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COMMITTEE: **PLANNING COMMITTEE**

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

DATE: **Wednesday, 13 June 2018
at 2.00 pm**

PLEASE NOTE START TIME OF MEETING

Conservative Group	Independent Group	Independent Conservative Group	Liberal Democrat Group	Labour Group	Babergh Unionists Group
Peter Beer - C Michael Creffield Jennie Jenkins Adrian Osborne Lee Parker Ray Smith	Derek Davis Stephen Plumb David Rose	John Hinton Michael Holt - VC	David Busby	Luke Cresswell	Sue Burgoyne

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AGENDA

PART 1

ITEM	BUSINESS
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Page(s)

1 SUBSTITUTES AND APOLOGIES

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

To receive apologies for absence.

2 DECLARATION OF INTERESTS

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

3 PL/18/2 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 APRIL 2018 1 - 8

4 PL/18/3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 9 MAY 2018 9 - 12

ITEM	BUSINESS	
		<u>Page(s)</u>
5	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	
6	<u>SITE INSPECTIONS</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 20 June 2018.</p>	
7	<u>PL/17/40 PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE</u>	13 - 16
	<p>If required, a further 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>	17 - 204
	<p>The report for this application (Paper PL/17/40 and Appendix) was withdrawn from consideration at the 9 May 2018 meeting to allow proper consideration of a late legal representation. It is now re-presented for consideration by the Committee.</p> <p>The following documents are also included with this agenda:-</p> <ul style="list-style-type: none"> • Addendum circulated 8 May 2018 – Correspondence received by officers and their response. • Letter dated 8 May 2018 from Town Legal LLP 	

Notes:

1. The next meeting is scheduled for Wednesday 27 June 2018 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

[Public Speaking Arrangements](#) (pdf)

ITEM	BUSINESS
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Page(s)

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

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

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

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

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

Introduction to Public Meetings

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

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

Domestic Arrangements:

- 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:

If you hear the alarm:

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.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN ELISABETH ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 18 APRIL 2018

PRESENT: Peter Beer - Chairman

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

David Busby
Luke Cresswell
Siân Dawson
John Hinton
Lee Parker
David Rose

143 DECLARATION OF INTERESTS

Councillor Derek Davis declared a local non-pecuniary interest in Item 3 of Paper PL/17/38 in his capacity as the Council's representative on the Suffolk Coast and Heaths AONB JAC. Councillor Davis also stated that he knew the husband of the applicant, having designed a website for him some 18 months / 2 years ago.

Councillor David Rose declared a local non-pecuniary interest in Item 3 of Paper PL/17/38 in his capacity as the Council's representative on the Suffolk Coast and Heaths AONB Joint Advisory Committee (JAC) and Partnership.

144 PL/17/37 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 MARCH 2018

It was RESOLVED

That the minutes of the meeting held on 21 March 2018 be confirmed and signed as a correct record.

145 PL/17/33 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2018

Members were aware that at the meeting of the Committee on 21 March 2018, consideration of the Minutes of the meeting held on 7 February 2018 was deferred, pending the receipt of further legal advice in respect of Minute No 127a.

Members were asked to consider confirming the Minutes, which were unchanged from those originally circulated as Paper PL/17/33, and which had been re-circulated to Members prior to the day of the meeting.

It was RESOLVED

That the Minutes of the meeting held on 7 February 2018 be confirmed and signed as a correct record.

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

None received.

147 SITE INSPECTIONS

Peter Beer requested a site inspection in respect of Application No DC/18/00929 – Cuckoo Hill Bures, to be held at an appropriate time.

Philip Isbell, Corporate Manager – Planning for Growth, recommended a site inspection in respect of Applications No DC/18/00535, DC/18/00536 and DC/18/00544 – Full applications and application for Listed Building Consent at The Walled Garden, Nursery Lane, Woolverstone, due to their controversial nature.

It was RESOLVED

(1) That a site inspection be held on Wednesday 25 April 2018 in respect of Applications No DC/18/00535, DC/18/00536 and DC/18/00544 – The Walled Garden Woolverstone.

(2) That a Panel comprising the following Members be appointed to inspect the sites:-

**Sue Ayres
Peter Beer
David Busby
Michael Creffield
Luke Cresswell
Derek Davis
Siân Dawson**

**Kathryn Grandon
John Hinton
Adrian Osborne
Lee Parker
Stephen Plumb
David Rose
Ray Smith**

(3) That a site inspection be held in respect of Application No DC/18/00929 – Cuckoo Hill Bures on a date to be advised in due course.

148 PL/17/38 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/38 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received 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, representations were made as detailed below relating to the items in Paper PL/17/38 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/18/00200/OUT	Barry Abson (Parish Council) Leslie Short (Agent for Applicant) Margaret Maybury (Ward Member)
DC/17/05196 and DC/17/05197	William Davies (Parish Council) Mark Dorber (Applicant) Sue Carpendale (Ward Member) Fenella Swan (Ward Member)
DC/17/05196 DC/17/05197	Madeline Kaye (Objector) Ian Coward (Objector)
DC/18/00236	Nicholas Crook (Supporter) Leslie Short (Agent for Applicant)

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/17/38 be made as follows:-

a GREAT WALDINGFIELD

**Application No. DC/18/00200/OUT
Paper PL/17/38 – Item 1**

Outline Application – erection of 32 dwellings (including 11 affordable units) and garages, land off Bantocks Road.

Gemma Walker, Area Planning Manager, in introducing this application, advised Members that there were no updates to the report.

During the consideration of the application, the view was expressed that the question of local priority in relation to the affordable housing provisions should be reviewed, and this was subsequently incorporated in the motion which was put to the vote.

It was RESOLVED

(1) That subject to the outcome of a review by the Corporate Manager of evidence of housing need which would warrant including local priority in the affordable housing provisions, the Corporate Manager – Planning for Growth be authorised to grant planning permission subject to the prior completion of a Section 106 Planning Obligation on terms to his satisfaction to secure:

- **35% Affordable units including mix, tenure and local priority if evidenced following the review referred to above**

and that such permission be subject to conditions including:-

- Standard time limit
- Reserved matters outline
- Accord with approved plans
- Access visibility splays
- Access- estate roads detail
- Agree and implement construction of carriageways and footways
- Agree and implement parking, cycling, and manoeuvring areas
- Deliveries management plan
- Details of surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of construction surface water management
- Programme of archaeological work
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Ecological report recommendations
- Withdrawal PD rights

Notes: (to be attached to the Decision Notice)

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Watercourse works consent – Section 23 of the Land Drainage Act 1991

Watercourse/groundwater discharge – Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

Internal Drainage Board catchment – surface water developer contribution

(2) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured to the satisfaction of the Corporate Manager – Planning for Growth, he be authorised to refuse planning permission for reasons including:-

- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.

b

STRATFORD ST MARY

**Application No. DC/17/05196 and
DC/17/05187 OUT
Paper PL/17/38 – Item 2**

**Full application and application for
Listed Building Consent – erection of
two single story extensions (to
provide new kitchen, WC, dining area,
bar, brewhouse and ancillary
accommodation) following
demolition of outbuilding and
existing extension; extension of car
park and terrace area; insertion of
roof lights; creation of 2 additional
rooms to let, Swan Inn, Lower Street.**

The Heritage Officer, Jonathan Duck, was present for this item to answer questions.

Lynda Bacon, Development Management Planning Officer, in introducing the officer report, referred Members to the additional correspondence and responses reported in the Addendum paper, which had been circulated to Members prior to the day of the meeting. She also reported a further comment from SCC Highways confirming that although the number of parking spaces was below the maximum, there was no minimum requirement associated with the applications for commercial developments.

During the course of Members' consideration of the Planning application, it was suggested that if the Committee was minded to grant permission, additional conditions should be included to cover flood risk and noise mitigation, and these were incorporated into the motion for approval which was subsequently put to the vote.

In response to Members' questions about traffic management along Lower Street, the Corporate Manager was asked to contact SCC Highways about possible options. The Chairman reminded Members that an approach on this aspect could also be made by the Parish Council and through the local County Councillor.

It was RESOLVED

(1) That planning permission be granted subject to conditions including:-

- **Standard time limit**
- **Approved Plans and Documents**
- **Agreement of Materials**
- **Construction Management Plan**
- **Standard Archaeological Conditions**
- **Ecology Mitigation**
- **Landscaping**
- **Tree Protection Measures**
- **Flood Risk**
- **Noise Mitigation**

(2) That Listed Building Consent be granted subject to conditions including:-

- **Standard Time Limit**
- **Approved Plans and Documents**
- **Agreement of Materials**
- **Sample of brick panel**
- **Detailed sections through doors to be ‘nailed shut’ in the public house at 1:10**
- **Details of proposed creation of en suite in suite 5**
- **Details of proposed creation of en suite in suite 6**
- **Vertical section through glazed link from finished ground level to roof, at 1:20**
- **Horizontal section through glazing and different sections of frame, at 1:2**
- **Detailed sections of all new windows, rooflights and doors at 1:2 or 1:10 as appropriate**
- **Manufacturer’s literature on cladding**
- **Detailed section of junction between glazed roof and wall of public house at 1:10**

c CHELMONDISTON

**Application No. DC/18/00236
Paper PL17/38 – Item 3**

Outline Application – erection of 24 dwellings (including 8 affordable dwellings) including access, land adjacent to Woodlands, Main Road.

Lynda Bacon, Development Management Planning Officer, in introducing the officer report, referred Members to the comments from Place Services – Heritage as set out in the Addendum, which included reference to the comments in the report from the Landscape Consultant for Place Services.

Members were made aware, from the presentation, that the main issues relate to the sustainability of the proposal and the impact on the landscape. As the site is in the AONB the presumption in favour of sustainable development does not apply and development should be restricted where adverse impacts significantly and demonstrably outweigh the benefit.

After Members had debated the application, expressing differing views and taking account of all the information presented to the Committee including the planning balance issues, the officer recommendation for refusal was proposed and seconded. A majority of Members did not accept that the officer reasons for refusal outweighed the benefits of the proposed development, and the motion to refuse was lost on being put to the vote.

Prior to an appropriate recommendation for approval being proposed and seconded, the relevant Members considered the wording of their reasons for being minded to grant outline planning permission, together with the imposition of appropriate conditions and obligations.

The public benefits of delivering additional housing including affordable housing were identified as a material consideration that attracts sufficient weight given the contribution to the 5 Year housing land supply and to meeting the affordable housing needs of the District in this locality. Notwithstanding the significance of safeguarding the AONB in both policy CR02 and the NPPF, it was considered that there are material benefits in granting planning permission which mean that the proposal would constitute sustainable development in accordance with policies CS1, CS3, CS15 and CS19 of the Core Strategy and which would justify departing from the AONB protection policies.

In addition to standard conditions, the following were identified for inclusion in the motion to Committee:-

- Delegation to the Corporate Manager – Planning for Growth to grant permission subject to the prior resolution of the holding objection by SCC Floods and Water, and the securing of a S106 Planning Obligation
- The inclusion of landscape and ecology conditions as advised in the officer report
- Delegation to the Corporate Manager to refuse permission if the outstanding matters are not concluded to his satisfaction

A motion incorporating the above elements was carried on being put to the vote.

It was RESOLVED

- (1) That subject to the satisfactory resolution of the holding objection by SCC Floods and Water to the satisfaction of the Corporate Manager – Planning for Growth, he be authorised to grant outline planning permission subject to the prior completion of a Section 106 Planning Obligation on terms to his satisfaction to secure:**

- **Affordable housing**
- **Financial contribution to visitor management measures for the Stour and Orwell Estuaries SPA/RAMSAR**

and that such permission be subject to conditions including

- **Standard conditions**
- **Landscape as recommended by Place Services**
- **Ecological mitigation and enhancements as recommended by Place Services**

- (2) That in the event that the Section 106 referred to in Resolution (1) above is not secured to the satisfaction of the Corporate Manager – Planning for Growth, he be authorised to refuse planning permission for reasons including**

- **Failure to resolve the holding objection from SCC Floods and Water**

- **The scheme fails to provide adequate infrastructure contributions or secure affordable housing which accordingly fails to provide the appropriate public benefits to justify a departure from policy in the AONB.**

Notes:

1. The meeting adjourned for a comfort break from 10.20 a.m. to 10.25 a.m., after consideration of Item 1 of Paper PL/17/38.
2. Following a request for clarification from Councillor Cresswell regarding the position of Councillor Grandon, who was not present for the start of Item 3, the meeting adjourned for legal advice from 12.35 p.m. to 12.45 p.m. as a result of which Councillor Grandon did not participate in either of the votes on the item and Members were asked to discount her comments made during the discussion leading up to the vote to refuse permission.

