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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Elisabeth Room - Endeavour House, 8 Russell Road, Ipswich**

DATE: **Wednesday, 21 February 2018
9.30 am**

Members

Sue Ayres	Siân Dawson
Simon Barrett	Kathryn Grandon
Peter Beer	John Hinton
David Busby	Michael Holt
Michael Creffield	Adrian Osborne
Luke Cresswell	Stephen Plumb
Derek Davis	Ray Smith

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AGENDA

PART 1

ITEM	BUSINESS	<u>Page(s)</u>
1	<u>SUBSTITUTES AND APOLOGIES</u> 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	<u>DECLARATION OF INTERESTS</u> Members to declare any interests as appropriate in respect of items to be considered at this meeting.	
3	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	

ITEM	BUSINESS	<u>Page(s)</u>
4	<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 28 February 2018.	
5	<u>PL/17/32 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u> An Addendum to Paper PL/17/32 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.	1 - 4
a	<u>DC/17/05793 Sheltered Accommodation Site at Orchard Brook, Hall Street, Long Melford</u>	5 - 20
b	<u>DC/17/06286 Land to North of Queens Road, Erwarton</u>	21 - 36
c	<u>B/17/01080 - Land east of Bull Lane, Acton Place Industrial Estate, Acton</u>	37 - 52

Notes:

1. The next meeting is scheduled for Wednesday 7 March 2018 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 Public Speaking Arrangements 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 an application to be decided by Planning Committee must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Public Speaking Arrangements (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 296372 or via e-mail at Committees@babberghmidsuffolk.gov.uk.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer on: 01473 296372 or Email: Committees@baberghmidsuffolk.gov.uk

Domestic Arrangements:

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- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
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PL/17/32

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

21 FEBRUARY 2018

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.	5-20	DC/17/05793	LONG MELFORD – Sheltered Accommodation site at Orchard Brook, Hall Street	JD	
2.	21-36	DC/17/06286	ERWARTON – Land to north of Queens Road	SS	
3.	37-52	B/17/01080	ACTON – Land east of Bull Lane, Acton Place Industrial Estate	NW	

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 5a

Committee Report

Item No: 1

Reference: DC/17/05793

Case Officer: John Davies

Ward: Long Melford.

Ward Member/s: Cllr Richard Kemp. Cllr John Nunn.

Description of Development

Planning Application - Erection of 15-unit sheltered apartment block (amended application to 11-unit block approved under reference B/15/01043/FUL)

Location

Sheltered Accommodation Site at Orchard Brook, Hall Street, Long Melford, CO10 9JN

Parish: Long Melford

Site Area: 1200 m²

Conservation Area: Long Melford

Listed Building: n/a

Received: 21/11/2017

Expiry Date: 26/02/2018

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment:

Applicant: Nicholas King Homes

Agent: Miss Kate Wood

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:

Elevations - Proposed NK 1000 104 - Received 21/11/2017

Site Plan NK 1000 105 - Received 21/11/2017

Street Scene - Proposed NK 1000 106 - Received 21/11/2017

Site Location Plan NK 1000 107 - Received 21/11/2017

Land Levels IDL/815/05/10 1 - Received 21/11/2017

General Details IDL/815/06/10 1 - Received 21/11/2017

General Details 0219/RFT/100 - Received 21/11/2017

Landscaping Plan NKH21553-11 - Received 21/11/2017

Ecological Survey/Report NKH21553 67 - Received 21/11/2017

Drainage Details IDL/815/07/10 - Received 21/11/2017
Tree Protection Plan DFC1220TPP E - Received 21/11/2017
Proposed Site Plan 12793-1 B - Received 21/11/2017

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Corporate Manager - Growth & Sustainable Planning considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

It is a “Major” application for:

- a Major Application 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:

The site was originally an Iron and Gas Works and historically an orchard also stood in the south-west corner of the site which gave rise to the colloquial name for the site as ‘Orchard Brook’. From the 1960s up until 2009 the site was developed and used for the assembly and sale of caravans.

In 2012 an application was submitted for 51 dwellings on the site (reference B/12/00688/FUL). The application was refused on the following grounds:

- 1) Contrary to policies TP01 and TP02 of the BDC Local Plan as the number of dwellings would be detrimental to pedestrian safety due to the narrow width of the access into the site from Hall Street and the lack of a dedicated pedestrian footway and inadequate refuges for pedestrians.
- 2) Lack of S106 agreement to provide affordable dwellings and infrastructure contributions.

The 2012 refusal was challenged at appeal but dismissed. The Inspector’s decision of 16 June 2014 criticised the proposals primarily for generating more daytime pedestrian and vehicular activity given scale of development at access giving rise to greater potential for conflict between cars and pedestrians detrimental to vehicular and pedestrian safety and contrary to Paragraph 32 of the Framework.

In January 2016 planning permission B/15/01043/FUL was approved for the erection of 44 dwellings (including 13 sheltered units) with associated parking, access, landscape, open space, drainage and infrastructure subject to conditions and the completion of a s.106 Agreement relating to:

- □ Commuted sum of £153,642 towards affordable housing.
- □ The provision of an open space and LAP+1 to the Councils standard and ongoing maintenance and public access.
- □ Other infrastructure requirements, including £125,225 contributions to primary school provision, early years childcare and libraries.
- □ Confirmation of liability for safety and future maintenance of internal estate roads and signage and for parking enforcement

Following completion of the Legal Agreement planning permission was issued on 23 March 2016.

Subsequent to that decision and compliance with relevant pre-commencement conditions development has proceeded on site.

All Policies Identified as Relevant

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

Summary of Policies

The following Core Strategy policies are relevant to this particular planning application:-

- **CS1** - Applying the Presumption in Favour of Sustainable Development in Babergh
- **CS2** - Settlement Pattern Policy
- **CS3** - Strategy for Growth and Development
- **CS11** - Strategy for development for Core and Hinterland Villages
- **CS13** - Renewable/ Low Carbon Energy
- **CS15** - Implementation of Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes
- **CS21** - Infrastructure Provision

The following saved policies are applicable to the proposal:

- **EN19** - Contaminated Land
- **HS39** - New Nursing, Residential Care, Rest Homes and Sheltered Housing
- **EM24** - Retention of Existing Employment Sites
- **CN01** - Design
- **CN06** - Listed Buildings
- **CN08** - Conservation Areas
- **CR04** - Special Landscape Areas
- **TP15** - Parking Standards

Supplementary Planning Guidance

- Long Melford Conservation Area Appraisal
- Suffolk Guidance for Parking (2014, updated 2015)

- Supplementary Planning Document - Rural Development & Core Strategy Policy CS11 (2014)
- Supplementary Planning Document - Affordable Housing (2014)
- Supplementary Planning Guidance – The Provision of Outdoor Recreation Facilities and Open Space - HS32 (2010)
- Supplementary Planning Guidance - Safeguarding Employment Land (March 2008)

Details of Previous Committee / Resolutions and any member site visit

A Member site visit took place in November 2015.

Details of any Pre Application Advice

General advice given.

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.

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

Long Melford Parish Council

No objection

Heritage Team

No response received.

Environmental Health - Land Contamination

No response received.

BDC - Waste Strategy Team

No response received.

SCC - Highways

No objection.

SCC - Archaeological Service

Recommend condition requiring submission of site investigation and post investigation assessments prior to occupation.

The Environment Agency

No objection subject to imposition of conditions regarding groundwater contaminated land.

SCC - Flood & Water Management

Holding objection- Applicant has not demonstrated viable method for disposal of water due to level of contaminate present in ground.

SCC - Rights Of Way Department

No response received

Natural England

No comments and refer to Standing Advice

SCC - Corporate S106 And Education

No comments but note that existing s.106 in place and any deed of variation will need to include SCC as a party.

Historic England

No comments.

NHS England (50+ Dwellings/C2/Care or Nursing Homes)

No objection- no request for any primary health care mitigation.

Economic Development & Tourism

No comments.

Environmental Health - Sustainability Issues

Object as no submission to address policies CS12,13 and 15.

Environmental Health - Noise/Odour/Light/Smoke

No comments.

Suffolk Fire and Rescue Service

Request condition to secure provision of fire hydrants

Strategic Housing Enabling

Note that a commuted sum to the value of £153,642 has been agreed under the existing scheme as no affordable housing will be delivered on site. To take account of the additional 4 dwellings and be policy compliant, one additional affordable housing unit should be provided, equating to a commuted sum of £10,242, in addition to the currently agreed commuted sum.

