

# Public Document Pack



COMMITTEE: **PLANNING COMMITTEE**

VENUE: **King Edmund Chamber -  
Endeavour House, 8 Russell  
Road, Ipswich**

DATE: **Wednesday, 2 May 2018  
9.30 am**

## Members

Sue Ayres	Kathryn Grandon
Peter Beer	John Hinton
David Busby	Adrian Osborne
Michael Creffield	Lee Parker
Luke Cresswell	Stephen Plumb
Derek Davis	David Rose
Siân Dawson	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>PL/17/39 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 APRIL 2018</u>	1 - 6
4	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	

ITEM	BUSINESS	
5	<u>SITE INSPECTIONS</u>	<u>Page(s)</u>
	<p>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.</p> <p>The provisional date for any site inspections is Wednesday 9 May 2018.</p>	
6	<u>PL/17/40 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	7 - 10
	<p>An Addendum to Paper PL/17/40 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.</p>	
a	<u>DC/17/04052 CHILTON - Land North of Waldingfield Road, Sudbury</u>	11 - 46

Notes:

1. The next meeting is scheduled for Wednesday 16 May 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.
1. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

<http://baberghmidsuffolk.moderngov.co.uk/documents/s9230/20161130BDCPublicSpeakingArrangementsADOPTED30112016.docx.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;

ITEM	BUSINESS
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Page(s)

- 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@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.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](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Domestic Arrangements:**

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

### **Evacuating the building in an emergency: Information for Visitors:**

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1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
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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# Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN  
KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON  
WEDNESDAY, 4 APRIL 2018

PRESENT: Peter Beer - Chairman

Sue Ayres  
Michael Creffield  
Derek Davis  
Kathryn Grandon  
Michael Holt  
Stephen Plumb  
Ray Smith

David Busby  
Luke Cresswell  
Siân Dawson  
John Hinton  
Adrian Osborne  
David Rose

## 140 DECLARATION OF INTERESTS

Sue Ayres declared a pecuniary interest in Applications No DC/18/00717/FUL and DC/18/00718/LBC – Item 3 of Paper PL/17/36 – by reason of living in close proximity to Gainsborough House. She left the Council Chamber prior to the presentation and consideration of the applications.

Siân Dawson declared a non-pecuniary interest with reference to the exhibition which she had organised at Gainsborough House for local Hadleigh artists.

Adrian Osborne declared a non-pecuniary interest in Item 3 by reason of his acquaintance with the Chief Executive of Gainsborough House.

Ian De Prez, the Planning Lawyer, confirmed the position regarding the District Council's gift of the old labour exchange building to the applicant for Item 3 (Gainsborough's House). The Planning Committee in determining the planning and Listed Building Applications was sitting as the Local Planning Authority and there was no interest for Members of the Committee to declare in relation to the gift, unless they had been involved in the decision-making process for the gifting of the property.

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

None received.

## 142 PL/17/36 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/36 (circulated to Members prior to the day of the meeting) summarising additional correspondence received in relation to Item 3 since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, as amended by the Chairman using his discretion to allow a representative of the neighbouring Parish to speak on the Sroughton application – DC/17/06235/FUL – representations were made as detailed below relating to the items in Paper PL/17/36 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/17/06058/FUL	Peter Powell (Sroughton Parish Council) Adam Davies (Agent for the Applicant) Cllr Nick Ridley (Ward Member)
DC/17/06235/FUL	Peter Powell (Sroughton Parish Council) Cllr Beryl Calver (Pinewood Parish Council) Helen Davies (Objector) Mike Best (Agent for the Applicant) Cllr Nick Ridley (Ward Member)
DC/18/00717/FUL and DC/18/00718/LBC	Mark Bills (Applicant) Adam Zombory-Moldovan (Architect – to answer technical questions) Cllr Simon Barrett (Ward Member)

#### **It was RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/36 be made as follows:-**

#### **a DC/17/06058 Former Sugar Beet Factory, Sroughton Road, Sroughton**

<b>Application No. DC/17/06058/FUL Paper PL/17/36 – Item 1</b>	<b>Full Application – Construction of infrastructure to serve the first phase of development at Sroughton Enterprise Park including highways, parking, cycle and pedestrian routes, utilities and sustainable drainage systems, provision of landscaping and removal/management of existing landscaping and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works), Former Sugar Beet Factory, Sroughton Road.</b>
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The Chairman asked the officers present to introduce themselves, including Steve Merry, Transport Policy and Development Manager, Suffolk County Council who was in attendance to answer questions about highway matters.

Steven Stroud, Strategic Projects and Delivery Manager and Case Officer in presenting the application referred to the main elements of the proposals for the infrastructure which the application sought to put in place, and the reason for the application being referred to Committee by the Corporate Manager – Growth and Sustainable Planning which related to its controversial nature.

The Case Officer confirmed in response to questions that an outline application for the whole site had been received and would be presented to a future meeting of the Committee, with highway matters among those to be addressed. Steve Merry confirmed which traffic aspects were relevant to Item 2 of Paper PL/17/36 and referred to the carrying out of safety audits. In the meantime, the current application was a stand-alone application set in the context of the Enterprise Zone and in accordance with the Development Plan, and was brought forward to support the uptake of plots within the area of the application site.

Members were aware of the comments of Ward Member Barry Gasper, which had been circulated to Members and which related to Items 1 and 2 of Paper PL/17/36.

#### **It was RESOLVED**

**That planning permission be granted subject to conditions including:**

- **Standard time limit for implementation;**
- **Development to be in accordance with approved plans;**
- **As recommended by the LHA;**
- **As recommended by the LLFA/EA where relevant;**
- **Ecological mitigation;**
- **Land remediation as necessary;**
- **Construction/environmental management;**
- **Lighting (safeguarding ecology, biodiversity, and residential amenity);**
- **Landscape management.**

#### **b DC/17/06235 Former Sugar Beet Factory, Sproughton Road, Sproughton**

**Application No. DC/17/06235/FUL  
Paper PL/17/36 – Item 2**

**Full Application – Erection of a high bay distribution unit (Use Class B8) with ancillary offices (Use Class B1) and gatehouse, together with associated landscape, drainage and parking), Former Sugar Beet Factory, Sproughton Road.**

Steven Stroud, Strategic Projects and Delivery Manager and Case Officer in presenting this application referred to the comments of Ward Member Barry Gasper relevant to this item and the previous one and informed Members that he was also aware of the information pack from the Parish Council, delivered to them by hand.

He reported the recent Heritage Team comments about the impact of the proposal, which was considered unlikely to result in harm. There was no alteration proposed to the officer recommendation in the report as a result of the further information which had been received.

The Chairman introduced Christopher Fish, Senior Development Management Engineer Suffolk County Council and Delia Cook, Economic Development Officer, Babergh and Mid Suffolk District Councils, who were present to answer questions, together with Steve Merry who clarified information in the report regarding the vehicle numbers quoted.

During the debate, Members asked for clarification about various matters including the height of the proposed distribution unit, landscaping and highway matters, including the items covered by the conditions as recommended by the LHA.

**It was RESOLVED**

**That planning permission be granted subject to conditions including:**

- **Standard time limit for implementation;**
- **Development to be in accordance with approved plans;**
- **As recommended by the LHA;**
- **As recommended by the LLFA;**
- **Noise/As recommended by Environmental Protection officers;**
- **Ecological mitigation;**
- **Land remediation as necessary;**
- **Construction/environmental management;**
- **Lighting (safeguarding ecology, biodiversity, and residential amenity);**
- **Landscape management.**
- **Control of external facing materials.**

**c DC/18/00717 and DC/18/00718 Gainsborough House, 46 Gainsborough Street, Sudbury**

**Application Nos. DC/18/00717/FUL  
and DC/18/00718/OUT  
Paper PL/17/36 – Item 3**

**Full Application – Erection of new gallery building (following demolition of the Labour Exchange); Rearrangement and extension of the Weavers Lane cottages and print workshop. Alterations to improve accessibility within Gainsborough House and improved accessibility into the site and Application for Listed Building Consent – Erection of new gallery building (following demolition of the Labour Exchange);**



**Rearrangement and extension of the Weavers Lane cottages and print workshop. Alterations to improve accessibility within Gainsborough House and improved accessibility into the site, Gainsborough House, 46 Gainsborough Street.**

The Case Officer, Samantha Summers, in presenting this application, referred Members to the further representations in the Addendum, together with the additional information supplied by the Architect. She also clarified the position regarding the Local Highway Authority's objection regarding the lack of parking, which is also the current position.

**It was RESOLVED**

**(1) That planning permission be granted subject to the following conditions:**

- **Standard Time Limit**
- **Approved Plans and Documents**
- **Agreement of Materials**
- **Construction Management Plan**
- **Standard Archaeological Conditions**
- **Sample of brick and flint panel**
- **Detailed window drawings**
- **Details of eaves and verges**
- **Details of rooflights**
- **Details of rainwater goods**
- **Elevations and roof plan illustrating the proposed location of all HVAC units and ductwork**
- **Ecology Enhancements**

**(2) That Listed Building Consent be granted, subject to the following conditions:-**

- **Standard Time Limit**
- **Approved Plans and Documents**
- **Agreement of Materials**
- **Sample of brick and flint panel**
- **Detailed window drawings**
- **Details of eaves and verges**
- **Details of rooflights**
- **Details of rainwater goods**
- **Elevations and roof plan illustrating the proposed location of all HVAC units and ductwork**

Note: The meeting adjourned for short comfort breaks after consideration of Item 1 and following the conclusion of the public speaking on Item 2.

The business of the meeting was concluded at 1.00 pm.

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Chairman



## PL/17/40

### BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

2 MAY 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.	11 - 46	DC/17/04052	<b>CHILTON</b> - Land North of Waldingfield Road	SS	
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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**

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

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# Agenda Item 6a

## **Committee Report**

**Item No:** 1

**Reference:** DC/17/04052

**Case Officer:** Steven Stroud

**Ward:** Waldingfield

**Ward Member/s:** Cllr Frank Lawrenson; Cllr Margaret Maybury

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## **RECOMMENDATION – SUBJECT TO S106 AGREEMENT, GRANT PLANNING PERMISSION**

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### **Description of Development**

Outline planning application for residential development of up to 130 dwellings (Use Class C3) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

### **Location**

Land North of Waldingfield Road, Sudbury.

