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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Rose Room, Endeavour House,
8 Russell Road, Ipswich**

DATE: **Wednesday, 8 November 2017
at 9.30 a.m.**

Members

Sue Ayres
Simon Barrett
Peter Beer
David Busby
Luke Cresswell
Derek Davis
Alan Ferguson

Kathryn Grandon
John Hinton
Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
Ray Smith

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

PART 1

ITEM	BUSINESS
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Page(s)

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 27
SEPTEMBER 2017 - TO FOLLOW

4 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE
WITH THE COUNCIL'S PETITION SCHEME

ITEM	BUSINESS	<u>Page(s)</u>
5	<u>QUESTIONS BY THE PUBLIC</u> To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
6	<u>QUESTIONS BY COUNCILLORS</u> To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
7	<u>SITE INSPECTIONS</u> In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections. The provisional date for any site inspections is Wednesday 15 November 2017.	
8	<u>PL/17/21 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u> An Addendum to Paper PL/17/21 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.	
a	<u>B/17/00091 Land to the South of Daking Avenue, Boxford (Pages 1 - 24)</u>	
b	<u>DC/17/03100 Land South of Howlett of Lavenham, Melford Road, Lavenham (Pages 25 - 46)</u>	
c	<u>B/16/01360 Former Crown Building, Newton Road, Sudbury (Pages 47 - 64)</u>	
d	<u>B/17/01023 Former Crown Building, Newton Road, Sudbury (Pages 65 - 82)</u>	

Notes:

1. The next meeting is scheduled for Wednesday 22 November 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter for Public Speaking at Planning Committees, a link is provided below:

<http://baberghmidsuffolk.moderngov.co.uk/documents/s4772/Public%20Speaking%20Arrangements.pdf>

Those persons wishing to speak on a particular application must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Charter for Public Speaking (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on (01473) 826610 or via e-mail at Committees@baberghmidsuffolk.gov.uk.

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PL/17/21

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

8 NOVEMBER 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATION REQUIRING REFERENCE TO PLANNING COMMITTEE

1.		B/17/00091	BOXFORD - Land to the South of Daking Avenue	KO	
2.		DC/17/03100	LAVENHAM – Land South of Howlett of Lavenham, Melford Road	MC	
3.		B/16/01360	SUDBURY - Former Crown Building, Newton Road	JD	
4.		B/17/01023	SUDBURY – Former Crown Building, Newton Road	JD	

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager – Growth and Sustainable Planning, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - GROWTH AND SUSTAINABLE PLANNING

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

Agenda Item 8a

Committee Report

Item No: 1

Reference: B/17/00091

Case Officer: Kathryn Oelman

Ward: Boxford.

Ward Member/s: Cllr Bryn Hurren.

Description of Development

Erection of up to 24 dwellings (including up to 8 affordable dwellings) with access

Location

Land To The South of, Daking Avenue, Boxford, CO10 5AA

Parish: Boxford

Site Area: 1.6 Ha

Conservation Area: Boxford

Listed Buildings: Within setting of

Received: 23/01/2017

Expiry Date: 31/10/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Not required

Applicant: Landex Ltd

Agent: Artisan PPS Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 4862_LP received 23/01/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Proposed Site Plan 4862_SK03 E - Received 18/04/2017

Survey Plan 11279SE 03 - Received 19/05/2017

Defined Red Line Plan 4862_LP - Received 23/01/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

- A residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/11/00148: Land South Of Daking Avenue And West Of Swan Street: Outline - Erection of 21 no. dwellings with new access road and off street parking for Swan Street: Granted 09.10.2012

B/13/01017: Land South Of Daking Avenue And West Of Swan Street: Reserved Matters: Granted 29.11.2013

B/13/01346: Land South Of Daking Avenue And West Of Swan Street: Change of use of horse grazing land to landscaping buffer strip, provision of local area for play, and extension of residential curtilages of Plots 12, 16 and 17 approved under permission B/11/00148/OUT: Granted 17.07.2014

All Policies Identified As Relevant

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

Summary of Policies

- CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
- CS02 - Settlement Pattern Policy
- CS03 - Strategy for Growth and Development
- CS11 - Core and Hinterland Villages
- CS12 - Design and Construction Standards
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development

CS16 - Town, Village and Local Centres
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes
CS21 - Infrastructure Provision
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
CR07 - Landscaping Schemes
HS21 - Goodlands Farm, Daking Avenue, Boxford
HS28 - Infilling/Groups of dwellings
HS31 - Public Open Space (1.5 ha and above)
HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
CR04 – Special Landscape Area
TP15 - Parking Standards - New Development
EN22 – Light Pollution – Outdoor Lighting

Consultations and Representations

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

A: Summary of Consultations

Historic England

Do not object, but voice concerns. Consider that the river valley is important in the historic character of Boxford and development in it has the potential to harm the significance of the Boxford Conservation Area. Suggest that development should be set back further from the southern boundary in order to better preserve the character of the river valley and better minimise the harm.

Boxford Society

Objection summarised as follows: concerned regarding cumulative effect of development upon traffic congestion and pedestrian safety on Swan Street. Request more comprehensive traffic survey. Request off road parking is provided for the village centre to alleviate traffic issues. Identify that the open space area proposed will need to be levelled and landscaped. Pedestrian routes, including the route along the boundary with Goodlands should be secured under S106 agreement and their provision during construction and ongoing maintenance ensured.

Boxford Parish Council

Following a Parish Council meeting on Monday 20th February 2017, **Boxford Parish Council objects to this Outline Application** and submits the following comments;

The overwhelming response from 50+ villagers in attendance was negative, primarily in relation to two associated issues; 1. Location of the proposed development and (because of) 2. The negative impact on existing infrastructure (specifically road and footpaths on Swan Street) and the historic environment of the village / Boxford's Conservation Area.

In this light the application becomes disproportionate and unsustainable and should be rejected for failing to meet the terms of the following policies;

CS1:

Whilst Boxford is a Core Village and, by definition, a sustainable location, the land South of Daking Avenue and West of Goodlands Phase 1 is not a sustainable location within Boxford – it would not be “well integrated” (Ref. Objective 6 of the Core Strategy and Policies). The existence of Saved Policy HS21 and its content and context clearly highlight the limitations of the site as a whole.

Take into account that this was proven to be the case in 2006 – and that robust evidence exists to demonstrate the issue of congestion on Swan Street has deteriorated since that time – and it's obvious that the adverse impacts of granting permission would significantly outweigh the benefits.

CS2:

The capacity of existing physical infrastructure on the west side of Boxford (including Church Street and School Hill) is incapable of meeting the demands of additional vehicular traffic generated by ANY new development on the Goodlands site – or in its vicinity; this application fails to consider, nor respect, cumulative scale of development elsewhere in this settlement or its Functional Cluster.

The mediaeval nature of Swan Street (narrow road; narrow footpaths; property (almost entirely Grade 2 Listed) immediately on the road, allows no capacity for provision of new and enhanced infrastructure. (N.B. the site for potential off-street parking for Swan Street residents marked on the Outline Proposal for Goodlands Phase 1 has since received approval for additional residential development (and more cars) and no other convenient sites are obvious.)

CS11:

- The scale and location of the proposal are inappropriate, as evidenced by the existence of Saved Policy HS21
- Any additional traffic generated by this – or any – development requiring access South via Swan Street will be significantly detrimental to environmental and heritage characteristics of the village and will diminish the existing and surrounding environment (CS&P 3.3.4.1)
- The locational context of the proposed development is inappropriate, as evidenced by Saved Policy HS21
- Site location and sequential approach to site selection is inappropriate, as evidenced by Saved Policy HS21 and further demonstrated by additional development in the vicinity of Goodlands Farm since 2006 – including HomefieldCort, Cygnet Court and Partridge Close, Groton (Boxford Hinterland but immediately adjacent to Boxford and Swan Street) (all of which were in breach of Saved Policy HS21)
- Cumulative impact of additional development is inappropriate, per all of the above

CS15:

- This proposal entirely disrespects the local context and character of Swan Street / the Conservation Area's streetscape, heritage assets and historic views. The applicant has been present in Boxford for a considerable time (re. Goodlands Phase 1 build) and it is inconceivable that the developer is unaware of – and not directly experienced – the excessive existing congestion on Swan Street
- As the Government's "Sustainable Development Strategy: "Securing the Future" (2005)" defines, *"the goal of sustainable development is to enable all people... to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations"*. Escalating an already significant congestion problem can only serve to diminish the quality of life for current and future generations.
- This proposal will make a significantly negative contribution to local character and shape of its immediate area, as evidenced by Saved Policy HS21.
- Further, continued development of the Goodlands site will increase the impact on the cherished landscape view of the village approaching Boxford from the West along the A1071. Prior to Goodlands Phase 1 it was possible only to see the church tower and steeple rising above the river valley driving West – the Goodlands Phase 1 is now clearly visible. Extension of the Goodlands site into Phase 2 can only make this worse. This is an important visual window towards the historic context of the village and should not be further diminished.
- There is no way to ensure an appropriate level of infrastructure – specifically road and pavements – on Swan Street or Daking Avenue. Whilst the proposed development is within easy walking distance of the village centre (and the application acknowledges this) there is no way to avoid additional vehicular use; the only direct access to the A1071 for travel to Hadleigh, Ipswich, Sudbury and Colchester will be via the residential estate on Daking Avenue and South on Swan Street.

- Concerns have been raised that surface water run-off may impact the quality of the site (Goodlands Phase 1 has existing surface water run-off and retention issues – please refer to correspondence with Mrs Thorpe at Weavers House Swan Street (planning will have copies)) – and, more significantly, increase the potential flood risk in the village centre. This should be considered a cumulative issue in relation to the increased size of the overall Goodlands site (Phases 1 & 2). We welcome especial diligence and enforcement in this regard should permission be granted –with reference to both the required environmental enhancement of Babergh’s river valleys (CS&P 3.3.4) and key environmental issues re. mitigating flood risk (CS&P 1.3.2)

CS21:

There is no way to develop the Goodlands site further as a “sustainable place”, nor a safe one, when no adequate provision can be made to improve existing, poorly-performing infrastructure. Should the applicant have alternative suggestions on how to provide non-Swan Street access to the site then a different view might prevail.

General comments;

- We would also ask that due consideration be given to all original development requirements stipulated as Conditions for approval of Goodlands Phase 1; have all Conditions been met and have any of the Conditions been made impractical or been retracted as a consequence of this Outline Application?
- The application does not live-up to Babergh’s own Spatial Vision; additional congestion on Swan Street will contribute to a poorly connected network of places
- Whilst it may be unfair to level the following observation with reference to this application, it is entirely worthy of note to highlight Section 2.2.2 of the Core Strategy and Policies document. Section 2.2.2.3 states that “*the preferred approach is to plan for growth*”. Recent development in Boxford has been Developer-led, submitted and considered / approved on a case-by-case basis. This approach has resulted in development not following any kind of logical, “joined-up” plan and has been, in some respects, detrimental to the village as a whole – the weight of development accumulating on one side of the village where it can least be sustained – especially in regard to Section 2.2.2.5 and its stress on necessary infrastructure.

This application would impose a burden on the existing community – specifically and immediately re. road, traffic and pavements – particularly the site’s immediate neighbours.

The absence of a Boxford Neighbourhood Development Plan does not mean that there should be no plan. Boxford Parish Council would be grateful if all due consideration be given to the above comments in light of cumulative development within Boxford’s Functional Cluster – and its location – since 2011.

You will recall this Parish Councils objections to the first phase at this location. These objections remain.

SCC - Highways

Do not object, referring to the additional traffic data and survey work which has been carried out by the applicant on Swan St in Transport Agreement Revision C (May 2017). Conclude that the traffic impact of 24 dwellings will not be "severe" and request that standard conditions are applied. They would like to accept the offer from the developer to secure a S106 Contribution of £10,000 to be held for a period of 5 years to address potential traffic management problems on Swan Street, stating that this would allow the potential introduction of formal parking control on Swan Street if required/desired.

SCC - Flood & Water Management

Do not object. Once the spoil has been removed from the site they request further testing, but do not anticipate there to be any fundamental issues which would prevent a solution being found regards surface water drainage.

Environmental Health - Land Contamination

No objections.

Environmental Health - Noise/Odour/Light/Smoke

No objections, request construction management plan, lighting scheme and that the choice and siting of play equipment has regard for potential impact upon residential amenity.

Strategic Housing (Affordable/Major Dwell/G+T)

No comments received to date. Applicant has suggested a mix of 5 affordable rented and 3 shared ownership. Applicant suggests that they partnership with Orwell Housing and a charity which caters for those with long term disabilities in order to specifically design three of the homes to meet their needs. Any further comments received will be reported to the committee.

Arboricultural Officer

No objections, notes that "there are no significant trees affected by this proposal, although additional new planting is likely to be necessary in order to integrate this development into the surrounding landscape."

Landscape - Place Services

In terms of likely visual effect on the surrounding landscape, the proposal will inevitably have an impact on the exiting western rural edge of Boxford...suggest more details on landscaping.

SCC - Strategic Development - Resource Management

No objections; identify that funding will be claimed under the CIL for education provision as there is capacity for catchment schools to expand.

Heritage Team

Responded initially on 27.03.17, requesting additional assessment of impact upon heritage. This information was provided by the agents and the Heritage Team comment that "whilst the site is distinct from the Conservation Area Boundary, the cumulative impact and encroachment onto features such as the river valley, which contribute to the character of the Conservation Area and its wider setting, there could be potential for a level of harm". The Heritage Team are not comfortable that the proposal is in outline form as this does not allow a specific assessment to be made of the exact potential for harm.

SCC - Archaeological Service

No objections, standard archaeological conditions to be applied.

Anglian Water

No objections, the foul drainage and sewerage network has capacity to accommodate this development.

The Environment Agency

No objection, subject to LPA making a judgement of their own on whether the development can be safe for its lifetime. Comment that the flood risk assessment submitted is acceptable and that development is all sited within Flood Zone 1 with access and egress in Flood Zone 1 too.

SCC - Fire & Rescue

No objections, request condition on fire hydrants.

Suffolk Wildlife Trust

No objections, request that proposed ecological mitigation implemented in full.

Groton Parish Council

Objects as the application will add significantly to the traffic congestion already existing on Swan St; this already causes significant inconvenience and disruption to all those using Swan St and includes the residents of Groton. In addition, there have been occasions already where emergency vehicles have had severe difficulties going up Swan St owing to parked vehicles and the amount of traffic using the road. This will only get worse if development proceeds.

Edwardstone Parish Council

Edwardstone Parish Council strongly objects to the proposals on the grounds that access to the additional housing will place an impossible burden on Swan Street, Boxford, which is already dangerously congested. The increase in vehicle numbers will also add to the problems caused by lack of sufficient parking in the village centre.

Suffolk Preservation Society

Raises concerns regarding additional traffic which will impact the setting and character of the Boxford Conservation Area and surrounding buildings. Consider that the development fails to fully consider the impact upon the historic core of the village.