Members were referred to paragraph 11.2.4 of the Planning Charter which states that Members should

‘only vote or take part in the meeting’s discussion on a proposal if they have been present to hear the entire debate, including the officers’ introduction and any public speaking.’

3. Councillor Hinton returned to the meeting after the start of the officer introduction to Item 3 and took no part in the discussion or the voting.

The business of the meeting was concluded at 1.25 p.m.

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Chairman

Agenda Item 4

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN THE ROSE ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 9 MAY 2018

PRESENT: Peter Beer - Chairman

Sue Ayres
Luke Cresswell
Alan Ferguson
Michael Holt
Adrian Osborne
Stephen Plumb
David Rose

David Busby
Derek Davis
Kathryn Grandon
Jennie Jenkins
Lee Parker
Nick Ridley

The following Members were unable to be present:

Michael Creffield, John Hinton and Ray Smith.

149 SUBSTITUTES AND APOLOGIES

It was noted that in accordance with Committee and Sub-Committee Procedure Rule No 20, substitutes were in attendance as follows:-

Nick Ridley (substituting for Ray Smith)
Kathryn Grandon (substituting for Michael Creffield)
Alan Ferguson (substituting for John Hinton)

150 DECLARATION OF INTERESTS

Jennie Jenkins declared a local non-pecuniary interest in Application No DC/17/04052 because her partner, Gordon Jones, is a Cabinet Member at Suffolk County Council.

Kathryn Grandon declared a non-pecuniary interest in Application No DC/17/04052 by reason of her acquaintance with a resident of St Mary's Close.

151 PL/17/39 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 APRIL 2018

It was RESOLVED

That the Minutes of the meeting held on 4 April 2018 be confirmed and signed as a correct record.

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

None received.

153 SITE INSPECTIONS

Stephen Plumb requested a site inspection in respect of Application No DC/18/00856 – New Street Barn, New Street, Glemsford to enable Members to see the application in the context of the current uses of the site.

Prior to asking Members to vote on the request, the Case Officer, Samantha Summers, gave a brief presentation and confirmed that the request was supported by the officers, for the reason given above and also to enable Members to view the access arrangements and the relationship to residential property.

Gemma Pannell, Area Planning Manager, informed the Committee that the Corporate Manager – Planning for Growth, recommended a site visit in respect of Application No DC/18/00606 – land to the east of Station Road, Long Melford.

Members agreed to hold site inspections for both the above applications, and to include a site visit for Application No DC/18/00929 – Cuckoo Hill Bures (agreed by the Committee on 18 April) on the same day.

It was RESOLVED

- (1) That site inspections be held on Wednesday 23 May 2018 in respect of Application Nos DC/18/00856, DC/18/00606 and DC/18/00929.**
- (2) That a Panel comprising the following Members be appointed to inspect the sites:-**

**Sue Ayres
Peter Beer
David Busby
Michael Creffield
Luke Creswell
Derek Davies
John Hinton**

**Michael Holt
Jennie Jenkins
Adrian Osborne
Lee Parker
Stephen Plumb
David Rose
Ray Smith**

154 PL/17/40 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

a **DC/17/04052 Chilton – Land north of Waldingfield Road, Sudbury**

The Chairman, Peter Beer, invited the Council's legal adviser, Jo Hooley to address the Committee and she made the following statement.

"Members will be aware that a letter was received late yesterday afternoon from the legal representatives of Chilton Parish Council raising a number of issues which require further consideration and legal advice to be given to officers. In the circumstances officers, in consultation with the Chairman and Vice-Chairman of the Committee have taken the decision to withdraw this item from the agenda."

The Chairman, Peter Beer, confirmed that the decision had not been taken lightly but that there had not been time for the contents of the letter to be looked into properly, and he expressed his disappointment about the receipt of late letters. He apologised to Members for being unable to tell them earlier, but the decision had only been taken within the last 20 minutes. He assured them that the item would be returned to Committee at the earliest opportunity. The Vice-Chairman, Adrian Osborne, concurred with these remarks.

In answer to questions from Members, the Chairman confirmed that there could be no debate on the contents of the letter without legal advice, and that when the item was returned to Committee, any necessary changes to the report would be identified.

Members were asked to note the position.

It was RESOLVED

That it be noted that Application No DC/17/04052 has been withdrawn from consideration at the meeting by the officers in consultation with the Chairman and Vice-Chairman of the Committee for the reasons referred to above.

The business of the meeting was concluded at 9.45 a.m.

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Chairman

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PL/17/40

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

13 JUNE 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.	17-52	DC/17/04052	CHILTON - Land North of Waldingfield Road, Sudbury	SS	
	53-160		Appendix – Consultee Comments		
	161-172		Addendum circulated 8 May 2018		
	173-204		Letter dated 8 May 2018 from Town Legal LLP		

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

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

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

DELEGATION TO THE CORPORATE MANAGER - GROWTH AND SUSTAINABLE PLANNING

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

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Agenda Item 7a

Committee Report

Item No: 1

Reference: DC/17/04052

Case Officer: Steven Stroud

Ward: Waldingfield

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

RECOMMENDATION – SUBJECT TO S106 AGREEMENT, GRANT PLANNING PERMISSION

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

Application Type: Outline Planning Application

Development Type: Residential: Large-scale Major

Environmental Impact Assessment: Not required; Screening Opinion issued in relation to the project proposed¹

Applicant: Catesby Estates Limited

Agent: Miss Jennifer Carroll

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

¹ 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).

PART TWO – APPLICATION BACKGROUND AND DETAILS

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’)². Outline planning permission for that development was granted on 29th March 2018 following the completion of a s106 legal agreement, in accordance with the resolution of the Planning Committee of 25th 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.³

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.

² Application Reference: B/15/01718.

³ 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.

PART THREE – ASSESSMENT OF APPLICATION

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.⁴”*

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”⁵.*

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”⁶.*

⁴ 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.

⁵ *CEBC vs SSCLG* [2016] EWHC 571 (Admin)

⁶ *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..."*⁷

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 position⁸. 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.

⁷ Paragraph: 030 Reference ID: 3-030-20140306

⁸ *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 process⁹.

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.

⁹ 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 itself¹⁰.

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.

¹⁰ 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.

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 granted¹¹.

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.

¹¹ 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 guidance¹² 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.

¹² 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' harm¹³, 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.

¹³ 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."¹⁴

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.

¹⁴ 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 18th 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.¹⁵ 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.

¹⁵ 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">• 35%, Provision of (final tenure/mix to be agreed with Housing Lead).
Open Spaces and Play Provision	<ul style="list-style-type: none">• Provision of;• Long-term management of/transfer.

<u>Obligation</u>	<u>Contributions</u>
Education	<ul style="list-style-type: none"> Primary Schooling - £556,192 (proportionate contribution to build cost of new primary school identified within the Chilton Woods planning permission).
Pre-Schooling	<ul style="list-style-type: none"> £124,995 (proportionate contribution to build cost of new pre-schooling provision identified within the Chilton Woods planning permission).
Libraries	<ul style="list-style-type: none"> £21,190 (to enhance and improve facilities at Sudbury Library).
Waste	<ul style="list-style-type: none"> £14,300 (proportionate contribution towards land acquisition and build costs of new Household Waste and Recycling Centre identified within the Chilton Woods planning permission).
Travel Plan	<ul style="list-style-type: none"> Implementation of (on occupation of 100th dwelling); Implementation of an agreed Interim Travel Plan; £79,466 (total value bond, called in the event that the developer fails to implement the Travel Plan); £1,000 per annum from occupation of the 100th 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).
Highways	<ul style="list-style-type: none"> £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).

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.

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 housing¹⁶ 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.

PART FOUR – CONCLUSION AND RECOMMENDATION

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.

¹⁶ 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"> 35%, Provision of (final tenure/mix to be agreed with Housing Lead).
Open Spaces and Play Provision	<ul style="list-style-type: none"> Provision of; Long-term management of/transfer.
Education	<ul style="list-style-type: none"> Primary Schooling - £556,192 (proportionate contribution to build cost of new primary school identified within the Chilton Woods planning permission).
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<u>Obligation</u>	<u>Contributions</u>
Highways	<ul style="list-style-type: none"> £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).

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

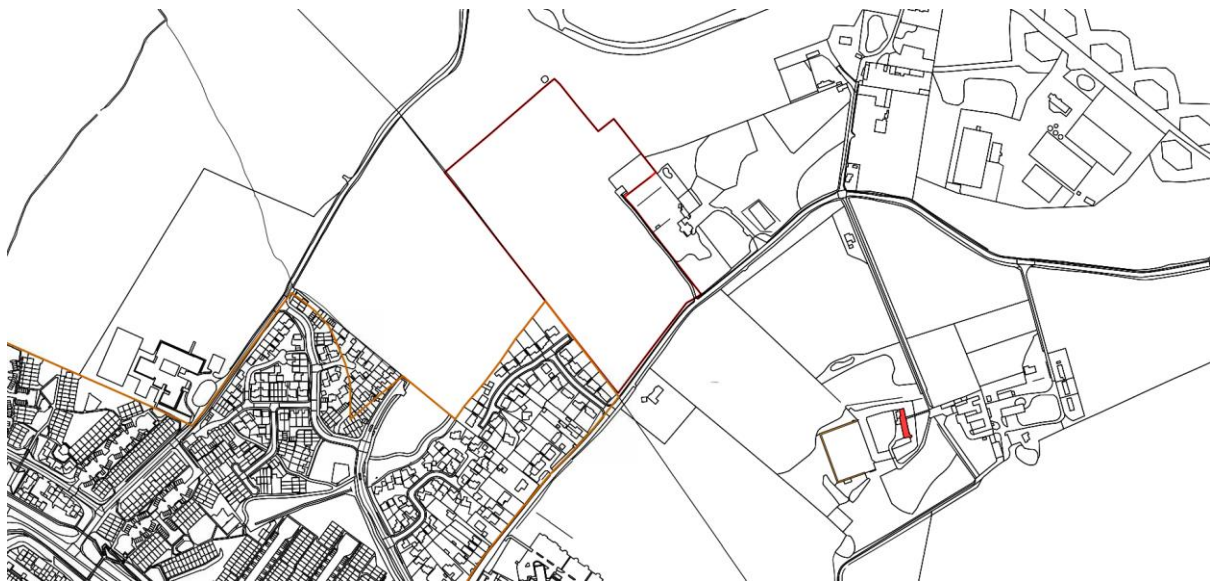
Legend

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

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL

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CHILTON PARISH COUNCIL

Clerk: Dave Crimmin, Cragston, Sudbury Road, Newton, Sudbury, Suffolk CO10 0QH
 Tel: 01787 375085 email: chiltonpc@btinternet.com

5th September 2017

Development Management
 Babergh District Council
 Corks Lane
 Hadleigh
 Ipswich
 IP7 6SJ

Dear Sarah Scott

Re: Planning Application DC/17/04052 Land North of Waldingfield Road - 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.

