

## **Development Control Committee 8 January 2020**

### **Planning Application DC/19/1817/FUL – The Old Pumping Station, Lower Road, Hundon**

**Date Registered:** 03.09.2019                      **Expiry Date:** 29.10.2019 – EOT  
09.01.2020

**Case Officer:** Kerri Cooper                      **Recommendation:** Approve Application

**Parish:** Hundon                                      **Ward:** Clare, Hundon and  
Kedington

**Proposal:** Planning Application - (i) 3no. dwellings and associated garages (ii)  
pedestrian link to public footpath (iv) alterations to existing access

**Site:** The Old Pumping Station, Lower Road, Hundon

**Applicant:** Mr Baber - Ragilbury Roots Limited

#### **Synopsis:**

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

#### **Recommendation:**

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

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## **Background:**

**The application is referred to the Development Control Committee as the application is contrary to the Development Plan and is recommended for APPROVAL.**

**A site visit is to take place on 6 January 2020 for the Members of Development Control Committee.**

## **Proposal:**

1. Planning permission is sought for construction of 3no. dwellings and associated garages on the former pumping station site in Hundon. In addition, alterations are being proposed to the existing access serving the site and the development seeks to provide a pedestrian link along the eastern boundary.
2. The site has been subject to a number of previous applications for residential use, all of which vary in scale of development and site area. These are listed in detail in the planning history section below and were all in outline form.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Application Form
  - Planning Statement
  - Design and Access Statement
  - Ecological Report
  - Arboricultural Assessment
  - Flood Risk Assessment
  - Marketing Report
  - Landscaping Details
  - Site Location and Layout
  - Elevations, Floor Plans and Sections
4. The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

## **Site Details:**

5. The site comprises an area of brownfield land measuring 0.24 hectares and lies on the western edge of the village of Hundon. The site was previously occupied by Suffolk Automatic Transmission who undertook car servicing and repairs, before they relocated elsewhere. The site includes buildings comprising workshops and porta cabins. The site is bounded by a public byway (Galley Lane) which runs along the eastern boundary. The site lies immediately adjacent to the Housing Settlement Boundary for Hundon and is therefore located in the Countryside for planning purposes. The entrance to the site is within Flood Zone 2 and 3.

**Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
SE/12/0059/FUL	Planning Application - Alteration to existing access to site to improve visibility and safety and close off existing access	Application Granted	28.02.2012
SE/12/1167/OUT	Outline Planning Application - (i) Erection of 7 no. dwellings (including 1 no. affordable) (ii) Alterations to existing vehicular access	Application Refused	07.02.2013
DC/16/1238/OUT	Outline Planning Application (All matters reserved) - 8no. dwellings	Application Refused	16.12.2016
DC/18/0661/OUT	Outline Planning Application (all matters reserved) - 2no. dwellings	Application Refused	13.08.2018
SE/00/2818/P	Planning Application - Continued use of building as vehicle restoration premises without complying with Condition Nos. 4 and 7 of planning permission E/88/1206/P (number of vehicles awaiting repair and hours of operation)	Application Refused	07.11.2000
E/98/2509/P	Planning Application - Continued use of building as vehicle restoration premises without complying with Condition No. 1 of planning permission E/88/1206/P (personal to applicant)	Application Granted	16.11.1998
E/94/1368/P	Planning Application - Change of use of vehicle storage building to general vehicle workshop	Application Granted	11.05.1994
E/91/1633/P	Continued use of building for the rearing of insects (crickets)	Application Granted	12.06.1991
E/89/1451/P	Use of part of site for sale of motor vehicles	Application Refused	17.10.1989
E/88/2370/P	Erection of store extension to workshop	Application Granted	25.07.1988
E/88/1206/P	Renewal - Continued use of building on permanent	Application Granted	28.04.1988

	basis as vehicle restoration premises		
E/86/1366/P	(i) Change of use and (ii) Outline Application - Conversion to single dwelling	Application - Refused	14.04.1986
E/85/1977/P	Alterations and change of use from pumping station to workshop for Suffolk Coach Craft	Application Granted	10.07.1985
E/83/3530/P	Outline Application - Two dwellings (following demolition of pump house) and access	Application Refused	11.01.1984