B: Representations

36no. Letters of objection and comment were received, their concerns are summarised below:

- Contravenes saved policies in development plan, notably HS21 which limited development on the site
 - Contrary to CS2 - inappropriate scale and location having regard for the existing capacity of physical and social infrastructure of Boxford
 - Fails to meet requirements of CS15 - narrow pavement on Swan Street forces pedestrians into the road and therefore appropriate levels of infrastructure are not ensured, does not address locally distinct characteristics of this area
 - Does not meet CS11 due to impact upon landscape and heritage assets - views from the A1071 of the Church Spire will be interrupted by this development and the tree screening will be ineffective, as the tree screening for the existing Goodlands development has been.
 - Future development cannot be 'safe and healthy' due to unsafe road and additional traffic pollution, therefore contrary to CS21
 - Cumulative increase of vehicle movements on Daking Avenue estate
 - Cumulative impact of development upon traffic and congestion on Swan Street, significant number of dwellings consented to since cap was placed on development under HS21, including developments on Partridge Close, Homefield Court, Cygnet Court and in Edwardstone. Waldringfield and Groton
 - Narrow sections of Swan St result in vehicles frequently having to mount pavement to pass
 - Junction of Swan St accessing Daking Ave unsafe, poor visibility due to hairpin junction and bend in road immediately afterwards
 - Request imposition of 20mph speed limit on Swan St
 - Request by-pass connecting to A1120 and taking traffic away from Swan St
 - Footpath from Goodlands Phase 1 to Swan St unsafe
 - Traffic noise and air pollution
 - Anecdotal evidence of accidents between cars / pedestrians and cars / cyclists
 - Application not sustainable development due to congestion it will cause to Swan Street
 - Traffic survey concentrates on peak vehicle movements, but this isn't the busiest time, school drop off and pick up is the busiest times
 - Loss of woodland strip along boundary with existing Goodlands; this would exacerbate surface water drainage problems of neighbours
 - Loss of open space provided for under HS21
 - Tree screening at bottom of the valley will not hide houses proposed at the top of the hill
-

- Harm to conservation area and damage to historic character of the area/key views
- Increased surface water flooding and impact upon flood zone of River Box
- Pressure on facilities and services, including doctor's surgery and primary school
- Houses not needed; developer hasn't managed to sell those on Phase 1 yet
- Open space to be provided is a thin strip of waterlogged land
- Mix of housing unacceptable; too many luxury large properties, not enough small or affordable (rented) dwellings
- Loss of barn owl foraging habitat
- Query whether footpath to Primrose Wood would be affected by the development

Comments of support were also received as follows:

- Existing Goodlands estate has well laid out landscaping
- Welcome the open space area to be provided and footpath links
- General support for new housing in Boxford

Concerns were also raised that the plans were incorrect and did not show the Woodland strip correctly, new plans have now been received which show this.

Non planning reasons were given such as damage to the surface of Daking Avenue and illegal parking on Swan St, which is a matter for the highway authority and the police respectively. The conduct of the developer in relation to Phase 1 is also not a material consideration.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and its Surroundings

- 1.1 The site is an agricultural field to the south of Daking Avenue. To the west of the site lies open countryside, to the south, the river Box. To the east lies new development known as 'Goodlands' and in the north housing on Daking Avenue built circa 1960.
- 1.2 The site is classified Countryside in planning terms and is within a Special Landscape Area. It is understood that the land is Grade 2 -3a Agricultural Land. A small portion of the site, adjacent the river Box is classified Flood Zone 2 and 3. The site lies outside, but within the setting of the Boxford Conservation Area which includes listed properties on Swan St and the Grade I listed church of St Mary in the village centre.

2. The Proposal

- 2.1 The application proposes to provide 24 dwellings, eight of which would be affordable dwellings. The proposal is in outline form with all matters reserved except access. A single access is proposed in the north of the site onto Daking Avenue.
- 2.2 The mix of dwellings is indicatively shown to be 2x1bed, 6x2bed and 16x3bed (7 bungalows). An indicative layout has been provided and an indicative landscaping is shown to be provided along the western and southern boundaries of the site. An indicative open space area is shown in the south adjacent the river Box. The existing 'Local Area for Play', footpath and woodland strip along the eastern boundary are shown indicatively to be retained.

3. The Principle Of Development

- 3.1. The site forms part of a saved local plan allocation which was covered by Saved Policy HS21. The policy wording and the preamble are included in full below for your reference:

“3.87 Goodlands Farm, Daking Avenue, Boxford –

Several roads in Boxford suffer traffic congestion. Swan Street, the feeder road into Daking Avenue is recognised as being congested by Suffolk County Council which, for transport reasons, stipulates an upper limit of 20 dwellings which is below the standard density range. A higher number would be unacceptable. The District Council accepts the restriction on the number of dwellings, and considers this a valid reason for not complying with its density policy. The Transport Authority has also specified that the cul-de-sac on Daking Avenue will need extending. Several local people have raised concerns about the need to provide land for off-street parking behind properties on Swan Street. The District Council would support this initiative if it was self financing as a residents shared car park or one owned and managed by the local community. A potential site has been marked on the Proposal Map.

HS21

Approximately 0.7 hectares of land at Goodlands Farm, Boxford, are allocated for 20 houses. Proposals for development will be required to provide for:

- vehicular access from Daking Avenue;*
- a footpath and cycleway connecting the site to Swan Street*
- 2.4 hectares of land to the south and west of the site, to be conveyed into public ownership for recreational use, and surrounded by extensive tree landscaping to mitigate the impact of development and to provide adequate public open space for the development; the adjacent barn (which is a listed building), to be retained and refurbished, and incorporated into the overall redevelopment; and*
- a small informal car park for visitors to the recreational area and overspill car parking for residents of Daking Avenue.*

Note: The District Council will seek a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure, amongst other things, the provision and long term maintenance of the public open space.”

- 3.2 Published in 2006 Local Plan, the site formed part of an allocated site. The site was shown in this allocation as an open space area with a footpath running through it connecting Daking Avenue to the bridge over the river Box. A resident’s Car Park was shown in the east behind properties on Swan Street.
- 3.3 Application was originally made on the eastern portion of the allocated site for 25 dwellings in 2011 and following a reduction in numbers proposed to 21, permission granted in 2012. This application provided 7 parking spaces to the north of the allocated site for general use by visitors and residents of Daking Avenue. 2.6Ha of open space south of the river Box was also provided, adjacent the local woodland known as Primrose Wood in lieu of the land originally allocated in the west of the site. The gifted land was adopted and is now managed by the Woodland Trust, however the land in the west remained in the ownership of the applicant and now forms the site which is the subject of this application.

- 3.4 Condition 12 of B/11/00148 required that a cyclepath and footway link was provided from the site to Swan St and the provision of a woodland strip was secured to the western and southern boundaries of the Goodlands estate. Officers have not been able to find evidence that the footpath connecting Daking Avenue with Primrose Wood was legally bound to be provided under the S106 and therefore it may only remain permissive upon the landowner.
- 3.5 At the time of the application in 2011 the Local Highway Authority objected on the basis that only 20 dwellings should be considered given the “sub standard nature and traffic congestion on Swan Street the main access route to the site.”

The Status of HS21 & Core Strategy Policies

- 3.6 As members will be aware, the NPPF (Paragraph 49) states that 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. Currently Babergh has a land supply between 3.1 and 4.1 years depending upon which method is used to calculate it. This has the effect of engaging Paragraph 14 of the NPPF which directs that planning permission should be granted unless
- i) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
 - ii) *specific policies in the NPPF indicate development should be restricted.*
- 3.7. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as HS21, CS2, CS3 and CS11. It is necessary to decide whether the application departs from these policies and therefore, to what degree material considerations, such as Paragraph 14 of the NPPF over-ride these considerations and indicate departure is justified. Provided no harm is identified to heritage assets, the presumption in favour of sustainable development is an over-riding consideration in the absence of tangible adverse impacts. The weight of Policy CS15 is not affected by the absence of a 5 year supply.
- 3.8 HS21 is a saved policy and this application represents a departure from it. It is noted however that this policy preceded the highway principles which were set out in the NPPF in 2012. For your consideration, the NPPF considerations are set out below and it is recommended that any decisions in regard to highway matters are framed within this context in order to remain sound and capable of withstanding scrutiny:

NPPF Paragraph 32:

“Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

NPPF Paragraph 34:

“Plans and 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. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.”

The status of the site reference the Site Allocations DPD

- 3.9 The site has been put forward in the first draft of the Strategic Housing and Economic Land Availability Assessment (SHELAA). The SHELAA is currently under consultation and will eventually form the basis of a Site Allocations DPD, however this document carries no weight in respect of the material considerations pertinent to this application.
- 3.10 It is noted that two sites West and East of Sandhill have not been carried forwards at this stage within the SHELAA because, whilst the sites are within walking distance to local services, the sites were judged to have “poor pedestrian access with limited opportunities for improvement.” The SHELAA represents an initial judgement which has been based on a limited evidence base and investigation of the issues. The considerations of the SHELAA do not reflect in totality the decision making process required for a planning application. Furthermore, the creation of a Site Allocations DPD is an iterative process whereby if one site was found to be unsuitable, or generated significant local resistance from the consultation process, other sites may become more suitable. Any accommodation of the principles expounded by the SHELAA into the decision making process on this site would therefore be inappropriate and pre-emptive of what might arise from the plan making process.

4. Sustainability Assessment Of Proposal

- 4.1. Policy CS2 (Settlement Pattern Policy) identifies Boxford as a Core Village and the suggestion is that Boxford should take “an appropriate level of development”. Policy CS2 also limits development in the countryside so that it will only be permitted *in exceptional circumstances subject to a proven justifiable need*. As this site is designated Countryside this application represents a departure from Policy CS2 as there are no exceptional circumstances evident.
- 4.2 Policy CS3 (Strategy for Development and Growth) sets out that the Council must provide a minimum of 1,050 dwellings in Core and Hinterland Villages for the period between 2011 and 2031. Policy CS11 seeks to provide a framework to direct this growth outside Built up Area Boundaries (BUABs). CS11 establishes principles of flexibility which are supplementary to the Site Allocations process, therefore intended to be operational whether a five year supply has been demonstrated or not. Despite its intention to CS11 liberate sites around BUABs, CS11 also has the effect of requiring housing development to meet additional criteria in addition to those specified in paragraph 14 of the NPPF and for that reason the decision maker must decide the degree of weight to attribute to it.
- 4.3 It is your officer’s opinion that policies CS2, CS3, CS11 and CS15 provide a relevant framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. The adopted 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") is also a material consideration.

CS11 Criteria for Core Villages:

4.4 The landscape, environmental and heritage characteristics of the village

The site lies on the western side of Boxford and is currently an agricultural field. The site is visible in glimpse views from the A1071 Sudbury road and can be seen on the valley side against the backdrop of the village, its Conservation Area and the Grade I listed church of St Mary. A footpath passes from Daking Avenue along the northern boundary of the site, turning along the western boundary to continue south across the River and into Primrose Wood where there are several formally designated footpaths. There exist a number of Grade II listed buildings on Swan Street, the closest being Goodland's Farmhouse, for which inter-visibility is largely prevented by the Goodland's Phase 1 development.

4.5. Officers have consulted Place Services (PS) for their guidance in regard to the relative impacts of the development upon the surrounding countryside and Special Landscape Area. PS have identified three key views of the site from the surrounding countryside; 1) from the A1071 looking north, 2) from Sherbourne Street looking south and 3) from Swan St across Cygnet Court looking west. Noting the effects on views from the A1071, PS state the proposal will "inevitably have an impact upon the existing western rural edge character of Boxford." PS are clearly satisfied that these impacts can be suitably mitigated by sufficient landscaping. They have requested further information on the detail of landscaping to be provided and, as landscaping is a reserved matter; this can be submitted at reserved matters stage. As the landscaping will be an important part of the layout to be retained a condition would be adequate to ensure it is provided. This was the approach taken with Goodlands Phase 1 to secure the existing woodland strip along its boundary.

4.6 The parish council and local community clearly have concerns that the landscape mitigation proposed will not be adequate, as it has not been adequate to screen the existing Goodland's development in the key views from the A1071 and that the trees will not be high enough to 'hide' the houses on the top of the site from view even in the long term. It is arguable that cumulatively this proposal would harm the quality of the Special Landscape Area as it will be situated further from the settlement and along a greater part of the valley side. Officers consider that there will be a degree of incongruence caused by this development when viewed from the A1071 and that this incongruence will be pronounced in the short term before landscaping establishes. With good landscaping and sympathetic roof materials and house forms this can be mitigated acceptably over time, however, a minor degree of environmental harm may remain in the long-term which should be weighed in the planning balance in accordance with Paragraph 14 of the NPPF and judged against the requirements of Local Plan Policies CR4, CS11 and CS15.

4.7 Decision-takers must be mindful of the specific legal duties upon the local planning authority with respect to the special attention which shall be paid to the desirability of preserving or enhancing the listed building or its setting or any features of special architectural or historic interest which it possesses; and/or the desirability of preserving or enhancing the character and appearance of the Conservation Area, [as set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively]. In the Barnwell Manor High Court case, The Honourable Mrs Justice Lang stated that 'in my opinion the addition of the word 'desirability' in Section 66(1) [of the P(LBCA)A1990] signals that 'preservation' of setting is to be treated as a desired or sought after objective...' Case law has established that the principle of preservation must be afforded 'great or considerable weight', therefore be treated as a high priority in the decision making process and any harm must be weighed heavily in the balance when the public benefits are weighed against it. Paragraph 129 of the NPPF directs that LPAs should seek to "minimise conflict between the heritage asset's conservation and any aspect of the proposal."

- 4.8 Historic England's advice is that the river valley is important in the historic character of Boxford and that development within it has the potential to harm the significance of this heritage asset. It can be deduced they do not consider the harm to have been minimised as they consider that if the proposed development were set back from the southern boundary it would better preserve the character of the River valley. They have concerns on heritage grounds, but cite the existing harm caused by the Goodland's estate as setting a precedent in their consideration, however, as the Heritage Team points out, *cumulative* harm is a consideration and in accordance with the NPPF the *additional* impact of this harm over and above the existing situation must be considered. It is clear that Goodland's Phase 1, both visually and in relation to the significance of heritage assets, has changed the character of the area. It is noted that from the A1071 the proposed development has potential to compete in views of the Church tower, but it will not directly interfere with visibility of the Church tower. As a result, it is the impact of development when situated in the River valley which appears to be the main consideration relative to the significance of the setting of the Conservation Area and how it is experienced.
- 4.9 The Council's Heritage Team are uncomfortable with the submission of an outline application, arguing that this makes it difficult to fully assess the harm to the river valley, setting of listed buildings and significance of the Conservation Area, and as a result it cannot be ensured that this harm is minimised. The application is in outline form, which means that the ultimate question for the decision maker is whether there is a possibility 24 dwellings can be provided on the site in a form which minimises sufficiently the impact upon heritage assets as to outweigh the public benefit. It is unlikely 24 dwellings cannot be provided on the site AND their southernmost extent be amended to meet Historic England's advice. Therefore it follows there is a likelihood of harm to the setting of the Conservation Area by virtue of intrusion into the river valley which may be contrary to the historic pattern of development, open character and historic morphology of the settlement. The decision taker must decide if, imagining the most sympathetic development that can be provided for 24 dwellings on this site, this would:
1. Cause harm to the afore mentioned considerations?;
 2. Evaluate this degree of harm?; and
 3. Weigh this harm heavily in the balance in comparison to the public benefits?
- 4.10 CS11 criteria direct the decision maker to consider whether the scale of development (24 dwellings) and location of the development (into the southern half of the site along the valley side) is appropriate. Policy CS15 similarly requires that, "where appropriate to the scale and nature of the proposal, [it] should respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views." CS15 requires the development to "make a positive contribution to the local character, shape and scale of the area." The decision taker must decide whether this particular proposal ensures "adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's build and natural environment", notably the impacts upon Conservation Areas and Special Landscape Areas. In accordance with Saved Policy CR4, proposals should also harmonise with their landscape setting.
- 4.11 It is noted that there exist no stated objections from professional consultees, namely Historic England, the Heritage Team or Place Services. On that basis refusal is not advised in relation to the policy considerations set out above. The character and density of this proposal is not different from that adjoining on Daking Avenue or Goodlands phase 1. Whilst this may not represent the most logical extension to the village in Landscape and Heritage terms, this would be mitigated to an extent by the imposition of landscape screening to its boundaries, therefore it is concluded there is arguable compliance with this element of CS11 and the full planning balance is covered in Part four of this report.