At last night's Chilton Parish Council meeting the councilors reviewed the above application and resolved **to object to the application**. There are a number of issues that CPC raise in relation to its objection:

1 Community Engagement

The statement by the applicant that the proposed site is in Sudbury demonstrates the lack of engagement with the residents and CPC on this application. **The proposed site is entirely in the parish of Chilton.** The applicant has not requested a meeting with CPC or its residents in order to discuss the proposals, they have been happy to send a letter to some local residents and CPC and refer them to a website. CPC is aware that some local residents to the proposed site have not been informed about the application, including the residents of Chilton Hall or Galgate Cottage on the heritage site opposite the proposed development. **CPC do not consider this level of engagement as acceptable.**

2 Policy CS4

The application site is wholly enclosed within the strategic site of CS4 - Chilton Woods as included in the current Local Plan. There is currently Planning Application B/15/01718 which is seeking outline permission for 1,150 dwellings within the CS4 site parameters which Babergh as the LPA is determining. This application seeks a further 130 dwellings within the CS4 site parameters giving a total number of dwellings proposed for the CS4 site of 1,280. CPC consider that both developments should conform to policy CS4 and provide for up to a total of 1,050 new dwellings. We do not agree that "approximately 1,050" new dwellings covers up to 1,280.

3 The outline application

CPC object to the description of the development for which bare outline permission is sought as it is unspecific and general. It needs to be more detailed which is entirely consistent with it being an outline application. There is less information and detail in the outline application description above than there is in Policy CS4. Given that the application is supported only by an "Illustrative masterplan" the applicant is creating a developer's charter which is considered by CPC to be unacceptable.

CHILTON PARISH COUNCIL

4 “Illustrative masterplan”

This application is deficient in that no Masterplan has been filed in support of this application as is required under Policy CS4. This application is accompanied only by an “Illustrative Masterplan” for the development. Therefore, there is no certainty about how this development will look and what could be put forward at reserved matters stage could be completely different from what is said in the supporting documents for this outline application.

Accordingly, CPC object that all matters are reserved except for access and consider that BDC should require as part of this outline application that the applicant provides more detail and commit to:

- appearance;
- layout;
- scale; and
- landscaping details

rather than all those matters being reserved for future development. Illustrative details and broad parameters for these matters are unacceptable.

5 Access

CPC has considerable concern for the single point access for the 130 dwellings proposed for this application. The location of the proposed access is approximately 30 meters from the access to St Mary’s Close and approximately 150 meters from the bend in the other direction.

No response from SCC Highways has been recorded on the application at present, but it is noted that for Planning Application B/15/01718 that an access to Chilton Woods along the B1115 was not considered acceptable due to the nature of the road. In fact, for the past four years of consultation on the access to the CS4 site, access via the Waldingfield Road has been rejected on safety grounds. CPC consider that the traffic generated by 130 dwellings along this stretch of road is unacceptable with the proposed access for the site.

6 Determination by the LPA

CPC consider that this application and Planning Application B/15/01718 should be considered by the same officer in order to consider all aspects of Policy CS4 in light of the 2 applications to develop the site. CPC also suggest that both applications are considered by the Planning Committee on the same day in order that the CS4 site as a whole is determined within the existing policies.

7 For the reasons set out above, CPC object to the proposed development and ask the Planning Committee to refuse consent for the outline application.

Yours sincerely

Dave Crimmin MILCM
Clerk, Chilton Parish Council

From:Iain Farquharson
Sent:1 Sep 2017 15:16:31 +0100
To:BMSDC Planning Area Team Green
Subject:M3 198515: Planning Consultation Request - DC/17/04052

Dear Sir/Madam

We have reviewed the documents presented for this application and have the following comments:

The required 10% reduction in CO2 emissions from low or zero carbon technologies has not been achieved. The applicant has used a lean mean green method and applied a fabric first approach to address the 10% and only residual % being addressed by low or zero carbon technology. While this department is not adverse to this approach it is not as per policy and there is no indication of what percentage of carbon reduction will be addressed by building fabric and which by technology.

Further:

The carbon emission estimates on page 17 of the Sustainability and Energy assessment do not have a reference or supporting calculations and so cannot be verified.

The water use levels at section 3.6.2 are only building regs minimum standard. This is a water stressed part of the UK and every effort to minimise water use is expected (suggested 110ltrs per person per day)

The indication of sustainable materials at section 3.7.2 is insufficient, 'aim to use' and 'will consider' are generic terms with no commitment and cannot be substantiated, we would like to see a commitment to minimum ratings for all construction as per the BRE green guide ratings.

In line with the NPPF and Suffolk parking standards we would like to see a commitment to making all dwellings ready for electric vehicles eg provision of suitable wiring and fuse points for future EV charging.

Our recommendation is refusal of permission until the above items are suitably addressed.

Iain Farquharson

Senior Environmental Management Officer
Babergh Mid Suffolk Council

BB01449 724878 / 07860 827027
//iain.farquharson@baberghmidsuffolk.gov.uk

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [<mailto:planninggreen@baberghmidsuffolk.gov.uk>]
Sent: 15 August 2017 15:36
To: Environmental Health
Subject: Planning Consultation Request - DC/17/04052

Please find attached planning consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

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From:EMERSON, Sophie (NHS ENGLAND)
Sent:1 Sep 2017 16:11:22 +0100
To:BMSDC Planning Area Team Green
Cc:WREATHALL, Lois (NHS WEST SUFFOLK CCG)
Subject:RE: Planning Consultation Request - DC/17/04052

Thank you for the below planning consultation. NHS England Midlands and East (East) liaising with West Suffolk Clinical Commissioning Group (CCG) have now had a chance to review the Planning application (DC/17/04052- 130 x dwellings, Land North Of Waldingfield Road, Sudbury) and can advise that due to the scale of this proposed development and premises capacity in the area; there is not an intention to seek Primary Healthcare mitigation on this occasion.

NHS England would therefore not wish to raise an objection to the proposed development.

Other future applications in the area however will be considered as and when they arise.

Thanks and Regards

Sophie Emerson, for and on behalf of Kerry Harding

Head of Estates
NHS England Midlands and East (East)

Telephone: 0113 824 9111

Swift House | Colchester Road | Chelmsford | Essex | CM2 5PF | and
West Wing | Victoria House| Capital Park| Fulbourn| Cambridge| CB21 5XB

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [<mailto:planninggreen@baberghmidsuffolk.gov.uk>]
Sent: 15 August 2017 15:34
To: HARDING, Kerry (NHS ENGLAND)
Subject: Planning Consultation Request - DC/17/04052

Please find attached planning consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

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For more information and to find out how you can switch, <https://portal.nhs.net/help/joiningnhsmial>

Your ref: DC/17/04052
Our ref: Sudbury – land north of Waldingfield
Road 00051882
Date: 06 September 2017
Enquiries to: Neil McManus
Tel: 01473 264121 or 07973 640625
Email: neil.mcmanus@suffolk.gov.uk

Ms Sarah Scott,
Growth & Sustainable Planning,
Babergh District Council
Corks Lane,
Hadleigh,
Ipswich,
Suffolk,
IP7 6SJ

Dear Sarah,

Sudbury: land north of Waldingfield Road – developer contributions

Proposal: 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.

This site is included in the strategic allocation which is covered under Policy CS4 of the Babergh Core Strategy and Policies (2011 – 2031) Local Plan Document which was adopted on 25 February 2014. Policy CS17 Infrastructure Provision deals with developer contributions.

An illustrative Master Plan has been submitted with the planning application under reference B/15/01718/OUT for the Chilton Woods mixed use development. This planning application is for a site which is part of the Chilton Woods strategic allocation. This proposal will be required to make proportionate contributions towards infrastructure associated with the Chilton Woods application.

I set out below Suffolk County Council's infrastructure requirements associated with a scheme for up to 130 dwellings which need to be considered by Babergh District Council. The County Council will need to be a party to any sealed Section 106 legal agreement if it includes obligations which are its responsibility as service provider. Without the following contributions being agreed between the applicant and the local authority, the development cannot be considered to accord with relevant policies.

The National Planning Policy Framework (NPPF) in paragraphs 203 – 206 sets out the requirements of planning obligations, which are that they must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and,

- c) Fairly and reasonably related in scale and kind to the development.

Please also refer to the adopted 'Section 106 Developers Guide to Infrastructure Contributions in Suffolk'.

Community Infrastructure Levy

Babergh District Council (the District Council) has adopted a Community Infrastructure Levy (CIL) Charging Schedule for their area which will be implemented on Monday 11 April 2016. The District Council has also published a list pursuant to Regulation 123 of the 2010 Regulations i.e. the Regulation 123 List. The Regulation 123 List identifies infrastructure that may be funded by CIL and will not be sought through planning obligations, including:

- a) Public transport improvements.
- b) Provision of library facilities.
- c) Provision of additional pre-school places at existing establishments.
- d) Provision of primary school places at existing schools.
- e) Provision of secondary, sixth form and further education places.
- f) Provision of health facilities.
- g) Provision of leisure and community facilities.
- h) Provision of 'off site' open space.
- i) Strategic green infrastructure (excluding suitable alternative natural greenspace).
- j) Maintenance of new and existing open space and strategic green infrastructure.
- k) Strategic flooding.
- l) Provision of waste infrastructure.

However, this site is allocated as a strategic site and, as such, is zero rated for CIL as mitigation will continue to be dealt with via planning obligations.

I can confirm that in relation to any 'relevant infrastructure' (as defined by Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) which is requested in this letter, since 6 April 2010 no more than four obligations pursuant to Section 106 of the Act have been entered into which provide for any such infrastructure project or type of infrastructure.

- 1. Education.** Refer to the NPPF paragraph 72 which states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'.

The NPPF in paragraph 38 states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'

Under Policy CS4 it states that provision will be made for approximately 3 hectares of land for education (primary school/nursery provision) and associated uses. The 'Land use parameter' plan attached to the illustrative Master Plan suggests a land reservation of 2.3 hectares for the primary school.

SCC would anticipate the following **minimum** pupil yields from a development of 130 dwellings, namely:

- a. Primary school age range, 5-11: 32 pupils. Proportionate contribution towards the full build cost of a 420-place primary school.
- b. Secondary school age range, 11-16: 23 pupils. Cost per place is £18,355 (2017/18 costs).
- c. Secondary school age range, 16+: 5 pupils. Costs per place is £19,907 (2017/18 costs).

On the basis of 1,150 dwellings are being promoted at Chilton Woods this will generate the need for a new 420 place primary school. The proportionate contribution sought towards the build cost is set out below:

- From 1,150 dwellings SCC anticipates a minimum of 288 primary age pupils.
- Estimated cost of delivering a new 420 place primary school is £7.3m [Source: Developers Guide].
- Cost per place is £7.3m/420 places = £17,381 per place.
- Proportionate contribution sought is 32 places x £17,381 = £556,192 (2017/18 costs).

Secondary school and Sixth form

The local secondary schools are Ormiston Sudbury Academy and Thomas Gainsborough Academy. Based on existing school capacities and forecasts there is sufficient surplus places available to accommodate all pupils of secondary school age forecast to arise from this development. On this basis, no secondary school or sixth form contributions are required.

The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs. The figures quoted will apply during the financial year 2017/18 only and have been provided to give a general indication of the scale of contributions required should residential development go ahead. The sum will be reviewed at key stages of the application process to reflect the projected forecasts of pupil numbers and the capacity of the schools concerned at these times. Once the Section 106 legal agreement has been signed, the agreed sum will be index linked using the BCIS index from the date of the Section 106 agreement until such time as the education contribution is due. SCC has a 10-year period from completion of the development to spend the contribution on education provision.

Clearly, local circumstances may change over time and I would draw your attention to paragraph 15 where this information is time-limited to 6 months from the date of this letter.

- 2. Pre-school provision.** Refer to the NPPF 'Section 8 Promoting healthy communities'. It is the responsibility of SCC to ensure that there is sufficient local

provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4-year-olds. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2-year olds.

From these development proposals SCC would anticipate up to 13 pre-school pupils arising.

The agreed strategy is to deliver an early years setting which will be colocated with the new primary school. The build cost for this is estimated at £500,000, which gives a cost per place of £9,615 (2017/18 costs). On the basis of 13 pupils arising at a cost of £9,615 per place gives a total contribution sought of £124,995 (2017/18 costs).