B: Representations

1 Cordell Cottage- objection

-
- -too many large executive type houses and not enough for young/first time buyers and elderly
 - village does not have infrastructure to cope with any expansion in housing
 - Hall St is choked with parked cars
 - Village needs better car park, improve junction at Bull Lane, larger GP surgery, larger primary school and more affordable housing
-

St Marys Hall, 83 Hall St- objection

-
- concern over impact of additional traffic generated within the development and at access onto Hall Street
-

40 Harefield- objection

-
- Unacceptable increase in housing density and additional pressure on parking and medical services in the village.
-

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 comprises several large modern factory buildings surrounded predominantly by hard standing. The site is currently vacant and is authorised for B2: General Industrial use.
- 1.2 There are a number of trees on the south and west boundaries. The site area measures 1.60 hectares (4 acres). The land, and that surrounding it, is generally level ground.
- 1.3 The site lies to the West of Hall Street, the main road through Long Melford (B1064). It is situated behind existing buildings on Hall Street, these are two and two ½ storey in scale, Tall of which are listed and in a mixture of commercial and residential use.
- 1.4 Lying within the Built Up Area Boundary of Long Melford, part of the eastern portion of the site lies within the Long Melford Conservation Area. The site also lies within a site of Archaeological interest.
- 1.5 The site lies within the Special Landscape Area (SLA) which extends to include land to the west; the site lies just within the SLA boundary. Chad Brook, a watercourse which runs parallel to the site's western boundary is a designated a County Wildlife Site.
- 1.6 The south west tip of the site is within flood zone 2 however, the majority of the site lies within flood zone 1. Much of the site is covered with a potential contaminated land designation.
- 1.7 To the North of the site, situated adjacent to the sites northern boundary, is a two storey, curtilage listed office building known as The Old Foundry. This building has received consent for conversion to seven residential units under a prior notification granted in 2014 (B/14/00208/OFDW).
- 1.8 Cock and Bell Lane, a narrow single track road which connects with Hall Street lies to the North of the site. Dwellings on Cock and Bell Lane, which are predominantly 19th Century terraces, border the site. There is a listed 'crinkle crangle' wall which borders a property on Cock and Bell Lane.

- 1.9 Cock and Bell Lane links up with a footpath which runs parallel to Chad Brook, passing along the Western boundary of the site. There is an area of allotments adjacent Chad Brook, whilst agricultural fields extend to open countryside on the western side of the watercourse.
- 1.10 The south the site abuts two residential dwellings, 1 and 2 Orchard Bungalows and a playing field. Along this boundary is a number of mature trees.

2. The Proposal

- 2.1 The application concerns a small part of a larger development located on the western edge of the overall site which was granted permission for a total of 44 dwellings. The approved scheme included a total of 13 sheltered dwellings comprising 2 houses and 11 two bedroom flats for the over 55s. The sole subject of this application is the approved sheltered housing block located towards the north-west corner of the site within which the 11 two-bedroom flats were provided. The application seeks approval for a different building in the same location with a different design and providing an increase in the number of sheltered flatted units within the block from 11 to 15 units and comprising a mix of 7 no. two bed flats and 8 no. one bed flats.
- 2.2 The reason for the change in mix is because the developers have found there is large demand locally for small sheltered units and the two bed units are unable to meet this need due to their higher cost. The Applicants therefore wish to amend the mix to incorporate some smaller , one bed units, but in order to retain overall viability the number of units needs to increase.
- 2.3 The scheme also includes an increase in on-site parking provision adjacent to the building from 19 spaces as approved to 23 spaces an addition of one space for each additional dwelling.
- 2.4 The changes to the design and form of the building are as follows:
- Changes to internal layouts especially the central core
 - Plan form is wider but no increase in height as central part of roof to be flat
 - Alterations to dormer windows at roof level
 - Additional front doors on exterior to individual flats mainly on north and south elevations
- 2.5 The facing materials would remain the same namely red brick and render with a natural slate roof with white painted timber windows and grey timber doors.
- 2.6 On site the development has commenced but no works have started On the sheltered housing block pending the outcome of this application.

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 proposed would be within the Sudbury and Great Cornard Areas.
- 4.4 Policy CS11 deals with new development at Core and Hinterland villages and sets out criteria with which to assess such proposals.
- 4.5 Policy CS15 sets out a long list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.6 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.
- 4.7 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.
 - Long Melford Conservation Area Appraisal
 - Suffolk Guidance for Parking (2014, updated 2015)
 - Supplementary Planning Document - Rural Development & Core Strategy Policy CS11 (2014)
 - Supplementary Planning Document - Affordable Housing (2014)
 - Supplementary Planning Guidance – The Provision of Outdoor Recreation Facilities and Open Space - HS32 (2010)
 - Supplementary Planning Guidance - Safeguarding Employment Land (March 2008)

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 HS39 sets out criteria for assessing proposals for sheltered accommodation.
- 6.4 Saved Policy CN06 sets out principles for the control of works to listed buildings or the setting of listed buildings.
- 6.5 Saved Policy CN08 deals with the protection and enhancement of the character and appearance of conservation areas.
- 6.6 Saved policy CR04 deals with proposed development within Special Landscape Areas and states that development should maintain or enhance special landscape qualities of the area and be designed and sited to harmonise with landscape setting.

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

7. The Principle of Development

- 7.1 The principle of the development of the site to include sheltered apartment accommodation has already been agreed and specifically with respect to the number and mix of units and their location within a single block on a site at the western edge of the overall development.
- 7.2 This application seeks approval to vary the number and mix of sheltered units and therefore the main issues relate to the consequential effects on traffic generation and parking associated with more units on the site and the design implications of a larger building.
- 7.3 In the previous application the principle of sheltered accommodation for over 55s was found to be acceptable when assessed against saved policy HS39 (New sheltered housing) and CS18 (Mix and Types of Dwellings). In order to ensure that occupation of these units was limited to this age group a condition was imposed, which it would be appropriate to maintain in this case.
- 7.4 Policy CS19 requires 35% affordable housing provision unless a developer provides documentary evidence that viability is a proven issue; in such a circumstance the LPA can accept a reduced level of provision on a site-by-site basis. In the previous application the agent submitted documentation in relation to the viability of the scheme, which highlighted some atypical costs associated with the development, notably additional costs for archaeological investigation, remediation costs for redeveloping a brownfield site and costs associated with achieving a high quality design and materials. As a result it was demonstrated that the developer could not support a full on-site contribution to affordable housing and with the agreement of the Councils' Strategic Housing Team a commuted sum to support affordable housing provision elsewhere was secured.
- 7.5 In the assessment of the current application to increase sheltered housing units in the scheme the Strategic Housing Team have requested an additional commuted sum equivalent one additional affordable housing unit should be provided which equates to a commuted sum of £10,242, in addition to the currently agreed commuted sum. This has been agreed by the Applicant.

8. Sustainability Assessment Of Proposal

- 8.1. The site is located within the built up boundary of the village of Long Melford , which is designated as a Core Village under Policy CS2 where they are identified as a focus for growth within their functional cluster of smaller surrounding villages. The site is located off Hall Street , the main retail and service core of Long Melford, and therefore offers excellent pedestrian accessibility to those services and is therefore deemed to be highly sustainable .

9. Site Access, Parking And Highway Safety Considerations

- 9.1 The approved access arrangements for the development are unchanged by this proposal. The application is supported by a Transport Statement to assess the likely increase in trips associated with the increase in sheltered flats.
- 9.2 The Applicants highway consultants have assessed that the increase in the number of flats would be likely to increase the number of daily trips by only 5 per day, which is a negligible increase. In order to meet any potential increase in parking demand the number of parking spaces near the block have been increased by 4 additional spaces.

9.3 The Highway Authority have raised no objection to the proposals.

10. Design and Layout

10.1 The consequential changes to the size and design of the building have been summarised earlier in the report. The original approval was for a two storey building with a 'H' plan form with the front side wings facing east. The first floor accommodation was contained largely within the pitched roofs.

10.2 In the amended proposals the central section of the building is widened in order to accommodate back to back flats. In order to retain the overall height of the building and roof pitch with a wider span a central flat roofed section is introduced which would be 7 metres wide. This would be concealed from views by the taller side wing ridged roofs.