The locational context of the village and the proposed development (particularly AONBs, Conservation Areas and heritage assets)

- 4.12 The potential impacts of this development upon the character of the Conservation Area and qualities of the Special Landscape Area are a function of the sites location on the western side of the village situated along the valley side. It is arguable that the site is functionally well related to the village by virtue of its proximity to the existing settlement boundary and existence of pedestrian routes to the village centre, as the site lies in easy walking distance. The local community suggest the quality of these connections are poor however, and this is discussed more fully in Part Four and Section 5 of this Report. It is noted that the supplementary guidance on CS11 (page 7) requires that walking distances should be considered alongside the quality and continuity of the footpath connection. It is clear that this proposal would, irrespective of the quality of connections to the village centre, have capacity to support the services and facilities existing in Boxford and on that basis, given that the Highway Authority do not raise pedestrian safety concerns, there is a degree of compliance with this element of CS11.

Site location and sequential approach to site selection

- 4.13 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB and requires an assessment under Paragraph 14 of the NPPF in any regard. However, it is clear that there are no sequentially preferable sites in the BUAB which could enable development of a similar scale to this and there is no requirement to look at alternative sites adjoining the built up area boundary as sequentially they are within the same tier. This element of CS11 is satisfied.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 4.14 "*Locally identified need*" or "*local need*" should be construed as the development to meet the needs of Boxford and its wider functional cluster. The sequential approach requires new development for "*rural growth*", first be directed into Core Villages and in this sense the proposal is compliant.
- 4.15 In this case the Applicant has not submitted a housing needs assessment. The layout plan is indicative, but properties could be tied under condition to the following mix:
- 1 bed x 2
 - 2 bed x 6
 - 3 bed x 16 (7 bungalows).
- 4.16 A mixture of 35% of the dwellings indicated as being affordable housing, with a mix that the strategic housing team support. It is considered that the proposed housing mix would help with the identified need for the smaller affordable homes and the presence of a high number of smaller open market properties and bungalows is welcomed. There is compliance with CS18 and CS19 and this compliance contributes positively in the planning balance.
- 4.17 The development has not been subject to a housing needs survey. It is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

- 4.18 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.
- 4.19 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 4.20 Policy CS11 requires the cumulative impact of development, both within the village and its the functional cluster, to be a material consideration. Given the responses from statutory consultees and the small scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts upon the capacity of local schools or health services. CIL provides a mechanism for GP surgeries and schools to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be significantly adversely impacted by the development. It is therefore considered that the evidence suggests this development will be easily accommodated within the existing infrastructure of the village. However, there exists a difference of opinion as to the extent that the proposal, in combination with other developments consented to in Boxford and surrounding villages would have upon traffic generation and highway safety on Swan Street. In this sense there is a wider judgement to be made as to whether this proposal would be detrimental to the social, physical and environmental wellbeing of the village. With the absence of objection from the Highway Authority it would appear difficult to provide sufficient evidence to tangibly demonstrate this detrimental impact upon the local highway and pedestrian network, and on that basis it is concluded there is compliance with this element of CS11.
- 4.21 Overall it is concluded that there is a degree of compliance with Policy CS11. In terms of CS15, the application would help retain, protect and enhance local services and facilities as required by the policy. The application would also make provision for open space, amenity, and leisure and play through the provision of an open space area which could be tied under condition to be provided. The surface water drainage scheme would also ensure, provided the SCC Flood and Water Engineer raises no objection, that there would be no increase in surface water drainage from the site over and above greenfield run-off rates. In this sense there is obvious compliance with some of the criteria of CS15 and arguable compliance with the landscape, heritage and character considerations of CS15 (other remaining criteria in CS15 including energy and water conservation being irrelevant until reserved matters stage).

5. Highway Safety

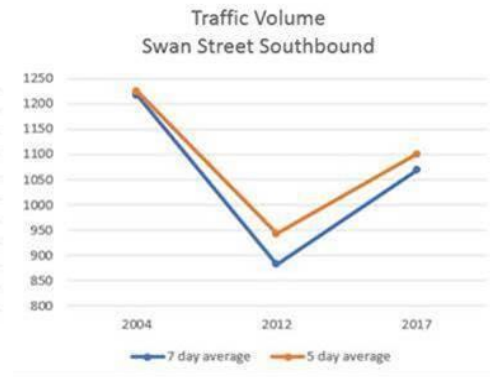
- 5.1 A Transport Statement has been submitted with the application and this document was revised to reference to address the recent Parish traffic count on Swan St in 2017. A full Transport Assessment is not usually required for developments of this scale, therefore the cumulative impact, impact upon potential que lengths on Swan St, delay and specific vehicle visibility are not analysed in detail.

The Transport Statement contains the results of a traffic count taken in 2013 and again in 2017 at the junction of Swan St and Daking Avenue during peak morning and afternoon periods. The Statement points out that traffic levels turning onto/off Daking Avenue recorded in these surveys are not markedly different from 2013 to 2017 and therefore they do not evidence a rise in overall traffic using Swan Street.

- 5.2 The Transport Statement argues that Saved Policy HS21 was originally founded on conjecture and not evidenced through survey. There seems to be little evidence to refute or deny this, but both the 2006 Local Plan and the saved policies were subject to assessment by the Inspectorate and therefore were subject to a degree of scrutiny over their 'soundness'. Officers advise that HS21 is not used as a primary basis upon which to refuse this application as whilst the policy raises relevant considerations, traffic should be assessed relative to the tests set out in the NPPF as this document supersedes the saved policy.
- 5.2 The Transport Statement makes the point that there are no recorded accidents on Swan Street and suggests this is a result of the low speed environment created by on-street parking. It is expected that the additional housing proposed would generate approximately 15 additional vehicle movements at peak periods. A proportion of these vehicles will travel down Swan Street in the direction of Ipswich or Sudbury.
- 5.3 The Transport Statement qualitatively assesses parking levels on Swan Street from a survey taken in 2015 and finds that, whilst parking has an effect on the free flow of traffic there is sufficient kerbside space for vehicles to pass at peak times. The report notes that the parking has a traffic calming impact as well.
- 5.4 There exist no hard and fast rules in relation to what constitutes a "severe" highway impact. In the absence of clear guidelines it seems appropriate to reach a judgement relative to the particular characteristics of a case and locational context; the impacts should not be debased in order to be compared to relative traffic levels in London or Ipswich, for example and some regard must be had for the derived character of this rural, village environment. On the other hand, it is noted that there is simply not 'congestion' on Swan Street in the literal sense – vehicles do not stand stationary for prolonged periods in the day for example.
- 5.5 The Highway Authority is aware of the restricted nature of the footway in places along Swan Street. They are aware of the visibility issues which arise from parked cars at the junction on Swan Street where this meets Broad Street and Church Street. There is an acknowledgement that the parked cars are necessary to facilitate visitors to the village shops, for parking for onward journey by bus and for residents on Swan Street as many do not have off-road parking available.
- 5.6 Whilst a full Traffic Assessment has not been submitted, this has not proved essential as traffic levels on Swan Street because have been the subject of three surveys conducted in 2004, 2012 and 2017. It is presumed there has been a focus on monitoring traffic on Swan Street on account of its perceived sensitivity and it is fortunate these results are in the public domain. In assessing these surveys the Highway Authority makes the point that overall numbers of traffic on Swan Street have reduced in the 2017 survey in comparison to 2004:

Boxford - Swan Street

Northbound		
	7 day average	5 day average
2004	1246	1260
2012	877	941
2017	1065	1106
Southbound		
	7 day average	5 day average
2004	1217	1225
2012	882	943
2017	1069	1100



- 5.7 The Parish Council, comparing the surveys, argues that overall numbers of vehicles has increased 20-25% from 2012 to 2017. This increase is particularly marked in the northbound vehicle movements and cars and vans using Swan Street. In their view, cumulatively the increase proposed would be significant and, in combination with the restricted footway and traffic visibility issues, indicative of the poor functional relationship between the site and the settlement such that there is not compliance with the overall aims of sustainability in the meaning set out in the NPPF or the objectives of CS11 and CS15.
- 5.8 Whilst the Parish Council acknowledge vehicle speeds are generally low (under 30mph) on Swan St, they argue the on-street parking situation induces vehicles to accelerate fast as they seek to jump into passing places, to regularly mount the pavement to avoid oncoming vehicles and that narrow pavements present risks to pedestrians. They also argue that the junction in the centre of Boxford has poor visibility which means vehicles frequently having to reverse once they have committed to passing the parked cars.
- 5.9 Having considered the professional advice from the Highway Authority, it cannot be concluded that this development, when taken cumulatively with other committed developments, would result in a “severe” transport impact – those impacts having to be supported by demonstrable evidence. However, some weight is attributed to HS21 and the issues mentioned above, as they appear indicative of a reduction in the positive social impact of the development when weighed in the planning balance (as opposed to the weight that might be attributed to a better connected site for example). Overall however, there remains a substantial social benefit gained by the provision of 24 dwellings which would meet the district need.

6. Environmental Impacts (Ecology/Trees etc)

- 6.1 Woodland Trust notes that the indicative layout shows the current footpath across the site moved from its current position. They are concerned that the current footpath has not been laid out in accordance with the S106 and that it has not been surfaced to be traversable in all weather conditions or routed to be accessible to everyone. The Trust objects on the basis that the current footpath is not as agreed, but notes that the path shown in the indicative layout would be an improvement in theory. The layout is to be agreed at reserved matters stage, but the recommendation makes provision for this to be set out in the S106 agreement to legally ensure its provision.
- 6.2 The Ecological Report submitted with the application acknowledges that there would be a minor adverse impact caused by the loss of foraging habitat for Barn Owls. However, the report suggests that these impacts can be compensated for through a habitat management plan for the site and the removal of the spoil heap on the site which is currently providing a suboptimal habitat. The Suffolk Wildlife Trust is content with this assessment provided the management plan is implemented in full – conditions are proposed to require specific details of this once the layout is finalised.

7. Residential amenity

- 7.1 The indicative layout provided demonstrates that 24 dwellings can be provided on the site at a distance from neighbouring properties as to not significantly adversely affect their outlook, light or privacy. Whilst concerns have been raised regards traffic impact upon air quality and noise experienced by those living in properties on Swan Street, having regard for existing levels it is not concluded that these impacts would be significant.

8. Other Issues

Surface Water Drainage

- 8.1 The stated objectives of the surface water drainage strategy are that surface water run-off from the site will not be increased relative to existing levels. There are some existing issues with drainage in the surrounding area, which the Parish associate with Goodlands phase 1, but it is not the role of this application to remedy that. Early indications are that the soil has an adequate infiltration rate as to allow surface water to be piped into attenuation basins located in the open space with water then soaking into the soil delaying its passage into the river in a high rainfall event.
- 8.2 Soil classifications indicate that the soil is made up of a sand/gravel superficial layer over a clay bedrock. When subsoil from the first phase of Goodlands was deposited on the site this has caused some surface drainage issues. The applicant has agreed to remove this spoil, reinstating the site to its former topographical profile and undertaking further percolation tests. A new topographical survey is expected shortly and infiltration results have already been submitted for the consideration of the Suffolk County Council Flood and Water Engineer. The Engineer is broadly supportive of the overall drainage strategy for the site and therefore it is anticipated this will not raise any fundamental issues. The recommendation is therefore subject to 'no objections' being confirmed by the Flood and Water Engineer.
- 8.3 Whilst the lower portion of the site is designated Flood Zone 3, the indicative layout demonstrates that 24 dwellings can be provided in Flood Zone 1 and that access and egress routes can also be located in this zone. In the current layout the dwellings would site approx. 6m higher than the river level in the higher portion of the site. The Environment Agency raises no objections having appraised the Flood Risk Assessment.

Open Space and Play Provision

- 8.4 There is an existing Locally Equipped Area of Play (LEAP) which has been provided immediately north-west of the site. Saved Policies HS31 and 32 require that sites over 1.5 Ha in area provide items of play equipment in proportion to the number of dwellings provided and this is likely to be judged cumulatively in respect to the existing Goodland's site. This may necessitate enhancement of the existing LEAP or extension to it. Environmental Protection notes that the choice of play equipment will need to have regard for the residential amenity of nearby neighbouring properties. The provision of play equipment is to be secured within a Section 106 agreement. It is likely the area will be managed by a resident's management company formed in a similar way to with the Goodlands phase 1 development.

Loss of agricultural land

- 8.5 Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. 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.”* The definition of best and most versatile agricultural land is classified as Grade 1, 2 and 3a.
- 8.6 Overall the site falls within the category of Best and Most Versatile (BMV) Agricultural Land for the purposes of the NPPF. However, it is understood that much of Boxford and its surroundings benefit from agricultural land of an equivalent quality. As housing sites are not likely to present within the settlement boundary to any scale, it follows that some loss of BMV agricultural land will be inevitable in the Boxford area to accommodate the aims of the development plan.
- 8.7 While, paragraph 112 of the NPPF indicates that account be taken of the economic and other benefits of BMV land, and where significant development of agricultural land is necessary, advises that LPA's should seek to use areas of poorer quality. It does not however impose a bar on the development of such land and does not define what might comprise 'significant'.
- 8.8 A number of recent appeal decisions which have considered this point, all of which like the situation here were determined against the background of a deficient 5YHLS. Two of the decisions relate to sites of equivalent size to the application site at around 5ha, while a further SoS decision is considerably larger at 10.4ha. None were considered 'significant' for the purposes of the NPPF, with the Weston appeal decision noting the need to consult DEFRA on applications which involve the loss of 20ha of BMV land, and that the loss of 5.21 ha would not be considered significant in that context.
- 8.9 While some negative weight can be applied to the localised harm arising from the loss of some BMV land in these cases, the loss of this site, which comprises 1.6Ha, is not considered significant within this context. Furthermore the applicant argues that the site in its present condition does not benefit from a field access therefore is compromised in relation to agricultural use.