From September 2017, working families may get an additional 15 hours' free childcare entitlement per week on top of the current 15 hours, giving a total of 30 hours a week for 38 weeks of the year.

3. Play space provision. Consideration will need to be given to adequate play space provision. A key document is the 'Play Matters: A Strategy for Suffolk', which sets out the vision for providing more open space where children and young people can play. Some important issues to consider include:

- a. In every residential area there are a variety of supervised and unsupervised places for play, free of charge.
- b. Play spaces are attractive, welcoming, engaging and accessible for all local children and young people, including disabled children, and children from minority groups in the community.
- c. Local neighbourhoods are, and feel like, safe, interesting places to play.
- d. Routes to children's play spaces are safe and accessible for all children and young people.

4. Transport issues. Refer to the NPPF 'Section 4 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of a planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Suffolk County Council FAO Luke Barber/Colin Bird will coordinate this, with a formal written response.

Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014.

- 5. Libraries.** The National Planning Policy Framework (NPPF) Chapter 8 talks about the importance of ‘Promoting healthy communities’, particularly paragraphs 69 & 70. Paragraph 69 states that “the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”. Paragraph 70 talks about the need to deliver the social, recreational and cultural facilities the community needs by planning positively for community facilities such as cultural buildings to enhance the sustainability of communities and residential environments; and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. There is also the need to ensure that facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

This major housing development, together with Chilton Woods, will result in the local population increasing to something in the region of 3,000 (assuming an average of 2.5 persons per dwelling).

Sudbury Library is one of the 10 larger libraries which serve the larger conurbations of the county and their surrounding areas. Sudbury Library has one of the smallest building footprints of these largest ten libraries and its internal space is poor due to the design inside a Listed Building. Sudbury Library serves a large population which is rapidly growing and, at present, the library struggles to adequately provide enough space for services and activities due to the internal design.

It is the intention of Suffolk Libraries to use the capital contribution to undertake a significant capital project to make better use of the space and provide a wider service for the growing community.

The library space (excluding children’s library, meeting room and staff space) is on two floors; a ground floor with fixed wall shelving and a mezzanine which follows around the outer edge of the building and is accessed by staircases and a lift. The mezzanine is not used to its potential due to its shape and it is impractical to undertake activities there due to this. Underneath the mezzanine are fixed shelves and additional shelving which abuts these at right angles and are also fixed. This shelving is old, completely inflexible, and inappropriate for users with additional needs and closes-down a space which could be used for community events and activities. These two issues within the space as described above is what is driving the intention for a large-scale capital project to transform the space to properly meet the needs of the growing town.

The capital contribution towards mitigating the impact of library provision arising from this scheme is £21,190 (circa £163 per dwelling), which will be spent at Sudbury Library to enhance & improve facilities at Sudbury Library.

- 6. Waste.** Under Policy CS4 it states that there will be provision for a waste facility, to include a Household Waste & Recycling Centre (HWRC). A minimum land requirement of 2.5 acres is required although the precise location of the land reservation for the HWRC is currently unknown. SCC will need to purchase this land for the HWRC within the adjacent 16.4 hectares allocated for employment use. The agreed strategy is to relocate the existing HWRC facility from Sandy Lane in

Sudbury to the Chilton Woods allocation by acquiring land upon which to build a new facility.

On this basis, a proportionate capital contribution to help fund the land acquisition and build costs of the new HWRC is sought from this major housing development. Based on the most recent estimates for building a new HWRC, the construction costs are estimated to be between £1.5m and £3m (excluding land purchase costs). These build costs include preliminary site investigation works, site works, drainage, external services, access road construction, building works, design, planning, highways, legal and licence fees etc. Land values for a fully serviced site in this locality are assumed to be in the region of £400,000 per acre.

Based on the information above, assuming an average build cost of £2.25m plus land costs of £1m, gives an estimated total HWRC project cost of £3.25m. Each HWRC serves an average of 29,550 households. On this basis, a proportionate contribution of £110 per dwelling is sought ($\text{£3.25m} / 29,550 \text{ households} = \text{£110 per dwelling}$). Total contribution sought is $130 \text{ dwellings} \times \text{£110 per dwelling} = \text{£14,300}$.

All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- *New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.*

The Developers Guide sets out the approach to securing developer contributions for waste. The County Council, as Waste Disposal Authority, is pursuing a strategy of reducing reliance on landfill and moving towards alternative methods of disposal, but with the emphasis on waste minimisation and recycling. In terms of the disposal of municipal residual waste the county council has Energy from Waste (EfW) facility serving Suffolk. In order to meet targets for reducing the land filling of biodegradable municipal waste under Article 5(2) of the EC Landfill Directive, the EfW facility is the main means of disposal. However, an important part of this overall strategy is encouraging residents to minimise and recycle waste arisings to reduce the need for collection and disposal.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning

condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

As part of good design across the whole scheme the district will need to consider issues regarding access for refuse collection vehicles and areas for wheelie bin storage/collection.

- 7. Archaeology.** This will be coordinated by Dr Abby Antrobus of SCC.
- 8. Ecology, landscape & heritage.** Babergh District Council to consider requirements.
- 9. Supported Housing.** Refer to the NPPF 'Section 6 Delivering a wide choice of high quality homes' including the need for homes to be designed to meet the changing needs of their residents as they get older. Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition SCC would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the Babergh District Council housing team to identify local housing needs.
- 10. Sustainable Drainage Systems.** Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems.

On 18 December 2014 the Secretary of State for Communities and Local Government (Mr Eric Pickles) made a Ministerial Written Statement (MWS) setting out the Government's policy on sustainable drainage systems. In accordance with the MWS, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. The MWS also provides that, in considering planning applications:

"Local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."

The changes set out in the MWS took effect from 06 April 2015.

A consultation response will be coordinated by Suffolk County Council FAO Jason Skilton.

11. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow SCC to make final consultations at the planning stage.

12. Health impact assessment. An assessment of the likely impact of the development proposals on local health infrastructure, facilities and funding will need to be undertaken, in conjunction with a methodology to be agreed with NHS England.

13. Superfast broadband. Refer to the NPPF paragraphs 42 – 43. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability.

As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

14. Legal costs. SCC will require an undertaking from the applicant for the reimbursement of its own legal costs on work associated with a S106A, whether or not the matter proceeds to completion.

15. The above information is time-limited for 6 months only from the date of this letter.

The planning obligations are required in order to satisfactorily mitigate the impacts of the proposed development. These impacts arise directly as a result of the increased population generated by the development in the local area. The provision of such therefore, within a S106, to mitigate for the increased demands on infrastructure from the increased population as a result of the development, is entirely satisfactory as a matter of principle, having regard to the NPPF, Babergh District Council's Local Plan and Regulation 122 of the CIL Regulations.

I consider that the contributions requested are justified and satisfy the requirements of the NPPF and the Community Infrastructure Levy (CIL) 122 & 123 Regulations.

I will be grateful if this consultation response can be presented to the decision-taker.

Yours sincerely,

Neil McManus BSC (Hons) MRICS
Development Contributions Manager
Strategic Development – Resource Management

cc Carol Barber, Suffolk County Council
Luke Barber/Colin Bird, Suffolk County Council
Floods Planning, Suffolk County Council
Dr Abby Antrobus, Suffolk County Council

Sarah Scott
Planning Department
Babergh District Council
Corks Lane
Hadleigh
IP7 6SJ

05/09/2017

Dear Sarah,

RE: DC/17/04052 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 reserved. Land north of Waldingfield Road, Sudbury

Thank you for sending us details of this application. We have read the ecological survey report (EDP, Jul 2017) and we note the conclusions of the consultant. We have the following comments on this proposal:

Protected Species

Hazel Dormouse (*Muscardinus avellanarius*)

The application site is bounded to the west and north by the site for the proposed Chilton Woods development (Babergh DC planning reference B/15/01718). As part of the ecological assessment work for Chilton Woods surveys for hazel dormice were undertaken. These surveys recorded this species on the Chilton Woods site, given the habitat connectivity between the two sites it appears highly likely that they could also be present on the application site. The ecological survey report accompanying this application does not include consideration of the potential impact of the proposed development on this species. Further assessment is therefore required prior to the determination of this application.

Great Crested Newts (*Triturus cristatus*)

As identified in the ecological survey report, great crested newts have been recorded in ponds to the east and south of the site. The report states that a translocation exercise will be required to mitigate for the presence of any great crested newts in terrestrial habitat on site. However, no further detail on this proposed mitigation is included within the report and it is unclear where any trapped animals will be relocated to. Any animals should be retained in an area where they can continue to access the existing ponds and terrestrial habitat to the east of the site to ensure that the population is maintained at at least its existing level. Prior to the determination of this application we recommend that further detail on the proposed mitigation measures are provided to ensure that the proposed development will not result in a significant adverse impact on the local great crested newt population.

Chilton Woods Development

This application site is surrounded on two sides by the proposed Chilton Woods development. Whilst the application acknowledges the potential for connections to the larger adjacent development, we query whether the opportunity exists to provide better green links between the two proposals. For example, a reduction in the number of dwellings in the north-eastern corner of this application site would potentially enable a stronger green corridor to connect to the greenspace proposed as part of Chilton Woods.

Conclusion

As currently presented we consider that the application fails to demonstrate that the proposed development will not result in an adverse impact on protected species. We therefore **object** to this application.

If you require any further information, please do not hesitate to contact us.

Yours sincerely

James Meyer
Senior Conservation Planner



Planning Applications – Suggested Informative Statements and Conditions Report

AW Reference:	00023330
Local Planning Authority:	Mid Suffolk District
Site:	Land North Of Waldingfield Road Sudbury, SUDBURY - Sudbury North
Proposal:	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
Planning Application:	DC/17/04052

Prepared by: Pre-Development Team

Date: 08 September 2017

If you would like to discuss any of the points in this document please contact me on 0345 0265 458 or email planningliaison@anglianwater.co.uk

ASSETS

Section 1 – Assets Affected

- 1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

- 2.1 The foul drainage from this development is in the catchment of Sudbury Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

- 3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

- 4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

From: Nathan Pittam
Sent: 14 September 2017 09:10
To: BMSDC Planning Mailbox
Subject: DC/17/04052. EH - Land Contamination.

EP Reference : 198507

DC/17/04052. EH - Land Contamination.

Land North of, Waldingfield Road, SUDBURY, Suffolk.

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 ...

Many thanks for your request for comments in relation to the above application. I have reviewed the application and note that the applicant has not submitted the required information to demonstrate that the site is suitable for the proposed use from the perspective of land contamination. I would therefore recommend that the application be refused on the grounds of insufficient information.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@baberghmidsuffolk.gov.uk

Work: 01449 724715

Mobile:: 07769 566988

websites: www.babergh.gov.uk www.midsuffolk.gov.uk

From:Dave Crimmin
Sent:5 Oct 2017 13:37:21 +0100
To:Sarah Scott
Cc:BMSDC Planning Area Team Green
Subject:Planning Application DC/17/04052 Land North of Waldingfield Road

Dear Scott

Further to Chilton Parish Council's objections previously sent to you with regard to **Planning Application DC/17/04052 Land North of Waldingfield Road -** 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.

At their meeting on Monday 2nd October the councillors reviewed the comments raised by the owner of Chilton Hall in relation to an access to her land. The councillors considered the impact of the operation of the field entrance opposite the proposed entrance to the development, which had had been omitted from the plans submitted with the application. The councillors resolved to update Babergh on this omission and to reference this to the resident's objections which I believe that you have now received from Lady Hart of Chilton.