11. Landscape Impact

11.1. The site lies within part of a Special Landscape Area centred to the west of the site. Given the limited changes to the scale and design of the building it is not considered that the revised proposals would give rise to any significant additional harm to the surrounding countryside.

12. Environmental Impacts - Trees, Ecology And Land Contamination

12.1. There would be no significant additional impacts compared to the approved scheme on matters concerning trees, ecology or land contamination.

13. Heritage Issues

13.1 There are many Grade II listed buildings on Hall Street, notably the Cock and Bell Public House immediately north of the access and Foundry House immediately to the south. The Grade II* listed Drury House and Bouchier Galleries lie some 30m from the south-east corner of the site. Local Planning Authorities (LPAs) have a statutory duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possesses. The LPA must also have special regard for how the setting of a listed building contributes to the asset's significance and how this is affected by the development proposed.

13.2 The site for the sheltered units is located on the western side of the site and is therefore neither adjacent to nor near the listed buildings located on the frontage to Hall Street. Given the separation distance, intervening development within the estate and the limited changes to the scale and appearance of the development it is not considered that the development as amended would give rise to harm to the setting of those listed buildings.

13.3 The Long Melford Conservation Area covers approximately a third of the site, in an area to the rear of the properties on Hall Street. The access into the site is also covered by the Conservation Area designation. In decision making Local Planning Authorities also have a statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of this Conservation Area. This is echoed within saved policy CN08 of the Babergh Local Plan (Alteration No. 2) 2006 which requires that new development in Conservation Areas area is appropriate and preserves or enhances the special character of the area. Given that the sheltered housing site is separated from the Conservation Area and the changes in scale and design are not significant in terms of the changes to the scheme it is not considered that any harm would arise.

14. Impact on Residential Amenity

14.1. The changes to the sheltered housing building would not give rise to any additional residential amenity impacts particularly given that the building is not adjacent to any existing neighbours. No concerns have been raised by neighbours in relation to residential amenity.

15. Biodiversity and Protected Species

15.1 In the assessment of the approved scheme an ecological survey was undertaken which concluded that the existing site and buildings supported foraging and roosting bats and suggested that suitable mitigation can take place which would maintain the favourable conservation status of the species which are affected by the development.

15.2 The adjacent Chad Brook is a County Wildlife Site and provides an important bat foraging corridor, likely to support other protected species such as Otters and Water Voles which could be sensitive to light from the development. A condition will be required to provide details of proposed lighting and limit lighting on the boundary with the countryside. It is considered that suitable mitigation can be provided to ensure the favourable conservation status of all these species.

16. Planning Obligations / CIL

16.1 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 the application submission was considered satisfactory without the need for any amendments apart from an additional contribution to affordable housing.

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 application comprises an amendment to part of an approved scheme for the redevelopment of this brownfield former employment site for housing development providing a range of accommodation to meet different needs. The amendment relating to sheltered housing accommodation for the over 55s is to increase the amount and choice of such accommodation in response to locally expressed need. These changes have been incorporated within the approved curtilage of the sheltered unit development and in a re-design which has not resulted in an increase in height of the building nor significantly changed its overall appearance and therefore would not harm the setting of listed buildings nor the Conservation Area. The increase in parking for the additional units and marginal increase in vehicular movements would not give rise to unreasonable traffic generation.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Planning Permission subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:

- Commuted sum of £10,242 towards affordable housing.

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

- Implementation within 3 years.
- Submission and approval of window details.
- Submission and approval of all external materials.
- Submission and approval of details including mortar mix, joinery colour and render colour.
- Precise details of boundary treatments and retention thereof
- Submission and approval of location and detail of solar panels.
- Submission and approval of lighting details.
- Submission of signage proposed to Hall Street and inside site.
- Submission of biodiversity enhancement measures, to include locations of bat and swift boxes
- Conditions as agreed with the County Archaeologist.
- Sheltered Housing to be provided in accordance with paragraphs 2.9 and 2.10 of the submitted Housing Needs Statement, for no other use within use class C3 and to thereafter be retained as such.
- Sheltered Housing only to be occupied by persons over the age of 55
- Provision of fire hydrants.

- Submission of waste minimisation and recycling strategy.
- Implementation in accordance with construction management plan.
- As recommended by the LHA including provision of cross over, footpath realignment, maintenance of visibility splays, prior approval of arrangements for discharge of surface water.
- As recommended by the EA, including contamination risk assessment, verification reporting and long-term monitoring and maintenance plan and surface water management/drainage details.
- Precise details of soft landscaping, open space and play equipment.
- Implementation of soft landscaping, open space and play equipment.
- Precise details of boundary treatment with erection prior to occupation.
- As recommended by the Arboriculture Officer in relation to protection of existing trees.
- Removal of PD rights for conversion of garages
- Retention of estate roads and retention of internal layout as agreed (unless otherwise agreed in writing).
- Retention of private visitor and parking, including two spaces available for local businesses
- Access on Cock and Bell Lane to be pedestrian, cycles and emergency vehicle provision only; no regular day to day vehicle access.




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Application No: DC/17/05793




Parish: Long Melford



Location: Orchard Brook, Hall Street

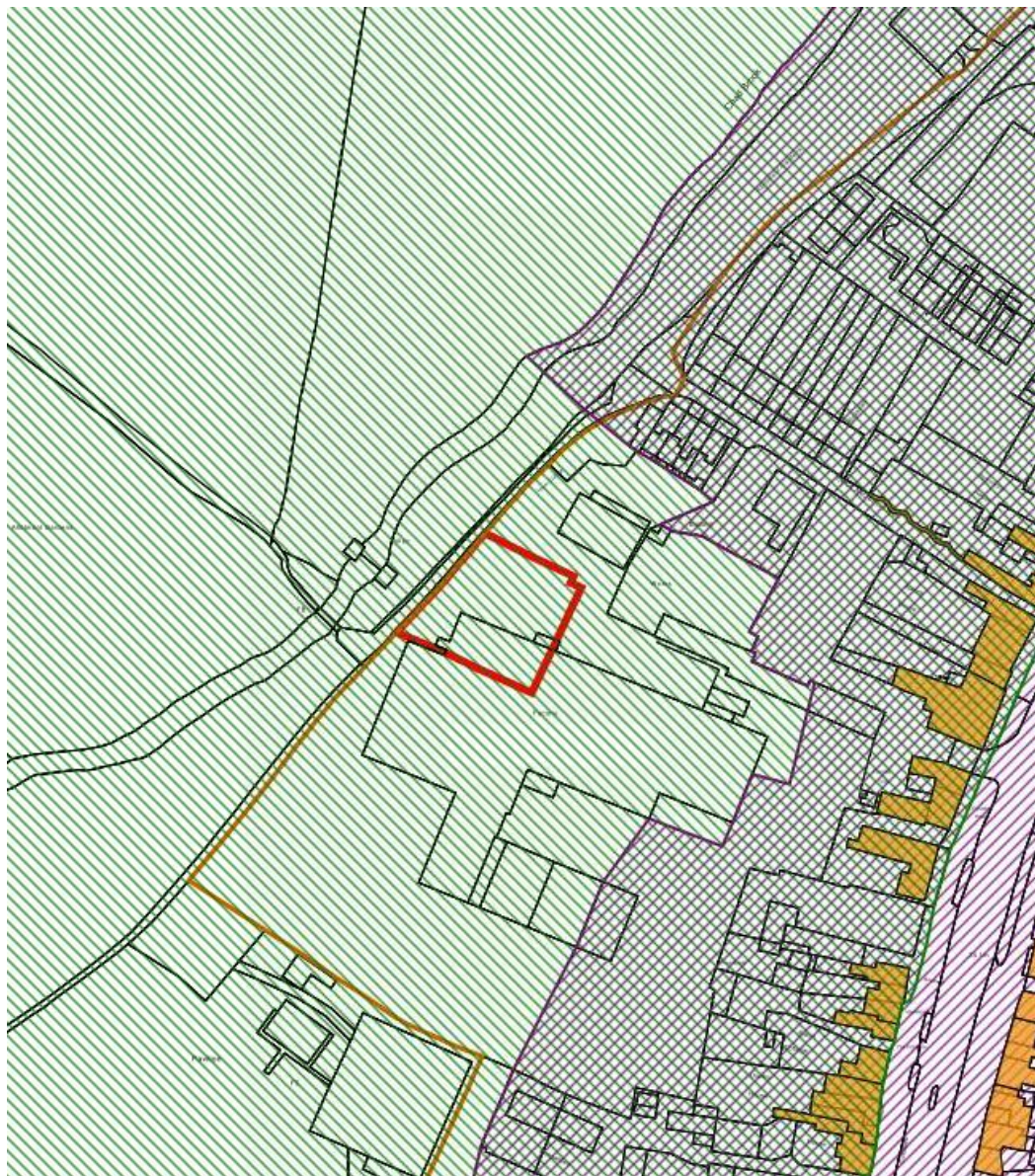
Legend

-  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 5b

Committee Report

Item No: 2

Reference: DC/17/06286

Case Officer: Samantha Summers

Ward: Berners.