PART FOUR – CONCLUSION

Planning Balance and Assessment

9. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
10. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

11. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. However, in consequence of the Council's heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
12. As set out in the judgement on Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on Barnwell Manor Wind Energy Ltd v East Northants DC [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
13. The NPPF (para. 134) states that 'where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use.'
14. As required by paragraph 134, in the determination of this application consideration should be given to weighing whether the public benefits are sufficient to justify the presumption against harm to the listed building. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), provision of affordable housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh the less than significant harm to the heritage asset.
15. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, having given considerable importance and weight to the harm identified. Having regard for Footnote 9 of the NPPF, where the balancing exercise has returned a positive outcome there are no policies within the Framework which indicate that development should be restricted. The presumption in favour of sustainable development, or 'tilted balance', presented under Paragraph 14 of the NPPF and Policy CS1 of the Core Strategy, remains engaged.
16. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission 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. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134. In the absence of specific policies in the Framework that indicate that development should be restricted, paragraph 14 can be engaged.
17. The application proposes 24 dwellings, eight of which would be affordable dwellings, in a location that is within walking distance of a Core Village. It is acknowledged that pedestrians travelling from the development would need to use a length of footway which is of substandard width and that there will be a minor increase in traffic using Swan Street, where highway safety and traffic conditions have previously been acknowledged to be a concern. Whilst the location of the site reduces the social benefits slightly, the benefit of provision of dwellings to meet the district wide housing supply weighs substantially in the balance.

18. The development would provide a temporary modest benefit through construction of the dwellings and a longer term, moderate economic benefit as the occupants would contribute to the sustenance of existing businesses, services and facilities in the village and the wider cluster. A minor adverse economic and environmental impact from the loss of best and most versatile agricultural land, however, this particular factor is not judged to weigh heavily in the balance.
19. There would be an environmental benefit through provision of an open space area designed to enhance biodiversity value of the site. There would be minor environmental harm caused by the development to the qualities of the Special Landscape Area in key views from the surrounding countryside; the level of this impact being dependent upon the successful via sympathetic design and extensive landscape planting. There would be minor environmental harm as a result of the loss of the open, rural character of the site and a level of social/environmental harm caused through the loss of this character to the significance of the Boxford Conservation Area.
20. Crucially, there would be harm to the morphology and setting of the Boxford Conservation Area and historic character of the River valley. This cumulative additional harm has been graded as being towards the lower end of the 'less than substantial' classification. This harm has been weighed heavily in the balance, but it is concluded that the public benefits listed above outweigh this harm.
21. This proposal is contrary to CS11, CS2, and Saved Policy HS21. This development broadly complies with the objectives of the NPPF, having regard for the absence of a 5 year supply, and there is broad compliance with the majority of Local Plan Policies: this provides the material consideration to depart from CS11, CS2 and HS21. Whilst Officers conclude this application is recommended for approval it is acknowledged that this is an extremely finely balanced decision to which members must reach their own conclusions having independently weighed the above considerations carefully in the balance.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

22. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

23. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
 - Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Recommendation:

That authority is delegated to the Corporate Manager - Growth & Sustainable Planning to Approve Outline Planning Permission, subject to confirmation from the Suffolk County Council Flood and Water Engineer that they raise 'no objection' to the application, and prior to completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following, and that such permission be subject to the conditions as set out below:

Section 106 Undertaking:

1. Provision of 8 affordable dwellings.
2. Sum of £10,000 to be paid to Highway Authority for improvements as necessary to Swan Street (to be returned if not used within five years).
3. Play Equipment – details of LEAP to be provided together with timetable for its provision.
3. Improved footpath link across the site to link Daking Avenue with footpaths in Primrose Wood – details to be submitted with timetable for its provision, to thereafter be retained and maintained for use by the public in perpetuity by applicant, or transferred to a resident's management company.
4. Woodland belts in south and west of site and Open Space Area – details to be submitted with timetable for their provision, to thereafter be maintained in accordance with an agreed maintenance scheme and retained in perpetuity and maintained by applicant, or transferred to resident's management company.

and that such permission be subject to the conditions including as set out below:




1. Standard time period for outline
2. Standard time period for submission of reserved matters
3. Listing of approved plans
4. Indicative layout to be adhered to in relation to position and area of open space in south, affordable and market mix and number of bungalows to be provided
5. Indicative layout to be adhered to in relation to location and extent of planting along western and southern boundaries with full details of species, number, size and location of plants to be planted to be submitted concurrently with reserved matters
6. Construction Management Plan prior to commencement
7. Lighting scheme prior to commencement
8. Highways conditions: details of estate roads and footpaths, construction of carriageways and footways prior to occupation, details of bin storage prior to occupation, retention of parking
9. Standard archaeology conditions
10. Prior to commencement detailed Surface Water Drainage scheme and its implementation
11. Revised habitat management plan submitted concurrently with reserved matters for Landscaping and implemented to increase Biodiversity over site
12. Provision of fire hydrants prior to occupation

Application No: B/17/00091




Parish: Boxford


Location: Land to the South of Daking Avenue

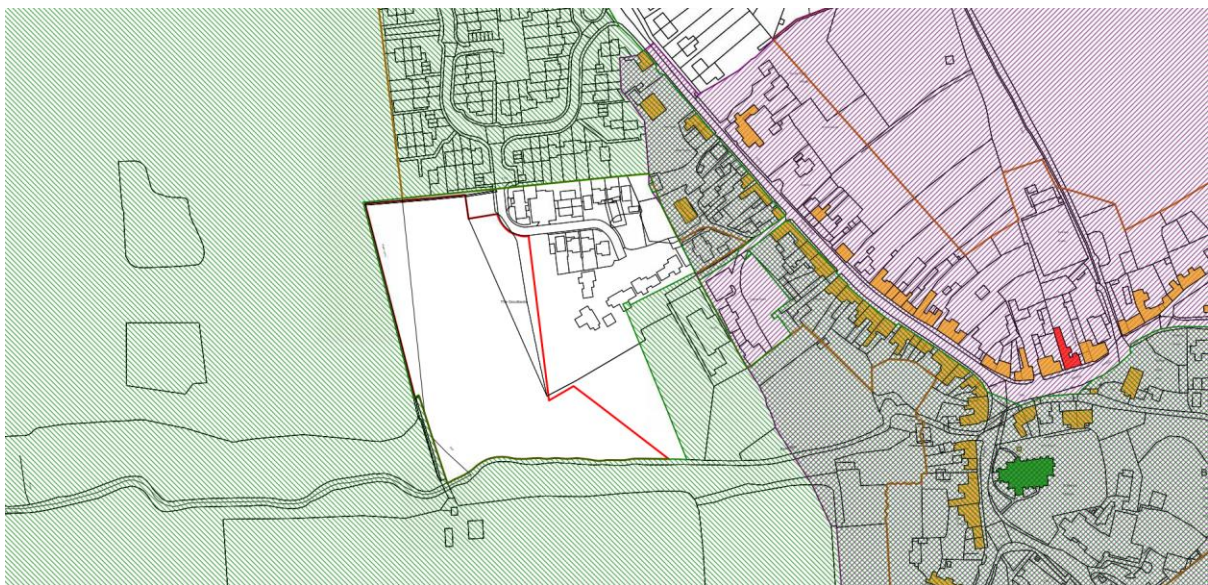
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 8b

Committee Report

Item No: 2

Reference: DC/17/03100

Case Officer: Melanie Corbishley

Ward: Lavenham.

Ward Member/s: Cllr William Shropshire.

Description of Development

Outline Planning Application (Means of Access to be considered only) - Erection of 25 dwellings with vehicular access onto Melford Road.

Location

Land South of Howlett of Lavenham, Melford Road, Lavenham, Suffolk

Parish: Lavenham

Site Area: 9000 m²

Conservation Area: N/A

Listed Building: N/A

Received: 20/06/2017

Expiry Date: 30/10/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: Cubitt Projects Limited

Agent: Evolution Town Planning

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 633 001 A as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 633 001 A - Received 20/06/2017

Site Plan 633 002 A - Received 20/06/2017

Block Plan - Proposed 633 003-1-2 - Received 22/09/2017

Highway Access Plan H01175/15/002 D - Received 22/09/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for 25 dwellings.

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B//86/00314	Erection of 4 workshop unit blocks to incorporate 12 units in total for light industrial use and construction of associated car parking spaces and vehicular access from Melford Road (as detailed in agent's letter of 29/04/87 with drawing nos 202.8 & 202.9)	Granted 17/07/1987
B//92/00382	Outline - erection of 12 light industrial units in four blocks and construction of vehicular access	Granted 29/04/1992
B//95/00737	Outline - erection of 12 small workshop units for light industrial use and construction of vehicular access	Granted 01/08/1995
B//98/00689	Outline - Renewal of O.P.P. B/95/0737 - Erection of 12 small workshop units for Class B1 light industrial use and construction of vehicular access	Granted 03/07/1998
B/03/01044	Erection of two-storey factory unit with construction of new vehicular access, entrance wall and parking areas (as amended by details received 30/07/03 and 02/09/03).	Granted 19/09/2003
B/05/00585	Erection of two-storey factory unit with construction of new vehicular access, entrance wall and parking areas, without compliance with condition 02 (identity to first occupier), variation of conditions 04 (application site to be sub-divided into two units), and 05 (use only as printing works) for any B1 and B2 use of planning permission register number B/03/01044/FUL.	Refused 12/07/2005

All Policies Identified as Relevant

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

Summary of Policies

NPPF - National Planning Policy Framework
Lavenham Neighbourhood Plan
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS16 - Town, Village and Local Centres
CS21 - Infrastructure Provision
HS31 - Public Open Space (1.5 ha and above)
CN01 - Design Standards
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development

Consultations and Representations

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

A: Summary of Consultations

SCC - Strategic Development - Resource Management

Detailed comments in relation to the requirements for CIL.

With regard to Education it is noted that surplus places will be required at the catchment primary school to accommodate all of the pupils arising from this scheme and therefore CIL contributions will be sought towards this. There is no surplus of pre-school provision and therefore contributions will be sought towards this.

Lavenham Parish Council

Recommends approval.

SCC - Highways

No objection- recommends conditions.

Environmental Health - Land Contamination

No objection

Suffolk Wildlife Trust

No objection. Request that the mitigation, compensation and enhancement recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

Ecology - Place Services

No objection subject to securing ecological mitigation and enhancements.

Landscape - Place Services

No objection but there are opportunities to create small green open space parcels within the development area and improved hedgerow planting along the site boundaries to mitigate the visual impact of the proposal and create a suitable green infrastructure. The site already benefits of existing hedgerow and tree planting to the south boundary which should be strengthened with new planting.

An appropriately detailed landscape and boundary plan will be required to support the application to both address the constraints and planning requirements and provide a comprehensive landscape proposal, suitable to limit any negative visual effect the proposals may have on the existing settlement.

Arboricultural Officer

In terms of vegetation the main areas of importance are the hedgerows adjoining Melford and Sudbury Roads and most significantly the line of mature oak trees along the southern boundary. All of these will be of critical value in helping to soften and incorporate any development within the local landscape. The hedgerow alongside Sudbury Road is indicated as subject to TPO although it is apparently a remnant of an order made back in 1972. Both hedgerows will benefit from additional planting and appropriate management in order to strengthen and increase their health and vigour. My main area of concern however involves the proximity of residential properties to the mature trees along the southern boundary. The closeness and orientation of this relationship combined with property and layout design will require careful consideration in order to minimise conflict between the two and avoid future pressure for pruning/felling.

Anglian Water

No objection - the foul drainage from this development is in the catchment of Lavenham Water Recycling Centre that will have available capacity for these flows.

SCC - Flood & Water Management

No objections. Suggests conditions.

Environmental Health - Noise/Odour/Light/Smoke

No objections to means of access. Concerns regarding the future relationship between the existing garage and the residential use of the site in terms noise and light.

Economic Development & Tourism

Concerns about the impact the new development would have on the existing garage business to the north.

Environmental Health - Sustainability Issues

No objection and suggests a condition

SCC - Archaeological Service

No objection.

B: Representations

Five representations received making the following comments:

-
- Concerns about existing drainage in the area the extra capacity this development would bring.
 - Concerns about flooding from the site
 - Concerns about the impact on the protected hedgerow and that it should be thickened up
-

- Concerns about how the proposal will impact on the adjoining commercial use and that it could limit their operations in the future
 - Requests for conditions regarding contractor parking and dust control
-

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and its Surroundings

1.1 The application site is on the southern edge of Lavenham. It is located between the Sudbury Road and the Melford Road with road frontage to both roads. The site is approximately 0.9ha in size and lies adjacent to the settlement boundary of Lavenham. To the north is Howletts garage. Howletts is a car repair workshop and car sales showroom that overlooks the junction between the two roads.

1.2 To the south of the application site is a single house on the Sudbury Road, agricultural land and a large group of homes on the Melford Road. The southern site boundary is marked by a line of mature trees. To the east are homes fronting the Sudbury Road and a hedge forming a field boundary.

1.3 The eastern site boundary is lined with a roadside hedge, which is protected. To the west of the site is a high hedge on the opposite side of the road, with agricultural land beyond. The western site boundary is marked by an overgrown hedge. The application site itself is grass and encroaching scrub, and has an abandoned air to it.

1.4 A footpath on the opposite side of Melford Road connects residential properties to the south west with the centre of Lavenham. The Melford Road in the vicinity of the site is within a 30mph zone. At the nearby junction of Melford and Sudbury Road are bus stops. These are within 200m metres of the site.

2. The Proposal

2.1 The planning application is submitted in outline for 25 homes, with full details submitted of the vehicular and pedestrian accesses into the site. The layout, landscaping, scale and appearance are reserved matters and will be considered in a subsequent planning application. A single vehicular access point is proposed from Melford Road.

3. The Principle Of Development

3.1. The NPPF (Paragraph 49) states that 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. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

3.2. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

3.3. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.

3.4. A summary of the [BDC] Council's 5 year land supply position is:

- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
- ii. SHMA based supply for 2017 to 2022 = 3.1 years

The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

3.5. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

4. Sustainability Assessment Of Proposal

4.1. As detailed above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

4.2. Lavenham is defined as a core village under policy CS2, which states that core villages will act as the focus of development within their functional cluster. The cluster comprises Alpheton, Brent Eleigh, Cockfield, Great Waldingfield, Little Waldingfield, Milden, Preston St Mary, Thorpe Moriuex and Felsham.

The application site abuts the built up area boundary (buab) for Lavenham and therefore policy CS11, which provides greater flexibility for appropriate development beyond the buab for identified core villages, would apply.

4.3. Paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside. The site is not considered to be 'isolated' within the meaning of this term as it is adjacent to the Built up Area Boundary of Lavenham and therefore does not lie isolated from services. Paragraph 55 of the NPPF also states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."