### **Consultations:**

6. The following consultation responses have been received, which are summarised below and full consultation responses are available to view online:
7. Environment Team
  - No objection, subject to conditions.
8. Public Health and Housing
  - No objection, recommend conditions.
9. Suffolk County Highway Authority
  - The Highway Authority do not object and recommend conditions, however raise comments;
  - A Minor Works Licence and S278 Agreement is required to carry out any of the works;
  - If the removal of the front wall to Oak Cottage is not supported, the Highway Authority will be required to be re-consulted.
10. Rights of Way
  - No objection. Informatives and notes provided for the applicant.
11. Suffolk County Flood and Water Officer
  - Additional information was initially required regarding drainage and levels;
  - Following the further information, no objection subject to surface water drainage condition
12. Planning Policy
  - The Council has demonstrated a 6.2-year supply of housing land;
  - The site lies outside the settlement boundary of Hundon and within the countryside where there is a presumption against unsustainable development unless in accordance with DM5;
  - Policies DM5 and DM27 of the JDMPD permits housing in the countryside where specified criteria are met. These criterion have not been satisfied therefore the proposal is considered to be contrary to policy DM27 and consequently DM5;

- The previous employment on the site is understood to have been relocated so has not resulted in the loss of employment, but if permitted for residential use would result in the loss of an employment site to the village of Hundon;
- Some attempts have been made to market the site for its existing use however this has not been for at least a 12-month period set out in paragraph 5.20 of the JDMPD.

### 13. Environment Agency

- The applicant has sequentially sited all proposed development within Flood Zone 1.
- No objection, subject to conditions.

14. All consultations can be viewed online in full.

## **Representations:**

### 15. Parish Council

16. Hundon Parish Council supports the application. Careful consideration should be given to contamination. The council supports the Highway Authority's comments.

### 17. Neighbours

18. During the course of the application, representations have been received by the owners/occupiers of 5 no. properties, which are summarised as follows:

#### 19. Flaxmere, Lower Road

- Support;
- The site is not suitable for a commercial use;
- Any development should incorporate measures to ensure there is no increased risk of flooding;
- Surface water drainage should be considered to ensure safety of the residential properties along Lower Road

#### 20. 19 Brook Close

- Support
- Existing site is in a poor state;
- Site is not suitable for a commercial use;
- Pedestrian link provided as part of the scheme allows a connection to the services and facilities

#### 21. Two Ways, Valley Wash

- Support;
- Proposed development would enhance the area;
- Commercial use would be detrimental to the area;
- Scheme has been well thought out

#### 22. 5-6 The Villas, Clare Road

- Support;
- Extra housing will be beneficial to the village;
- Visual improvement;
- A footpath along the road would be beneficial

#### 23. Oak Cottage, Lower Road

- Support;
- As the direct neighbour I whole hearted support the application;
- To enable the appropriate visibility to be provided I have sold a parcel of my land to the applicant to allow the improvements to be implemented;
- Existing site is an eyesore;
- Commercial is not suitable in that location;
- Good use of land;
- Visual improvement - well thought out scheme

24.Ward Member

25.No comments received.

26.All representations can be viewed online in full.

27.**Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

28.The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Rural Vision 2031 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

- Policy DM46 Parking Standards
- Policy DM45 Transport Assessments and Travel Plans
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries

### **Other Planning Policy:**

29. National Planning Policy Framework (NPPF) (2019)

30. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

### **Officer Comment:**

31. The issues to be considered in the determination of the application are:

- Principle of Development
- Location Sustainability
- Layout, Design and Landscape
- Highways Impact, Sustainable Transport and Connectivity
- Residential Amenity
- Contamination, Air Quality and Sustainability
- Other Matters

### Principle of Development

32. 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 St Edmundsbury Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the three Vision 2031 Area Action Plans. National

planning policies set out in the National Planning Policy Framework (2018) are also a key material consideration.

33. Case law reaffirmed that proposals that do not accord with the development plan should not be seen favourably unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
34. A recent 5YHLS report covering the period 2019-2024 was published on 26<sup>th</sup> September 2019. This shows West Suffolk Council maintains a 6.2 year land supply. The report replaced the previous one dated April 2019.
35. Hundon is a Local Service Centre as defined under Policy CS4 of the Core Strategy with a reasonable range of services and facilities including a primary school, community shop, two pubs and a community centre. Within these settlements, some small scale housing and employment development will be encouraged.
36. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development.' The policy goes on to state that 'a new or extended building will be permitted, in accordance with other policies within this plan, where it is for a small scale residential development of a small undeveloped plot, in accordance with policy DM27'.
37. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the Countryside subject to satisfying the following criteria (i) the development is within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (ii) the scale of the development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
38. The proposed development comprises the construction of 3no. detached dwellings on brownfield land, immediately adjacent to Hundon Housing Settlement Boundary. The site is enclosed on all boundaries, however it does not comprise infilling a small, undeveloped plot in accordance with policy DM27.
39. The submitted Planning Statement acknowledges the site is outside of the Housing Settlement Boundary but states that there are combined benefits and material justifications that should outweigh this in the planning balance. These are, in summary:
  - 3no. sustainable dwellings for the District's housing stock;
  - Removal of non-conforming land use including the reduction in traffic movements, noise and air pollution;
  - Development of redundant previously developed land in accordance with the Government's commitment to maximising the number of new homes built on sustainable brownfield land by 2020;
  - Enhanced passing views of the site;