Ward Member/s: Cllr Peter Patrick. Cllr Derek Davis.

Description of Development

Full Planning Application - Change of Use of agricultural land (part site), Erection of 9 No dwellings with associated access to Queens Road, landscaping, and parking.

Location

Land to North of Queens Road, Er Barton, IP9 1LL

Parish: Er Barton

Site Area: 6802 m²

Conservation Area:

Listed Building: Affects Setting of Grade II

Received: 22/12/2017

Expiry Date: 17/02/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment:

Applicant: Mr W Wrinch

Agent: Roger Balmer Design

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:

Application Form

Drawing Nos. 4017-01, 03, 04, 05, 06, 07, 08, 09, 10, 11 and 12

Design and Access Statement

Ecology Assessment

Planning Statement

Land Contamination Report

Landscape and Visual Impact Assessment

Habitats Regulations Assessment

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:

This is a Member call-in because there is a lack of a five-year land supply and need for this type of housing.

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site. However, it should be noted that the social housing of Boleyn Place is recently constructed as this was a rural exception site and satisfied a local need for housing in Erwarton.

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

Please see the relevant policies below

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

A committee site visit has been requested by the Ward Member.

Details of any Pre-Application Advice

Pre-application was sought for this proposal and received a negative response.

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 Highways – Conditions required to secure visibility splays, entrance width of access, details to be agreed for refuse/recycling bin storage and surface water drainage.

BMSDC Environmental Health Land Contamination – No objection

Erwarton Parish Council – Objection. The general consensus of Erwarton Parish Planning Committee is that the scheme is out of proportion to the size of this section of the village. The proposed units 1, 2 and 3, being in the curtilage of Church Farm Cottages, would be supported. However, Units 4, 5, 6, 7, 8 and 9, being on agricultural land, should not be developed, in order to retain the rural character of the village.

SCC Archaeological Service – Standard conditions for a written scheme of investigation is required.

Natural England – Financial contribution is required under the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

Suffolk Wildlife Trust – Satisfied with the findings of the ecological survey report. Habitat Regulations Assessment (HRA) is required.

SCC AONB Officer – Holding objection until further information is received concerning the HRA. We note that the site lies outside of the established settlement boundary and as such we question whether the proposal is overwhelmingly in the public interest to warrant an exception from policy.

Place Services Ecology – No objection subject to conditions to secure: A proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA/Ramsar and Ecological mitigation and enhancements

BMSDC Heritage Team – No formal comments have been received. However, a verbal response has been received that raises concerns over the development, in particular the Plots 1-3 and their impact on the historic relationship of the Church Farm Cottages with Church Farmhouse.

B: Representations

8 objections and 1 comment have been received for this proposal. Concerns raised by local residents include:

- No footways to facilities and services in Shotley
- Public footpaths across fields are sometimes inaccessible
- Rural location with no settlement boundary
- Inappropriate building on agricultural land
- Highway safety and intensification of the road network
- Loss of light to Boleyn Place
- Garaging to the rear of the plot is unsightly

- Surface water drainage problems
- Huge increase in housing for the village
- Bus service very limited
- Negative visual impact on the village and landscape
- No services or facilities in the village
- Proposed dwellings are not affordable
- No high-speed internet
- Ribbon development
- Proposal would change the character of this rural village

PART THREE – ASSESSMENT OF APPLICATION

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

1. The Site and Surroundings

- 1.1. The application site is located on The Street in Erwarnton. Erwarnton is a hamlet on the shotley peninsula. The Street forms the boundary with an Area of Outstanding Natural Beauty (AONB), the southern side of the road is within the AONB. The application site is on the northern side of the road with views of the River Stour and is therefore outside of the AONB. The Street has a number of dwellings and the parish church, St Mary the Virgin. The public house, The Erwarnton Queens Head has been closed since 2009.
- 1.2. The application site currently has a pair of semi-detached dwellings (Church Farm Cottages) of red brick with slate roofs in a large plot. A single access serves both dwellings. The western cottage has a large plot with much of its land to the side of the dwelling. The eastern cottage has a more modest sized plot which forms a narrow strip. The remaining land of the application site is currently to the east of the cottages and is an agricultural field which sits between the cottages and a small group of recently constructed dwellings (Boleyn Place).
- 1.3. Directly opposite the application site to the south is Church Farm, which is a Grade II Listed Farmhouse. The name of the cottages suggests that that they were historically connected with the farmhouse. The Cottages are considered to be undesignated Heritage Assets. The settlement of Erwarnton is to the east and there are open fields to the north and west of the site. The existing gardens of church Farm Cottages have hedging as a form of enclosure. The field to the east has a hedge to the road frontage.

2. The Proposal

- 2.1. This application seeks full planning permission for the erection of three pairs of two storey (Plots 6 and 7 are two storey) semi-detached dwellings to the east of the existing dwellings, in what is currently an agricultural field. Four of the dwellings would have two bedrooms (Plots 4, 5, 8 and 9) and two would have three bedrooms (Plots 6 and 7). To the west of the site, in the side garden of the existing western cottage would be a row of three dwellings. The row includes a two-storey dwelling with three bedrooms (Plot 3) and a single storey element to the western elevation which includes a two-bedroom dwelling (Plot 2) and a three-bedroom dwelling (Plot 1).

- 2.2. The floorspace created by the development is 988 square metres.
- Plot 1 – 85m²
 - Plot 2 – 76m²
 - Plot 3 – 165m²
 - Plot 4 – 70m²
 - Plot 5 – 70m²
 - Plot 6 – 101m²
 - Plot 7 – 101m²
 - Plot 8 – 70m²
 - Plot 9 – 81m²
 - Garages/Carlodges – 169m²
- 2.3. A new access point is proposed for all proposed dwellings in addition to the existing two dwellings. The access would be moved to the east of the existing access and away from the bend further to the west. The six dwellings to the east of Church Farm Cottage would be served by two detached three bay garages with an additional parking spaces to the front of the garaging. These are located to the rear of the dwellings. The three dwellings to the west of the Cottages are served by a garage and parking space each which is incorporated into the building arrangement.
- 2.4. The existing dwellings on the site are two storeys. There is a mixture of single storey and two storey dwellings proposed.
- 2.5. Each dwelling has a private amenity space provided to the rear which includes a patio area and also a grassed area. All gardens are an acceptable size. Plot 5 has a smaller garden but still provide a patio and grassed area and is therefore considered to be acceptable.
- 2.6. The proposed dwellings would follow the existing linear form of development that is seen in The Street. This minimises overlooking issues.
- 2.7. The proposed external materials reflect those of the surrounding area and include the use of soft red brick, painted weatherboard, render, natural slate and peg tiles. These materials are widely used on buildings in The Street.
- 2.8. Site Area – 0.68Ha.

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. CS1 – Applying the Presumption in Favour of Sustainable Development in Babergh
CS2 – Settlement Pattern Policy
CS3 -Strategy for Growth and Development
CS15 -Implementing Sustainable Development in Babergh

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

5.1. Parking Standards

6. Saved Policies in the Local Plans

- 6.1. CN01 – Design Standards
- CR02 – AONB Landscape
- TP15 – Parking Standards – New Development

7. The Principle of Development

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

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

8. Sustainability Assessment Of Proposal

- 8.1. 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.
- 8.2. 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, 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.
- 8.3. Policy CS2 (Settlement Pattern Policy) identifies Erwarton as Countryside. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need.