4.4 Policy CS3 of the Core Strategy identifies 1050 homes for rural areas, this quantum of development is unallocated at present (in either district development plan documents or Neighbourhood Plans) so there is a reliance at present on windfall sites to deliver this growth.

4.5 Policy H1 of the LNDP states that proposals will be permitted subject to them either being located within or adjacent to the built up area boundary of Lavenham and where the scheme clearly demonstrated to be well related to the existing pattern of development in Lavenham. The policy also requires development to be of a scale and nature that ensures an appropriate level of services, facilities and infrastructure, including primary school capacity are available or proved to serve the proposed development. Outside of the built up area the developments are required to be considered against the relevant requirements of Babergh policy CS11.

Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15.

4.6 Consideration against policy CS11 and the adopted SPD

- Locally identified need & proven local need
- Site Location & Sequential Approach
- Locally Identified Community Needs
- Cumulative Impact of Development in the area (Social, physical and environmental)

Consideration against Core Strategy Policy CS11 and the adopted SPD

4.7 Policy CS2 (Settlement Pattern Policy) identifies Lavenham as Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).

4.8 Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

"Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

1. *the landscape, environmental and heritage characteristics of the village;*
2. *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
3. *site location and sequential approach to site selection;*

4. *locally identified need - housing and employment, and specific local needs such as affordable housing;*
5. *locally identified community needs; and*
6. *cumulative impact of development in the area in respect of social, physical and environmental Impacts.*

4.9 The general purpose of the Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a minimum of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies.

4.10 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, means that it is a material consideration when planning applications are determined.

4.11 The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).

4.12. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

i. The landscape, environmental and heritage characteristics of the village

Impact on Landscape

4.13 The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.

4.14. The Planning Practice Guidance advises that "The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape". The site is a field located to the south of the village, adjacent to Howletts garage. The site is bounded by boundary hedgerows.

4.15 The most significant landscape impact of the proposal will be the change in land cover on the site from grassland to a built development. It does not appear that any other locally characteristic landscape features will be lost.

4.16 It is noted that the northern boundary of the site abuts commercial premises. Given that the use of the site would be residential the amenity relationship between the two uses should be safeguarded in the long term for both uses. Ultimately the layout of the site and the boundary treatment along the northern

boundary would be dealt with upon the submission of reserved matters and this relationship should be reflected in the details submitted to discharge the reserved matter conditions.

4.17 The hedgerows surrounding the site would benefit from additional planting and appropriate management in order to strengthen and increase their health and vigour. Concerns have been raised regarding the proximity of residential properties to the mature trees along the southern boundary. The closeness and orientation of this relationship combined with property and layout design will require careful consideration in order to minimise conflict between the two and avoid future pressure for pruning/felling. This relationship should be reflected in the details submitted to discharge the reserved matter conditions.

4.18 With appropriate mitigation the proposal is considered to be acceptable in landscape terms.

Impact on Heritage Assets

4.19 By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

4.20. The development is not located either adjacent or opposite any listed buildings and the site is not located within a Conservation Area.

4.21. In term of undesignated heritage assets, the County Archaeologists requested an archaeological investigation condition is attached as the site is close to the medieval core where early occupation is a high probability. Any undesignated archaeology/heritage would need to be recorded.

4.22. As there is no harm identified to heritage assets in respect of this proposal, it is also considered that the proposal would comply with this element of policy CS11.

Impact on Environment

4.23. The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

ii. The locational context of the village and the proposed development

4.24 This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.

4.25 Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:

- *Whether the proposal would constitute ribbon development on the edge of the village*
- *How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links*
- *The scale, character and density of the proposal in relation to the existing adjoining development*

- *Whether the proposal constituted a logical extension of the built up area of the village*
- *Whether the proposal is self-contained and has logical natural boundaries"*

4.26 The site abuts the BUAB and benefits from pedestrian links to the High Street, via Sudbury Road. The site is within the 9 min walk time and 700m of a church, public house and Village hall and within a 13 min walk and 1km walk of a shop in the village and in therefore within the desirable and acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP).

4.27 Lavenham is a core village and has a range of services including shops, post office, primary school, doctors surgery, dentist surgery and pubs. There is also a bus route providing weekday hourly services, between Colchester, Sudbury and Bury St Edmunds from 0730 – 1740. The bus stop is 130m from the site on the Sudbury Road. The footpath connection from the development to the High Street improves connectivity to the services and will improve access to services for residents within the development.

iii. Site location and sequential approach to site selection

4.28 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB. There are no sequentially preferable allocated sites within Lavenham, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.

4.29. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

4.30 The Local Planning Authority is also aware that there is a brownfield site within the village that has been subject to an application for residential use previously. This site is currently in employment use and any development of this site is likely to be costly in terms of remediation and also the costs of redevelopment of part of the site which contains listed buildings and its location within the Conservation Area which requires a high quality materials, therefore it may not be possible for this site to deliver affordable housing (which is why it was not supported by the Local Planning Authority previously) and as such cannot be relied upon to meet the locally identified need for social housing. In addition the access into the site is a limiting factor to the scale of development possible on the site. As such whilst, preference is given to the development of Brownfield sites, the site at Lavenham Press is not considered available due to its current use for employment and that alternative sites within the village would still be required to deliver the affordable housing required in Lavenham even if that site came forward for development and as such its re-development would not be precluded by the current application.

iv) Locally identified need - housing and employment, and specific local needs such as affordable housing

4.31. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does not mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.

4.32. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.

4.33. The Core Villages are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications. Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Core Village identified in the application, namely Lavenham, and the functional cluster of smaller rural settlements which it serves.

4.34 Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.

4.35 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.

4.36 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the Village must be construed as the needs of the Village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.

4.37 The Lavenham Neighbourhood Plan (LNP) provides detailed information on demographics and housing stock. This identifies the higher than average older population in Lavenham with 33% of the 1422 (Census 2011) residents being over 65 and a lower proportion of younger persons (under 30) at 21.9% when compared to the county average. Lavenham also has 22% of 4 bed and larger properties, compared with the national average of 15% with 32% of all housing being listed.

4.38 The housing needs survey undertaken for the LNP identifies a need for 55 affordable dwellings in Lavenham, which doesn't take into account the needs of the wider cluster. Some of this need is met by the development of the former Armorex site with 8 affordable units and the development of 12 units in the redeveloped garages in Meadow Close. There is also a permission for 18 dwellings on the former County Council depot in Melford Road and a scheme for 25 dwellings in Norman Way. These will provide approximately 46 of the 55 dwellings required. The application proposes 25 dwellings and of these 8 would be affordable and 17 are open market. It is therefore considered that the development will contribute to the identified need for affordable housing.

4.39 The LNP also identifies that 117 dwellings have been delivered within the functional cluster of Lavenham since 2011. The LNP identifies that some growth within the village will be required to deliver additional homes in order to contribute toward the district needs of 1050 homes and the LNP states that development of up to 24 dwellings could be easily integrated into the existing structure and fabric of the village and that is their preference. The scheme proposed of 25 dwellings accords with the aims of the LNP in that it is a small development which responds to the landscape sensitivities identified within the LNP.

4.40 The LNDP requires the provision of 35% affordable housing in accordance with Babergh's adopted policy and in addition policy H4 requires all new affordable housing to be subject to a local connections, which ensures that those with a strong local connection to the Parish will be first to be offered the tenancy or shared ownership of the home. In this context a strong local connections means an application who satisfies the BDC local connection criteria for Local Housing Needs Schemes. This requirement will need to be reflected in the Section 106.

4.41 The most recent information from the Babergh Council's Housing Register shows 67 applicants registered who have a connection to Lavenham.

4.42 Based on CS19 and requirements of CS11, 8 of the dwellings on the proposed development should be for affordable housing. These should take the form of:

- 4 x 1 bed 2-person houses @ 57.2 sqm
- 4 x 2 bed 4-person houses @ 79.5 sqm

4.43 6 of these dwellings should be for Affordable Rent Tenancy; 2 for Shared Ownership.

4.44 The size and scale of the development should be proportionate to the settlement in which it is located. Lavenham has approximately 850 households and the proposal for 25 dwellings would represent an increase of 3% which is considered an acceptable scale of development for the village.

4.45 Policy H1 of the LNDP states that proposals will be permitted subject to them either being located within or adjacent to the built up area boundary of Lavenham and where the scheme clearly demonstrated to be well related to the existing pattern of development in Lavenham. The policy also requires development to be of a scale and nature that ensures an appropriate level of services, facilities and infrastructure, including primary school capacity are available or proved to serve the proposed development. In addition the policy states that based on an overriding objective to preserve the integrity of Lavenham, the community strongly prefers smaller development schemes of up to 24 units. Larger schemes are less likely to be acceptable due to the landscape and visual sensitivity of the majority of land parcels surrounding the village.

4.46 The supporting paragraphs within the LNDP (para 7.3.11) states that the figure of 24 units per scheme has been identified following consideration of the number and size of the potentially available sites adjacent to the built up area boundary as well as the sensitivity of Lavenham's landscape setting and Lavenham's historic setting. It is however recognised that schemes which are a little larger than 24 units which are sensitively designed may also be acceptable and could potentially perform well against the plan's vision and objectives.

4.47 The development will need to include a mix of dwellings which meet the identified local need for smaller dwellings in order to improve the mix of housing stock in the village. The proposal shown on the indicative layout is for 25 one, two and three bed homes. The indicative mix has been proposed to address the market housing needs for smaller homes for younger people and older people wishing to downsize as set out in the Neighbourhood Plan. The mix of one and two bed affordable homes has been proposed to meet District Council requirements. Whilst the Parish Council had previously objected to the provision of one bed affordable homes, these have been proposed to meet District Council planning policy requirements. The layout is indicative so the detail of affordable housing house types and locations will be fixed at the reserved matters stage not at this outline stage.

4.48 This accords with policy H2 of the LNDP which requires development to contribute to meeting the existing and future needs of the village. A mix in the size and type of housing is required to take into account the needs of young people looking for 2 & 3 bedroom properties as well as the needs of an ageing population looking to downsize into smaller homes.

v. Locally Identified Community Needs

4.49 Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).

4.50 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the Applicant has not submitted a community needs statement

4.51 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11. The LNP also sets out a range of priorities for CIL monies of which this development will contribute towards.

vi. Cumulative impact of development in the area in respect of social, physical and environmental impacts

4.52 The SPD identifies, at paragraph 13, that "cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account".

4.53 In terms of existing commitments and other proposals in Lavenham the table at appendix A shows applications which have been either delivered or have planning permission within the cluster.

4.54 In terms of existing commitments and other proposals in the relevant cluster, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the table at Appendix B shows applications which have been either delivered or have planning permission within the cluster.

4.55 As previously stated the LNP has identified that 117 dwellings have been delivered within the functional cluster of Lavenham since 2011.

4.56 The capacity of the local primary school has been identified by the LNP and would be a possible constraint to future growth. SCC anticipates the following minimum pupil yields from a development of 25 dwellings, namely:

- a. Primary school age range, 5-11: 6 pupils. Cost per place is £12,181 (2017/18 costs).
- b. Secondary school age range, 11-16: 5 pupils. Cost per place is £18,355 (2017/18 costs).
- c. Secondary school age range, 16+: 1 pupil. Costs per place is £19,907 (2017/18 costs).

4.57 The local catchment schools are Lavenham County Primary School and Great Cornard Thomas Gainsborough School. Based on existing forecasts SCC will have no surplus places available at the catchment primary school, so on this basis SCC will seek CIL funding at a minimum cost of £73,086 (2017/18 costs). At the secondary school level there is forecast to be surplus places.

4.58 The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.

4.59 The LNP identifies some growth within the village will be required to deliver additional homes in order to contribute towards the district needs of 1050 homes and the LNP states that developments of up to 24 dwellings could be easily integrated into the existing structure and fabric of the village and that is their preference. The scheme proposed of up to 25 dwellings accords with the aims of the LNP in that is a small development which responds to the landscape sensitivities identified within the LNP.

Summary of Assessment Against Policy CS11

4.60. For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11, with the exception of locally identified need, to the satisfaction of the local planning authority. As such, the proposal cannot be said to fully comply with policy CS11.

5. Consideration against other development plan policies.

5.1 The Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “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”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.

5.2 Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.

5.3 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.

5.4 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Lavenham is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service between Bury St Edmunds to Colchester (via Sudbury Bus Station). This also provides access to Sudbury railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Lavenham have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

5.5 It is acknowledged that there will be a high proportion of car travel from Lavenham, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Lavenham, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.

5.6 The socio-economic profile of Lavenham highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people.

5.7 It is considered that the development proposed will enhance the vitality of the community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Lavenham, underpinning social capacity, providing affordable housing and widening the housing mix overall.

5.8 This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;

- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
- The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
- During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)

5.9 Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

6.0 Connectivity and Highway Safety

6.1 Policy C3 of the LNDP requires development proposal to utilise opportunities to link in to the wider footpath and bridleway network where applicable. The site abuts the BUAB and benefits from pedestrian links to the High Street, via Sudbury Road. The site is within the 9 min walk and 700m of a church, public house and Village hall, and within a 13 min walk and 1km walk of a shop in the village and is within an acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP). Therefore the site is considered to be well related and provide good connections with the wider village and the services it provides.

6.2 During the life of the application the access for the site has been altered to ensure that the appropriate visibility can be achieved for the proposal. Following this revision, SCC Highways have raised no objection and the condition they have suggested will be imposed.

7.0 Environmental Impacts - Trees

7.1 The trees on the site comprise of mature trees along the southern boundary of the site, and whilst these are not protected, they do have an amenity values given their prominence and impact on the entrance to the village. The layout is not for consideration under this application; however consideration will need to be given to the retention of the boundary trees and hedgerows as part of a detailed application.

7.2 The Arboricultural Officer has no objection to the proposal and is satisfied that the development will not result in the loss of any significant trees subject to the details submitted at a later date.

8.0 Environmental Impacts - Land Contamination

8.1 The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event that of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

9.0 Biodiversity and Protected Species

9.1 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, is so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

9.2 The application has been considered by both the Council's appointed ecologist and Suffolk Wildlife Trust and the surveys submitted demonstrate that the development will not result in any damage or loss of protected species or habitats and with the inclusion of appropriate conditions, as required by the Council's appointed ecologist it is considered that this matter has been addressed satisfactorily.

10.0 Surface Water Drainage

10.1 Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. The applicant has provided evidence of a viable surface water drainage strategy for the proposed development and has therefore complied with the requirements of both policy CS15 and the NPPF.

11.0 Planning Obligations and CIL

11.1 The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.

11.2 The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

11.3 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

12.0 Crime and Disorder

12.1 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

13.0 Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance and Assessment

14. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.

15. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter

than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

16. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore, whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.

17. It is considered that any adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. The application is therefore recommended for approval.

Statement Required By Article 35 of The Town And Country Planning (Development Management Procedure) Order 2015.

18. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

19. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.

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

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth and Sustainable Planning to grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms

- Affordable Housing
- Open Space

and that such permission be subject to the conditions including as set out below:

- 1) Standard Time Limit Condition.