- Environmental enhancement;
- Improved sustainable site drainage;

40. The material considerations will be explored in detail in the following sections of the report.

41. Policy DM30 seeks to protect employment sites and to ensure that there would be no adverse impact on employment generation if a site is to be considered for a non-employment use. Paragraph 84 of the NPPF states: *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

42. The application site was previously occupied as a vehicle service and repair company until early 2018. Whilst the business was still being run from the site, the previous applicant began marketing the site as a commercial use from December 2017. An accompanying marketing report by Merrifields demonstrates there was little interest in the site for over 5 months until the current owner purchased the site. Whilst the report undertaken was not for a 12 month period, as a guide set out within the guidance of Policy DM30, a thorough and robust marketing assessment was undertaken for 6 months, with the outcome of such pointing strongly towards there being no commercial interest in the land.

43. Two previous applications (DC/16/1238/OUT and DC/18/0661/OUT) have been submitted on this site for residential development. Both of these were in outline form and therefore were only seeking to establish the principle of the development. A reason for refusal on both of these applications were the loss of the employment site. For both of these applications, no marketing evidence or justification in respect of the loss of the employment site was submitted. The first application (DC/16/1238/OUT) was taken to appeal and the Planning Inspector did not dismiss the appeal on the grounds of the loss of an employment site.

44. In respect of the above, and noting the latest marketing assessment, Officers are satisfied that there will be no impact from the loss of the employment site in this location.

45. Paragraph 117 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Further to this, paragraph 118 c) sets out that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. This site being considered is in the Countryside, and this therefore significantly reduces the weight in support to be attached. Nevertheless the site is brownfield land and this fact still weighs in favour of the scheme to a degree. Furthermore, paragraph 118 d) promotes and supports the development of underutilised

land and buildings, as is the case with this application. Therefore, this fact also weighs in support of the scheme.

46. Having regard to all of the above, and notwithstanding the modest support from the NPPF identified above, the principle of development in this location is contrary to adopted and national planning policy. Significant weight against the proposal must be attached to this clear conflict.

#### Locational Sustainability

47. Policy CS1 of the St Edmundsbury Core Strategy (2010) sets out the Council's spatial strategy and seeks to direct development to suitable and sustainable locations, with easy access to local services and facilities. In addition, Policy RV3 of the Rural Vision 2031 (2014), states that residential development will be permitted within Housing Settlement Boundaries where it is not contrary to other policies in the plan.

48. Policy CS4 identifies Hundon as a Local Service Centre, which means it has some services and facilities. The policy states that within these villages small scale housing should be encouraged. The village boundary has been established in the development plan and the application site is located outside the development boundary of Hundon, therefore, there is conflict with the policy in this regard.

49. However, as detailed in the section above, the site lies immediately adjacent to Hundon Housing Settlement Boundary. A footpath along the eastern boundary of the site, defined as Galley Lane, enables pedestrian connectivity from the application site on Lower Road to the centre of the village along Church Street. The distance along the footpath is approximately 220 metres. Hundon Primary School is situated along Church Street, where it adjoins North Street, where the other main services and facilities (village hall, shop, pub and post office) within the village are located.

50. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. It is acknowledged that the development would make a modest contribution to help sustain local services in Hundon, as well as helping to sustain the viability of services in other nearby villages.

51. The proposed development would be in close proximity to other dwellings and not be physically isolated. As such the proposal would not conflict with Paragraph 79 of the Framework and it is not necessary to demonstrate any exceptional circumstances.

52. Balancing all this, and due to its location and the accessibility and distance to services and facilities within the village, it is considered that the site is in a sustainable location in this context. In reaching this conclusion great weight has been placed on the very clear proximity of this site to Hundon Settlement Boundary, as well as the degree of connectivity between this site and the facilities within the village.

#### Layout, Design and Landscape

53. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of

sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that '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.'

54. Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.
55. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
56. The existing site is enclosed at present by fencing and landscaping. The buildings and structures on the site and the vast area of hardstanding across the site is not in itself attractive. The transition to the countryside is therefore not felt until beyond the western site boundary.
57. The proposed scheme comprises 3no. detached 1½ storey dwellings, providing 3no. bedroom accommodation. 1no. access off Lower Road serves all of the dwellings, which is situated to the east of the site. The proposed development has been well thought out and designed as to create a small, comprehensive development contained within the existing site boundaries. The position of the dwellings has been informed by the desire to retain most of the mature trees running along the eastern boundary, adjacent to the public bridleway. The position and orientation also responds to the site topography and its linear shape. Wider views into the site will be created as a result of the development along the frontage of the site. These views are considered to create an enhancement as a result of architectural form and soft landscaping, both existing and proposed provided.
58. By retaining the key existing landscape features along the boundaries of the site and providing further landscaping improvements, it is considered that there will be no harm to the existing landscape character in this location or erosion of the countryside.
59. As such, it is considered that the proposed development will contribute positively to the character and appearance of the area.

#### Highways Impact, Sustainable Transport and Connectivity

60. The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the types of development and its location;

- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

61. It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
62. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.
63. The site is served by an existing access off Lower Road. The applicant seeks to realign and alter the existing access as to serve the 3no. dwellings. This will involve works outside of the application site within the highway network and on land recently purchased by the applicant that was owned by Oak Cottage.
64. Suffolk County Council seeks all dwellings of 3no. bedrooms to provide a minimum of 2no. vehicle parking spaces and a minimum of 2no. secure covered cycle spaces. The proposed development provides 2no. vehicle parking spaces and 2no. secure covered cycle parking spaces per dwelling, which can be incorporated in the garages, in accordance with Suffolk County Council's guidance for parking.
65. Whilst the scheme is only for 3no. dwellings and there is a Public Right of Way (PROW), directly to the east, the applicant provides a link to the footpath within the development for the proposed dwellings, maximising connectivity to and from the site to the adjacent residential developments, open space and the wider area.
66. Subject to appropriate conditions as recommended by the Highways Officer, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users.

### Residential Amenity

67. Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. The protection of residential amenity is key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
68. To the north and west of the site is agricultural land, with residential properties located to the south and east of the site. Along the eastern boundary of the site lies Galley Lane, a PROW, which provides separation between the site and the closest residential properties. Existing trees bound the site to the east, with further soft landscaping being provided along all

boundaries of the site as part of the proposed development. The vehicular movements generated to and from the site as a result of 3no. dwellings, would be a lot less than the vehicular movements and activities generated with a commercial use.

69. The properties benefit from a sufficient amount of outdoor amenity space. The orientation and position of the dwellings, along with their designs ensures that the relationship between the properties is one that is acceptable with no unacceptable or overbearing impacts.
70. For the reasons cited above, it is considered that there will be no adverse impact to residential amenity as to cause harm as a result of the proposed development.

#### Contamination, Air Quality and Sustainability

71. The application is supported by a Phase II Geo-Environmental Assessment, reference UK19.4509, dated August 2019 undertaken by EPS Ltd. This report includes a summary of the desk study previously undertaken (and previously reviewed by this Service) and an intrusive investigation comprising of soil sampling and associated chemical analysis. Although the investigation does not identify any significant contamination, the report does recommend further investigation as certain areas of the site were not accessible. The further investigations are recommended after demolition and site clearance.
72. The Environment Team have recommended that a condition is imposed if planning permission was to be granted regarding contamination and further investigations.
73. Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'
74. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge.
75. As such, if planning permission was to be granted, a condition requesting electric vehicle charging points on-site for each dwelling would be imposed.
76. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.

77. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
78. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

### Flood Risk and Drainage

79. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
80. Policy DM6 of the Joint Development Management Policies Document states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed as to not cause or exacerbate flooding elsewhere.
81. The entrance and frontage of the application site is located in Flood Zone 2 and 3, the remainder of the site is situated within Flood Zone 1. The proposed development has been designed as for the dwellings and garages to be located outside of Flood Zone 2 and 3.
82. A flood risk assessment accompanies the application, which the Environment Agency have assessed, and consider that there will be no additional impact on flooding as a result of the proposed development.
83. The Lead Local Flood Authority has reviewed the submitted details and is satisfied that the drainage layout is acceptable, subject to the appropriate surface water drainage condition. It is therefore considered in principle that sufficient spaces has been dedicated to drainage infrastructure and an appropriate scheme can be achieved.