- 8.4. Paragraph 55 of the NPPF sets out that development in rural areas should be located where it would enhance or maintain or enhance the vitality of rural communities, and that except under special circumstances, local planning authorities should avoid isolated homes in the countryside.
- 8.5. 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).
- 8.6. Erwarnton is a small rural hamlet which has no local facilities apart from the church. Facilities and services for residents are located in Shotley which is some 2km away. There are no made up footways to Shotley. There is a network of public footpaths across fields, but these are not considered to be an acceptable access route for parents with prams and pushchairs to the school. There is a limited bus service, but the bus stop is located at the former public house and would require residents to walk along a highway, with no footway, to use the bus.
- 8.7. Although the proposed housing is within a cluster of dwellings, the application site is not considered to be well located to access essential services other than by the means of a motor vehicle and is therefore not considered to be a sustainable form of development.

9. Site Access, Parking and Highway Safety Considerations

- 9.1. A new access is proposed to serve the existing and proposed nine new dwellings. The existing access will be stopped up. The proposed access is considered to be a safer means of entry and exit to the site as it has been moved away from the sharp bend to the west of the site, therefore increasing the visibility. Suffolk County Council Highways have requested that conditions be applied to any permission granted to secure the visibility splays, entrance width, details of refuse/recycling bins to be agreed, details of how surface water will be discharged.
- 9.2. The proposed parking arrangements are in line with current parking standards and are therefore consistent with Local Plan policy TP15. In addition to this vehicle are able to enter and leave the site in a forward gear due to the turning heads provided within the site.

10. Design and Layout [Impact On Street Scene]

- 10.1. The layout of the site has followed the existing linear form of development found in this part of Erwarnton. The roof ridge heights match those of the existing dwellings both on the site and also the dwellings in Boleyn Place. There is good spacing between each pair of dwellings and the site does not appear to be cramped or over-developed. There is sufficient parking and private amenity space provided for each dwelling. The dwellings are modest and are considered to be acceptable in terms of their design with the use of external materials that reflect the character of the area.

11. Landscape Impact

- 11.1. Although the site is not within the AONB it is adjacent to it and therefore any development on the site will impact this sensitive landscape. The comments of the AONB Officer includes a holding objection which relates to the HRA which has been produced by the Ecologist. The AONB Officer has raised concerns of whether this development is overwhelmingly in the public interest to warrant an exception from policy. No Local Needs Survey for housing has been produced with this application or dedicated affordable dwellings introduced into the scheme as this development is for less than 10 units of accommodation and there is no statutory obligation to do so.

Therefore, it is considered to conflict with Local Plan policy CR02 as there has been no local need for housing in this location highlighted.

- 11.2 The Layout Plan shows a landscaping scheme which includes soft and hard landscaping. This includes enhancements to the existing hedging on the site. A more detailed landscape plan would be required by condition if approved including the density and mix of the hedging.

12. Environmental Impacts - Trees, Ecology and Land Contamination

- 12.1. The relevant land contamination report was submitted with the application and the Environmental Health Team have reviewed the paperwork and confirm that they have no objection to the proposal.

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. Church Farm is a Grade II Listed building and is directly opposite the site to the south. The Heritage Team had not commented formally on the application. However, a verbal response has been received which raised concerns over the impact of the scheme on the relationship between the pair of Victorian Cottages and the Farmhouse. It is likely that agricultural workers to Church Farm would have been tenants in the cottages. The setting of the Cottages, which are considered to be undesignated Heritage assets within this rural landscape would be compromised by building new dwellings in the side garden of the western cottage. The Heritage Team feel strongly that there should be no development within the existing gardens of the cottages in order to protect their significance to the Grade II Listed farmhouse.

14. Impact On Residential Amenity

- 14.1. The proposed dwellings will follow an existing linear form of development which infills and extends the existing residential development in The Street. There are no side windows at first floor level proposed which would overlook the existing or proposed dwellings. It is not anticipated that the new dwellings will cause a significant loss of light to any of the neighbouring properties because of the layout.

15. Biodiversity and Protected Species

- 15.1. An ecology survey accompanied the application and has been reviewed by Natural England, Place Services and Suffolk Wildlife Trust. The findings of the report are satisfactory, and it is noted that "swift bricks" form part of the construction of the dwellings. A condition to secure further enhancement to protect and encourage wildlife can be used on a planning permission.
- 15.2 It is noted that the application site is within 13km of the River Stour Estuary and therefore a further condition will be required to secure a financial contribution for the Recreation Disturbance Avoidance Mitigation Strategy (RAMS).

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

- 16.1. A financial contribution is required for RAMS this can be secured by condition.
- 16.3. 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.

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
 - RAMS

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 there were no issues to resolve from the consultation responses received.

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 and Country Planning (Listed Building and Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation and 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. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
- 20.2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

20.3. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5-year supply of specific deliverable housing sites. Paragraph 49 of the NPPF 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'.

20.4. Paragraph 14 of the NPPF states;

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted”.

20.5. As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date

20.6. As set out above, the Supreme Court in May 2017 has clarified the position with regards to 'policies for the supply of housing' and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five-year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the 'tilted balance' required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

20.7. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.

20.8. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.

- 20.9. This report has not found that there is harm to heritage assets. Having assessed the proposal against the specific policies in the Framework, it is not considered that there are specific policies that indicate development should be restricted. As such, paragraph 14 is engaged.
- 21.0. 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 affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a contribution to the Council's housing land supply.
- 21.1. In this respect, whilst 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 the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location and the poor connectivity with services significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.
- 21.2. The proposal would cause some harm to the character and appearance of the settlement as set out earlier within your report. Whilst there would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the wider local economy, the economic benefits from construction would be temporary and the residents would be largely reliant on the car to access services outside of the village, it is likely that many economic benefits would be received outside of Erwarton and therefore these are given limited weight.
- 21.3. Whilst the provision of 9 dwellings would contribute to the identified significant undersupply of housing, the site would not be in an accessible location to accommodate the proposed number of houses and the development would not meet a locally identified need. In addition to this there will be a negative and unnecessary impact on both the AONB and also a Heritage Asset. Therefore, the public benefits of an additional 9 dwellings is not considered to outweigh the harm to the rural landscape of Erwarton or the Heritage Asset.
- 21.4. Therefore, the totality of the harm that would be a consequence of the adverse impacts identified would significantly and demonstrably outweigh the limited benefits referred to above when assessed against the policies of the Framework when taken as a whole. Therefore, the proposal does not constitute sustainable development for which the Framework carries a presumption in favour and therefore application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result, the proposal does not accord with policies CS2, and CS15.

Whilst 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 the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.




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Application No: DC/17/06286




Parish: Erwarton



Location: Land To North Of Queens 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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Agenda Item 5c

Committee Report

Item No: 3

Reference: B/17/01080

Case Officer: Natalie Webb

Ward: Waldingfield.

Ward Member/s: Cllr Frank Lawrenson. Cllr Margaret Maybury.

Description of Development

Outline Planning Application for Industrial and commercial development (means of access to be considered).

Location

Land East Of Bull Lane, Acton Place Industrial Estate, Acton,

Parish: Acton

Site Area: 3.4 hectares

Conservation Area: Not Conservation Area

Listed Building: Not listed

Received: 27/04/2017

Expiry Date: 28/07/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Manufacturing/Industrial/Storage/Warehouse

Environmental Impact Assessment: EIA Screening Opinion – EIA not required

Applicant: Mr Smith

Agent: Roger Lee Planning Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1157.001R1 received 27/04/2017 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:

Application Form - Received 27/04/2017

Sustainable Construction and Design Statement - Received 27/04/2017

Badger Survey - Received 27/04/2017

Proposed Site Plan 1157.101 R3 - Received 01/01/2018

Reptile Survey - Received 27/04/2017

Flood Risk Assessment - Received 27/04/2017

Habitat Survey - Received 27/04/2017

Design and Access Statement - Received 27/04/2017

Defined Red Line Plan 1157.001 R1 - Received 27/04/2017
Statement on Traffic Implications - Received 27/04/2017
Supplementary Statement on Traffic Implications - Received 01/02/18
Bat Survey - Received 29/06/2017
Tree Survey - Received 03/07/2017
Great Crested Newt Survey - Received 04/08/2017

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 Outline Planning Permission for industrial and commercial development (means of access to be considered) at Land East of Bull Lane, Acton Place Industrial Estate, Acton.