- 2) Submission of reserved matters
- 3) Approved Plans
- 4) Sustainability
- 6) Surface water drainage and construction surface water management plan
- 7) Ecological mitigation and enhancement measures
- 8) Lighting design to be submitted
- 9) Details of fire hydrants
- 10) Arboricultural method statement, tree protection plan with regards the final layout and a monitoring schedule
- 11) Details of Materials
- 12) Conditions as recommended by highways
- 13) Details of screen walls and fences
- 14) Construction Management Plan (Inc. construction hours, constructor parking, dust control and prohibition of burning)
- 15) Detailed landscaping plan
- 16) Foul Water Strategy




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Application No: DC/17/03100




Parish: Lavenham



Location: Land South of Howlett of Lavenham, Melford Road

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 8c

Committee Report

Item No: 3

Reference: B/16/01360

Case Officer: John Davies

Ward: Sudbury East.

Ward Member/s: Cllr Adrian Osborne. Cllr Jan Osborne.

Description of Development

Outline planning application (with some matters reserved) for Residential Development of 20 1 & 2 Bed Apartments and 3 Cart Lodge Apartments (23 in total) together with parking and external amenity area.

Location

Former Crown Building, Newton Road, Sudbury, CO10 2RL

Parish: Sudbury

Site Area: 0.17 ha

Conservation Area: No

Listed Building: No

Received: 07/10/2016

Expiry Date: 04/04/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: n/a

Applicant: Mr.R.Crow

Agent: None

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Site Plan 1352/P1/01C - Received 10/10/2016

Elevations - Proposed 1352/P1/02 - Received 10/10/2016

Floor Plan - Proposed 1352/P1/03C - Received 10/10/2016

Floor Plan - Proposed 1352/P1/04C - Received 10/10/2016

Proposed Plans and Elevations 1352/P1/05B - Received 10/10/2016

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/17/01023	Outline-Erection of up to 20 apartments along with associated parking, garaging, communal areas and construction of new vehicular access.	Under consideration
B/14/01158	Outline - Erection of up to 33 apartments along with associated parking, garaging, communal areas and access.	Withdrawn 11/02/2015
B/11/01512	Change of use from business use (Class B1) to retail use on ground floor (Class A1 use) and business use (Class B1) on the first floor, alterations to ground floor windows on front and eastern side (facing Belle Vue road) of building and alterations to rear access to Belle Vue road.	Granted 07/02/2012

All Policies Identified As Relevant

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

Summary of Policies

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CN01 - Design Standards
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
EM24 - Retention of Existing Employment Sites
SD02- Mixed Use Areas-Business and Service
SD03- Mixed Use Areas-Shopping and Commerce
SD04- Mixed Use Areas-Residential Development

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03- Strategy for Growth and Development
CS15 - Implementing Sustainable Development
CS18- Mix and Types of Dwellings
CS19- Affordable homes

SUPPLEMENTARY PLANNING DOCUMENTS

Employment Land SPD
Affordable Housing SPD
Suffolk Guidance for Parking 2014

List of other relevant legislation

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

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

None

Consultations and Representations

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

A: Summary of Consultations

Sudbury Town Council

- Welcome housing on site and affordable housing in Sudbury and recognise shortage of 1 and 2 bed apartments in the town
 - Design is not acceptable and its presentation
 - There are pedestrian crossing and traffic safety issues in the area and concerns about traffic congestion in the town.
 - Lack of parking facilities in line with County standard and lack of visitor parking.
 - Recommend Refusal on grounds of over-development and not in line with street scene and loss of amenity to neighbouring residences.
-

Environmental Health - Noise/Odour/Light/Smoke

Comment on lack of any details of sustainable development measures.

Economic Development & Tourism

No objection- satisfied that applicant has fully complied with Policy EM24 (loss of employment land) and that an extensive agreed marketing campaign was undertaken in an attempt to find a commercial use for this site.

Environmental Health - Land Contamination

Acknowledge the EnviroRisk report dated October 2014, by Waterman Energy, Environment and Design Limited. Although this report is a comprehensive desk top study, it does not include a site walkover or overall assessment of risk. Therefore, it is only part of a Phase 1 study, and a full Phase 1 study is required for this development.

Environmental Health - Noise/Odour/Light/Smoke

No objection but request consideration of following matters and suggested conditions:

- potential for loss of amenity due to traffic noise and recommend condition to require appropriate acoustic glazing provided for flats facing Newton Road to meet internal noise values given in BS:8233
- sound insulation between flats is required but noted that this would be covered by Building Regulations.
- requested Construction and Environmental Management Plan given proximity of existing dwellings
- request noise condition for construction works and limitations on delivery times to 8-6 pm on Mon-Fri and 9-1pm on Saturdays only.
- no burning to take place on site
- request condition for submission of external lighting scheme.

SCC - Fire & Rescue

Refer to Building Regulations requirements with respect to fire fighting appliances and firefighters. State that requirements for hydrants on the site not known at this stage but will be ascertained at the water planning stage.

SCC - Highways

Recommend approval subject to conditions regarding access, parking and refuse details but object to proposal access arrangement on grounds that safe and suitable access to the site cannot be achieved for all contrary to the National Planning Policy Framework with the vehicular access layout shown on drawing 1352/P1/01 Rev. A. due to the proximity of the vehicular access to Newton Road, the narrow width of the access and limited inter-visibility between drivers on Newton Road and emerging from the access. In combination this is likely to result in vehicles braking sharply on the A131 posing a severe impact. The proposed access is only 10 metres from the junction of Belle Vue Road with Newton Road. It would be a couple of metres further than the location of an existing access to an office car park with 12 spaces but pose a very significant increase in use. This increases the risk of an accident significantly.

LHA suggest that a satisfactory access could be achieved by moving the access to where parking spaces 10 and 11 are (on drawing 03C). This should provide for acceptable visibility splays in both directions and be far enough away from Newton Road to address the risk expressed above.

The width of the proposed access allows for one vehicle to use it at any one time. It would not be uncommon for one driver to want to enter at the same time as another exits. The inter-visibility would result in vehicles waiting at the junction with Newton Road as another exits the site. There is significant potential for surprise braking manoeuvres as a result, with vehicles not clearing Newton Road in time.

The access way should be made a 5.5 – 6 metres wide for a minimum 10m from the carriageway edge to facilitate passing of two cars off the highway. This is slightly wider than recommended in the Suffolk Design Guide for Residential Areas to account for the swept path of turning cars and narrow carriageway. Also raise concern about access through the car parking area and some parking.

Anglian Water

Recommend a condition requiring a surface water management strategy before works commence.

SCC Floods and Drainage-

Comment that insufficient information provided to assess surface water drainage issues.

SCC Development Contributions Manager

Detailed comments provided in relation to the requirements for CIL

B: Representations

Sudbury Society- object:

- this fresh application seems little changed from previous scheme
 - lacks any architectural merit
 - poor planning of the main building is evidence that it is excessive for the site
 - internal corridors and artificially lit kitchens might be acceptable in a budget hotel, they are certainly not acceptable in contemporary residential provision,
 - common entrances are very mean.
 - dispute the claim that the flats are accessible to residents with disabilities since every flat involves at least one flight of stairs, and we could not find evidence of the passenger lift.
 - residential provision close to the town centre is welcome and encourages access by foot or cycle but any application for this site must accept that the two crossings to reach King Street are both hazardous and the lack of any obvious route to Great Eastern Street and beyond is evidence that pedestrian access across this junction is very poor.
-

Janus, Belle Vue Road objects:

- traffic congestion in Belle Vue Road where access is proposed
 - building bigger and taller than former tax office
 - refuse storage on frontage of site
-

Occupier 9 Belle Vue Road objects:

- parking provision of 1 space per unit not enough to allow for 2 bed units and visitors and would lead to more parking on Belle Vue Road.
 - refuse bins on site frontage are unsightly causing litter and smells
 - access for emergency vehicles is doubtful
 - would add to traffic flow on busy junction of Belle Vue Road with Newton Road especially at peak times
-

- 23 units are too many
-

Residents petition with 18 signatures objecting to the proposal on the following grounds:-

- lack of sufficient parking and access onto Belle Vue Road would lead to increased parking pressure and congestion
 - refuse bins on site frontage would cause smells, litter, noise and be unsightly.
-

Suffolk Preservation Society

- welcome a smaller scheme on this brownfield site to provide 23 small units in a highly sustainable location
 - concerned about extent of site coverage, depth and bulk of principal block and design quality
 - scheme is lacking in architectural character or distinction
 - universal design approach does not give a strong sense of place
 - design has very deep plan, large expanse of flat roof and wide gable ends, bulky and unrelieved roof line
 - blind openings to car park level create dead frontage
 - central gabled features are weak and lack sufficient modelling with shallow gables and insufficient articulation to make principal elevations architecturally interesting.
 - no information on facing materials
 - limited outside space for this number of flats
 - scheme should be referred to Design Review Panel
-

PART THREE – ASSESSMENT OF APPLICATION

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

1. The Site and Surroundings

- 1.1 The site is a vacant and cleared plot on the corner of Newton Road (the A134) and Belle Vue Road. Newton Road is the main radial route leading into Sudbury town from the south-east and Belle Vue Road is a residential street. The site is 0.17 hectares in area.
- 1.2 The site was formerly occupied by a two-storey building used as a tax office by the Inland Revenue, which was demolished in 2014. It has remained vacant and derelict ever since and its run down and neglected appearance severely detracts from the surrounding area and the approach to the town centre.
- 1.3 The site is surrounded by residential uses on Belle Vue Road comprising mainly two storey terraced houses and predominantly detached houses on Newton Road. Opposite the site is the site of Belle Vue House and the public park. To the west of the site is a telephone exchange building. Ground levels gently rise along Newton Road away from the town centre and they rise more steeply up Belle Vue Road from Newton Road.

- 1.4 The site is close to the town centre and there are no listed buildings nearby nor is the site within the Sudbury Conservation Area, the boundary of which is located to west of junction of Girling Road/Newton Road approximately 60 metres to the west of the site.
- 1.5 There were formerly two vehicle access into the site from Belle Vue Road and a public footpath runs along the rear boundary between Belle Vue Road and the side elevation /garden of Kimberley leading via Minden Road to East Street.

2. The Proposal

- 2.1 The application is in outline with only landscape details reserved and for the erection of two residential blocks of flats providing a total of 23 apartments. The principal block, as proposed, is a three storey building facing the Newton Road and Belle Vue Road frontages and angled at the junction of the two roads. A secondary two storey block of three flats is proposed to the rear.
- 2.2 Access to the site would be from Belle Vue Road approximately 10 metres from the junction with Newton Road. The access would lead down into a car parking area underneath the principal building. A rear access from the car park area would lead to more parking both underneath the rear block and in the open rear area.
- 2.3 Parking provision on site comprises 22 spaces beneath the principal building together with 4 spaces within the rear building and 7 spaces in a rear open parking area making a total of 33 no. spaces in total. An enclosed cycle parking area is proposed within the main parking area of the principal building with space to store 30 bikes.
- 2.4 An external refuse bin store area is proposed on the Belle Vue Road frontage.
- 2.5 The proposed dwelling mix would be 19 no. one bedroom apartments and 3 no. two bedroom apartments and, as originally proposed, of these 7 no. would be affordable one bed units and 1 no. would be an affordable two bed unit.
- 2.6 A communal garden area is proposed to the rear of the main building located within a small area in between the rear of the principal block and the rear elevation of the smaller block. It comprises an area of around 55 square metres and identified on the Site Layout Plan as a Seating Area.
- 2.7 Proposed facing materials are red facing brick work, dark tiled roof and black windows and doors.
- 2.8 The principal building would extend virtually the whole frontage of Newton Road and Belle Vue Road and would be set back no less than 5 metres from the footway. The ridge height would be 10.5 metres and the eaves level would be at 6.5 metres. The span or width of the building from the front to back walls would be 16 metres. The smaller building would have a ridge height of 7.5 metres and a span of 6.2 metres.
- 2.9 The main design features of the principal building are a pair of large gables rising to 12.5m at their apexes, the middle of which pair mark the 'break' in the frontage between Newton Road and Belle Vue Road. The gables are wide with horizontal band windows and finished in render. The accommodation at roof (3rd storey) level would be lit by a row of dormers and given the wide span of the roof it would have a 10 metre wide flattened section.
- 2.10 In June 2017 the Applicant submitted a confidential viability appraisal in support of the assertion that the development was unable to provide affordable housing as it was financially unviable. Therefore, none of the proposed units are identified as being affordable.

3. National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Core Strategy

- 4.1 Policy CS1 states that the Council will support sustainable development unless material considerations indicate otherwise.
- 4.2 Policy CS2 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.
- 4.3 Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. The most new housing during the plan period would be within the Sudbury and Great Cornard areas.
- 4.4 Policy CS15 sets out a list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.
- 4.6 Policy CS19 requires all residential development to provide 35% of units as affordable housing.

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

- 5.1 None.

6. Saved Policies in the Local Plans

- 6.1 Saved Policy EM24 seeks to protect employment land and buildings and requires developers to demonstrate that proposals for non-employment uses such as residential are justified based on either :
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
 2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
- 6.2 Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.
- 6.3 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.

7. The Principle Of Development

Loss of Employment Use

- 7.1 The site was formerly used as Government tax offices and contained a two-storey building dating from the 1960s which was demolished a few years ago. The use as a tax office ceased in 2010 and it was vacant for a number of years before its demolition in 2014. During that period, planning permission was granted for change of use of the building to retail use and it was marketed for alternative commercial uses but no commercial occupiers were found. Following demolition, the site was subject to a one year long pre-agreed marketing campaign between September 2015 and September 2016, which secured no one willing to redevelop the site for an alternative employment use. The campaign was pre-agreed by the officers in Planning and Economic Development and the latter were content that the applicants had satisfactorily demonstrated that there was no demand for commercial development of the site. The development is therefore compliant with Policy EM24.

Housing Use

- 7.2 The principle of housing use on the site is acceptable as it accords with Policy CS2 and is also supported by Policy SD04 within the Mixed Use Areas of Sudbury. The development would provide a large number of small units which is seen to be meeting a great need within the town for accommodation for small households, which is acknowledged in the comments of the Sudbury Town Council. High housing need for small one and two bedroom accommodation was identified in the Babergh Housing needs Survey of 2008 and this remains the case today. Small sized accommodation was also confirmed in the Affordable Housing SPD as in high demand.
- 7.3 The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.4 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
- 7.5 The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by

this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 7.6 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
- 7.7 The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
- 7.8 A summary of the Babergh 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years

Affordable Housing

- 7.9 Policy CS19 requires all residential development to provide 35% of units as affordable housing and the scheme as originally submitted included 8 affordable dwellings. The applicant has subsequently submitted a viability appraisal to justify their assertion that the development of the site cannot support an affordable housing component on the site or a commuted sum. The submission has been assessed by the Council's Viability Officer. It is accepted that the scheme is not viable in itself and therefore cannot deliver any affordable housing.
- 7.10 Whilst the development would neither provide on-site affordable accommodation nor a commuted sum towards off site provision it is still likely to offer small private market apartments at the lower end of the market.