**Parish:** Chilton

**Site Area:** 6.02 Ha

**Conservation Area:** Not within or adjacent to a Conservation Area

**Listed Building:** Adjacent to designated heritage assets: Chilton Hall (GII\*); Garden Wall to East of Chilton Hall (GII); Chilton Hall Park and Garden (GII).

**Received:** 04/08/2017

**Expiry Date:** 23/03/2018

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**Application Type:** Outline Planning Application

**Development Type:** Residential: Large-scale Major

**Environmental Impact Assessment:** Not required; Screening Opinion issued in relation to the project proposed<sup>1</sup>

**Applicant:** Catesby Estates Limited

**Agent:** Miss Jennifer Carroll

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

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<sup>1</sup> Copies of that Opinion are available on the planning pages of the website, under this application reference, or from the Council offices. Details of how to access the website or visit the offices is detailed on the following page (Footnote 3).

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## PART TWO – APPLICATION BACKGROUND AND DETAILS

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### **Relevant Planning History**

Despite the long planning history in relation to the principle of development on this site (and surrounding land) and land allocations through iterations of the development plan, no formal planning applications have been received prior to this submission.

Members will be aware that the Council has already considered an application for the development of land excluded from this proposal, however within the Strategic Land Allocation of Policy CS4 (the development widely known as ‘Chilton Woods’)<sup>2</sup>. Outline planning permission for that development was granted on 29<sup>th</sup> March 2018 following the completion of a s106 legal agreement, in accordance with the resolution of the Planning Committee of 25<sup>th</sup> October 2017.

The application, plans and documents related to that application can be viewed online at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>. Alternatively, copies are available to view at the Council offices.<sup>3</sup>

### **Site and Surroundings**

The Site is located to the north of Waldingfield Road (B1115) and amounts to a single, rectangular field parcel of approximately 6ha that is oriented perpendicular to the highway. The Site wholly falls within the parish of Chilton; the centre of Sudbury is approximately 2.5km to the south-west.

The interior of the site comprises a former working orchard, with its boundaries being formed by mature hedgerows and large trees on all sides. Existing residential development (St Marys Close) bounds to the south-west; the property of Chilton Priory falls to the north-east. The rest of the site (on the northern side of Waldingfield Road) is enveloped by agricultural land.

There are no designated heritage assets within the red-lined application area, however a number of assets are in proximity to the Site. Principally, these include the adjacent Grade II Park and Garden of Chilton Hall (south-east and immediately across Waldingfield Road (within 20m)), which includes the Grade II\* Chilton Hall and related (and individually listed) Grade II walled kitchen garden. The Grade I Church of St Mary lies beyond; over 500m to the south-east and is demarcated by intervening hard and soft features.

The Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding.

The site is not within or adjacent to a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Special Landscape Area, Local Green Space, or Area of Visual/Recreational Amenity.

No Public Rights of Way (PROW) run through, or adjacent to the site; however, it is within proximity (within 300m) of a local network of PROW and is connected to Sudbury by way of a continuous footway that runs along Waldingfield Road.

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<sup>2</sup> Application Reference: B/15/01718.

<sup>3</sup> Details of addresses and opening times are available at: <http://www.babergh.gov.uk/contact-us/>



## **The Proposal**

The applicant seeks Outline Planning Permission for the erection of up to 130 dwellings, including associated works.

For the current Outline application, matters relating to layout, appearance, scale, and landscaping are reserved for formal determination at a later date, should permission be granted. Members are tasked with considering the acceptability of the principle of the development applied for, alongside highway access from Waldingfield Road, which is included in the application for detailed approval.

Whilst all matters save for access are reserved, the applicant has provided an illustrative Masterplan that has been informed by a series of fixed parameters – including land use between residential and open spaces, strategic landscaping, and building heights – in order to demonstrate how the development could be assimilated within the Site.

A Development Parameters Plan (DPP) identifies that, with the exception of the access, a thick belt of strategic landscaping would bound the south eastern edge of the Site where it runs parallel to Waldingfield Road to act as a natural barrier. The rest of the Site would be split into three residential 'sections' with open spaces and roadways (including a play area and Sustainable Drainage System(s) (SuDS)) permeating between. The maximum heights of the dwellings have been specifically designed to utilise the characteristics of the application site and would be mostly fixed to 2.5 storeys (up to 10.8m to ridge), with the exception of the frontage areas of development which would be limited to 2 storeys (9.5m to ridge).

As part of the proposals the applicant has committed to deliver 35% affordable housing, which meets the principle expectation of Policy CS19 of the development plan and is therefore policy compliant.

The application, plans and documents submitted by the Applicant can be viewed online at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>. Alternatively, copies are available to view at the Council offices as described in the page above.

## **Relevant Planning Policies**

The Development Plan comprises the policies in the Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document and those 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006).

### **Core Strategy**

The Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document was adopted on the 25 February 2014. The following policies are particularly 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
- CS4 - Chilton Woods Strategic Land Allocation and Strategy for Sudbury/Great Cornard
- CS12 - Sustainable Design and Construction Standards
- CS13 - Renewable/Low Carbon Energy
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development in Babergh

- CS18 - Mix and Types of Dwellings
- CS19 - Affordable Homes
- CS21 - Infrastructure Provision

### Saved Policies in the Local Plan

The 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006) adopted June 2006 should be regarded as a material consideration in planning decisions. The following policies are particularly relevant to the proposal:

- CN01 - Design Standards
- CN04 - Design and Crime Prevention
- CN06 - Listed Buildings - Alteration/Extension/Change of Use
- CN14 - Historic Parks and Gardens - National
- CN15 - Historic Parks and Gardens - Local
- HS31 - Public Open Space
- CR07 - Landscaping Schemes
- CR08 - Hedgerows
- TP04 - New Cycle Links
- TP15 - Parking Standards - New Development
- TP16 - Green Travel Plans
- CP01/CP02 - Chilton Mixed Use Development Package

### The National Planning Policy Framework

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 requires 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-taking purposes.

### Other Considerations

Due to the scale and nature of the proposal as a Major residential development, the following documents are also considered as material for the purposes of determining planning applications and are considered to be applicable to this proposal by officers:

- Babergh District Council - Affordable Housing, Supplementary Planning Document (2014)
- Department for Transport - Manual for Streets (2014)
- Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015

On the 6th March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online national Planning Practice Guidance (PPG). The guidance provided is advice on procedure rather than explicit policy; however, it has been taken into account, where relevant, in reaching the recommendation made on this application.

The PPG is an online reference and is available at the following internet address:

<https://www.gov.uk/government/collections/planning-practice-guidance> .

The relevant policies referred to above can be viewed online. Please see the notes attached to the Schedule of the Planning Committee papers.

## **Consultations and Representations**

A Statement of Community Involvement has been submitted in support of the application, identifying that pre-application consultation with a range of interested stakeholders occurred in order to help shape the proposal.

After the registration of the application in August 2017 and following the outcome of the initial round of public consultation, the applicant sought to address the concerns raised and made amendments and/or provided amplifications in relation to drainage, heritage, landscaping, highways, and the site-specific masterplan/development parameters.

The amended application was then subject to a further round of consultation with all previously consulted parties, and additionally parties who had commented of their own volition during the life of the application.

All of those most recent or relevant responses received prior to the completion of this report are summarised or directly quoted below. Given the lengthy/technical nature of some of the responses received, and consistent with the treatment of the Chilton Woods application, Members are directed to consider the original copies of those documents, which are appended to this report.

Any further responses or representations will be reported through the Addendum Paper and/or at Planning Committee.

## **Summary of Consultations**

### **Chilton Parish Council**

- The applicant has failed to engage with the Parish, contrary to Policy CS4.
- The applicant is 'cherry-picking' from Policy CS4 to suit their own interests.
- Piecemeal approach is not acceptable.
- No Masterplan exists that steers development in accordance with CS4.
- The application/scheme does not positively respond to, and would harm, heritage assets.
- The application/scheme is not built upon sustainable principles as set out by policy; CS4, CS15.
- Contrary to the wider thrust of the development plan.
- Policy CN14 is clear that development must be refused for development that harms a registered park/garden.
- Clear and convincing justification must be provided as to why development cannot be accessed through the Chilton Woods site.
- Application is not in accordance with various limbs of Policy CS4.
- Chilton is not an urban extension of Sudbury.
- Para.49/14 of the NPPF do not present a 'free ride' to permission.
- Lack of detail and certainty.
- Chilton PC should be party to/involved in s106 discussions.
- Concern over light pollution.
- Provided application details (e.g. photo evidence) is misleading.
- Deciduous landscaping is not an appropriate buffer; consideration should be given to bunding.
- If minded to approve the development, scale should be reduced, it should be set further back, and bunding/robust and extensive landscaping should be provided.

## Sudbury Town Council

- Recommend approval.

## SCC Highways (LHA)

- No objection subject to conditions and s106 contributions to mitigate impact and improve connectivity.
- Opportunities to explore an alternative access through St Marys Close have been considered; however, are unlikely to be acceptable for safety reasons.
- Street lighting will not be required by the Highway Authority at the proposed new priority junction or within the site.
- A Travel Plan is required, to be secured by s106 obligation.

## SCC Contributions (s106 obligations)

- Contributions are required by the County Council to make the development acceptable in planning terms, including obligations relating to:
  - i. Education, Pre-schooling, Travel planning, Libraries and Waste.

## SCC Archaeology

- No objection, subject to conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

## SCC Floods and Water (LLFA)

- No objection, subject to conditions.

## SCC Fire and Rescue

- No objection, subject to hydrants condition.

## Place Services – Landscape (BDC appointed landscape consultant)

- No objection; plans have been amended to meet previous advice/recommendations.
- Landscape Strategy demonstrates how the proposals will safeguard the rural aspect of the development (as indicated in the submitted LVIA), through proposing a dense landscape buffer to ensure the rural landscape character is best protected.

## Places Services – Ecology (BDC appointed ecology consultant)

- No objection, subject to conditions; the application details are sufficient to understand the likely impacts of the proposed development upon Protected and Priority species, and Priority habitats.