Dave Crimmin MILCM
Clerk, Chilton Parish Council

01787 375085

www.chilton.suffolk.gov.uk

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Lavenham Suffolk CO10 9QZ
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Fax (01787) 248341
email sps@suffolksociety.org
www.suffolksociety.org

9 October 2017

Ms Sarah Scott Planning Officer
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Dear Ms Scott

Application ref: DC/17/04052 - 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. Land North of Waldingfield Road, Sudbury

I am writing on behalf of the Suffolk Preservation Society in response to the application for 130 houses at Waldingfield Road. Whilst we do not object to the principle of the development we object on the grounds of harmful heritage and landscape impacts on the wider setting of Chilton Hall, contrary to policy CS4 which seeks to ensure that the delivery of the Chilton Woods development is in accordance with the agreed Masterplan.

We note that Suffolk County Council Highways will require visibility splays for an access point in this location which will involve the loss of 240m of hedgerow. The tall native hedgerow characterises this stretch of the B1115 and provides a strong visual boundary. In conjunction with the mature tree belt on the south side of Waldingfield Road a sense of enclosure is achieved and gives rise to a distinctive rural character that distinguishes it from the town. The loss of this hedgerow not only results in an increased suburbanising effect on the approach to Sudbury but will have a negative impact upon the wider setting of Chilton Hall Registered Park and Garden. Furthermore the removal of this established hedgerow will result in a loss of screening of the development site from the Pleasure Gardens of Chilton Hall further impacting its setting. As noted by Historic England in their objection letter dated 4 September 2017 and more fully amplified by Michael Collins, Heritage Consultant, on behalf of Lady Hart of Chilton in his Heritage Assessment dated 2 October, the resultant suburbanising effect will be exacerbated by increased vehicular activity, lighting and highways signage that will negatively impact upon the Park and Garden, especially during the winter months.

We also object to this proposal on the grounds that it is premature and has been brought forward in advance of the Chilton Woods scheme, thereby seeking to set aside the

provisions of the adopted Masterplan. The Society considers that the development of this site should be brought forward as part of the wider scheme which will allow access via the roundabout/Aubrey Drive rather than Waldingfield Road with its attended constraints, as identified above.

Yours sincerely

Fiona Cairns
BA(Hons) DipTP DipBldgCons(RICS) MRTPI IHBC
Director

Waldingfield Ward Councillors Cllr Frank Lawrenson, Cllr Margaret Maybury
Stephen Thorpe – Chairman Sudbury Society
Chairman, Sudbury Town Council
Chilton Parish Council
Colin Spence – Suffolk County Councillor
Will Fletcher, Inspector of Monuments – Historic England
Babergh Heritage Team

BABERGH/MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

TO: Chief Planning Control Officer For the attention of: Planning Admin

FROM: Nathan Pittam, Environmental Protection Team DATE: 10.10.17

YOUR REF: DC1704052. EH - Land Contamination

SUBJECT: 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 ... Address: Land North of, Waldingfield Road, SUDBURY, Suffolk.

Please find below my comments regarding contaminated land matters only.

The Environmental Protection Team has no objection to the proposed development, but would recommend that the following Planning Condition be attached to any planning permission:

Proposed Condition: Standard Contaminated Land Condition (CL01)

No development shall take place until:

- 1. A strategy for investigating any contamination present on site (including ground gases, where appropriate) has been submitted for approval by the Local Planning Authority.*
- 2. Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.*
- 3. A written report shall be submitted detailing the findings of the investigation referred to in (2) above, and an assessment of the risk posed to receptors by the contamination (including ground gases, where appropriate) for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required.*
- 4. Any remediation work shall be carried out in accordance with the approved Remediation Scheme.*
- 5. Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.*

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

It is important that the following advisory comments are included in any notes accompanying the Decision Notice:

"There is a suspicion that the site may be contaminated or affected by ground gases. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Unless agreed with the Local Planning Authority, you must not carry out any development work (including demolition or site preparation) until the requirements of the condition have been met, or without the prior approval of the Local Planning Authority.

The developer shall ensure that any reports relating to site investigations and subsequent remediation strategies shall be forwarded for comment to the following bodies:

- *Local Planning Authority*
- *Environmental Services*
- *Building Inspector*
- *Environment Agency*

Any site investigations and remediation strategies in respect of site contamination (including ground gases, where appropriate) shall be carried out in accordance with current approved standards and codes of practice.

The applicant/developer is advised, in connection with the above condition(s) requiring the submission of a strategy to establish the presence of land contaminants and any necessary investigation and remediation measures, to contact the Council's Environmental Protection Team."

Nathan Plttam
Senior Environmental Management Officer

From:Jason Skilton
Sent:16 Oct 2017 13:15:38 +0100
To:BMSDC Planning Mailbox
Cc:Sarah Scott
Subject:2017-10-16 JS Reply Land North Of Waldingfield Road, Sudbury. DC/17/04052

Dear Sarah Scott,

Subject: Land North Of Waldingfield Road, Sudbury. DC/17/04052

Suffolk County Council, Flood and Water Management have reviewed application ref DC/17/04052.

We have reviewed the following submitted documents and we recommend **approval of this application subject to conditions:**

1. Flood Risk Assessment & Surface Water Drainage Strategy (& appendices) ref 133013-R1(03)-FRA
2. Site location plan Ref – 1002

We propose the following condition in relation to surface water drainage for this application.

1. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:
 - a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 9l/s for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - c. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - d. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - e. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then

the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

2. The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

3. Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

4. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

5. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

Informatives

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be subject to payment of a surface water developer contribution

Kind Regards

Jason Skilton

Flood & Water Engineer

Suffolk County Council

Tel: 01473 260411

Fax: 01473 216864

From: Nathan Pittam
Sent: 04 December 2017 09:43
To: Sarah Scott
Cc: BMSDC Planning Area Team Green
Subject: DC/17/04052: EH - Land Contamination

Dear Sarah

EP Reference : 223517
DC/17/04052: EH - Land Contamination:
Land North of, Waldingfield Road, SUDBURY, Suffolk.
Outline planning application for residential development of up to 130 dwellings (UseClass C3) including means of access into site (not internal roads), parking and associated works, etc

Many thanks for your request for comments in relation to the above application. None of the documents submitted would result in an alteration to my previous recommendations.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@baberghmidsuffolk.gov.uk
Work: 07769 566988
websites: www.babergh.gov.uk www.midsuffolk.gov.uk

Your ref: DC/17/04052
Our ref: Sudbury – land north of Waldingfield
Road 00051882
Date: 04 December 2017
Enquiries to: Neil McManus
Tel: 07973 640625
Email: neil.mcmanus@suffolk.gov.uk

Ms Sarah Scott,
Growth & Sustainable Planning,
Babergh District Council
Endeavour House,
8 Russell Road,
Ipswich,
Suffolk,
IP1 2BX

Dear Sarah,

Sudbury: land north of Waldingfield Road – developer contributions

I refer to the proposal: 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. I previously submitted a consultation response by way of letter dated 06 September 2017 – the contents of which are still applicable.

Reason(s) for re-consultation: Modified masterplan, wider masterplan context, parameter plan and indicative landscape strategy received 29.11.17. Summary of the amendments are:

- A 10-15m landscape buffer fronting Waldingfield Road;
- A two storey only zone within the southern edge of the site closest to Waldingfield Road; and
- Increased tree planting within the central landscape strip.

I have no further comments to make about the re-consultation. However, I have copied to colleagues who deal with highways, floods planning, and archaeology matters.

Yours sincerely,

Neil McManus BSC (Hons) MRICS
Development Contributions Manager
Strategic Development – Resource Management

cc Luke Barber/Colin Bird, Suffolk County Council
Floods Planning, Suffolk County Council
Dr Abby Antrobus, Suffolk County Council



04 December 2017
Sarah Scott
Babergh District Council
Council Offices
Corks Lane
Hadleigh
Ipswich

By email only

Dear Sarah

Application: DC/17/04052

Location: Land North Of Waldingfield Road, Sudbury

Proposal: 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.

Thank you for consulting Place Services on the above application.

No objection subject to conditions to secure ecological mitigation measures and reasonable biodiversity enhancements

The submitted Ecological Appraisal (EDP Ltd, July 2017) and the Ecology Addendum Report (EDP Ltd, Sept 2017) provide sufficient survey and assessment for likely impacts of the proposed development on Protected and Priority species and Priority habitats. Mitigation for the predicted loss of terrestrial habitat and potential construction impacts on Gt crested newts will need a European Protected Species licence from Natural England. This will provide certainty for the LPA in securing appropriate mitigation and compensation for the likely impacts on this protected amphibian.

The potential for impacts from the proposal on dormice, another European Protected Species for which there is a 2014 within 2km of the development site, is low and will not trigger a licence application. However, mitigation must be embedded within the development to avoid impacts and a two stage clearance method (01 November-30 March (1st Stage), 01 May-15 June (2nd Stage)) is considered appropriate for the removal of the roadside hedgerow removal for highways access. This hedgerow will be compensated through the revised plans which aim to provide a 10 – 15 landscape buffer fronting Waldingfield road. The increased tree planting within the central landscape strip will also contribute overall to the enhancement of biodiversity.

The LPA can then demonstrate that it has met its statutory duty under the UK Conservation of Habitats and Species Regulations (2010 as amended). These reports recommend ecological mitigation and reasonable enhancement measures which should be secured by conditions on any consent.



The suggested conditions below are based on BS42020:2013 and in terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

CONDITIONS

I. CONCURRENT WITH RESERVED MATTERS: COMPLIANCE WITH ECOLOGICAL APPRAISAL AND ADDENDUM RECOMMENDATIONS

"All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (EDP Ltd, July 2017) and Ecology Addendum Report (EDP Ltd, Sept 2017) as submitted with the planning application and agreed with the local planning authority prior to determination."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

II. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ECOLOGICAL METHOD STATEMENT

"No development shall commence until an Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the recommendations of the Ecological Appraisal by EDP Ltd (July 2017) and shall provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

III. CONCURRENT WITH RESERVED MATTERS: SUBMISSION OF A COPY OF THE EUROPEAN PROTECTED SPECIES LICENCE FOR GT CRESTED NEWT

"The following works to remove terrestrial habitat likely to cause harm to Gt crested newts and as identified in the Concept masterplan CAT109 3202 (UBD, 4 July 2017) shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

IV. PRIOR TO OCCUPATION: LIGHTING DESIGN SCHEME

"Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along

important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To conserve and enhance bats and allow the LPA to discharge its duties under the UK Habitats Regulations and s17 Crime & Disorder Act.

V. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development [or specified phase of development]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

Please contact me with any queries.

Best wishes

Hamish Jackson BSc (Hons)
Junior Ecological Consultant
Place Services at Essex County Council
hamish.jackson@essex.gov.uk



Place Services provide ecological advice on behalf of Babergh and Mid Suffolk District Councils

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

From:David Harrold
Sent:Tue, 5 Dec 2017 09:14:41 +0000
To:BMSDC Planning Mailbox
Cc:Sarah Scott
Subject:Plan ref DC/17/04052 Land North of Waldingfield Road, Sudbury. EH - Noise/Odour/Light/Smoke

Thank you for consulting me on the above application which comprise amendments to landscaping, and house type zoning within the southern edge of the application site.

With respect to noise and other environmental health issues, I can confirm that I do not have any additional comments to make other than those previously submitted. (Memo dated 31/8/2017 from Joanna Hart)

David Harrold MCIEH

Senior Environmental Health Officer

From:Chris Ward
Sent:Tue, 5 Dec 2017 12:53:33 +0000
To:Sarah Scott
Cc:BMSDC Planning Area Team Green
Subject:RE: BDC Planning Re-consultation Request - DC/17/04052

Dear Sarah,

Thank you for consulting me about the re-consultation for the proposed development at Land to the North of Waldringfield Road in Sudbury. I have had a chance to review the documents submitted, where I can confirm I have no further comment to make for the time being for this application.