8. Sustainability Assessment Of Proposal

- 8.1. The site is located within the limits of the urban area of Sudbury /Great Cornard and within a Mixed Use Area according to Inset Map 1b where Sudbury Local Plan policies SD02, SD03 and SD04 are applicable. These policies promote mixed uses and the proposals are not inconsistent with these policies. The site is on the edge of the town centre and highly accessible to all town centre shops and services.

9. Site Access, Parking And Highway Safety Considerations

- 9.1 The proposed vehicular access to the site is from Belle Vue Road and is located approximately 10 metres from the junction with Newton Road. The proposed single access would replace two former accesses which served the former Crown building on the site. These comprise an access around 5 metres from the junction which served a car park on the frontage and a second access further back and adjacent to the footpath which served a rear car parking area.
- 9.2 The Highway Authority have raised significant concerns about the proposed access in view of its proximity to Newton Road together with the obstruction of sightlines towards Newton Road that would be caused by the bin store located adjacent to it. Other concerns are raised about its width. The width of the proposed access allows for one vehicle to use it at any one time. It would not be uncommon for one driver to want to enter at the same time as another exits. The inter-visibility would result in vehicles waiting at the junction with Newton Road as another exits the site. There is significant potential for surprise braking manoeuvres as a result, with vehicles not clearing Newton Road in time. They conclude that safe and suitable access to the site cannot be achieved for all contrary to the National Planning Policy Framework.
- 9.3 The scheme proposes 19 one bed flats which would have one parking space each and 4 two beds flats which would each have two spaces. This makes a total of 27 spaces for residents. In addition there are 6 additional visitor spaces making up a total of 33 spaces on site. The adopted parking standards in Suffolk Guidance for Parking 2014 require a minimum of one space for each one-bedroom unit and a minimum of 1.5 spaces for two bed units and 0.25 spaces per unit for visitors. The minimum parking requirement is therefore 31 spaces. Clearly the proposed scheme provides satisfactory on-site parking.

10. Design And Layout

- 10.1 The proposed principal building is arranged in a continuous form with frontages onto Newton Road and Belle Vue Road and would be three storeys high including accommodation at roof level lit by rows of dormer windows. The 'break' in the continuous elevation would be defined by a pair of gables facing the apex of the junction. The proposed building would be set back 5 metres from the footway and extend up to 2 metres from the boundaries of the site on Newton Road adjoining the telephone exchange building and the footpath linking Belle Vue Road and Minden Road. The building would have a wide span from front to back elevations of 16 metres and as a consequence at roof level the central section above the dormers would be flat. The height of the building would be 10.5 metres rising to 13 metres at the apex of the gable. Due to rising ground levels along Belle Vue Road the proposed building would be dug into the slope such that its height above ground level close to the footpath would be around 8 metres high.
- 10.2 The proposed building, as described above, would have a squat appearance with an overly horizontal emphasis expressed by the wide span form and glazing pattern especially the lines of roof dormers. The design is to some extent relieved by the feature gables which provide a necessary means of 'turning the corner' between Newton Road and Belle Vue Road, however, the gables themselves are wide and have continuous glazing bands which counteract the verticality of the gables. The lines of dormers also have a repetitive and top-heavy appearance that detract from the elevations. The positioning of a refuse storage building on the frontage to Belle Vue Road is also a feature that detracts from the character and quality of the development.
- 10.3 The NPPF advises (Para.56-68) that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is proper to seek to promote or reinforce local distinctiveness. It goes on to advise 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. Saved policy CN01 which is a general

design policy sets out design principles which are in line with the NPPF . It is considered that the proposed principal block is of poor design quality that does not relate well to its surroundings and notwithstanding the need to develop this site, it is considered that it would not reinforce or enhance the character and quality of the area.

- 10.4 The smaller two storey secondary building to the rear would have little if any impact on views of the site from either Newton Road or Belle Vue Road as it would be largely screened by the principal block. It would therefore have a negligible impact on the street scene.

11. Landscape Impact

- 11.1 There are no landscape impacts.

12. Environmental Impacts - Trees, Ecology And Land Contamination

Trees

- 12.1 The application was accompanied by an Arboricultural Impact Assessment by Tree Planning Solutions, which surveyed four existing trees on the site and recommended their retention within the development. These existing trees on the site are to be found on the site edges predominantly along the Newton Road frontage, where they contribute to views into and from the town along Newton Road. A line of trees is also found along the footpath to the rear of the site where they provide a green and pleasant edge to the footpath. It is proposed to retain these trees and there is potential for additional planting along Belle Vue Road in order to provide filtered views of the building.

Ecology

- 12.2 The existing site is predominantly hard surfaced of concrete and tarmac and there is little, if any, natural habitat potential although trees on the site may provide bird nesting sites .

Ground Contamination

- 12.3 There is no evidence of any significant ground contamination on the site.

13. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 13.1 The site is not adjacent to any listed buildings and is neither within nor adjacent to the Sudbury Conservation Area and therefore it is not considered that there is no harm to heritage assets.

14. Impact On Residential Amenity

- 14.1 The site has road frontages onto Newton Road and Bellevue Road and there are residential properties adjacent to the site whose amenity/living conditions may be affected by the proposal. The property known as Park Hill on the corner of Newton Road and Belle Vue Road is a two storey house set centrally within its plot and has a garden area to the front and side of the house enclosed by a fence and tall vegetation. The occupiers have objected to the proposals on the grounds of overlooking of their house and garden and point out that they have foster children who have a reasonable expectation of privacy.

- 14.2 The frontage to the principal block facing Belle Vue Road would be sited 12 metres back from the footway boundary to Park Hill and given the rising ground levels along the road, would appear as a two storey building from the road level. Given the separation distance between the proposed flats and Park Hill, and the presence of high fencing and mature hedge screening to the boundary of Park Hill it is considered, on balance, that no significant overlooking would arise. Moreover, it would be unreasonable to restrict any development with openings along the Belle Vue Road frontage on the grounds of amenity given that the site faces a road frontage.
- 14.3 Another property adjacent to the site is Kimberley which is the first or end property on the north-west side of Belle Vue Road and is separated from the site by the public footpath. The side elevation of the principal block would be positioned 2 metres from the boundary facing the side elevation of Kimberley and the separation distance between the properties would be 8 metres. The elevation would have single openings at ground and first floor level which would only light communal lobbies. There would therefore be no overlooking from any of the proposed flats nor any other amenity impacts.

15. Biodiversity And Protected Species

- 15.1. There are no biodiversity implications.

16. Planning Obligations / CIL

- 16.1 The application is liable for CIL and therefore Suffolk County Council have outlined that they would be making a bid for CIL money to mitigate the impact of the development on education, pre-school, libraries and waste.
- 16.2 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

17. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 17.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

18. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 18.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 18.2 In this case Officers have worked with the applicant to try to overcome concerns raised about the proposals particularly with regard to urban design and highways matters. However, these issues give rise a magnitude of demonstrable harm which it has not been possible to overcome and be able to make a recommendation other than that of a refusal.

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

- 19.1 The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

20. Planning Balance

- 20.1 The site was a former employment site but use as offices ceased many years ago and despite marketing efforts to re-let and redevelop the site for alternative commercial use these have not proved successful. Officers are satisfied that there is no realistic prospect of employment use on all or part of the site.
- 20.2 Alternative housing use of the site is considered appropriate in principle and the type of development comprising small units of accommodation suitable for single people and couples is appropriate close to the town centre and is in high demand. The proximity of the site to the town centre and all its services means that it is highly accessible and sustainable in those terms. The 5 Year Housing Land Supply position means that sustainable development should be approved unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 20.3 In this case it is considered that the poor design of the building and the inadequate access arrangements as assessed earlier in the report are matters which would give rise to significant harm to the character and appearance of the area and highway safety respectively and which would outweigh the benefits of the development.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Refuse Outline Consent for the following reasons:

- Footprint, massing and design unacceptable and contrary to design advice in the NPPF, saved policy CN01 and policy CS15.
- Access arrangement contrary to highways advice in the NPPF.

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Application No: B/16/01360/OUT and B/17/01023/OUT

Parish: Sudbury

Location: Former Crown Building, Newton Road

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



Grade 2 *



The Site



Built up Area Boundary



BABERGH DISTRICT COUNCIL

Corks Lane, Hadleigh, Ipswich. IP7 6SJ
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Agenda Item 8d

Committee Report

Item No: 4

Reference: B/17/01023

Case Officer: John Davies

Ward: Sudbury East.

Ward Member/s: Cllr Adrian Osborne. Cllr Jan Osborne.

Description of Development

Outline-Erection of up to 19 apartments along with associated parking, communal areas and construction of new vehicular access.

Location

Crown Building, Newton Road, Sudbury, CO10 2RL

Parish: Sudbury

Site Area: 0.17 ha

Conservation Area: No

Listed Building: No

Received: 18/04/2017

Expiry Date: 03/08/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr Nash

Agent: Ashby Design Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Location Plan- 373/17/PL1001A

Proposed Site Ground Plan- 373/17/PL1002D

Site Plan- 373/17/PL1003E

Proposed Plan - 373/17/PL10.00D

Proposed Plan 373/17/PL10.01C

Proposed Plan 373/17/PL10.02C

Proposed Plan 373/17/PL10.03C

Proposed Plan 373/17/PL10.04B
Proposed Elevations – 373/17/PL10.05C
Proposed Elevations – 373/17/PL10.06D
Proposed Elevations – 373/17/PL10.07B
Proposed Elevations – 373/17/PL10.08B
Proposed Elevations – 373/17/PL10.09B
Proposed Elevations – 373/17/PL10.10B
Proposed Sections – 373/17/PL500B
Proposed Sections – 373/17/PL501B
Proposed Sections – 373/17/PL502B
Proposed Sections – 373/17/PL503
Proposed Finishes Schedule

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/16/01360	Outline planning application (with some Matters reserved) for Residential Development of 20 1 & 2 Bed Apartments and 3 Cart Lodge Apartments (23 in total) together with parking and external amenity area.	Not determined
B/14/01158	Outline - Erection of up to 33 apartments along with associated parking, garaging, communal areas and access.	Withdrawn 11/02/2015
B/11/01512	Change of use from business use (Class B1) to retail use on ground floor (Class A1 use) and business use (Class B1) on the first floor, alterations to ground floor windows on front and eastern side (facing Belle Vue road) of building and alterations to rear access to Belle Vue road.	Granted 07/02/2012

All Policies Identified As Relevant

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

Summary of Policies

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CN01 - Design Standards
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development
EM24 - Retention of Existing Employment Sites
SD02- Mixed Use Areas-Business and Service
SD03- Mixed Use Areas-Shopping and Commerce
SD04- Mixed Use Areas-Residential Development

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03- Strategy for Growth and Development
CS15 - Implementing Sustainable Development
CS18- Mix and Types of Dwellings
CS19- Affordable homes

SUPPLEMENTARY PLANNING DOCUMENTS

Employment Land SPD
Affordable Housing SPD
Suffolk Guidance for Parking 2014

List of other relevant legislation

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

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

Officers gave advice regarding the layout, scale and form of development following the previous application.

Consultations and Representations

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

A: Summary of Consultations

Sudbury Town Council

Comments received from Sudbury Town Council:

- welcome the provision of housing and affordable housing in Sudbury and recognise shortage of one and two bed apartments in the town
- the design is not acceptable
- there are pedestrian crossing and traffic safety issues and concerns about traffic congestion.

Recommend refusal on the grounds of:

-
- over-development
 - the height as a 4 storey building compromises the street scene and will result in loss of amenity to neighbouring property
 - the design of the building compromises the street scene
 - the developer should engage with the residents of Belle Vue Road.
-

Environmental Health - Land Contamination

No objections as scheme does not provide private gardens.

Environmental Health - Noise/Odour/Light/Smoke

No objection but request consideration of following matters and suggested conditions:

-
- potential for loss of amenity due to traffic noise and recommend condition to require appropriate acoustic glazing provided for flats facing Newton Road to meet internal noise values given in BS:8233
 - sound insulation between flats is required but noted that this would be covered by Building Regulations.
 - requested Construction and Environmental Management Plan given proximity of existing dwellings
 - request noise condition for construction works and limitations on delivery times to 8-6 pm Mon-Fri and 9-1pm on Saturdays only.
 - no burning to take place on site
 - request conditions for submission of external lighting scheme.
-

SCC - Highways

No objection subject to following conditions:

-
- access shall comply with Drawing No.DM10 with width of 6metres.
-

- plan to be submitted and approved showing details of parking and manoeuvring spaces, cycle storage, electric vehicle charging point, powered two wheeler infrastructure and visitor car parking spaces.
 - provision of refuse storage areas
 - gradient of access to be no more than 1 in 20 for first 5 metres.
-

SCC - Fire & Rescue

Advise that they have a fire hydrant on the site which should be protected during development and easily available for inspection after the development is complete.

Economic Development & Tourism

No objection- satisfied that applicant has fully complied with Policy EM24 (loss of employment land).

Anglian Water

Recommend a condition requiring a surface water management strategy before works commence.

SCC Floods and Drainage-

Comment that insufficient information provided to assess surface water drainage issues.

Suffolk Safer Neighbourhood Police Team

Express concerns over access/egress onto Belle Vue Road, which is narrow and heavily congested by parked vehicles.

SCC Development Contributions Manager: Detailed comments made in relation to the requirements for CIL

B: Representations

Occupier of Parkhall, Belle Vue Road- Object on grounds as follows:

-
- increase in traffic on Newton Road and Belle Vue road and demand for parking
 - 4 storey block out of character with area
 - loss of privacy from windows facing Belle Vue Road into bedroom and lounge windows and garden
 - no communal area for residents on estate
 - underground car parking could become magnet for local youths to congregate causing vandalism and anti-social behaviour
-

Occupier of Kimberley, Belle Vue Road - object

-
- new building will be higher than previous scheme at 4 storeys 12.5 m high and higher than Kimberley
 - will extend forward of building line of other houses on Belle Vue Road - not in keeping with the street
 - building will extend on Newton Rd frontage too close to road and balconies would almost encroach over footways
 - loss of trees on Newton Road
 - site has not been properly secured and maintained
 - increase in demand for parking in Belle Vue Road by residents and visitors to new flats
-
-

Occupier of 2 Belle Vue Road-objection on grounds:

- too many flats and insufficient car parking provision
 - will lead to more parking in Belle Vue Road and Boroughs Piece Road
-

Occupier of 4 Belle Vue Road-objection

- over-development and over-dominant in scale/ position at entrance to the town
 - too high
 - barrack-like appearance
 - increase in traffic in Newton Road
-

A petition with 20 names and 18 signatures from people with addresses in the immediate area has been submitted which states they are against development of the former Crown building site.