## BDC Environmental Protection Officer (land contamination)

- No objection, subject to condition(s).

#### BDC Environmental Protection Officer (noise, other issues)

- No objection, subject to conditions/further details at Reserved Matters.

#### BDC Sustainability Officer

- Recommend refusal until a number of items are addressed.

*Officer comment: The applicant subsequently revised the submitted sustainability/energy statement and issued a briefing note addressing all of the points raised by the Sustainability Officer, which is considered as satisfactory.*

#### BDC Strategic Housing

- Recommend approval if 35% affordable housing is provided, equivalent to 45 dwellings (if 130 dwellings delivered).

*Officer comment: 35% affordable housing to be secured by S106 Agreement.*

#### BDC Arboricultural Officer

- No objection, subject to further method statements and tree protection details be submitted with Reserved Matters or controlled by condition.

#### BDC Heritage Officer

- Objects; concur with the views of Suffolk Preservation Society and Historic England in regard to the proposed vehicular access.

#### Highways England

- No objection.

#### Suffolk Constabulary

- No objection; consideration should be given to ensure that ample parking provision is provided.

#### Suffolk Wildlife Trust

- Ecological measures identified should be carried out in full.
- The development must accord with Policy CS4.

#### Natural England

- Have 'no comments' to make.

#### NHS England

- No objection; no primary healthcare mitigation is sought.

### Anglian Water

- No objection; recommend foul water drainage condition.

### Suffolk Preservation Society

- Do not object to principle of development.
- However, object due to harmful heritage and landscape impacts.
- The development is contrary to Policy CS4.
- An enhanced and well-maintained tree belt will potentially mitigate impacts; however, details are limited.
- Visibility splays, signage and lighting will produce an urbanising effect harmful to Chilton Hall assets.
- Objection maintained due to vehicular access from Waldingfield Road.

### Sudbury Society Planning Group

- Agree with comments of Suffolk Preservation Society.

### The Gardens Trust

- Welcome the introduction of landscape buffer and building heights parameters.
- However, objection remains to the proposed access which is directly opposite entrance to Chilton Hall Registered Park and Garden.
- Street lighting should be kept to a minimum.
- Developer should focus on access from St Marys Close/through Chilton Woods.

### Historic England

- *"We can confirm that we do not object to the development in principle but we have concerns regarding the application on heritage grounds. In particular the impact of vehicle movements, light and noise from the new access junction onto Waldingfield Road."*

### **Representations**

All other representations received are summarised as follows:

- Application does not represent sustainable development.
- Contrary to local and national planning policy.
- Contrary to Policy CS4.
- Would harm heritage assets at Chilton Hall.
- Proposed heritage mitigation is weak/inappropriate.
- Concern about easements/public access through site.
- Concern in respect of access for utility companies.
- Concern in relation to proximity of development to existing dwellings.
- Chilton Woods should be built before this scheme is brought forward.
- Waldingfield Road is not safe for pedestrians; traffic too fast.
- Poor access visibility.
- Lack of infrastructure to cope with demand of development.
- Ecology concerns; loss of habitat.

- Landscape buffer ignores existing residents.
- Does not conform to Chilton Woods Masterplan.
- Privacy concerns.
- Traffic capacity/congestion concerns.
- Consultation should be given on conditions and s106 obligations.
- If Council minded to approve then scale should be reduced and development sited further back into site.
- An attempt to piggy-back onto Chilton Woods Masterplan.
- Lack of proportionate contributions.
- Contrary to Policy CS2.
- Para 49/14 of NPPF is not a free ride to permission.
- Para 49 does not override heritage.
- Access must be sought by alternative means.
- Application details are deficient.
- The application lacks certainty; it is in as pure an outline form as it is possible to make.
- Proposed landscaping will be ineffectual in winter months.
- LVIA is deficient and inaccurate.
- Concern over light pollution.
- Unacceptable piecemeal development.
- Unacceptable loss of green space/access to countryside.
- Unacceptable urban sprawl and ribbon development.
- Lack of connectivity.
- Brownfield land must be prioritised/used first.
- Concern over cumulative impacts upon Sudbury centre; traffic and infrastructure.
- Greater connectivity/cycle routes are required.

All consultee responses and representations received to date have been noted and have been taken into account when reaching the recommendations as set out below.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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From an assessment of the relevant planning policies, site history and land constraints/designations, representations and consultation responses received and other material planning considerations, the material issues in determining this application are considered, as following:

- The Principle of Development – Policy CS4
- The Presumption in Favour of Sustainable Development, and Housing Land Supply
- The New Joint Local Plan and Prematurity
- Highway Impacts, Connectivity and Sustainable Transport
- Heritage
- Landscape Impact, Impact Upon the Character of the Area, and Open Spaces
- Residential Amenity
- Design and Layout
- Resilience to Climate Change: Flood Risk, Drainage, and Building Performance
- Ecology and Biodiversity
- Land Contamination
- Crime and Disorder
- Archaeology
- Planning Obligations and the Community Infrastructure Levy
- Affordable Housing
- Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- Planning Balance and Conclusion

## **The Principle of Development – Policy CS4**

The application site was first allocated for development under Policy CP01 of the Babergh Local Plan. It is now included as an allocation within the Babergh Core Strategy. Policy CS4 of the Core Strategy is the lead planning policy (from the Development Plan) for determining the principle of this proposal. It details the extent of the Chilton Woods Strategic Land Allocation and Strategy for Sudbury/Great Cornard.

Following the masterplanning that had already occurred in respect of allocating the strategic site and adopting Policy CS4 (see page 36 of the Core Strategy), the ‘masterplan’ then required under that Policy was to enable the development of a comprehensive scheme to be considered and approved where deemed to be acceptable within the confines of that allocated area.

Policy CS4 provides a comprehensive framework to guide the development of the site and in this respect the following paragraph taken from that policy is of importance:

*“A piecemeal approach to development within the allocated area will not be acceptable unless such development conforms to an approved / adopted master and phasing plan and does not prejudice the delivery of necessary infrastructure.”*

Members will note that an application incorporating the majority of the land allocated under Policy CS4 and providing for all of the items required in accordance with that Policy, has already been granted planning permission. That development, known as Chilton Woods, will provide the necessary housing, employment, community facilities, infrastructure, and other amenities envisaged by the Policy and set out under its specific requirements.

The land relevant to this planning application, along with a further and separate land parcel to the north-east (Chilton Priory), was excluded from the Chilton Woods development. Officers do not consider that it should be a necessity for one single proposal to comprise the entirety of the land allocation. The critical point is that the required masterplan (now approved in relation to Chilton Woods) indicates how development can take place in the allocation area, and how linkages could be achieved between land parcels, which would satisfy the overall objective and aim of the extract from Policy CS4 quoted above.

Officers therefore consider that the exclusion of this land from the original Chilton Woods development does not prejudice the delivery of the allocation as per the aims of Policy CS4. The Chilton Woods development has already been granted planning permission; its clear and fixed parameters set a framework as part of that required masterplan. It is necessary for this application to be determined on its own merits and having regard to the development plan and the requirements set out under Policy CS4, though also having regard to the quantum of residential/employment uses already assimilated within the approved Chilton Woods development.

From the preceding policy context, what follows is an assessment of each of the relevant policy requirements set out under CS4 (in the order that they are raised within the policy), the extent to which the present proposals impact upon the delivery of those requirements, and confirmation as to the extent to which the requirements of Policy CS4 remain satisfied in light of this present application:

### **a. Employment Land and Distributor Road**

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.



#### b. Additional Employment Land/Uses

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.

#### c. Waste Facility

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.

#### d. Provision of Homes and Access

In respect of the requirement for the development to provide for direct access to the A134, the Chilton Woods development meets this condition and its delivery would not be prejudiced in the event that the current application is permitted.

The Chilton Woods development delivers up to 1,150 dwellings against the requirement to provide for approximately 1,050. As an approximate threshold, this delivery was considered to fit a reasonable expectation of what 'approximately 1,050 new homes' might equate to.

The present application proposes the delivery of up to 130 dwellings. If permitted, this would increase the overall delivery of homes to 1,280. Officers do not consider that this number can be comfortably reconciled with the approximated figure quoted in the Policy, where it would be exceeded by up to 230 dwellings. The Chilton Woods development was considered acceptable in exceeding the CS4 threshold by 100 dwellings; the present proposal poses up to a further 130 homes. This level of exceedance, however, needs to be considered in the context of the current lack of a deliverable five-year housing land supply. The implications this deficit presents for the assessment of the application proposals are considered later in the report.

In this regard, the current proposal is in conflict with the comprehensive masterplan requirement of Policy CS4; however, the delivery of homes under the approved Chilton Woods development would not be directly/physically obstructed or prejudiced in the event that the current application is permitted.

#### e. Functional Separation between Residential/Employment Land

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.

#### f. Community Woodland

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.

#### g. Surface Water Attenuation

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted. The present application also secures the provision of SuDs, which meets the requirements of the Policy and would secure that the development does not lead to an increase in flood risk elsewhere.

#### h. Green Infrastructure, Leisure and Open Spaces

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted. The present application also secures the provision of open spaces and green infrastructure. The submitted DPP and illustrative Masterplan identify how linkages could be incorporated between land parcels, should both developments proceed. Further specific details are to be approved in accordance with applications for reserved matters, secured by planning condition.

#### i. Transport Assessment and Travel Plan

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted. The present application is also supported by its own Transport Assessment which allows for the impacts relevant to this development to be considered. In addition, the applicant accepts the need to provide a Travel Plan in accordance with the Policy which will be secured by planning obligation.

#### j. Village Centre/Community Facilities

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.

#### k. Schooling

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted.

#### l. Sustainable Transport Measures

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted. The present application, in addition to being supported by a Travel Plan which will be delivered in accordance with the measures outlined therein, demonstrates how linkages can be incorporated between the Site and the wider Chilton Woods development. Further, the site is served by a footway that runs along Waldingfield Road and directly into Sudbury.