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//89/01389	ERECTION OF 19 INDUSTRIAL UNITS AND CONSTRUCTION OF VEHICULAR ACCESSES AND ASSOCIATED CAR PARKING AND TURNING AREAS	Refused 18/10/1989
B/16/00603	Outline- Proposed industrial and commercial development (means of access to be considered)	Withdrawn 02/08/2016

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
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS03 - Strategy for Growth and Development
CS15 - Implementing Sustainable Development
EM08 - Warehousing & Distribution
EM12 - Bull Lane/Acton Place
EM20 - Expansion/Extension of Existing Employment Uses

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

Members were asked to approve a site inspection at the Planning Committee meeting of the 27th September 2017. Subsequently the site visit with Members was conducted on 4th October 2017.

Details of any Pre Application Advice

Planning application B/16/00603 was withdrawn as further information was required to determine the application. No pre-application advice was held between the withdrawal of the former application and the current 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

Acton Parish Clerk

Recommends refusal on the grounds that:

- There are existing vacant units on the adjacent industrial sites;
- There is 15ha of employment land proposed at the Chilton Woods site (ref: B/15/01718) as such the wider strategic plan should be considered;
- B8 use would generate volumes of heavy vehicles through the village;
- D1 and D2 uses seem inappropriate in an area intended for B1 and B2 development;
- Paragraphs 4.35 and 4.36 of the 2006 Babergh District Plan make specific reference to Bull Lane/Acton Place and the need to make significant highway improvements should the site be developed further;
- The development will generate heavy vehicle traffic through the village, generate higher volumes of traffic than the village can safely accommodate and encourage higher traffic speeds through the village as necessary highway improvements are implemented;
- Creates a third point of access onto Bull Lane/Melford Road - a safer internal access through the existing site is preferable;
- There is no safe pedestrian route from Acton Village centre to the site;
- Further work should be undertaken to establish the risk of flooding on Bull Lane/Melford Road;
- The units are disproportionately large compared to existing units;
- Impact on the appearance of the area;
- Impact on wildlife and protected species;

- The fields on Melford Road that separate Acton's settlement boundary and the existing industrial estates are important strategically because they provide a well-defined green area which prevents coalescence.

The Council values this green space and recommends that it be preserved. If it can be demonstrated that there is a legitimate demand for an expansion of this site the Council feels that this ought to take place either: north west of the existing site, closer to the A134; or, south west of the existing site, taking it further away from Bull Lane/Melford Road. As such the proposal should be assessed against saved Policy EM12.

Economic Development & Tourism

Welcome this application and would fully support the expansion of this successful industrial area.

Please note that there is another application (ref B/17/01034) for the introduction of a Live / Work unit at an adjacent site that has the potential to impact on the amenity of this estate. We would request that the amenity of both sites be considered in the design and planning for each, in order to avoid any future conflict that fetters the operation of the industrial area. Response received 12/05/17.

Strategic Planning

Overall whilst the general policy context supports the delivery of employment use, the District's evidence with regard to employment land supply is a material consideration in the context of this application. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. Paragraph 19 sets out that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...'* Paragraph 20 states that *'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

To inform the review and allocation of suitable sites for employment (as per NPPF, paragraph 20 & 21) the Council has recently completed a review of employment land, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA) which are both available on the Council's website.

The study findings conclude that forecast land requirement in Babergh (2014 – 2036) is 2.9 hectares, however as of 1st April 2015 there was 86.06 hectares of land available in Babergh (including 20 hectares at Chilton Woods, Sudbury and 35.5 hectares at the former sugar beet factory in Sproughton). Consequently, there is significantly more land available than forecast needs.

The NPPF sets out a policy framework to ensure that there is not a surplus of employment sites which do not have a reasonable prospect of occupancy (para. 22). Given the current surplus of employment sites in the District it is important that for any net additional sites that come forward have a realistic prospect that they will be occupied. The proposal adjoins a current employment site which has a number of vacant units. In order to establish the weight that should be given to the District's employment land position, which is material to the consideration of this application, the applicant should provide information on the delivery and use of the proposed employment site expansion to ascertain the realistic prospect of site use and full occupancy.

Arboricultural Officer

1st Response - received 08/05/17. A considerable number of trees are likely to be affected by this proposal and therefore we will require a detailed Arboricultural Report in order to identify the impact of this application.

2nd Response - received 10/07/17. The trees potentially affected by this proposal have limited viability due to their poor condition and therefore should not be considered a constraint upon development.

Environmental Health - Sustainability Issues

No objection - recommends conditions. Response received 15/05/17.

Suffolk Wildlife Trust

The reptile survey offers a number of options for mitigation. We note that this is an Outline Planning Application and full details of the proposed works have not yet been decided. We request that a comprehensive reptile mitigation strategy is produced for the Reserved Matters phase of this application, once the site layout has been determined.

The bat survey report concluded that bats were not roosting on site, however, still recommends soft felling of a number of trees (T1-T5) which have features that could support a bat roost.

The original Extended Phase 1 surveys requests further surveys for great crested newt and we note that there is no record of these surveys being carried out. We request that they are undertaken prior to the determination of this application. Response received 16/08/17.

Ecology - Place Services

Following appraisal of the submitted ecological information, this application is now adequate for determination. The development is likely to result in impacts on important ecological features, including Protected and Priority species however it can be made acceptable with mitigation secured to minimise the impacts will be minimised. No objection, subject to conditions including construction environment management plan (biodiversity); detailed reptile mitigation strategy and long term management plan, and; lighting design scheme. Response received 29/08/17.

Environmental Health - Noise/Odour/Light/Smoke

There are concerns regarding the distance separating units with B2 (General Industry) use and the possible detriment to the amenity of residential properties. Although there is no objection, in principle, to the proposed development the following conditions are recommended, Noise Impact Assessment; restriction on external lighting; controlled noise intrusive ground work/construction hours and no burning of any waste material generated by ground works/demolition/construction.

Response received 04/10/17

SCC - Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site is within the area of the demolished Post Medieval Great House at Acton Place (ACT 010, ACT 020 and ACT 030); nearby small scale archaeological investigation (ACT 028) discovered post medieval remains. It is also within a landscape of possible Roman occupation as shown by crop marks and finds, (ACT 016, ACT 024, ACT 007, ACT 004, ACT 005, ACT 015). Thus, there is high potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Response received 04/10/17.

SCC - Flood & Water Management

1st Response - received 08/05/17. Holding objection. The applicant has failed to demonstrate that they have a viable surface water drainage system that meet both national, local policies and guidance. It is also noted that in the calculation the hydrological region is reference is 5, when in fact it should be region 6.

2nd Response - Further to the email from the applicant dated the 4th July 2017, ref 800/374 RE: Bull Lane, Acton Suffolk County Council, Flood and Water Management maintain our holding objection. If the information listed in my reply dated the 8th May 2017 is not forthcoming, we will look to issue a formal objection to this application.

SCC – Highways Authority

No objection, in principle, to this development but there is not enough information provided to show that a safe access can be provided to the highway. In particular, it is not clear if acceptable visibility can be achieved. For an unrestricted county road, a visibility splay of 2.4m x 215m would be required.

I note that the Transport Statement contains speed surveys but it is not clear where the survey location was in relation to the proposed access. It may be possible to take the recorded speeds into consideration when determining the required visibility splays if the data has been collected in an acceptable location.

As part of the highways comments, a response was received from the Transport Plan Officer, which is outlined within section 9 below,.

If the issues above, concerning a safe access provision, can be addressed it may be possible for us to recommend approval with appropriate conditions and/or S106 requirements. However, if the application is to be determined prior to resolving this issue we would recommend refusal on the grounds of highway safety.

SCC - Fire & Rescue

Recommends that there is fire hydrants are installed within the development on a suitable route for laying hose (i.e. avoiding obstruction). This provision of fire hydrants shall serve the lifetime of the development and controlled by means of planning condition. Response received 10/05/17.

B: Representations

One letter of representation was received, which objects to the application on the grounds of;

- Disposal of surface water
- Size of existing industrial site(s) - Bull Lane and Inca Business Park
- Vacant buildings on existing industrial site
- Highways safety, including non-compliance with speed restrictions, damage to highway from HGV/LGV's and pedestrians using local amenities.
- Impact on wildlife on site
- The three residential properties which neighbour the site are not acknowledged in the application

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 located between the settlements of Acton and Long Melford. The site is north-east of the existing industrial site and fronts Bull Lane. The site is currently undeveloped, open countryside. To the north-west of the site is a scatter of residential dwellings. There are a number of trees on the site frontage and a pond to the west of the site, between the existing units and proposed site, which is within the same ownership of the applicant.