Suffolk Preservation Society object

- design does not give strong sense of place nor a distinctive locally inspired character worthy of this sensitive location
 - building is 4 storeys and nothing in area is this height and therefore would dominate the street scene
 - development should relate well to existing height of area which is no more than 2 storeys
 - deep floor plans and internal corridor access, but good internal storage provided.
 - external balconies are the only external amenity space
 - elevations have adopted a contemporary approach and in this context there is a good argument for this, however, massing of building is too imposing
 - dull pattern of fenestration
 - windows have a post-war municipal character
 - no landscaping scheme nor external amenity space.
-

Sudbury Society- object

- agree with the submission by the Suffolk Preservation Society.
 - It could be argued that despite the need for a quality site specific planning application proposal for development of this site are premature.
 - need for a design and planning strategy which embraces this site, the future of the adjoining BT site, the development of the Belle Vue House/old swimming pool site and for a reconfiguration of the Belle Vue junction which would ensure safe and easy pedestrian/cycle movement and ideally incorporate the facility for traffic leaving the town centre to turn up Newton Road.
 - need for a town centre parking strategy given current and future proposals for residential provision in the town centre.
-

PART THREE – ASSESSMENT OF APPLICATION

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

1. The Site and Surroundings

- 1.1 The site is a vacant and cleared plot on the corner of Newton Road (the A134) and Belle Vue Road. Newton Road is the main radial route leading into Sudbury town from the south-east and Belle Vue Road is a residential street. The site is 0.17 hectares in area.
- 1.2 The site was formerly occupied by a two-storey building used as a tax office by the Inland Revenue, which was demolished in 2014. It has remained vacant and derelict ever since and its run down and neglected appearance severely detracts from the surrounding area and the approach to the town centre.
- 1.3 The site is surrounded by residential uses on Belle Vue Road comprising mainly two storey terraced houses and predominantly detached houses on Newton Road. Opposite the site is the site of Belle Vue House and the public park. To the west of the site is a telephone exchange building. Ground levels gently rise along Newton Road away from the town centre and they rise more steeply up Belle Vue Road from Newton Road.
- 1.4 The site is close to the town centre and there are no listed buildings nearby nor is the site within the Sudbury Conservation Area, the boundary of which is located to west of junction of Girling Road/Newton Road approximately 60 metres to the west of the site.
- 1.5 There were formerly two existing vehicle accesses into the site from Belle Vue Road and a public footpath runs along the rear boundary between Belle Vue Road and the side elevation /garden of Kimberley leading via Minden Road to East Street.

2. The Proposal

- 2.1 The original outline application was submitted for a part 3 and part 4 storey block providing up to 20 no. 1-bedroom flats together with 25 on-site parking spaces and use of the existing vehicular access. All details except landscaping are for determination at this stage so the application is virtually a full application. The application also included the provision of affordable housing in the form of 7 no. one bedroom flats.
- 2.2 In June 2017 the Applicant submitted a confidential viability appraisal in support of the assertion that the development was unable to provide affordable housing as it was financially unviable. Affordable housing units were therefore deleted from the proposals.
- 2.3 In August 2017 the application was amended by the deletion of one dwelling to propose 19 flats and a change of dwelling mix to 16 no. one bedroom flats and 3 no. two bedroom flats. A total of 22 car parking spaces were shown on the submitted plans. 3 no. car parking spaces were deleted in favour of an enlarged communal amenity space.
- 2.4 Summary of amendments to the proposals (unit numbers refer to original scheme):
 - o Number of proposed apartments reduced from 20 to 19 units
 - o Dwelling mix amended from 20 1 bed flats to 16 no. one bed flats and 3 no. two bed flats
 - o Unit 16 (3rd floor level) deleted facing Belle Vue Road
 - o Projecting balconies to units 1,4,10 and 11 changed to 'juliet' type i.e. non-projecting from face of building
 - o Enlarged communal amenity space to rear of site providing 141 sqms of shared garden space
 - o Total of 23 car parking spaces proposed on site

- o Units 2, 5, 12 and 17 re-configured with increased projection facing Belle Vue Road in order to provide three 2-bedroom units on the first, second and third floors.
- 2.5 In late October 2017 further revised plans were submitted increasing the amount of on-site parking to a total of 26 on site spaces, but with a consequential reduction in communal amenity space.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Babergh Core Strategy

- 4.1. Policy CS1 states that the Council will support sustainable development unless material considerations indicate otherwise.
- 4.2 Policy CS2 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.
- 4.3 Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. The most new housing proposed would be within the Sudbury and Great Cornard Areas.
- 4.4 Policy CS15 sets out a long list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.
- 4.6 Policy CS19 requires all residential development to provide 35% of units as affordable housing.

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

- 5.1 None relevant.

6. Saved Policies in the Babergh Local Plan

- 6.1 Saved Policy EM24 seeks to protect employment land and buildings and requires developers to demonstrate that proposals for non-employment uses such as residential are justified based on either :
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
 2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
- 6.2 Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.

- 6.3 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.

7. The Principle Of Development

Loss of Employment Use

- 7.1 The site was formerly used as Government offices and contained a two-storey building which was demolished a few years ago. The use as a tax office ceased in 2010 and it was vacant for a number of years before its demolition in 2014. During that period, the building planning permission was granted for change of use to retail use and it was marketed for alternative commercial uses but no commercial occupiers were found. Following demolition, the site was subject to a one year long pre-agreed marketing campaign between September 2015 and September 2016, which failed to find anyone willing to redevelop the site for an alternative employment use. The campaign was pre-agreed by the officers in Planning and Economic Development and the latter were content that the applicants had satisfactorily demonstrated that there was no realistic demand for commercial development of the site. The development is therefore compliant with Policy EM24.

Housing Use

- 7.2 The principle of housing use on the site is acceptable as it accords with Policy CS2 and is also supported by Policy SD04 within the Mixed Use Areas of Sudbury. The development would provide a large number of small units which is seen to be meeting a great need within the town for accommodation for small households, which is acknowledged in the comments of the Sudbury Town Council. High housing need for small one and two bedroom accommodation was identified in the Babergh Housing needs Survey of 2008 and this remains the case today. Small sized accommodation was also confirmed in the Affordable Housing SPD as in high demand.
- 7.3 The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.4 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
- 7.5 The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF.

In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 7.6 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
- 7.7 The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
- 7.8 A summary of the Babergh 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years

Affordable Housing

- 7.9 The applicant has submitted a viability appraisal to justify their assertion that the development of the site cannot support an affordable housing component on the site or a commuted sum. The submission has been assessed by the Council's Viability Officer, who having assessed the submitted viability appraisal, has confirmed that the current scheme is not viable in itself and therefore cannot deliver any affordable housing.
- 7.10 Whilst the development would neither provide on-site affordable accommodation nor a commuted sum towards off site provision it is still likely to offer small private market apartments at the lower end of the market.

8. Sustainability Assessment Of Proposal

- 8.1 The site is located within the limits of the urban area of Sudbury /Great Cornard and within a Mixed Use Area according to Inset Map 1b where Sudbury Local Plan policies SD02, SD03 and SD04 are applicable. These policies promote mixed uses and the proposals are not inconsistent with these policies. The site is on the edge of the town centre and highly accessible to all town centre shops and services.

9. Site Access, Parking And Highway Safety Considerations

- 9.1 The proposed access is located on Belle Vue Road located at the northern end of Belle Vue Road as far as possible from the junction with Newton Road. The width of the access is 6 metres. The Highway Authority raise no objection but require conditions to be imposed regarding its detailed design.

- 9.2 The proposals, as amended, would provide a mix of 16 no. 1 bedroom flats and 3 no. 2 bedroom flats. The minimum on-site parking requirement based on adopted Parking standards would be 16 spaces for the one bed units (1 space per dwelling) and 5 spaces for the two bed units (based on 1.5 spaces per unit with 1 space designated per unit and two shared). This makes a total of 21 spaces. In addition, on site visitor parking is required at a ratio of 0.25 spaces per dwelling. This equates to a requirement for 5 spaces. In total, the parking requirement to meet resident and visitor parking needs is 26 spaces. The proposed parking provision, as revised in late October, was increased to 26 spaces in order to meet this requirement and satisfy the parking standards.

10. Design And Layout including Impact On Street Scene

- 10.1 The proposed building would part 4 storeys and part 3 storeys with the four storey element predominantly facing Newton Road and comprising a 'T' shaped form with the head of the T running along the boundary with the Telephone Exchange building. The main frontage to Newton Road would be set back 6 metres from Newton Road but there would be a projecting section at the western end which would provide a visual 'stop' or 'bookend' to the building. The building at this end of the site would rise to 12 metres. Projecting balconies originally propose on the front of the projecting section have been changed to Juliet type given the proximity to the footway.
- 10.2 The part of the building facing Belle Vue Road would be three storeys but given the rising ground levels along Belle Vue Road only the two upper storeys would be visible. The building here would be set back 5.5 metres from the footway.
- 10.3 The NPPF advises (Para.56-68) that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is proper to seek to promote or reinforce local distinctiveness. It goes on to advise 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. Saved policy CN01 which is a general design policy sets out design principles which are in line with the NPPF.
- 10.4 With regard to scale, the proposed building would rise up to 4 storeys but predominantly only on the Newton Road frontage. It is acknowledged that this would be larger than the building on site previously and the prevailing scale of development in the vicinity, which is of two storeys. However, greater building scale can be justified in this case because:
- It is a corner site in a prominent position at one of the main road entrances into the town
 - The former building on the site and adjacent telephone exchange building were/are low rise buildings which did not fully exploit the potential of their sites nor properly address the street frontage
 - There is no clearly defined building line along Newton Road
 - There is no strong established character or pattern of development in the immediate area.
- 10.5 The proposed development takes a contemporary building form expressed predominantly by flat roofs, modern glazed openings, varied facing materials. This is considered an acceptable approach in principle as there is no strong established precedent or character that new development is expected to follow. It is noteworthy that the Suffolk Preservation Society acknowledge this in their comments. Therefore, it is considered a location where good contemporary design may be seen as appropriate.

The site has a main frontage to Newton Road, which is a busy radial route into the town and given its proximity to the town centre is considered more suited to flats rather than houses.

- 10.6 The Submitted DAS states that the proposed development responds to local context with use of similar facing materials and features but in an up- to-date modern application. Use of a combination of brick, render and cladding would be used. The ground floor would be rendered in a light chalk-coloured finish, the first and second floors in buff brick and the roof level would be faced in grey standing seam zinc cladding. A red brick feature brick would be used to provide detailing to the elevations. Windows would be grey UPVC casements with grey polyester powdered coated railings and glass balcony screens.

11. Landscape Impact

- 11.1 There are no landscape impacts.

12. Environmental Impacts - Trees, Ecology And Land Contamination

Trees

- 12.1 Existing trees on the site are to be found on the site edges predominantly along the Newton Road frontage, where they contribute to views into and from the town along Newton Road. A line of trees is also found along the footpath to the rear of the site where they provide a green and soft landscaped edge to the footpath. It is proposed to retain these trees and there is potential for additional planting along Belle Vue Road in order to provide filtered views of the building.

Ecology

- 12.2 The existing site is predominantly hard surfaced of concrete and tarmac and there is little , if any, natural habitat potential although trees on the site may provide bird nesting sites .

Ground Contamination

- 12.3 There is no evidence of any significant ground contamination on the site and no objections have been raised on these grounds.

Drainage

- 12.4 The existing site is predominantly hard surfaced and surface water run-off discharges to the main surface water sewer in Newton Road. The development would be expected to adopt sustainable drainage measures to ideally maintain water run-off on site rather than use of mains drainage. A condition is proposed to this effect.

13. Heritage Issues

- 13.1 The site is not adjacent to any listed buildings and is neither within nor adjacent to the Sudbury Conservation Area and therefore it is not considered that there is no harm to heritage assets.

14. Impact On Residential Amenity

- 14.1. The site has road frontages onto Newton Road and Bellevue Road and there are residential properties adjacent to the site whose amenity/living conditions may be affected by the proposal.

The property known as Park Hill on the corner of Newton Road and Belle Vue Road is a two storey house set centrally within its plot and has a garden area to the front and side of the house enclosed by a fence and tall vegetation. The occupiers have objected to the proposals on the grounds of overlooking of their house and garden and point out that they have foster children who have a reasonable expectation of privacy.

- 14.2 Part of the proposed development fronting Belle Vue Road could potentially give rise to overlooking into the house and garden of Park Hill resulting in a loss of privacy. This concern was raised with the applicants in response to the original scheme and in response the applicant made the following changes to the scheme:
- Unit 16 at 3rd floor level was deleted.
 - Proposed balconies to units 1, 4,10,11 and facing Belle Vue Road were deleted and changed to a 'juliet' style whereby they are flush with the face of the building and with no projection.
 - The applicant maintained that the rest of the building facing Belle Vue Road was oriented away from the house and garden and only oblique views would be likely. Moreover, windows in this part of the development above ground floor level are to bedrooms only and not living rooms.
- 14.3 Given the separation distance between the proposed flats and the property Park Hill, which is a distance of 23 metres and the presence of high fencing and mature hedge screening to the boundary of Park Hill it is considered on balance that no significant overlooking and loss of privacy would arise. Moreover, it would be unreasonable to restrict any development with openings along the Belle Vue Road frontage on the grounds of amenity given that the site faces a road frontage.

15. Biodiversity And Protected Species

- 15.1 There are no biodiversity implications.

16. Planning Obligations / CIL (delete if not applicable)

- 16.1 The application is liable for CIL and therefore Suffolk County Council have confirmed that they would be making a bid for CIL money to mitigate the impact of the development on education, pre-school, libraries and waste.
- 16.2 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

17. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 17.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

18. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 18.1. When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 18.2 In this case Officers have worked with the applicant to try to overcome concerns raised about the proposals particularly with regard to urban design, impacts on residential amenity and parking. Following amendments to the proposals Officers consider they are able to make a positive recommendation on the proposals subject to conditions.

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

- 19.1. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

20. Planning Balance

- 20.1 The site was a former employment site but use as offices ceased many years ago and despite marketing efforts to re-let and redevelop the site for alternative commercial use these have not proved successful. Officers are satisfied that there is no realistic prospect of employment use on all or part of the site.
- 20.2 Alternative housing use of the site is considered appropriate in principle and the type of development as proposed comprising small accommodation suitable for singles and couples is appropriate especially close to the town centre and is in high demand. The proximity of the site to the town centre and all its services means that it is highly accessible and sustainable in those terms. The 5 Year Housing Land Supply position means that sustainable development should be approved unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

20.3 In this case it is considered, having regard to all relevant considerations assessed in this report including scale and design, access and parking, residential amenity, and other issues, that there are no significant adverse impacts that would demonstrably outweigh the benefits of the development.

RECOMMENDATION

That authority be delegated to the Corporate Manager - Growth & Sustainable Planning to Grant Permission subject to the following conditions:

- 1) Standard Outline Conditions.
- 2) Approved Plans
- 3) Elevational design details to be agreed
- 4) Detailed landscaping plan and timetable
- 5) Surface water drainage and construction surface water management plan
- 6) Noise and insulation
- 7) Lighting design
- 8) Details of fire hydrants
- 9) Tree Protection
- 10) Details of Facing materials
- 11) As recommended by Highways
- 12) Ground levels
- 13) Details of screen walls and fences
- 14) Construction Management Plan

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Application No: B/16/01360/OUT and B/17/01023/OUT

Parish: Sudbury

Location: Former Crown Building, Newton Road

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



Grade 2 *



The Site



Built up Area Boundary



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