#### m. Off-Site Highway Improvements

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted. Following assessment of the submitted Transport Assessment and consideration of the likely impacts of the development upon the local highway network, the Local Highway Authority (LHA) considers it necessary to secure a contribution(s) toward off-site highway improvements in order to make the development acceptable in planning terms. The applicant has accepted these requirements which will be secured by planning obligations.

#### n. Healthcare Provision

The Chilton Woods development meets the requirements of this limb of the Policy and delivery would not be prejudiced in the event that the current application is permitted. The NHS have confirmed that the increase in housing numbers presented by this development does not trigger the need to provide any further contributions.

### Other Requirements – i. thru vii.

The additional requirements set-out under Policy CS4, titled from (i.) - (vii.), have been considered carefully. Principally they require adequate presentation, design principles, and reasoning on the part of the applicant, supported by evidence where necessary, for the planning and design approach taken against the following loose headings:

- Heritage
- Landscape
- Amenity
- Design Principles
- Community Engagement and Ongoing Management
- Phasing and Delivery
- Ecology
- Housing Mix, Density, and Tenure.

The Chilton Woods development was considered to meet the requirements set out under those elements of the Policy. That assessment, and the likely effects of the Chilton Woods development envisaged when determining the application, would not be undermined or affected in the event that the current application is permitted.

In respect of the present proposal, an assessment against those considerations – (i.) thru (vii.) – is dealt with within appropriate sections of this report; however, it is stressed that the scheme is in outline form with only ‘access’ for detailed determination at this stage. Members are therefore tasked with considering the acceptability of those access details alongside the principle of this development, as it relates to consequent impacts upon the environment. Matters relating to scale, appearance, layout and landscaping are reserved and will be determined in accordance with reserved matters application(s) in accordance with planning conditions.

As a matter of planning judgement, the submitted Design and Access Statement, and related Planning Statement(s) and evidence base provide a cogent rationale for the approaches taken when composing the submitted application, and with relevance to the design principles for the Site as represented and identified on the DPP and illustrative Masterplan; the specific aspects of which, are tested in subsequent sections of this report.

Having regard for the assessment throughout the body of this report, the application is considered to accord with Policy CS4 in respect of those other requirements, (i.) - (vii.) to the extent necessary under this outline planning application, with all but one matter reserved.

### Conclusion in Respect of Compliance with Policy CS4:

The Chilton Woods development, which has the benefit of planning permission, provides for the development, infrastructure, and facilities required under Policy CS4. The development proposed in relation to this application does not conform, as such, with the masterplan now already approved by the Council pursuant to that Policy; it poses as a piecemeal approach to development which was originally expressly advised against under CS4.

Further, and in the event that Members disagree with the above, the quantum of development proposed would nevertheless exceed what might be considered a reasonable approximation of ‘1050 dwellings’ in relation to limb ‘d.’ of the lead policy. Adopting a cautious stance, the development proposed is therefore considered to conflict, in those limited terms identified, with Policy CS4.

However, and as noted throughout the above assessment, the permission and subsequent delivery of the development currently proposed would not prejudice or adversely interfere with the masterplan already approved through the Chilton Woods permission.

On that basis and taking into account the broader circumstances of the application, consideration should be given, at least, to the question of whether the proposal is nevertheless acceptable, notwithstanding the limited conflict with Policy CS4, and whether it should not be automatically refused, merely because it poses tension with that specific policy.

What follows, therefore, is an assessment of the application against those key planning issues already identified (and nonetheless relevant to limbs (i.) - (vii.) of Policy CS4) against the wider policies within the development plan and the NPPF, and; in the subsequent section, further deliberation as to whether, notwithstanding the development plan, other material planning considerations indicate that the application should be permitted or granted some other favour in its determination.

### **The Presumption in Favour of Sustainable Development, and Housing Land Supply**

Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, a local planning authority must have regard to the provisions of the development plan, so far as is material to the application, and to any “*other material considerations*”.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the planning Acts should be made in accordance with the development plan unless material considerations indicate otherwise. The planning policies contained within the NPPF are a material planning consideration.

At Paragraph 6, the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the policies in Paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system; setting a momentum toward securing development that is built upon sustainable principles.

Paragraph 7 of the NPPF sets out that there are three dimensions, or ingredients, to sustainable development:

- *“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.”*

Paragraphs 11 thru 16 of the NPPF explain the *presumption in favour of sustainable development* where Paragraph 14, which is essentially the lynchpin of the NPPF, details how the *presumption* should operate in practice:

*“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:*
  - i. 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*
  - ii. specific policies in this Framework indicate development should be restricted.<sup>4</sup>”*

Members should note that this operation or ‘algorithm’ is itself enshrined within the development plan, under Policy CS1 of the Core Strategy, which states that:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Babergh district.*

*Planning applications that are supported by appropriate / proportionate evidence and accord with the policies in the new Babergh Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*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:*

- i) 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; or*
- ii) specific policies in that Framework indicate that development should be restricted.”*

In Babergh, where planning proposals accord with development plan, comprising the Core Strategy and Local Plan, they should be granted planning permission without delay, unless other material considerations indicate otherwise. This is what the first bullet-point under the decision-taking limb of Paragraph 14, and the second paragraph under Policy CS1 above, means in practice.

Where the second bullet-point under Paragraph 14 – or indeed vicariously Policy CS1 – applies, because the development plan is absent, silent or relevant policies are out-of-date: *“...the proposal under scrutiny will be sustainable development, and therefore should be approved, unless any adverse impacts significantly and demonstrably outweigh the benefits”<sup>5</sup>.*

Specifically, *“another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts”<sup>6</sup>.*

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<sup>4</sup> In relation to this planning application, such specific policies would include those relating to designated heritage assets, as one example, following the direction of Footnote 9 of the NPPF.

<sup>5</sup> *CEBC vs SSCLG* [2016] EWHC 571 (Admin)

<sup>6</sup> *Ibid.*

Notwithstanding the status of the Site as being a small part of a wider strategic land allocation, Paragraph 47 of the 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. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

Paragraph 49 of the NPPF, where there is not a demonstrable 5-year supply of deliverable housing sites, specifically signposts Paragraph 14 in stating that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should be considered *out of date* if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In accordance with the PPG, 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..."*<sup>7</sup>

The Council adopted its Core Strategy in February 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan (see subsequent section). 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.

A summary of the Babergh 5-year land supply position is:

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

Evidentially, the Babergh District Council cannot presently demonstrate such a supply as required by national planning policy, and therefore its relevant policies for the supply of housing are out of date; the 'tilted' planning balance under Paragraph 14 of the NPPF and Policy CS1 of the Core Strategy is therefore engaged.

The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with previously inconsistent results. However, in May 2017 the Supreme Court (SC) gave a judgment which has clarified the position<sup>8</sup>. The SC overruled earlier decisions of the High Court and the Court of Appeal in this and other cases, ruling, amongst other matters, 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.

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<sup>7</sup> Paragraph: 030 Reference ID: 3-030-20140306

<sup>8</sup> *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council* [2017] UKSC 37

However, the SC made it clear that the argument over the meaning of that expression is not the real issue. The purpose and consequence of the policy of Paragraph 49 of the NPPF is to simply act as the *trigger* of the ‘tilted balance’ under Paragraph 14.

In applying the ‘tilted balance’ required by that Paragraph, the Council must however evaluate, as they would do ordinarily, what weight to attach to all of the relevant development plan policies, having regard for the material planning considerations relevant, which in this instance includes the strong policy direction provided by the NPPF. The ‘tilted balance’ is capable of affecting the weight to be given to other development plan policies, although the weight they should be given remains a matter for planning judgement.

The operation of the presumption in favour of sustainable development shall be carried within the balance of planning considerations at the conclusion of this report; having regard for the development plan, the NPPF, PPG, and other material planning considerations pertinent to this proposal.

### **The New Joint Local Plan and Prematurity**

In the summer of 2016, the Babergh District Council approved the commencement of the preparation of a new Joint Local Plan across both Babergh and Mid Suffolk districts. This has accumulated in several evidence-based documents being produced in respect of needs and capacity, such as the Strategic Housing Market Assessment (SHMA), and a Strategic Housing and Employment Land Availability Assessment (SHELA).

The Babergh and Mid Suffolk Joint Local Plan Consultation Document was approved in the summer of 2017. This Site, in addition to the Chilton Priory land adjacent, which are presently allocated under Policy CS4, are not included as possible sites for future allocation. At the present time, due to the very early stage of the document within the plan making process, that consultation document is considered to carry very limited weight as a material consideration.

Notwithstanding the present status of the Site, it is necessary to consider whether an approval of this application would prejudice the plan-making process and undermine the new Joint Local Plan. The PPG states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process<sup>9</sup>.

The Joint Local Plan is in its infancy and public consultation has only recently concluded for the purposes of Regulation 18 (i.e. the initial stage(s) of the plan-making process). The Authority has a duty to determine this application, and that document is some way from being a formal position. The decision to be taken by Members in respect of this present application will likely influence the plan-making process but won’t prejudice it, because it is at such an early stage. The plan process will react to the decisions taken and this application must be considered on its own merits.

In the light of all of the above, including the preceding national and local planning policy context, this report will now consider the proposal against a number of key material planning considerations, under the application of the suite of policies within the development plan (in addition to Policy CS4) and the NPPF, in order to determine whether the proposal accords with those instruments as a whole.

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<sup>9</sup> Paragraph: 014 Reference ID: 21b-014-20140306.

## Highway Impacts, Connectivity, and Sustainable Transport

Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all and that transport networks should be improved in a cost-effective way to limit any significant impact of the development on the surrounding area, whilst taking account of sustainable transport options. A key planning principle within the NPPF is that local planning authorities should support a transition to a low-carbon future through, *inter alia*, planning for the reduction of greenhouse gas emissions.

Paragraph 32 also makes it clear that proposals must only be refused on transport grounds where residual cumulative impacts would be 'severe'. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety, notwithstanding that safety is of course a significant consideration in itself<sup>10</sup>.

The lead policies to consider from the development plan, in addition to Policy CS4, are CS14 and CS15 of the Babergh Core Strategy and saved policies TP15 and TP16 of the Babergh Local Plan. These policies seek to secure development that is well laid out in terms of site access and highway safety, traffic flow and the environment, with the need to secure sustainable travel planning details.