2. The Proposal

- 2.1. The indicative site layout, drawing number 1157.101R3, proposes a range of commercial uses within a mix of planning use classes including B1, B2, B8, D1 and D2. The number and scale of units is not for formal consideration at this stage, nor is the layout or appearance of buildings.
- 2.2. The indicative plan suggests that the site will be subdivided into 12 separate sections, ranging from 2330 square meters to 5130 square meters; which may be subdivided. The application has been considered on the basis of this indicative plan.
- 2.3 There are no specific parameters regarding the use of the site
2. No parking arrangements or layout has been submitted at this stage.
2. The site is approximately 3.4 hectares.

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. The Core Strategy contains the strategic objectives and policies to key planning issues of housing, employment, environmental protection and infrastructure improvement. The Babergh Core Strategy (2014) was adopted by Full Council on Tuesday 25th February 2014. The relevant Core Strategy policies in this application are CS1, CS3 and CS15.

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

- 5.1. Acton does not currently have an adopted Neighbourhood Plan (NDP), or a NDP in progress. It is noted that Long Melford do have a NDP in progress, which refers to this site. There are no other specific Supplementary Planning Documents or Area Action Plans relevant to the site, however the Strategic Planning Documents 'Employment Land Needs Assessment' (ELNA) and a 'Sector Needs Assessment' (SNA) are considered appropriate in determining this application.

6. Saved Policies in the Local Plans

- 6.1. The Babergh Local Plan Alteration No.2 was adopted by the Council on 1st June 2006. It sets out the detailed policies and proposals for the control of development across the district, the relevant policies are from the Local Plan in relation to this proposal are EM08, EM12 and EM20.

7. The Principle Of Development

- 7.1. Policy CS1 states that the Council will take a positive approach in-line with the presumption of sustainable development contained within the National Planning Policy Framework. The Council are committed to working proactively with applicant to secure development where possible, that improves the social, economic and environmental conditions within Babergh.
- 7.2. Similarly Policy CS15 states that all new development proposals must respect the local context and character of the different parts within the district, and development proposals should demonstrate how key issues are addressed and the objectives of the local plan are met. Development is expected to appropriately protect or where possible enhance local landscape and heritage assets, including designated sites, whilst development proposals that cause adverse impacts on European sites will not be considered acceptable.
- 7.3. An area of approximately 1.9 hectares of land to the south of the Acton Place Industrial Estate and an area of approximately 0.76 hectares of land to the west of the Bull Lane Industrial Estate are allocated as extensions to this industrial area, under Local Plan Policy EM12. It is understood that the highways works outlined within Policy EM12 have been implemented.
- 7.4. Policy EM20 states that proposals for the expansion/extension of an existing employment use, site or premises will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety. As confirmed in the highways and flood and water team responses, the proposal conflicts with policy, as there are outstanding issues which have not been resolved.
- 7.5. Policy CS3 states that proposals for employment uses that will contribute to the local economy and increase the sustainability of Core Villages, Hinterland Villages and the rural economy will be promoted and supported where appropriate in scale, character and nature to their locality. In order to support and encourage economic growth and employment opportunities and to ensure that a continuous range and diversity of sites and premises are available across the district through the plan period existing employment sites will be regularly reviewed.
- 7.6. The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. Paragraph 19 sets out that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...'* Paragraph 20 states that *'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*
- 7.7. The NPPF sets out a policy framework to ensure that there is not a surplus of employment sites which do not have a reasonable prospect of occupancy (para. 22). Given the current surplus of employment sites in the District it is important that for any net additional sites that come forward have a realistic prospect that they will be occupied. The proposal set out above adjoins a current employment site which has a number of vacant units. In order to establish the weight that should be given to the District's employment land position, which is material to the consideration of this application, the applicant should provide information on the delivery and use of the proposed employment site expansion to ascertain the realistic prospect of site use and full occupancy.
- 7.8. The review and allocation of suitable sites for employment (as per NPPF, paragraph 20 & 21) the Council has recently completed a review of employment land, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA).
- 7.9. The studies concluded that forecast land requirement in Babergh (2014 – 2036) is 2.9 hectares, however as of 1st April 2015 there was 86.06 hectares of land available in Babergh (including 20 hectares at Chilton Woods, Sudbury and 35.5 hectares at the former sugar beet factory in Sproughton).

- 7.10 Furthermore, Policy EM08 states that proposals for warehousing, storage and distribution (B8 use) will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.
- 7.11 If the whole site or majority were to be B8 use, this would be considered unacceptable in light of both policy and the impact on residential amenity (immediately adjacent to the site and further along Bull Lane/Melford Road), equally it is poorly located for strategic highway purposes, due to the amount of Heavy Goods Vehicles likely to be accessing and egressing the site, as outlined above. The application is described as seeking permission for Industrial and commercial development (means of access to be considered). Officers consider this to be imprecise and difficult to assess in any robust fashion; it is good planning practice to identify parameters to control the development and/or allow for its adequacy to be tested. At the very least, it would be expected that the uses to be located within the application site would be identified and quantified.
- 7.12 R v Rochdale MBC ex parte Tew [1999] 3 PLR 74 and R v Rochdale MBC ex parte Milne [2001 81 PCR 27] identify that outline applications should acknowledge the need for details of a project to evolve over a number of years, within clearly defined parameters; the permission (whether in the nature of the application or achieved through 'masterplan' conditions) must create 'clearly defined parameters' within which the framework of development must take place and; taken with those defined parameters of the project, the level of detail of the proposals must be such as to enable a proper assessment of the likely environmental effects, and necessary mitigation - if necessary considering a range of possibilities. These parameters could relate to a Land Use Parameters Plan (LUPP), a Building Heights Plan (BHP), and/or other parameters that have can be tested against a supporting evidence base.
- 7.13 Whilst such principles primarily relate to the EIA Regulations, such an approach still has value within the assessment of planning applications in accordance with the planning Acts. This is all the more relevant in this scenario, where the applicant has provided no certainty at all; the uses on the submitted plans are indicative only and the Transport Assessment, for example, is produced in support of those indicative uses. If Members were minded to approve the application it would need to be on the basis of the submitted indicative layout and appropriate conditions would need to be imposed to limit the uses to those suggested in the application.
- 7.13 It is for the planning authority to determine what degree of flexibility can be permitted in the particular case having regard to the specific facts of an application. It will clearly be prudent for developers and authorities to ensure they have assessed the range of possible effects implicit in the flexibility provided by the permission. In some cases, this may well prove difficult. However, this does not give developers an excuse to provide inadequate descriptions of their proposals. It will be for the determining authority to decide whether it is satisfied, given the nature of the development in question, that it has 'full knowledge' of its likely effects. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely impacts and consequent effects, has been incorporated into the description of the development and supporting application details, then it would not be unreasonable to refuse permission.

In this instance the impact on the landscape is unknown, as there are no set parameters in terms of use or mix of the units (or indeed any indication of scale); there are outstanding surface water drainage issues, which may result in a flood risk; and highways are not currently satisfied that the proposed junction is a safe access/egress onto the highway.

- 7.14 It is noted that all other matters, other than access are reserved. Nevertheless, the applicant has only an indicative site layout which does not provide certainty over the employment land use mix, the location of land uses and building heights – in order to demonstrate how the development applied for could be assimilated within the Site and connect to those detailed access points referred above. Had this information been provided, these parameters could be assessed by the Strategic Planning Team for compliance with the aforementioned policies, and subsequently, any agreed or accepted parameters could be secured by condition to allow for future-proofing the site and ensuring that any effects fall in-line with the assessments undertaken during the determination process.
- 7.15 Members will note, however, that due to the outline nature of the application, it is necessary to condition a number of parameters and controls that will ensure that future applications and the final development fall within the scope of assessments pertaining to the site and surroundings. Overall whilst the general policy context supports the delivery of employment use, the District's evidence with regard to employment land supply is a material consideration in the context of this application.
- 7.16 There is significantly more land available than forecast needs, as such further expansion of a site where there are available units on the adjacent site, and no assessment of why the units are unoccupied (locational reasons, quality of facilities provided, high rents or a combination of those) has been submitted does not accord with the aforementioned policies; as such does not result in sustainable development.