Kind regards

Chris Ward
Travel Plan Officer
Transport Strategy – Development Management
Strategic Development – Resource Management
Suffolk County Council
Endeavour House, 8 Russell Road, Ipswich, IP1 2BX
Telephone: 01473 264970
Mobile: 07860 832202
email : chris.ward@suffolk.gov.uk
web : <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/>

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [<mailto:planninggreen@baberghmidsuffolk.gov.uk>]
Sent: 01 December 2017 11:34
To: Chris Ward <Chris.Ward@suffolk.gov.uk>
Subject: BDC Planning Re-consultation Request - DC/17/04052

Please find attached planning re-consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldringfield Road, Sudbury, ,

Kind Regards

Planning Support Team

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From:Consultations (NE)
Sent:Wed, 6 Dec 2017 14:11:21 +0000
To:BMSDC Planning Area Team Green
Subject:application DC/17/04052 consultation response
Attachments:NE Feedback Form.pdf

Dear Sir/Madam

Application ref: DC/17/04052

Our ref: 233159

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours sincerely

Hannah Bottomley

Natural England

Consultation Service

Hornbeam House

Crewe Business Park

Electra Way,

Crewe

Cheshire, CW1 6GJ

Tel: 0300 060 3900

Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants,

and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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From:RM Floods Planning
Sent:Thu, 7 Dec 2017 08:44:41 +0000
To:BMSDC Planning Area Team Green;RM Floods Planning
Subject:2017-12-07 JS Reply Land North Of Waldingfield Road, Sudbury Ref DC/17/04052

Dear Sarah Scott

Subject: Reply Land North Of Waldingfield Road, Sudbury Ref DC/17/04052

We have no further comment to make.

Kind Regards

Jason Skilton

Flood & Water Engineer

Suffolk County Council

Tel: 01473 260411

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [mailto:planninggreen@baberghmidsuffolk.gov.uk]
Sent: 01 December 2017 11:34
To: RM Floods Planning <floods.planning@suffolk.gov.uk>
Subject: BDC Planning Re-consultation Request - DC/17/04052

Please find attached planning re-consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

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From:Adkins, Connor
Sent:Fri, 15 Dec 2017 10:02:01 +0000
To:BMSDC Planning Area Team Green
Cc:growthandplanning
Subject:planning application DC/17/04052
Importance:High

Dear Sir/Madam

Thank you for your consultation. The changes to the proposed will have little or no additional implications for the strategic road network. Our previous recommendation may therefore remain in place in this instance.

Yours Faithfully

Connor Adkins

Connor Adkins

Highways England | Woodlands | Manton Lane | Bedford | MK41 7LW

Tel: +44 (0) 300 4704744

Web: <http://www.highways.gov.uk>

GTN: 0300 470 4744

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Sarah Scott
Planning Department
Babergh District Council
Endeavour House
8 Russell Road
Ipswich, IP1 2BX

19/12/2017

Dear Sarah,

RE: DC/17/04052 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 reserved – Further Comments. Land north of Waldingfield Road, Sudbury

Thank you for sending us further details of this application, we have the following comments:

Chilton Woods Development

This site is adjacent to the proposed Chilton Woods development and forms part of the area covered by Babergh DC Core Strategy policy CS4 (Chilton Woods Strategic Land Allocation and Strategy for Sudbury/Great Cornard). Therefore, any development in this location must be in conformity with the adopted policy. We note that the combined total number of residential dwellings proposed as part of Chilton Woods and this application now exceed the number detailed in policy CS4, we query whether this increase in the number of dwellings now results in the proposed development no longer being in conformity with the adopted Core Strategy?

Also, policy CS4 requires the residential development to access onto the A134 via a new distributor road. The development proposed in this application does not connect to the distributor road and therefore requires the removal of a section of hedgerow (a UK Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)) to achieve a vehicular access.

In addition to the above, whilst the application acknowledges the potential for connections to the adjacent Chilton Woods development, we query whether the opportunity exists to provide better green links between the two proposals. For example, a reduction in the number of dwellings in the north-eastern corner of this application site would potentially enable a stronger green corridor to connect to the greenspace proposed as part of Chilton Woods.

Protected Species

We have read the ecological addendum report (EDP, Oct 2017) and we note the conclusions of the consultant in relation to hazel dormouse and great crested newt. The ecological addendum identifies that the proposed development could result in adverse impacts on these species, either as the result of animals being killed or injured during construction activities or through loss of suitable habitat. Broad measures are identified in the report to mitigate and compensate for these potential impacts. Should permission be granted the implementation of the required mitigation and compensation measures should be secured via method statements for both species. Such statements should allow for the potential slippage of the timings identified in the ecological addendum report (i.e. work not commencing in winter 2017/2018).

In addition to the above, the mitigation, compensation and enhancement measures identified in the ecological survey report (EDP, Jul 2017) should be implemented in full, via a condition of planning consent, should permission be granted.

Conclusion

The application site is within the Chilton Woods area covered by Babergh Core Strategy policy CS4. It must therefore be ensured that any development at this site is in conformity with this policy, consent should not be granted for development which is contrary to this policy.

Notwithstanding the above, we request that the recommendations made within the ecological survey report (EDP, Jul 2017) and the ecological addendum report (EDP, Oct 2017) are implemented in full, via a condition of planning consent, should permission be granted.

If you require any further information, please do not hesitate to contact us.

Yours sincerely

James Meyer
Senior Conservation Planner

From:Iain Farquharson
Sent:Tue, 19 Dec 2017 16:58:03 +0000
To:BMSDC Planning Area Team Green
Subject:M3:223519 BDC Planning Re-consultation Request - DC/17/04052

Dear Sir/Madam

The slight modifications submitted do not affect this department

Regards

Iain Farquharson

Senior Environmental Management Officer
Babergh Mid Suffolk Council

BB01449 724878 / 07860 827027
//iain.farquharson@baberghmidsuffolk.gov.uk

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [<mailto:planninggreen@baberghmidsuffolk.gov.uk>]
Sent: 01 December 2017 11:32
To: Environmental Health <Environmental@baberghmidsuffolk.gov.uk>
Subject: BDC Planning Re-consultation Request - DC/17/04052

Please find attached planning re-consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

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20 DEC 2017

19 December 2017

Mr Steven Stroud Planning Officer
Babergh District Council
Endeavour House
8 Russell Road
Ipswich, IP1 2BX

Dear Mr Stroud

Application ref: DC/17/04052 - 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. Land North of Waldingfield Road, Sudbury

Thank you for consulting the Society on amendments to the outline application for 130 houses at Waldingfield Road. Whilst not objecting to the principle of developing this site, we have previously objected due to harmful heritage and landscape impacts on the wider setting of Chilton Hall Registered Park and Garden. Furthermore the Society considered the proposal contrary to CS4 which seeks to ensure that the delivery of the Chilton Woods development is in accordance with the agreed Masterplan (letter dated 9 October 2017).

Within the amended documents, we note the inclusion of a hedgerow buffer on the Waldingfield Road site boundary. An enhanced and well maintained tree belt will potentially mitigate the impact of developing this site on the Chilton Hall gardens, however there remains little detail on the positioning and eventual height of the hedgerow, or the proportion of the existing mature tree belt which will be lost. The existing planting characterises this stretch of the B1115 by enclosing it and gives rise to a distinctive rural character that distinguishes it from the town. Suffolk County Council Highways requires a 240m visibility splay to facilitate vehicular access to the site from Waldingfield Road which, together with increased signage and lighting, will result in a suburbanising effect on the approach to Sudbury and will have a negative impact upon the wider setting of Chilton Hall Registered Park and Garden. We therefore maintain our objection to the outline scheme due to the harmful impact of the proposed vehicular access from Waldingfield Road.

Yours sincerely

Fiona Cairns
BA(Hons) DipTP DipBldgCons(RICS) MRTPI IHBC
Director

CCs Waldingfield Ward Councillors Cllr Frank Lawrenson, Cllr Margaret Maybury
Chairman, Sudbury Town Council, Babergh Heritage Team
Chilton Parish Council, Will Fletcher, Inspector of Monuments – Historic England

Consultee Comments for Planning Application DC/17/04052

Application Summary

Application Number: DC/17/04052

Address: Land North Of Waldingfield Road Sudbury

Proposal: 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.

Case Officer: Steven Stroud

Consultee Details

Name: Mrs Jacqueline Howells

Address: Town Hall, Old Market Place, Sudbury, Suffolk CO10 1TL

Email: jacqui.howells@sudburytowncouncil.co.uk

On Behalf Of: Sudbury Town Council

Comments

Recommend - Approval

Resource Management
Bury Resource Centre
Hollow Road
Bury St Edmunds
Suffolk
IP32 7AY

Philip Isbell
Corporate Manager – Development Management
Planning Services
Babergh District Council
Endeavor House
8 Russell Road
Ipswich IP1 2BX

Enquiries to: Kate Batt
Direct Line: 01284 741227
Email: kate.batt@suffolk.gov.uk
Web: <http://www.suffolk.gov.uk>

Our Ref: 2017_04052
Date: 20th December 2017

For the Attention of Steven Stroud

Dear Ms Thurlow

Planning Application DC/17/04052 – Land North Of Waldingfield Road Sudbury: Archaeology

The proposed development site lies within the boundary for Chilton Woods, a large development on which SCCAS have previously provided advice. This particular development site is one of the areas previously highlighted as having not been subject to archaeological evaluation, due to access issues (DC/15/01718/OUT). This 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, identified during fieldwalking and evaluation (Green, M. 2015, *Archaeological Evaluation and Geophysical Survey at Chilton Woods, Sudbury, Suffolk*). The remains of a large and complex Medieval moat (CHT 001) and Grade II* Listed Chilton Hall (NHLE 1036689) lies 250m south-east. A grade II Registered Park & Gardens (NHLE 1000226), surrounds the Hall and Moat, and runs north-west to within a few metres of the development boundary.

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

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON:

To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS10 of Babergh District Council Core Strategy (2011- 2031) Submission Draft and the National Planning Policy Framework (2012).

INFORMATIVE:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Babergh District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

Please do get in touch if there is anything that you would like to discuss or you require any further information.

Yours sincerely,

Kate Batt BSc (hons)

Senior Archaeological Officer
Conservation Team

CHILTON PARISH COUNCIL

Clerk: Dave Crimmin, Cragston, Sudbury Road, Newton, Sudbury, Suffolk CO10 0QH
Tel: 01787 375085 email: chiltonpc@btinternet.com

16 January 2018

Sarah Scott
Development Management
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Dear Sarah Scott

Planning Application Ref No DC/17/04052 - Land north of Waldingfield Road - 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.

Thank you for extending Chilton Parish Council's time to consider the above application as revised by the following documents, namely:

- A revised landscape strategy (Ref: EDP No. 3925\11B),
- A revised Concept Master Plan (Ref: UDB No. 3203),
- A wider Master Plan (Ref: UDB No. 3303),
- A development parameters plan (Ref: UDB No. 3502),
- Illustrative photographs showing the existing and proposed views along Waldingfields Road.

At the meeting of Chilton Parish Council on 15 January 2018 the Councillors reviewed the application and resolved to object to the application as revised. Please, therefore, regard this communication as a letter of objection. This letter should also be read in conjunction with Chilton Parish Council's two other letters of objection, namely our letters of 5 September 2017 and of 5 October 2017 which were in response to the application in its original form but which remain valid and relevant.

There are a number of issues that Chilton Parish Council wish to raise in relation to this objection to the current application in revised form.

Community Engagement

The Applicants continue to ignore this Parish Council and have failed to discuss the proposals. We note they have met with English Heritage. Their failure to consult with us as the Parish Council in which the development is proposed constitutes faulty and inadequate pre-application consultation and also fails to comply with Policy CS4 to which we refer below.

Core Strategy and Saved Local Plan Policies

Since this application was commenced, Babergh District Council resolved in a meeting on [insert date] to grant outline planning permission to Suffolk County Council, under Application No. B\15\01718, subject to satisfactory conditions, obligations and Section 106 agreement, for the land described as Chilton Woods development. As you are aware, Policy CS4 governs that land allocation. Policy CS4 provides for 1,050 residential units. However, the Applicant, Suffolk County

CHILTON PARISH COUNCIL

Council increased the number of units to 1,150 and Babergh District Council resolved to grant outline permission for 1,150. Accordingly, the amount of residential units provided for under Policy CS4 has been exceeded already by the Chilton Woods Application No. B\15\01718.