### Access and Capacity

As described, access is a detailed matter for consideration and approval at this stage in the planning process, along with other outline parameters, such as the maximum quantum of residential development. If Members are minded to grant planning permission then the Reserved Matters would accord with those details; there is therefore a degree of certainty in understanding and assessing highway impacts and likely effects at this stage.

In this instance, there is a single point of vehicular access serving the site directly from Waldingfield Road. The acceptability of that entry/egress point, including careful consideration of matters of safety and capacity has been treated positively by the Local Highway Authority (LHA); officers endorse that view.

Due to the scale and nature of the scheme, the likely highway impacts and effects of the development reach further into the local highway network than just the access into the Site. On that basis, and in order to ensure that effects are not 'severe' within the meaning provided by the NPPF and referred above, contributions are required to improve traffic flow at the roundabout junction of Waldingfield Road and Aubrey Drive and to provide for the construction of a Toucan crossing between the two roundabouts on Waldingfield Road; at Aubrey Drive and Northern Road.

In accordance with the comments of the LHA, the obligation(s) would be worded to allow some flexibility in the use of any contribution in the local area, so that the interaction between this development and any other development which would affect these junctions, can be considered by the LHA. In effect, this would mean that the measures to be provided would be appropriate for the particular highway circumstances at the time that they are required. Taking into account the responses received in relation to this application, matters of highway capacity and safety have been prominent in the views expressed by the public. Such concerns have been carefully considered and, through securing mitigation on the terms identified this is considered to provide a satisfactory response in making the development acceptable in planning terms.

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<sup>10</sup> There is no definition of 'severe' in the NPPF. However, in appeal decisions, Inspectors have concluded that it is not necessary to judge whether there is some impact on the network, but whether that impact is severe. That test is 'a high test', deliberately set so as to get development moving forward.



Highways England have raised no objection to the proposal in relation to impacts upon the wider strategic road network. This is an additional consideration that sits within the context of the test of severity set out at paragraph 32 of the NPPF, as described above.

### Connectivity and Sustainable Transport

Its illustrative nature notwithstanding, the Masterplan identifies links that would provide for permeability both through the application site and into existing development, thereby enabling connectivity from/to the development to/from nearby services and higher order infrastructure. An integrated and coherent layout can be agreed as part of the Reserved Matters.

Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The Site is well-connected with surrounding settlements and to Sudbury via the local highway and PROW network. Sudbury has its own bus and railway station and is only a short distance from Bury St Edmunds, which itself has a railway station with onward connections to destinations including London and Cambridge. Therefore, future occupants of the Site would have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car-based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

It is acknowledged that the state and presentation of the local highway network must be considered in order to reach a conclusion as to how accessible routes to key destinations would be for pedestrians and cyclists; and this has clearly been a concern for parties commenting on the application. In this respect, higher order facilities in the centre of Sudbury would be around 2.5km from the residential blocks of the development; the entirety of the route is served by a pedestrian footway and other than the first 300m of footway from the Site, the rest of the route is subject to street lighting. At the request of the LHA, the existing narrow footway along the site's frontage with Waldingfield Road is to be widened to 1.8m as far as St Marys Close with an improved, tactile pedestrian crossing point (in accordance with the submitted drawings). For cyclists, the route is relatively straight and requires the navigation of simple highway junctions. The effect is that this would not diminish the attractiveness of using soft modes of transport in inclement weather or at night. Nevertheless, and as noted above, contributions to improve pedestrian links in the form of a Toucan crossing would assist in making the route as attractive as possible.

The wider connectivity or sustainable transport context is greater than simply assessing walking or cycle distances, however. A number of well-served bus stops are within walking distance of the residential blocks within the site.

Given the scale and nature of development and the potential impacts posed to the local highway network, the agreement of a Travel Plan is also considered necessary and this has been confirmed and agreed with the applicant. The requirement for a Travel Plan is supported by the NPPF at Paragraph 32, as referred above. Other relevant paragraphs of the NPPF include 34, 35, 36 and 37 as well as the 'Travel Plans, Transport Assessments and Statements in Decision-taking' section of the PPG. Securing such a Travel Plan is further supported under the development plan, particularly Policy CS4. The mechanisms to secure such details would involve planning condition and obligation through the s106 legal agreement.

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Internally, with regards to parking, there would be sufficient space at the quantum and density of development proposed to achieve off road parking in accordance with adopted parking standards.

Likewise, there is no inherent reason why a safe internal layout could not be achieved. The detailed layout and design would be dealt with at the reserved matters stage, and the LHA have recommended the imposition of planning conditions upon any outline planning permission granted in order to secure this.

## Conclusion

Officers endorse the views of the LHA who have assessed that, subject to appropriate mitigation, the development – even at the maximum quantum of 130 dwellings – is capable of adequate assimilation into the local highway network; residual cumulative impacts would not be severe and the access to be provided would be safe and suitable in its presentation.

Therefore, in light of the preceding assessment the development is considered favourably in respect of highway impact, sustainable transport, and accessibility/connectivity.

## **Heritage**

With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have “*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*”. Officers interpret this to mean having special regard to the desirability of keeping such designated assets from harm.

Case law pertaining to the application of that duty acknowledges that the consideration of the impact of a proposed development upon the significance of a designated heritage asset is a matter for a local planning authority’s own planning judgement, but that a local planning authority is required to give any harm that it identifies considerable importance and weight; such harm as may be identified gives rise to a strong presumption against planning permission being granted<sup>11</sup>.

The NPPF sets out the Government's national planning policies for the conservation of the historic environment and builds upon the 1990 Act referred to above. Paragraphs 132-134 state, *inter alia*, that when considering the impact of works or development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification.

Policy CS4 notwithstanding, Policy CS15 of the Core Strategy and Policies CN06, CN14 and CN15 of the Babergh Local Plan seek to secure the preservation or enhancement of the historic environment (i.e. to keep designated assets from harm). In accordance with the NPPF due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. The aforementioned policies are considered to be consistent with the NPPF and so are afforded a strong weighting.

Whilst matters relating to scale, layout, appearance and landscaping are not for approval at this stage, the indicative details provided by the applicant, supported by fixed parameters in relation to building heights, structural landscaping and the location of residential blocks (the DPP), provide adequate opportunity to make an assessment as to the potential impacts of the development upon the historic environment.

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<sup>11</sup> R. (on the application of Lady Hart of Chilton) v Babergh DC [2014] EWHC 3261 (Admin).

As noted, the assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA's own planning judgement. Nevertheless, careful consideration has been given to the various comments submitted in relation to heritage impacts, including those of The Gardens Trust, Historic England, Suffolk Preservation Society, and the Council's own Heritage Officer. In this case, the principle assets affected are those discussed by Historic England in their responses over the life of the application. Due to the nature of the development, separation distances and intermediary features involved (and likely to be strengthened through Reserved Matters and a robust landscaping proposal) and the securing of such mitigation measures as necessary by way of planning condition or obligation, officers are satisfied that assets within the vicinity (other than those discussed directly below), including the Church of St Mary, would not be 'harmed' by this proposal, within the meaning provided by Historic England guidance<sup>12</sup> and expanded by the NPPF.

The impacts upon those key assets that would be affected by the development are discussed as follows:

#### Chilton Hall (Registered Park and Garden, and Highly Graded Listed Buildings)

The individually listed (Grade II) park and garden of Chilton Hall lies adjacent to application site, across Waldingfield Road. Within that land is the Grade II\* Chilton Hall and related (and individually listed) Grade II garden wall. The significance of those assets, both individually and collectively, should not be underplayed.

Chilton Hall is a fine period property situated within a purposeful and historical landscape and parkland. The house was built c.1550 on the site of an earlier medieval house and sits within a wide, well-defined moated enclosure. It is understood that following a fire, only the east wing of the former red brick mansion now survives. The walled kitchen garden is set beside the house; the perimeter being listed in its own right for its special architectural/historic interest. The park contributes to the significance of the house and also forms an important part of its setting, and it is a designated heritage asset in its own right.

As Historic England note, Chilton Hall holds considerable presence in the landscape and contributes much to the history and development of the area. Further stating:

*"The current boundary treatment along Waldingfield Road contributes to the sense of enclosure within the park, and the land to the north and west of the site therefore forms an important element of the setting of the hall, and park and garden, particularly as this forms the backdrop to the principle entrance and exit to the hall."*

Following an iterative process, and in discussion with Historic England amongst other consultation responses, the applicant has over the lifetime of the application made amendments and submitted amplifications in respect of the scheme in order to limit the impact of the development upon those important assets. This has included the provision of a 10m-15m-thick belt of strategic landscaping along the frontage of the site to shield views of the development, along with parameters to ensure that the scale of those dwellings at the front of the site (i.e. nearest Chilton Hall) are fixed to be a maximum of two storeys (i.e. 9.5m to ridge), and increased tree planting within the central landscape strip. Further to these amendments, an avenue of trees/street planting surrounding the main access to the site was also added to the indicative masterplan/landscape masterplan, to further soften the development and add character to the entrance street, echoing the tree-lined avenue that forms the approach into the Registered Park and Garden. It has also been confirmed with the LHA that street lighting is not required at the entrance of the site, along Waldingfield Road, or its immediate vicinity – in order to maintain the current rural feel and setting afforded to Chilton Hall and its related assets.

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<sup>12</sup> English Heritage, 'Conservation Principles, Policies and Guidance' (2008).

The applicant has confirmed that the landscape buffer (which will sit behind the existing roadside vegetation) has been informed by a planting specification proven successfully elsewhere to entirely screen a proposed development once fully established. As such, the applicant contends that the proposed buffer would result in a substantial belt of visually-impermeable vegetation on the site's boundary with Waldingfield Road, ensuring that the experience of Chilton Hall and RPG to the southeast essentially remains unchanged. These amendments have been welcomed by Historic England and will be secured by planning condition.

In consideration of the consultation responses and representations received, there is disagreement between parties as to the extent that the final scheme is likely to impact upon these assets or pose harm. In support of the application, the applicant's heritage advisor considers that the significance of the Chilton Hall heritage assets would be preserved and that they would not be harmed by the development. Conversely, the owner of Chilton Hall, Lady Hart of Chilton, maintains that the assets would be harmed by the proposal to an unacceptable degree; further, it has been argued that other opportunities remain available to the applicant that would not require the delivery of an access from Waldingfield Road; for example, through St Marys Close (adjacent) or Aubrey Drive (through the Chilton Woods development).

