter into a satisfactory S106 Agreement prior to a potential appeal, this ground for refusal would not be defended by the Council and would, in effect, fall away.

Conclusions and Planning Balance

192. Officers consider that Development Plan policies relating to the settlement boundaries are out of date, by virtue of the age of the the local plan. Relevant policies contained in the Core Strategy carry more weight given its more recent date of adoption. Given that Forest Heath is now able to demonstrate a 5-year supply of housing, policies contained in that document that relate to the supply of housing are not to be regarded as being out-of-date.
- 193 Notwithstanding the content of the Development Plan and the weight that can be attributed to the documents that comprise it, the NPPF remains a key material consideration. Paragraph 14 of the NPPF places a presumption in favour of sustainable development and, where the development plan is (inter alia) out of date, advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies on the Framework taken as a whole.
194. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. The development would, subject to the completion of a S106 to secure a package of mitigation measures, provide additional infrastructure of wider benefit – including, education provision, library contributions, health contributions (if subsequently requested and justified) and public open space. However, the proposals would also result in the loss of opportunities for employment uses to be re-established at the site without justification or robust market testing. The economic benefits associated with realising the housing development are tempered somewhat by the unqualified loss of the existing employment site, which is considered a dis-benefit of development
195. In terms of the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations. The development would also result in a high quality and liveable built environment, but the site is physically and visually

disconnected from the remainder village such that the proposed housing development would be particularly harmful to the character of the village and would therefore off-set the benefits of the good quality internal layout. The isolated and unsustainable location of the village means that future occupants of the proposed development would need to commute for employment, retail, leisure and other local services and it is likely the vast majority of these trips would be by private car.

196. The absence of capacity at the local primary school to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the development but is capable of full mitigation by provision of classroom extensions which would be funded in part by developer contributions from the scheme.
197. In relation to the environmental role it is self-evident that by developing a site in the countryside, outside the established village settlement boundary, the landscape would be changed as a result of the proposal albeit this would only be perceptible from the site itself and the countryside to the east (from the public footpath in particular). In advance of a new landscaping scheme maturing, impacts upon the landscape would be at their greatest. Good design and the retention of existing vegetation and provision of new planting would mitigate the landscape effects to a great degree. It is significant that the site is not constrained by any specific ecological, landscape or heritage designation, unlike large areas of the District. Longer landscape views would be limited to vantage points from the east and these views of the buildings would soften once new landscaping matures.
198. Information submitted with the planning application indicates there would be net biodiversity gains arising as a result of development which itself would be an environmental benefit.
199. The provision of 20 dwellings (including 6 affordable houses) is a benefit of these proposals and, in isolation (and in accordance with the general housing policies in the NPPF), weighs in favour of the grant of planning permission for the development. There are other identified and quantified economic, environmental and social benefits of the scheme.
200. However the site is located at a particularly unsustainable location being devoid of employment opportunities, retail & leisure facilities and other community facilities and services. Furthermore, the proposed development of this site would cause material harm to the character of the village. Furthermore the development would lead to the unqualified loss of an employment site and good quality (grade 2) agricultural land and there is no evidence submitted to demonstrate that 20 dwellings could not be realised at an appropriate site in a sustainable location elsewhere in the District.
201. Officers consider that the identified dis-benefits arising from these development proposals would significantly and demonstrably outweigh the benefits. It is concluded that development of this site at this location would not be unsustainable and, as such, the 'presumption in favour' set out in the Framework does not apply to this development. The proposed development is contrary to national policies set out in the Framework and a number of key extant Development Plan policies.

Recommendation

202. That planning permission is REFUSED for the following reasons:

- i) The proposals for the erection of 20 dwellings (including 6 affordable dwellings) at Sperrinks Nursery, The Street, Gazeley are contrary to national policies set out in the National Planning Policy Framework 2012 (the Framework). These state (inter alia) that the planning systems should (inter alia) i) actively manage patterns of growth to make the fullest possible use of public transport, and cycling and focus significant development in locations which are or can be made sustainable, ii) always seek to secure high quality design and address connections between people and places and the integration of new development into the built environment and, iii) where development of agricultural land is necessary, seek to use areas of poorer quality land in preference to that of higher quality.

The proposals also conflict with the adopted Development Plan for the area (comprised of the Core Strategy 2010 (as amended) and the saved policies of the 1995 Local Plan). In particular, the proposals are contrary to saved policies 4.15, 9.1 and 9.2 of the Forest Heath Local Plan (1995) and to policies CS1, CS5, CS6 and CS10 of the Core Strategy (2010). These policies classify Gazeley as a secondary village where nominal development in the form of infilling within the defined settlement boundary is anticipated, urban extensions are not considered, and developments outside the settlement boundary are restricted to a limited range of uses, excluding speculative housing development (CS2, CS10 and 4.15). The policies also require all new development proposals to be of a high design quality reinforcing local distinctiveness confirming that design failing to enhance the character, appearance and environmental quality of an area will not be acceptable (CS5, 4.15 and 9.2). Furthermore, these Development Plan policies seek to prevent the unacceptable and unjustified loss of the best and most versatile agricultural land (9.1) and existing employment sites (CS6).

In this case, the application proposals are unsustainable, as defined by the Framework, insofar as they would result in an unacceptable form of development at an unsustainable location in the rural area (countryside outside of the defined settlement boundary), contrary to well established settlement boundaries. The development of the site which is poorly connected with and visually contained from the core areas of the village would be particularly harmful to the established character and pattern of existing development in the village. Furthermore the proposed residential development of the site would result in the unjustified and unqualified loss of an established employment site and Grade 2 agricultural land (the best and most versatile), contrary to the aforementioned national and local planning policies.

The Local Planning Authority considers the dis-benefits of this development it has identified, significantly and demonstrably outweigh the benefits such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole). Accordingly, the presumption in favour of sustainable development set out at paragraph 14 of The Framework does not apply to this development.

ii) Policy CS13 of the Core Strategy (2010) and saved Policy 14.1 of the Forest Heath Local Plan (1995) require proposals for new development to demonstrate it will not be harmful to (inter alia) educational attainment, services and health and confirms that arrangements for the provision or improvement of infrastructure to the required standards will be secured by planning obligation. The following policy compliant package of affordable housing provision and infrastructure improvements are required to mitigate the impacts of this development:

- 6(no.) units of affordable housing (30%)
- Developer contributions to be used towards extending the catchment primary school within the nearby village of Moulton.
- Developer contributions towards early years education (pre-school facilities for children aged 2-5)
- Libraries contribution
- Health Contribution **(upon receipt of confirmation from the NHS Trust)**
- Bus stop improvements (developer contribution)
- Off-site provision of public open space.
- Strategy for maintenance of the on-site public open space.

No mechanism is in place to secure the required package of mitigation measures arising from this development and, in the absence of appropriate mitigation the development would have significantly adverse impacts upon the delivery of affordable housing and infrastructure necessary to mitigate the impacts of the proposed development, further reducing its sustainability credentials. The proposals are therefore also contrary to the Framework and the aforementioned Development Plan policies in this respect.

Documents:

Application documents

All planning application documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N8WNKKPDKNM00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY

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