Accordingly, were Babergh District Council to grant this application for a maximum of 130 houses that would entail a further breach of Policy CS4 since the number of units on the allocated land would be 1,280. The Applicants are seeking to cherry pick such parts of Policy CS4 that suits their objectives and ignore the rest. This is not acceptable. Babergh District Council should act in accordance with its core Strategy Policy.

A new road, Aubrey Drive, was constructed off a new roundabout on Waldingfield Road purposes designed to a standard capable of serving further development and of being extended to form the distributor road into the Chilton Woods Development. Policy CP01 of the Babergh Local Plan (2006) provided that the Chilton Woods allocation required to have an approved Master Plan. An area of 19 hectares of land was proposed for residential development with access to be provided from a new distributor road linking the Tesco roundabout on Springlands Way with Aubrey Drive. Provision of the new distributor road was a requirement of the allocation for residential development.

The 2014 Core Strategy reconfirmed the Chilton Woods allocation. Saved Policy CP01 and Policy CS4 of the Core Strategy provided an allocation for a comprehensive, mixed land use development. A Master Plan was required to guide development, together with development feasibility / viability evidence and a proposed phasing programme. The allocation was and is expected to provide an integrated, high-quality and sustainable development that fulfilled the requirements of other policies in the Local Plan, particularly Policy CS1 and CS15.

This Orchard site was included in that allocation (CS4) and, therefore, these policies apply equally to it. In particular, Policy CS4 provided that a piecemeal approach to development within the allocated area would not be acceptable unless such development conformed to an approved Master and Phasing Plan. However, a piecemeal approach is what is being allowed to occur.

The Chilton Woods development provided for approximately, 1,050 new homes with the provision of structural landscaping along the boundaries of the site and with access being provided from a new distributor road that was designed to link with Aubrey Drive. The Master Plan was required to **demonstrate how the overall development, including its access points positively responded to and where possible enhanced designated heritage assets and their settings.** No Master Plan has been produced by either Suffolk County Council for Chilton Woods nor by this developer for the Orchard site. Therefore, this breaches this requirement of Policy CS4. Further, the following statutory consultees, namely Historic England, the Gardens Trust and the regional heritage Society, the Suffolk Preservation Society have all advised your Council that the proposed development on the Orchard site will cause harm to the heritage assets of Chilton Hall and the registered historic park and garden. Clearly, therefore, the indicative or illustrative Concept Master Plan and/or Wider Master Plan does not positively respond to, nor does it enhance the designated heritage assets and their settings. To the contrary, it is the expert opinions of the statutory consultees and specialist heritage societies that the proposed development will cause harm.

Policy CS15 of the Core Strategy provides that all new development will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development. This Policy also requires that proposals for development must ensure that adequate protection is afforded to heritage assets. This application fails to do so.

The Councillors have considered the heritage assessment submitted by the applicants and consider that the proposed development would not preserve the setting of the listed Chilton Hall and would harm the significance of the identified designated heritage assets, a view shared by

CHILTON PARISH COUNCIL

Historic England, the Gardens Trust, Suffolk Preservation Society and Michael Collins, the listed building planning consultant advising another objector.

Saved Policy CN06 of the Babergh Local Plan provides that proposals for new work within the setting of listing buildings should respect those features which contribute positively to the setting of a listed building.

The Babergh Local Plan also provides in Saved Policy CN14 that **proposals for development in or adjacent to parks and gardens of historic or landscape significance (listed in the National Register of Historic Parks and Gardens) which would lead to the erosion of their character, appearance or setting will be refused.** On the basis of this Policy alone, planning permission should be refused for this development.

Sustainable Development

Chilton Parish Council consider that the development of the Orchard site as proposed would not constitute sustainable development. In the consultation process leading to the development of the Core Strategy and, in particular, Policy CS4 the possibility of a new access / exit onto Waldingfield Road was considered and objected to. Babergh District Council and Suffolk County Council agreed that another access onto Waldingfield Road was not suitable nor necessary. Policy CS4 specifically provides for residential development with access to be provided from the new distributor road linking the Tesco roundabout at Springlands Way with Aubrey Drive. The provision of the new distributor road was a requirement of the allocation for residential development.

No explanation has been provided by these Applicants as to why the new access onto Waldingfield Road is required by them and why they cannot use the access through Aubrey Drive or indeed the new distributor road to be provided as part of the implementation of Chilton Woods. Further, there is no explanation in the documents submitted why this Orchard site was excluded from Suffolk County Council's application for Chilton Woods. Due to the harm that would be caused to heritage assets the proposed site is unacceptable in the absence of **clear and convincing justification as to why the Orchard site cannot be accessed through Aubrey Drive and the Chilton Woods development, thereby avoiding harm to designated heritage assets.** The access through Aubrey Drive has been a core provision of the Chilton Woods land allocation since 2006. We refer to page 19 and 20 of Mr Collins' letter of objection dated 2 October 2017, on behalf of Lady Hart of Chilton, which shows the various iterations for the Local Plan and follows through to the Core Strategy in 2014. All these iterations include the Orchard site and that access is through Aubrey Drive and/or the new distributor road.

Further sub-paragraph (f) of Policy CS4 requires that community woodland and structural landscaping be located throughout the site and along the boundaries of the site and must be designed to take account of existing features such as trees, hedgerows and water courses. The scheme must also provide for long-term comprehensive financial management / maintenance plans and for the local community and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils to be involved in its design, establishment and management. As there has been no involvement by the Applicants of Chilton Parish Council and the application provides no provision for long-term comprehensive financial and management / maintenance plans the proposed development fails also to comply with this provision of Policy CS4.

We have already referred to the lack of a Master Plan and supporting studies and feasibilities / viability evidence which should demonstrate and include:

- (i) How the overall development including its access points, **positively responds to and where possible enhances designated heritage assets and their settings.** We consider that this development clearly fails this requirement since it causes harm to designated heritage assets and their settings.

CHILTON PARISH COUNCIL

- (iii) How the development will be designed to suit the ... landscape character of the site and its local context and protect the amenity as for existing and future residents. This development on the Orchard site has not been designed to suit the landscape character of the site but rather has been designed to reflect the requirements of the restrictive covenant that no building take place within a certain distance of Chilton Priory. Further, by the overdevelopment of the site with the construction of 130 houses, this does not protect the amenity of the existing residents at St. Mary's Close. Some of our parishioners have told us that they claim an easement onto the site.
- (iv) Design principles for each development parcel ... including addressing the sustainable development policies in this and subsequent local plan documents ... and how they will be implemented.
- (vii) The density and mix of housing types (including affordable housing provision) in line with Policy CS18 and CS19. No information has been provided about the density and mix of housing types as this is all left over to a separate reserved application. Accordingly, this also breaches the requirements of Policy CS4. However, the BDC Housing Manager has been misled by the material, which does not form part of the Application, to believe that the location of the residential units as indicated will be the final design.

The current application addresses none of these issues but chooses to ignore them.

The Core Strategy was adopted just over three years ago following extensive consultation. It is wholly contrary to sound planning policies to ignore the force of this framework by allowing a separate application for a separate road access and for a maximum of 130 dwellings in complete violation of Policy CS4.

The foundation of this Application appears to be the argument set out in paragraph 5.8 of the Planning Statement. In summary, Babergh District Council is currently unable to demonstrate a five-year housing land supply and thus, the policies relating to the supply of housing should not be considered up-to-date (para 49 NPPF). Accordingly, this is set to engage the presumption in favour of sustainable (economic, social and environmental) development and thus, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstratively outweigh the benefits, assessed in the light of the NPPF as a whole or where specific policies indicate the development should be restricted.

Paragraph 49 of the NPPF is not intended to be used as some sort of free ride to obtain planning permission for development even if such development was demonstratively sustainable and policy compliant. This Application is neither. Paragraph 49 does not override, for example, heritage grounds.

There are a number of other proposed sites for further residential units along Waldingfield Road in our Parish. Babergh District Council has a requirement for 300 houses in its district per annum. The clear impression is being created that your Council is trying to place most of their housing requirements in this small Parish by wrongly regarding it as an urban extension of Sudbury. This is evidenced by your Housing Manager in her comments.

We are aware that the land currently designated as C2 (next to the Health Centre) is now proposed as being allocated for 45 residential units. We have also received pre-application approaches from the owner / occupiers of Chilton Priory. Further SCC seem to want to develop all the greenfield land owned by them between the Sudbury town boundary and Great Waldingfield. Development on such an ad hoc scale is not sustainable.

CHILTON PARISH COUNCIL

Insufficiency of content which forms part of the Development proposal contained in the Application

This Application is in a pure an outline form as it is possible to make. There is much more detail in Policy CS4. The formation of an access to Waldingfield Road close to Sable Place, north east of the junction of St. Mary's Close with Waldingfield Road (illustrated only by some form of diagrammatic arrow) is the only element of content offered beyond the description of the development, which reads:

Outline planning application for residential development of maximum of 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 lay-out reserved).

It should be noted that the wider Master Plan Context diagram and the Concept Master Plan do not form part of the material presented for determination (see planning statement paragraph 1.6). There is no commitment, therefore, to the location of the various elements of the scheme as set out in the so-called Master Plan documents, nor to the creation of the 10-15 metres landscape buffer. Given that these documents are not supporting material and are merely indicative, therefore, the assertions made as to the content of the development and its alleged mitigation against the heritage assets cannot be substantiated or relied upon. Therefore, your Council cannot satisfy themselves that this development will not cause harm to the designated heritage assets or nor adversely affect the amenity of existing residents. This is because there is simply insufficient material committed as part of this Application. It must follow from this that even if the principle of the proposed development were considered acceptable, and for the reasons explained it is not considered acceptable by this Parish Council, there would need to be very careful controls introduced by means of planning conditions and planning obligations.

Accordingly, we consider it is essential that this Parish Council and directly affected neighbours should be closely and fully involved in every stage of the formulation of the details. It would not be acceptable for the Applicants and your Council to go through the motions by involving interested parties in some half-hearted fashion. We look for an assurance from your Council in this respect. Further, we want to be involved in any Section 106 discussions.

Adverse impact of light pollution

A fundamental omission in the Application is the failure to even acknowledge the unavoidable impact of light pollution emanating from the development. This is a very significant and serious omission and one which fundamentally calls into question the accuracy of the assessment and a number of parts of the Application materials.

The photographs provided showing the existing and proposed views of Waldingfield Road

Both these views continue to ignore the existence of the gated access to the historic park and gardens situated directly opposite the proposed access. We regard the proposed view as photo-shopped so as to be misleading – it ignores the access opposite, it alters the perspective so as to make the road look straighter than it is conveniently thus reducing the bend and a grass verge is created on the opposite side of the road. Such a verge is not possible as in reality there is a water filled ditch which runs along this side of the road.

Proposed landscape provision on the edge of Waldingfield Road

The proposed landscaping is entirely deciduous and, therefore, will not provide any coverage in winter. Further, it is indicative and it is likely to be provided by way of whips which will take considerable time to be established and to provide any adequate coverage. For this reason this Council considers that the provision of a deciduous landscape barrier on its own is not adequate

CHILTON PARISH COUNCIL

and there should be provision of earth bunds behind the 15 metres of landscape barriers. Those bunds should be of a height of at least 5 feet.

Concluding comments

For the reasons explained above, we consider this Application should be refused. It is an attempt to get around the requirements of Policy CS4. It is a piecemeal and ad hoc approach to planning which makes no contribution to infrastructure. Its approach to the creation of a new junction onto Waldingfield Road is contrary to a well-established and well-planned approach. The development will have unavoidable adverse impacts on important local heritage assets. There are deficiencies in the landscape and visual appraisals.