It is noteworthy that Historic England do not object to the principle of development. However, the provision of the proposed access continues to be a cause for concern in relation to vehicular movements, light and noise, and the consequent effect of such impacts upon the significance and appreciation of the Chilton Hall cluster of assets. Officers concur that, notwithstanding the outline nature of the application, this remains the primary issue.

In respect of alternative means of access, the applicant has explored such opportunities with the LHA, including the option of providing an entrance through St Marys Close. In that respect, it is understood that that such an option is unlikely to be supported due to capacity and safety issues; a dedicated access tailored to the demands of the development remains the preferable solution in the interest of satisfying highway standards and safety. The proposed access arrangement would also minimise disturbance to residents of St Mary's Close. Nevertheless, the application is considered on its individual merits, as presented.

Officers have carefully considered all of the evidence before them, including the clear identification of the significance of the assets that would be affected by the development and the likely impacts/effect of the development upon those assets. The high threshold that has been established through case law in relation to identifying 'substantial' harm<sup>13</sup>, and the views of Historic England in stating that Paragraph 134 of the NPPF is applicable, leads officers to conclude, having had regard for the nature of the development, supporting application detail, the surrounding environs and the comments received through consultation, that any harm posed by the development would be 'less than substantial' within the meaning provided by the NPPF; there would be no physical intervention or destruction to designated assets through the construction and reasonable occupation of the development, rather the likely impacts relate to impingement of/disturbance to, the setting of Chilton Hall and its assets.

Such harm is considered to relate to the access, and notwithstanding its less than substantial nature, would be at the low end of what might be considered a spectrum of harm (as confirmed, in writing, with Historic England). Assurances from the applicant and LHA that the access would be unlit and not subject to a proliferation of visual furniture or clutter has lent support to this conclusion.

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<sup>13</sup> Bedford Borough Council v Secretary of State for Communities and Local Government ([2013] All ER (D) 380(Jul)).

Where it is considered that the proposal would pose 'less than substantial harm' to the significance of designated heritage assets, the NPPF requires that such harm be balanced against the public benefits of the proposal. Imposed statutory duties and responsibilities require that the harm identified be afforded considerable importance and weighting in that balancing exercise.

The definition of what amounts to a 'public benefit' is not provided within the NPPF. However, the PPG offers the following advice:

*"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."<sup>14</sup>*

On that basis, and with due regard to the submitted application and the measures to be secured to provide certainty in the event that outline planning permission is granted, the public benefits of the proposal can be broadly summarised as including the following:

- The provision of up to 130 new homes, significant due to the acute lack of delivery in the District;
- Job creation and economic benefit throughout the construction phase;
- Social and economic benefits during occupation;
- A policy-compliant affordable housing provision of 35%, promoting healthy and inclusive communities (where there is a lack of such housing within the District);
- Highways/connectivity contributions: whilst necessary to make the development acceptable, the contributions would additionally benefit the wider public;
- Travel Plan measures to encourage sustainable travel patterns.

Considered in isolation, it is unlikely that many of those public benefits would, individually, be sufficient to outweigh the harm that has been identified, even if at the low end of 'less than substantial'. However, it is considered that in combination and cumulation those public benefits are substantial, compelling, and sufficient to outweigh the 'less than substantial harm' to the designated heritage assets identified, even when considerable importance and weight is given to that harm and the desirability of preserving those relevant designated heritage assets. Officers then conclude that such benefits provide justification that overrides any inherent presumption in favour of preservation and/or against development.

Officers have therefore applied the balance required by paragraph 134 of the NPPF, having paid special regard to the desirability of preserving the historic environment as required by the Planning (Listed Buildings and Conservation Areas) Act 1990 and given the harm that has been identified considerable importance and weight. The outcome of this balancing exercise is that the public benefits identified (that would accrue in allowing development to proceed) outweigh the less than substantial harm, even when that harm is given considerable importance and weight.

A positive recommendation in relation to heritage impacts can therefore be made having regard to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities.

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<sup>14</sup> Paragraph: 020 Reference ID: 18a-020-20140306

Framed against the considerations in the preceding sections and the significance of the 'presumption in favour sustainable development', it is important to note that officers consider that the planning policies pertaining to the historic environment accord with Footnote 9 of the NPPF i.e. as specific policies that might indicate that development should be restricted.

However, as above, officers have concluded that the 'less than substantial harm' identified is outweighed by the substantial public benefits of the proposal, despite the considerable importance attached to that harm. As such, those policies within the NPPF no longer indicate that development should be restricted.

Consequently, the 'tilted balance' under Paragraph 14 remains engaged, to be considered in greater detail at the conclusion of this report.

### **Landscape Impact, Impact Upon the Character of the Area, and Open Spaces**

The NPPF states that the intrinsic character and beauty of the countryside should be recognised in decision-taking. Policy CS15 of the Core Strategy requires development proposals to protect the landscape of the District.

In addition to the requirements of Policy CS4, Policy CS14 also seeks to protect and enhance existing green infrastructure and states that on larger sites it will be central to the character and layout of the development. Additionally, it requires that particular consideration be given to ensuring that new provision links to existing green infrastructure. Policy HS31 of the Local Plan requires residential developments on sites of 1.5ha or more to provide 10% of the site area as open space (which is satisfied in this instance, and can be secured by way of planning obligation).

The Site is located to the north of Waldingfield Road (B1115) and amounts to a single, rectangular field parcel of approximately 6ha that is oriented perpendicular to the highway. It is not subject to any designations that relate to landscape quality.

The interior of the site comprises a former working orchard, with its boundaries being formed by mature hedgerows and large trees on all sides. Existing residential development (St Marys Close) bounds to the south-west; the property of Chilton Priory falls to the north-east. The rest of the site (on the northern side of Waldingfield Road) is enveloped by agricultural land. Chilton Hall and its related parkland is opposite, across the highway.

Notwithstanding the physically constrained nature of the site – it is not considered to present itself as being 'open' countryside – it is inevitable that developing the land will pose an impact upon the character of the site and its immediate setting. However, the key question, acknowledging the planning policy context, is whether the visual impact of the development can be reasonably assimilated or mitigated as it relates to the wider landscape setting.

In that respect and having regard for the DPP and the submission of a detailed Landscape Strategy that provides for strategic landscape along the prominent public frontage, officers endorse the views of the Council's appointed Landscape consultant, who has raised no objection to the application: the rural character of the area would be maintained. Conditions are considered necessary to ensure that this is carried through, including the native mix of strategic landscaping that has been accepted.

Notwithstanding the potential or likely development of Chilton Woods, from longer views the development would be perceived against the backdrop of existing development and/or landscaping. It would not, therefore, be identifiable as an isolated development nor would it be harmful by way of prominence. To ensure that this is the case, opportunities can be taken to safeguard that any existing screened boundaries to the site are retained in their naturalised form (noting the need to enable permeability), and where possible those boundaries can be reinforced and complemented in accordance with the submitted and accepted details.

Public open spaces and green infrastructure are considered to be key elements of 'major' residential schemes and the illustrative masterplan and DPP clearly identify those areas and how they would relate to the broad internal layout of the development. The precise design and layout of such spaces would be dealt with at the reserved matters stage(s) but obligations are recommended to secure the open space and the provision of areas of play and their ongoing management. In addition, the illustrative masterplan identifies how linkages through the development to the landscape/development beyond could be provided for to ensure that green networks are accessible to all.

In light of the above, the application is considered acceptable in respect of the likely impacts of the development upon the landscape, its impact upon the character and appearance of the area, and its provision of green space.

### **Residential Amenity**

One of the core planning principles within paragraph 17 of the NPPF is that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by policy CN01 of the Local Plan. Policy EN22 of the Local Plan relates to lighting and aims to minimise light spill and pollution to safeguard residential amenity, as well as the character of an area and highway safety.

As such, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbours, or future occupants, by reason of impacts including loss of light, privacy, or outlook, or other potential impacts associated with the proposed development and its construction; such as emissions of noise, light or dust.

The application is in outline form with the layout, amongst other matters, reserved. However, the DPP, which would be secured by planning condition, sets an expectation of how the Site would be arranged, by its land uses. Taking into account that arrangement, the relationship to existing development (including the potential Chilton Woods development), and the quantum of available land identified across those uses (and the maximum quantum of development applied for), officers consider it reasonable to conclude that there is adequate scope to ensure that residential amenity is safeguarded for existing/future neighbours and future occupiers, in respect of the development and its physical presentation i.e. outlook, privacy, loss of light, amenity space.

The comments of the Environmental Protection Officer are noted. In respect of lighting, noise, and emissions associated with areas of play, detailed assessment would be undertaken at the reserved matters stage(s) and there is no reason to consider that satisfactory arrangements or common mitigation measures cannot be presented or secured at the appropriate time.

As typical for developments of this nature, a condition(s) to secure an acceptable construction strategy having regard to amenity/environmental impacts is recommended.

## Design and Layout

Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with particular regard to the scale, form and nature of surrounding development and the local environment. Core Strategy Policies CS12 and CS15 set out the requirements for sustainable design and construction standards (energy efficiency is dealt with in the next section of this report).

Policy CS12 requires strategic site allocations, such as this Site, to achieve the Building for Life Silver Standard. However, this standard was based on the previous Building for Life Assessment, which has since been replaced by Building for Life 12 (BfL), which is a 'traffic light' scheme with red, amber and green standards informed by twelve questions. Despite the defunct status of this aspect of the Policy, it still accords with current principles concerned with assessing the urban design quality of a scheme.

Policy CS15 of the Core Strategy requires, *inter alia*, that new development should be well designed and of an appropriate size/scale, layout and character in relation to its setting and to the village. Development should also respect the landscape, landscape features, streetscape/townscape heritage assets, important spaces and historic views of the locality.

Delivering quality urban design is also a core aim of the NPPF which states (at Paragraph 56) that good design is a key aspect of sustainable development and is indivisible from good planning. At paragraph 64, the NPPF further states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions.