### Other Matters

84. The preliminary ecological report submitted confirms that there is no evidence to suggest that any protected species will be affected as a result of the proposed development, subject to appropriate recommendations, mitigation measures and enhancements.
85. As a result of the proposed development works to the highway, along with partial demolition of the boundary wall of Oak Cottage will be required to be carried out to ensure the appropriate access and visibility. These works would be subject to separate consents and legal agreements outside of the control of planning.

**Conclusion and Planning Balance:**

- 86.The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework. In this case there is a clear conflict with development plan policy in respect of housing in the countryside and this carries significant weight against the proposal. In such circumstances, a development should only be approved where there are clear material planning considerations which indicate a decision contrary to the provisions of the plan would be more appropriate in planning terms.
- 87.The application site is considered to be situated in a sustainable location, in close proximity to the service and facilities in Hundon. The proposed scheme also seeks to develop brownfield land, without any harm arising to the rural economy as a consequence of the loss of an existing employment site. These factors weigh significantly in support of the scheme.
- 88.The improvement in the quality of the built environment and positive effect on visual amenity and the character of the area as a result of the introduction of a well-designed development would also carry considerable weight in favour of the scheme.
- 89.Furthermore, modest economic gains and biodiversity improvements would also carry limited weight in favour of the scheme.
- 90.Aside from the fact that the development is positioned outside the defined Housing Settlement Boundary, the proposal is considered to accord with all other relevant development plan policies and would, subject to the use of conditions, be acceptable in terms of drainage, highway safety and residential amenity.
- 91.On balance, it is considered that taken together, the factors weighing in favour of the scheme, which constitute clear material planning considerations would outweigh the identified policy conflict.

**Recommendation:**

92.It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
18033-05 Rev F	Location Plan	13.11.2019
18033-06 Rev A	Proposed Elevations	03.09.2019
JBA 19/146-01 Rev A	Soft Landscape Proposals	03.09.2019
JBA 19/146-03 Rev A	Hard Landscape Proposals	03.09.2019

18033-07	Proposed Elevations	03.09.2019
(-)	Planning Statement	03.09.2019
18033-05 Rev F	Proposed Block Plan	13.11.2019
(-)	Arboricultural Assessment	03.09.2019
(-)	Design and Access Statement	03.09.2019
(-)	Flood Risk Assessment	03.09.2019
(-)	Landscape Plan	03.09.2019
Marketing Report	Other Statements	03.09.2019
(-)	Land Contamination Assessment	03.09.2019
(-)	Ecological Survey	03.09.2019
(-)	Transport Assessment	03.09.2019
(-)	Notice served	23.09.2019
(-)	Application form	03.09.2019
SK11 Rev B	Drainage Plans	13.11.2019

Reason: To define the scope and extent of this permission.

- 3 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 4 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core

Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 6 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

- 7 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) The parking of vehicles of site operatives and visitors
  - ii) Loading and unloading of plant and materials
  - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
  - iv) The erection and maintenance of security hoarding including external

safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate

v) Wheel washing facilities

vi) Measures to control the emission of dust and dirt during construction

vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste

ix) Noise method statements and noise levels for each construction activity including piling and excavation operations

x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 9 The strategy for the disposal of surface water (dated 28 August 2019, ref: 2020/2019 Rev C by EAS) and the Flood Risk Assessment (FRA) (dated 28 August 2019, ref: 2020/2019 Rev C by EAS) shall be implemented as approved in writing by the Local Planning Authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 11 All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 12 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 13 No development above slab level shall take place until samples/details of the facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint

Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No 18033-05 Rev F and made available for use prior to occupation. It shall be retained thereafter in its approved form.

Reason: To ensure that accesses are located at an appropriate position to avoid multiple accesses which would be detrimental to highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 Prior to first use of the development hereby permitted, the existing access onto the site shall be properly surfaced with a bound impervious material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate improvements to the existing vehicular access and to prevent hazards caused by loose materials being carried out into the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) means of access to the site shall be from \*\*\*\* only.

Reason: To ensure that accesses are located at an appropriate position to avoid multiple accesses which would be detrimental to highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 19 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 120metres to the northwest and 43metres to the southeast metres in each

direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging to take avoiding action in the interests of road safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 20 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 18033-05 Rev F for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

**Documents:**

93. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1817/FUL](https://www.suffolk.gov.uk/DC/19/1817/FUL)