8. Site Access, Parking And Highway Safety Considerations

- 8.1. Access to the site is proposed via a new entrance onto Melford Road (road name changes to Bull Lane to the west of the industrial site), which would be central within the new site. The existing access to the west, which connects to the adjoining industrial site is to be retained.
- 8.2 Whilst highways have no objection 'in-principle' to this development, there is not enough information provided to show that a safe access can be provided to the highway. In particular, it is not clear if acceptable visibility can be achieved. For an unrestricted county road, a visibility splay of 2.4m x 215m would be required.
- 8.3 The Transport Statement refers to bus links to the site including a possible turning facility, however this is not a suitable approach for this site. Highways would require formal kerbed bus stop facilities to be provided at the location of the existing informal stops to the west and provision of a safe pedestrian route from the site to the bus stops.
- 8.4 The Transport Plan Officer has also raised comment as to whether any local bus operators would be willing to route their bus services through the site, any evidence of negotiation with local providers should be evidenced in the Statement of Traffic Implications to ensure such measures are viable; the provision of footways along the frontage of the of the development and within the site complex and the provision of bicycle parking (and associated changing facilities) and; providing staff with sustainable transport information through a welcome pack to encourage them to travel to the site by sustainable means should also be included in the Statement of Traffic Implications.
- 8.5 As this application is an outline, in addition to the development being in a rural location, a Travel Plan will not be required, provided that there are suitable conditions to secure appropriate sustainable transport measures.

- 8.6 In the event that there is a reserved matters application for a single unit of more than 2,500 square metres of B1; 4,000 square metres of B2; 5,000 square metres of B8; 1,000 square metres of D1; or 1,500 square metres of D2 a unit specific Travel Plan will be required. This unit specific Travel Plan must also include a mechanism that will allow resource to be provided to Suffolk County Council (as the Highway Authority) to oversee the implementation of this Travel Plan.
- 8.7 If the issues above, concerning a safe access provision, can be addressed it may be possible for highways to recommend approval with appropriate conditions and/or S106 requirements. However, if the application is to be determined prior to resolving this issue highways would recommend refusal on the grounds of highway safety.
- 8.8 Additional information was submitted on 01/02/18, which includes a revised indicative site layout plan, (drawing reference 11.57.101R3) which shows the visibility splays from the proposed junction and a Supplementary Statement on Traffic Implications. A verbal update will be given at planning committee, as to whether this information has resolved the highways objection and what implications this may have given the unknown uses and floorspace, which may trigger the need for a Travel Plan.

10. Design And Layout [Impact On Street Scene]

- 8.9 The indicative layout shows the subdivision of the site into 12 sections. The design of the buildings would be determined under a Reserved Matters Application; as would confirmation of the materials, buildings scale and layout. However, as above, there is insufficient information to test and assess the likely impacts and consequent effects of the development.
- 8.10 The proposal is abutting the highway, as such would be more noticeable in the street scene. It is noted that views of the existing site from the east are well screened by existing vegetation, whereas the proposed site would be more prominent. Views from the west would be obscured by the existing site. It is not thought that the impact of additional units would have an adverse impact on the street scene, as there is a good provision of existing mature vegetation; however, no parameters of building heights have been put forward by the applicant. Therefore, details of additional landscaping may be required to ensure that that an adequate level of landscaping is proposed to retain the current levels of screening.

10. Landscape Impact

- 10.1. Details of landscaping would be determined under a Reserved Matters Application, although it is currently unclear what mitigation may be required and whether this would be sufficient, as there are no fixed parameters, predominately in relation to the height of the buildings.

11. Environmental Impact Assessment

- 11.1 The application has been screened under the Environmental Impact Assessment (EIA) Regulations and it is not considered to be EIA development under Schedule 2 of the 2011 regulations (or 2017 regs – however the application is considered under the transitional arrangements). This screening opinion has been considered having regard to the indicative information regarding the extent and nature of the development. It would therefore be essential for those parameters to be set were permission to be granted. For other reasons further consideration of the merits are essential.

Trees, Ecology And Land Contamination

- 11.2 The Arboricultural Officer concluded that the trees potentially affected by this proposal have limited viability due to their poor condition and therefore should not be considered a constraint upon development, following the submission of the Arboricultural Report on 03/07/17.
- 11.3 Due to the nature of the application it is unlikely that there would be any issues of Land Contamination on site, however in the event that unexpected ground conditions are encountered during construction, the developer should be aware that the responsibility for the safe development of the site lies with them.

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

- 12.1. There are no heritage assets which are in the immediate vicinity of the site. Furthermore, the site is not within a conservation area.

13. Impact On Residential Amenity

- 13.1. There are concerns regarding the distance separating units with B2 (General Industry) use and the possible detriment to the amenity of residential properties. Although there is no objection, in principle, to the proposed development the following conditions are recommended, Noise Impact Assessment; restriction on external lighting; controlled noise intrusive ground work/construction hours and no burning of any waste material generated by ground works/demolition/construction.
- 13.2 It is noted that there is another application (ref B/17/01034) for the introduction of a Live / Work unit at an adjacent site that has the potential to impact on the amenity of this estate. Therefore, the amenity of both sites should be considered in the design and planning for each, in order to avoid any future conflict that fetters the operation of the industrial area.
- 13.3 Following implementation of the above conditions and consideration of the design and layout of the site, it is not considered that the proposal would have an adverse impact on residential amenity to warrant refusal of the application.

14. Biodiversity And Protected Species

- 14.1. The application was accompanied by a Phase 1 Habitat report, Badger, Reptile, Bat and Great Crested Newt Surveys. Following Suffolk Wildlife Trust's response, the Ecology Team have no objection to the scheme, subject to conditions including construction environment management plan (biodiversity); detailed reptile mitigation strategy and long term management plan, and; lighting design scheme.

15. Sustainable Drainage

- 15.1 The Flood and Water Team raised a holding objection to the application, as it cannot be demonstrated that there is a viable surface water drainage system that meet both national, local policies and guidance. It is also noted that in the calculation the hydrological region is reference is 5, when it should be region 6.
- 15.2 Following receipt of additional information on the 4th July 2017, the information requested above had not been provided, without this information, the Flood and Water Team raise formal objection to the application.

- 15.3 It is noted that there is a history of flood risk in close proximity to the site, and a predicted risk to the site itself. Failure to provide the above information, does not allow for mitigation to prevent further flood risk, as such the development may be considered to be at risk of surface water flooding.

16. Planning Obligations / CIL

- 16.1. As all of the development is business/commercial units, with no residential element and no convenience retail element, then the proposed development would be liable and chargeable at the BDC £0 CIL Rate (all other uses). This was provided as an approximate estimate by the Infrastructure Team for information only and it is provided without prejudice to any decision that may ultimately be made.

PART FOUR – CONCLUSION

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

- 17.1. 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.
- 17.2. The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area
- 17.3 In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

18. Planning Balance

- 18.1. 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.
- 18.2 In this instance, there are outstanding matters in relation to highway safety and sustainable drainage which have not been resolved to sanction positive recommendation of the application. These matters aside, the Strategic Planning team have outlined a surplus of employment land, of which no justification for further expansion has been received. When taken as a whole, and as a matter of planning judgment, the proposal is considered to be contrary to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities, as stated above.

RECOMMENDATION

That Outline Planning permission be refused for the following reasons:




1. The proposed development is contrary NPPF Paragraphs 19 and 20 which state inter-alia that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. In addition, NPPF Paragraph 22 states that the policy framework should ensure that there is not a surplus of employment sites in the District; that any sites which come forward should have a realistic prospect of what will be occupied. The proposal set out above adjoins a current employment site which has a number of vacant units. Additionally, a review and allocation of suitable sites for employment has recently be completed by the Council, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA), which consequently concluded that there is a surplus of employment land. With no justification of requirement for further expansion of the site, the development constitutes unsustainable development in the countryside.
2. The proposed development does not demonstrate that there is a viable surface water drainage system that can meet National (NPPF) and Local (CS15) Planning Policies, which state inter-alia that new development should minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk and; minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate. As there is a history of surface water flooding in close proximity to the site and an existing predicted risk to the site itself; in addition to ongoing issues with undersized culverting of the watercourse, without the information requested to ensure that a viable surface water drainage system can be provided, the development may be considered to be at risk of surface water flooding.
3. The proposed development would be contrary to Policy CS15 of the Babergh Core Strategy, which seeks inter-alia to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars). In addition, Policy CS1 states that Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. In this instance insufficient information has been provided to show that a safe access can be provided to the highway and insufficient information in regards to alternative sustainable transport modes.

Application No: B/17/01080/OUT




Parish: Acton



Location: Land East Of Bull Lane, Acton Place Industrial Estate

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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