This application is submitted in outline where the matters of layout and building design are reserved. However, it is good practice for an applicant to demonstrate that the site can be developed in an acceptable way. To this end the applicant has submitted an indicative Masterplan and a detailed Design and Access Statement (DAS) that provide an indication as to how the development is envisaged to occur, with underlying design principles and supporting justification.

The DAS includes the following reference(s):

*"The development seeks to promote character and quality in its urban design approach. The concept masterplan has been developed in response to clear constraints and opportunities on the site as well as a review of local context. The design of the concept masterplan has focussed on creating a development which clearly responds to local character."*

The indicative layout and illustrative details within the DAS have articulated these values by showing a clear and defined built strategy, comprising well-spaced and 'active' residential blocks and a legible hierarchy of streets. The low-to-medium density of the development is considered appropriate for its setting and allows significant space for soft landscaping and open spaces that would ensure that the development would not have an unduly urbanised appearance, with links available to increase permeability.

No detailed assessment against the BfL standard has been carried out at this stage; however, the submitted details and supporting rationale gives reasonable comfort that an acceptable scheme in such respect is capable of presentation at Reserved Matters.



## **Resilience to Climate Change: Flood Risk, Drainage, and Building Performance**

Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. Policy CS4 notwithstanding, this is echoed throughout the Core Strategy, primarily through Policies CS1, CS12 and CS15, which require that development should be designed to a high sustainable development standard.

The proposal's resilience to climate change can be broken down into a number of key issues, such as the accessibility of the proposed development and its design quality (discussed above), its resilience to climate and social change, and building performance. Other important aspects of sustainable development, such as ecology, open space provision and safeguarding heritage are discussed elsewhere in this report.

### **Flood Risk**

An issue when considering 'resilience' is whether the development has been designed to adapt to issues presented by climate change, such as an increased risk of flooding from heavy rain. In this instance, the Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding.

However, the scale and nature of the development poses urbanising effects that would undoubtedly impact upon the way that the land copes with drainage and run-off. The NPPF requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Concerns in relation to flood risk were a key part of local comment.

In a Written Ministerial Statement dated 18<sup>th</sup> December 2014, the Secretary of State for Local Communities and Local Government made it clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. The PPG underlines this by stating that on major developments it is expected that SuDS for the management of surface water run-off are put in place, unless demonstrated to be inappropriate.<sup>15</sup> Further, local planning authorities should consult the relevant Lead Local Flood Authority (LLFA) (in this instance, Suffolk County Council) on the management of surface water.

This is an outline application and therefore it is not appropriate to consider the detailed design of the drainage scheme or the specific requirements of that. As advised, the outline application seeks to establish the acceptability of the principle of the development (plus the detailed access matters), but the principle of the drainage system to be provided is, however, dependent on the nature of the ground conditions and filtration rates. Whilst the detailed design of the system is not necessary, a degree of certainty that such a scheme could be provided satisfactorily, is required.

To support the proposal, and acknowledging the aforementioned guidance and policy direction, a detailed flood risk and drainage assessment has been submitted by the applicant; this has been accepted by the LLFA. The submitted detail demonstrates that the proposed site is at a low risk of flooding from all sources, is not required to meet the sequential or exception tests during the decision-taking process, and proposes a suitable surface water drainage strategy (based on the site layout) to drain the site and reduce flood risk overall, based on SuDS principles and evidenced by clear drainage calculations.

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<sup>15</sup> Paragraph: 079 Reference ID: 7-079-20150415

Consequently, the Lead Local Flood Authority has raised no objection to the scheme and is content that based on the evidence provided and assumptions made, a viable SuDS strategy is securable to support the development, and that the development would not lead to an increased flood risk off-site. Planning conditions imposed upon the outline planning permission would ensure that this is the case.

### **Building Performance**

Policy CS13 requires that all new development minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change, through adopting a sustainable approach to energy use. Specifically, development within the Strategic Land Allocations will be required to use on-site renewable, decentralised, or low carbon energy sources with the aim of achieving a 10% reduction in the predicted carbon dioxide emissions of the development.

Where the application has been made in outline form, details relating to building performance and the overall energy efficiency of the scheme cannot be objectively determined at this stage. However, such matters can be dealt with at the Reserved Matters stage when certainty around layout, building orientation, passive solar gain or renewable energy details, as examples, can be explored and building performance would be better known. Concurrently, conditions are recommended to secure this can be achieved.

### **Ecology and Biodiversity**

In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15, in particular, requires new development to safeguard ecology.

Officers consider that there is sufficient ecological information available to understand the impacts of development; the likely impacts of development have been adequately surveyed and assessed, particularly relating to Priority Habitats and Protected and Priority Species.

Pursuant to the requirements of the development plan, noting policies CS4 and CS15, and the wider ecological objectives enshrined within the NPPF, officers consider that it is reasonable and necessary to secure that the applicant implement, in full, the suite of recommendations identified within their submitted Ecological Appraisal. In accordance with the views of the Council's appointed Ecologist, Officers also acknowledge the need for a suite of additional planning conditions, in the interests of safeguarding and enhancing biodiversity. This would include the requirement of a Landscape and Ecological Management Plan (LEMP) being submitted and agreed prior to development; this has been accepted by the applicant.

### **Land Contamination**

The applicant has submitted a Phase 1 Contaminated Land Assessment of the potential contamination risks on this Site, which has been assessed by the Council's Environmental Protection officer. It is considered that the assessment made is sufficient to identify that there would be no unacceptable risks from contamination, subject to conditions to ensure the safe development and future occupancy of the site.

As such, the proposal is considered to comply with Policy CS15 insofar as it relates to land contamination, and the NPPF.

## Crime and Disorder

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. The NPPF, at Paragraph 58, states that developments should “*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*”.

In accordance with the preceding section addressing Design and Layout, officers have no reason to consider that the scheme could not be presented acceptably at the Reserved Matters stage so as to meet those policy requirements relating to crime and safety.

## Archaeology

Policy CS15 of the Core Strategy seeks to secure the conservation and/or enhancement of the historic environment. It further states that “...*Proposals for development must ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets*...”. This is consistent with Paragraph 141 of the NPPF.

The Site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to evidence for Prehistoric, Roman, and Medieval occupation, in addition to the key heritage assets at Chilton Hall.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, any permission granted should be the subject of a planning condition(s) to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In light of the above, conditions are recommended in-line with the requirements of the County Archaeological Service, in order to make the development acceptable in planning terms.

## Planning Obligations and the Community Infrastructure Levy

The Site forms part of a Strategic Land Allocation within the Babergh Core Strategy, as identified in the Babergh District Council CIL Charging Schedule (2016) and CIL Regulations 123 List (2016). This development is therefore treated as exempt from CIL by the Council, where it is considered to fall outside of the CIL charging regime. Instead, it is required to deliver infrastructure and other mitigation measures necessary to make the development acceptable in planning terms, through a s106 Legal Agreement (or other such mechanism).

A suite of obligations is considered necessary to make the development acceptable, in addition to planning conditions. The precise items to be secured are listed below.

<u>Obligation</u>	<u>Contributions</u>
Affordable Housing	<ul style="list-style-type: none"><li>• 35%, Provision of (final tenure/mix to be agreed with Housing Lead).</li></ul>
Open Spaces and Play Provision	<ul style="list-style-type: none"><li>• Provision of;</li><li>• Long-term management of/transfer.</li></ul>

<u>Obligation</u>	<u>Contributions</u>
Education	<ul style="list-style-type: none"> <li>• Primary Schooling - £556,192 (proportionate contribution to build cost of new primary school identified within the Chilton Woods planning permission).</li> </ul>
Pre-Schooling	<ul style="list-style-type: none"> <li>• £124,995 (proportionate contribution to build cost of new pre-schooling provision identified within the Chilton Woods planning permission).</li> </ul>
Libraries	<ul style="list-style-type: none"> <li>• £21,190 (to enhance and improve facilities at Sudbury Library).</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• £14,300 (proportionate contribution towards land acquisition and build costs of new Household Waste and Recycling Centre identified within the Chilton Woods planning permission).</li> </ul>
Travel Plan	<ul style="list-style-type: none"> <li>• Implementation of (on occupation of 100<sup>th</sup> dwelling);</li> <li>• Implementation of an agreed Interim Travel Plan;</li> <li>• £79,466 (total value bond, called in the event that the developer fails to implement the Travel Plan);</li> <li>• £1,000 per annum from occupation of the 100<sup>th</sup> dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration (for evaluation and monitoring).</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• £80,000 (for improvements to roundabout junction of Waldingfield Road and Aubrey Drive, and the design and construction of a Toucan crossing between the two roundabouts on Waldingfield Road at Aubrey Drive and Northern Road; worded to allow flexibility in the use of this sum in the local area so that the interaction between this development and any other development which would affect these junctions, can be considered by the Highway Authority).</li> </ul>

To allow for the development of the site over time, bearing in mind the viability of the proposal and the incremental impact that would result as the development progresses, a scheme for the phasing of the payments is required that would accord with the agreed viability and delivery details. Such provision would include a date at which a pro-rata amount would be payable if the development has not reached the amount of development expected, such that services can be supported appropriate to the level of development.

The precise trigger points are yet to be agreed, however they would be proportionate in respect of appropriately mitigating according impact.

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The Community Infrastructure Levy (CIL) Regulations (2010) state that after 6 April 2015 no more than five s106 obligations can be 'pooled' for the funding or provision of an infrastructure project or type of infrastructure. The Regulations require that s106 obligations must be specific and identify the infrastructure project that the contribution will fund.

In accordance with those Regulations, 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.

## Affordable Housing

In respect of affordable housing, Policy CS19 states that to promote inclusive and mixed communities (as supported by the NPPF), all residential development is required to provide 35% affordable housing<sup>16</sup> unless development viability is a proven issue.

In this case viability is not an issue and the scheme is considered to be deliverable; the applicant has agreed to meet the obligation of providing 35% affordable housing, which equates to a maximum of 45 units. On that basis, the Housing Lead has identified the following scale and tenure/mix as being acceptable; the final details would be agreed through the s106 legal agreement in consultation with that Officer:

### Affordable Rented: 75% of 45 dwellings = 33 units

- i. 8 x 1 bed 2-person flats at 50sqm
- ii. 4 x 1 bed 2-person houses at 58sqm
- iii. 2 x 2 bed 3-person bungalows at 63sqm
- iv. 14 x 2 bed 4-person houses at 79sqm
- v. 5 x 3 bed 5-person houses at 93sqm

### Shared Ownership: 25% of 45 dwellings = 12 units

- i. 8 x 2 bed 4-person houses at 79sqm
- ii. 4 x 3 bed 5-person houses at 93sqm

## **Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax

These considerations are not held to be material to the recommendation made on this application, nor its decision.

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## **PART FOUR – CONCLUSION AND RECOMMENDATION**

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### **Planning Balance and Conclusion**

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 sections and paragraphs of this report.

At the heart of the balancing exercise to be undertaken by decision takers 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.

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<sup>16</sup> The Babergh DC follows the definition of affordable housing as set out within the NPPF.

Core Strategy Policy CS4 specifically relates to the Strategic Land Allocation within which the application site falls. In light of this, it is acknowledged that certain aspects of the Development Plan may well support the proposal, notwithstanding Policy CS4, and that other considerations might pull in a different direction; it is natural that not every development will accord with every policy within a development plan.

Officers have nevertheless undertaken to review the merits of this proposal framed against the entirety of the Development Plan, comprising the Core Strategy (2014) and the Local Plan (2006). After careful assessment, your officers consider that the application does not fully comply with Policy CS4 despite meeting the wider thrust of the suite of planning policies that comprise the Development Plan.

The development represents a piecemeal addition to the agreed and accepted Masterplan pursuant to Policy CS4 that was granted in respect of the Chilton Woods development. Further, and when considered against the lead Policy, the quantum of development poses tension with the identified threshold and the delivery of housing secured through the Chilton Woods scheme. That said, when framed against Policy CS4 it is considered that the proposal would not prejudice the delivery or Masterplan of the Chilton Woods development; the application presents a standalone proposal which nevertheless identifies how it can be brought forward to complement the Chilton Woods development. Notwithstanding the identified tensions with Policy CS4, the scheme is in any event acceptable when framed against the wider development plan and in consideration of its likely impacts and effects.

Officers have further identified that the scheme would pose considerable economic and social benefits, through the significant delivery of housing (including 35% affordable). Off-site highway works would mitigate the traffic effects associated with the development. There are also environmental benefits through the provision of green infrastructure and open space provision.

In respect of the historic environment, officers have identified that it would be prudent to accept that the scheme would pose 'harm' to the heritage assets at Chilton Hall, within the meaning provided by Historic England and expanded by the NPPF. Such harm would be 'less than substantial' within the context of NPPF paragraph 134.

Following an exercise in a preceding section of this report, NPPF paragraph 134 requires for the public benefits of the development to be weighed against the 'less than substantial' harm posed to designated heritage assets. The identified benefits are numerous and great. The application therefore satisfies the exercise in respect of paragraph 134. Acknowledging Footnote 9 of the NPPF, where that public benefit-to-harm balancing exercise has produced a positive outcome, those relevant heritage policies within the NPPF do not indicate that development should be restricted.

Nevertheless, aside from the NPPF policy tests, officers have still afforded considerable importance and weight, as required by statutory duty, to this less than substantial harm to heritage assets. However, again, this harm is considered to be outweighed by the substantial public benefits identified.

Notwithstanding the above, and since there is not, by any measure, a 5-year supply of deliverable housing sites at present, Paragraph 49 of the NPPF deems the relevant housing policies of the Development Plan to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1. These factors are considered to warrant a significant weighting; conversely, Policy CS4 is given a lesser weighting in this instance noting that the development only poses tension in relation to its increase in housing quantum (and it is evidently the case that the District has an under-supply in that respect) and that it does not form part of a comprehensive Masterplan for the CS4 Strategic Land Allocation (despite not compromising or prejudicing the Masterplan already approved under the Chilton Woods permission).

As such, the proposal is considered to be sustainable development in accordance with the 'tilted balance', and officers do not consider that any adverse impacts identifiable in relation to this proposal (which would appear to purely relate to the development of a previously undeveloped and/or 'green' site) would significantly or demonstrably outweigh the benefits of it, when framed against the NPPF as a whole, and in respect of statutory duty and the balancing of public benefit to the harm posed to heritage assets. Officers do not consider that there are any specific policies within the NPPF that indicate that the development should be restricted.

In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm.

A positive recommendation to Members is therefore given below.

## **RECOMMENDATION**

That Members of the Planning Committee resolve to approve the following:

- (1) That authority be delegated to the Corporate Manager - Growth and Sustainable Planning to grant planning permission, subject to the prior completion of a Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990, or accepted Undertaking, to secure the following obligations and related terms to their satisfaction:

<u>Obligation</u>	<u>Contributions</u>
Affordable Housing	<ul style="list-style-type: none"> <li>35%, Provision of (final tenure/mix to be agreed with Housing Lead).</li> </ul>
Open Spaces and Play Provision	<ul style="list-style-type: none"> <li>Provision of;</li> <li>Long-term management of/transfer.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Primary Schooling - £556,192 (proportionate contribution to build cost of new primary school identified within the Chilton Woods planning permission).</li> </ul>
Pre-Schooling	<ul style="list-style-type: none"> <li>£124,995 (proportionate contribution to build cost of new pre-schooling provision identified within the Chilton Woods planning permission).</li> </ul>
Libraries	<ul style="list-style-type: none"> <li>£21,190 (to enhance and improve facilities at Sudbury Library).</li> </ul>
Waste	<ul style="list-style-type: none"> <li>£14,300 (proportionate contribution towards land acquisition and build costs of new Household Waste and Recycling Centre identified within the Chilton Woods planning permission).</li> </ul>
Travel Plan	<ul style="list-style-type: none"> <li>Implementation of (on occupation of 100<sup>th</sup> dwelling);</li> <li>Implementation of an agreed Interim Travel Plan;</li> <li>£79,466 (total value bond, called in the event that the developer fails to implement the Travel Plan);</li> <li>£1,000 per annum from occupation of the 100<sup>th</sup> dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration (for evaluation and monitoring).</li> </ul>

<u>Obligation</u>	<u>Contributions</u>
Highways	<ul style="list-style-type: none"> <li>£80,000 (for improvements to roundabout junction of Waldingfield Road and Aubrey Drive, and the design and construction of a Toucan crossing between the two roundabouts on Waldingfield Road at Aubrey Drive and Northern Road; worded to allow flexibility in the use of this sum in the local area so that the interaction between this development and any other development which would affect these junctions, can be considered by the Highway Authority).</li> </ul>

And that such planning permission be subject to conditions, to the satisfaction of the Corporate Manager - Growth and Sustainable Planning, including the following:

- Approval of reserved matters, to include appearance, landscaping, layout and scale, all to be in accordance with the approved plans and parameters;
- Standard time limit for commencement;
- Provision of pedestrian/cycle links into adjacent land;
- As required by LHA/Details for on-site highway infrastructure;
- As recommended by the Council's Ecologist;
- As recommended by the Council's Environmental Protection team (noise and contamination);
- Construction management plan/details;
- Drawings to show finished slab and floor levels;
- As required by LLFA/detailed surface water drainage strategy;
- Detailed foul water drainage strategy;
- Detailed energy strategy;
- Details of facing and roofing materials;
- Hard and soft landscaping details;
- Lighting strategy;
- Fire hydrants;
- Archaeology.

(2) That, in the event of the Legal Agreement or Undertaking referred to in Resolution (1) above not being secured or accepted to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, they be authorised to refuse planning permission, for reason(s) including:

- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and acceptably mitigate its wider impacts, contrary to the Development Plan and NPPF.






**Application No: DC/17/04052**




**Parish: Sudbury**



**Location: Land North of Waldingfield Road**

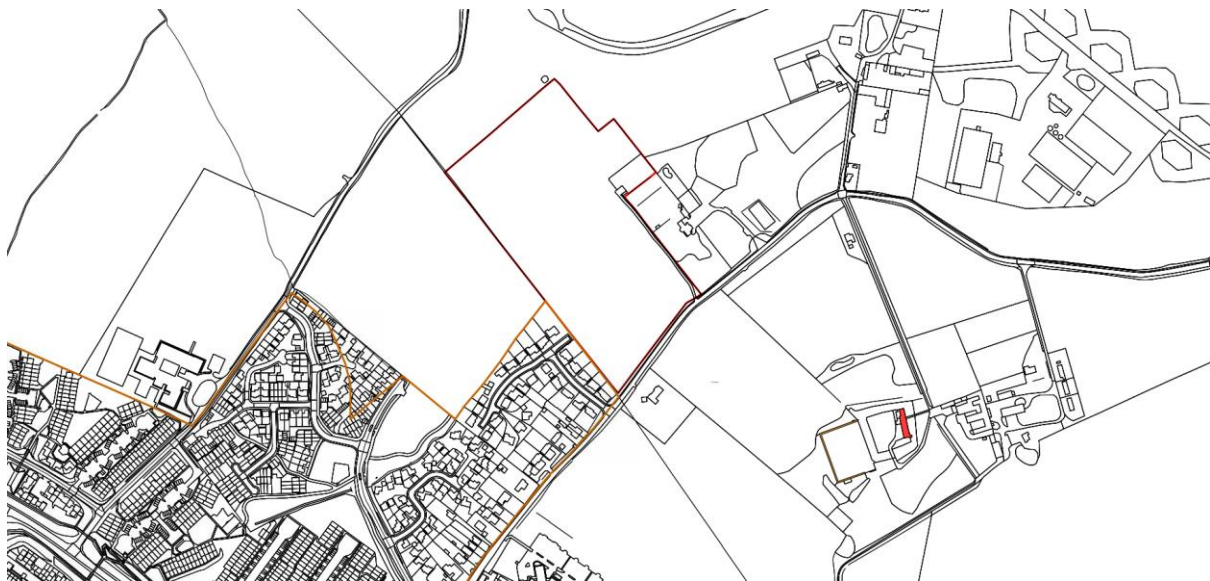
**Legend**

-  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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