If contrary to our view, your Council considers it appropriate even in principle to allow some form of residential development on the Orchard site, it is essential that this overdevelopment be reduced in scale, set further back from Waldingfield Road and that extensive conditions are imposed requiring the establishment of bunding, the significant reinforcement of tree planting and other steps to ameliorate and mitigate its inevitable adverse impact.

The Application should not be considered acceptable by your Planning Authority with such inadequate substantive content and with the deficiencies identified. Accordingly, we recommend that your Council refuse outline permission.

Yours sincerely

Dave Crimmin PSLCC
Clerk, Chilton Parish Council

Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH

T: 0333 013 6840
www.placeservices.co.uk
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Planning Services
Mid Suffolk District Council,
Endeavour House
8 Russell Road
Ipswich
IP1 2B

19/12/2017

For the attention of: Sarah Scott

Ref: DC/17/04052; 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, Land North Of Waldingfield Road, Sudbury.

Thank you for re consulting us on the outline planning application of the residential development of up to 130 dwellings, at the land North of Waldingfield Road, Sudbury. This letter sets out our re consultation response regarding the landscape impact of the planning application and how the proposals relate and respond to the surrounding landscape setting and context of the site.

Further to our letter dated 04/09/2017, the plans have been satisfactorily amended as per our recommendations.

Document *DC_17_04052-CONCEPT_MASTERPLAN-6786344* indicates further tree planting and boundary treatment implemented within the proposal site to demonstrate the mitigation of the impact of the proposed development edge on the open countryside setting.

Document number *DC_17_04052-APPENDIX_EDP3_LANDSCAPE_STRATEGY-6786352* demonstrates a further detailed landscape master plan which indicates soft landscape, planting locations of new and existing trees/hedges, and 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.

Yours sincerely,

Roshni Patel, BSc (Hons), Pg Dip, MA
Junior Landscape Architect
Telephone: 03330322436
Email: roshni.patel@essex.gov.uk

Place Services provide landscape advice on behalf of Babergh and Mid Suffolk District Councils Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



BABERGH DISTRICT COUNCIL

MEMORANDUM

TO: Sarah Scott, Development Management Team

FROM: Joanna Hart, Environmental Protection Team

DATE: 31.08.2017

YOUR REF: DC/17/04052

SUBJECT: Land North of, Waldingfield Road, SUDBURY, Suffolk.

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.

Please find below my comments regarding 'Environmental Health - Other issues' only.

Thank you for your consultation on the above application. I have no objections in principle to the proposed developments but have the following comments:

Lighting

I have had regard to the Lighting Impact Assessment submitted with the application '*Lighting Impact Assessment: Land North of Waldingfield Road, Sudbury*' (produced by Catesby Estates Ltd, document reference 712608R03, dated July 2017). As the detailed design of the proposed development is not yet known, the assessment uses assumptions including the use of lights with a 0% upward light ratio and assumes compliance with ILP guidance (based on the area being categorised as an E2 zone). Table 7.2 gives calculations at nearby sensitive dwellings based on an assumed scheme are given which shows compliance with the E2 zone levels. I would strongly recommend that a condition be attached to any permission to the effect that a further full lighting assessment should be submitted once the final design is known, with the lighting to be designed in line with the recommendations of this Lighting Impact Assessment. Such a further assessment should include calculations at the nearest sensitive dwellings and an isolux diagram based on vertical illuminance.

Noise

I have also had regard to the Noise Assessment submitted with the application '*Land North of Waldingfield Road, Sudbury: Noise Assessment*' (produced by Catesby Estates Ltd, document reference 296792-01(01), dated July 2017). The Assessment identifies the significant noise sources at the proposed site as being traffic noise from nearby roads including Acton Lane, Waldingfield Road and the private link road between the two, with commercial aircraft being audible to a lesser extent.

Noise monitoring has been undertaken which has found that the area closest to Waldingfield Road has a noise climate of approximately 58dB during the day - which is above the World Health Organisation (WHO) and BS8223 levels to avoid significance annoyance both externally and, assuming a 10-15dB reduction afforded by a partially open window, above BS8223 values for internal daytime resting.

BS8233 states that external guideline values should only be exceeded if "a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted". Such development in this part of the site would thus only be appropriate if you consider there are significant wider social and economic benefits of the development.

The night time noise level in this area of the site was approximately 51dB which would exceed internal above WHO/BS8223 levels to avoid sleep disturbance. Elsewhere on the site, current levels are lower and external and internal levels would be met. Levels however have then been

adjusted to take into account change in traffic levels. This means that some areas of the site would require windows to be kept closed during certain periods of the day and night in order to ensure that an acceptable internal noise climate is achieved. If you feel this is acceptable on planning grounds, then Sections 7.1.1 and 7.1.24 make suggestions for required attenuation in terms of glazing/truckle (passive) ventilation packages and building fabric for internal areas, and a noise barrier or positioning of gardens for external areas in order to meet guidance levels – however, as the detailed design is not yet known. I would recommend that a condition be attached to any permission to the effect that once the detailed design is known a further noise assessment should be submitted including calculations showing required attenuation throughout the development site and detailed design/specification of such attenuation methods.

Construction

I would recommend that a condition be attached to any permission to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours
- Means of access, traffic routes, vehicle parking and manoeuvring areas (for both site operatives and visitors)
- Loading and unloading of plant and materials
- Wheel washing facilities
- Hours of operation and vehicle movements
- Lighting
- Location and nature of compounds and storage areas (including maximum storage heights or other methods to prevent wind-whipping of loose materials)
- Waste removal
- Temporary buildings and boundary treatments
- Dust management
- Noise and vibration management (to include arrangements for monitoring, and specifically for piling) and;
- Litter management

To apply during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development.

Play Area

I note that the masterplan denotes a 'community play area'. I would strongly recommend that the applicant be asked to provide further details of this, as depending on the equipment installed and separation distances from residential properties, it could result in loss of residential amenity.

Kind regards

Joanna Hart
Senior Environmental Protection Officer

Babergh District Council
Planning Department
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Your Ref:
Our Ref: ENG/AK
Enquiries to: Mrs A Kempen
Direct Line: 01473 260486
E-mail: Angela.Kempen@suffolk.gov.uk
Web Address: www.suffolk.gov.uk

Date: 12 September 2017

Planning Ref: DC/17/04052

Dear Sirs

RE: PROVISION OF WATER FOR FIRE FIGHTING
ADDRESS: Land North of Waldingfield Road, Sudbury
DESCRIPTION: 130 dwellings
NO: HYDRANTS POSSIBLY REQUIRED: Required

If the Planning Authority is minded to grant approval, the Fire Authority will request that adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage.

If the Fire Authority is not consulted at the planning stage, the Fire Authority will request that fire hydrants be installed retrospectively on major developments if it can be proven that the Fire Authority was not consulted at the initial stage of planning.

The planning condition will carry a life term for the said development and the initiating agent/developer applying for planning approval and must be transferred to new ownership through land transfer or sale should this take place.

Fire hydrant provision will be agreed upon when the water authorities submit water plans to the Water Officer for Suffolk Fire and Rescue Service.

Where a planning condition has been imposed, the provision of fire hydrants will be fully funded by the developer and invoiced accordingly by Suffolk County Council.

Until Suffolk Fire and Rescue Service receive confirmation from the water authority that the installation of the fire hydrant has taken place, the planning condition will not be discharged.

Continued/

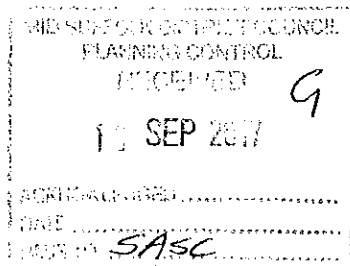
OFFICIAL

Should you require any further information or assistance I will be pleased to help.

Yours faithfully

Mrs A Kempen
Water Officer

Babergh District Council
Planning Department
Corks Lane
Hadleigh
Ipswich
IP7 6SJ



Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Your Ref:
Our Ref: FS/F251691
Enquiries to: Angela Kempen
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 12/09/2017

Dear Sirs

Land North of Waldingfield Road, Sudbury
Planning Application No: DC/17/04052/OUT

I refer to the above application.

The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Authority recommends that fire hydrants be installed within this development. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Continued/

OFFICIAL

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

Yours faithfully

Mrs A Kempen
Water Officer

Enc: PDL1

Copy: Miss J Carroll, Coval Hall, Rainsford Road, Chelmsford CM1 2QF
Enc: Sprinkler information

From:RM Floods Planning
Sent:21 Aug 2017 14:13:57 +0100
To:BMSDC Planning Area Team Green
Cc:Sarah Scott
Subject:2017-08-21 JS Reply Land North Of Waldingfield Road, Sudbury, DC/17/04052

Dear Sarah Scott,

Subject: Land North Of Waldingfield Road, Sudbury, Ref DC/17/04052

Suffolk County Council, Flood and Water Management have reviewed application ref DC/17/04052.

The following submitted documents have been reviewed and we recommend a **holding objection** at this time:

1. Flood Risk Assessment & Surface Water Drainage Strategy (& appendices) ref 133013-R1(02)-FRA
2. Site location plan Ref – 1002

The reason why we are recommending a holding objection is because the applicant has not demonstrated that a watercourse existing and that it has a positive outfall into a mapped watercourse. It is also not clear whether the proposed discharge point from the site is within the ownership of the applicant.

I also note that the applicant has used the wrong hydrological region in the hydraulic calculation they have used 5 when in fact the region is 6.

The points below detail the action required in order to overcome our current objection:-

1. Evidence of the existence of a watercourse and that applicant has a right to discharge surface water into it.

- a. If the watercourse is outside of the applicants ownership, then an agreement in principle is required from the owner allowing a discharge point to be connected
2. Submit a plan showing the route of the watercourse and where it outfalls into a mapped watercourse
- a. If the route of the watercourse goes to the map watercourse that flows underneath Aubery Drive, Suffolk County Council as the LLFA would like to open discussions with regard to betterment for victim of surface water flooding in Sudbury.
3. Resubmit the outline hydraulic calculation using the correct hydrological area

Documents required to be submitted with each type of application should be as per the following table*

Pre-app	Outline	Full	Reserved Matters	Discharge of Conditions	Document Submitted
✓	✓	✓			Flood Risk Assessment/Statement (Checklist)
	✓	✓			Drainage Strategy/Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of 3rd party agreement to discharge to their system (in principle/consent to discharge)
		✓		✓	Maintenance program and ongoing maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood & drainage design drawings
		✓	✓	✓	Full structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration test results (BRE365)
		✓	✓	✓	Detailed landscape details
		✓	✓	✓	Discharge agreements (temporary & permanent)

		✓	✓	✓	Development management & construction phasing plan
--	--	---	---	---	--

Kind Regards

Jason Skilton

Flood & Water Engineer

Suffolk County Council

Tel: 01473 260411

Fax: 01473 216864

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [mailto:planninggreen@baberghmidsuffolk.gov.uk]

Sent: 15 August 2017 15:35

To: RM Floods Planning <floods.planning@suffolk.gov.uk>

Subject: Planning Consultation Request - DC/17/04052

Please find attached planning consultation request letter relating to planning application - DC/17/04052
- Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise

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The Gardens Trust
70 Cowcross Street, London EC1M 6EJ
Phone: (+44/0) 207 608 2409
Email: enquiries@thegardenstrust.org
www.thegardenstrust.org

Research - Conserve - Campaign

2nd December 2017

Sarah Scott
Case Officer
Development Management
Babergh District Council
Planning Department
Endeavour House
8 Russell Road
Ipswich
Suffolk IP1 2BX

Dear Ms Scott,

Ref: DC/17/04052 - Outline planning application for residential development (maximum 130 dwellings), including means of access into site, with all other matters (relating to appearance, landscaping, scale and layout) reserved. Land north of Waldingfield Road, Sudbury.

Thank you for consulting The Gardens Trust (GT) with regard to the amendments to the above application. The GT have spoken to our colleagues in the Suffolk Gardens Trust and we both welcome the introduction of a wider landscape buffer fronting Waldingfield Road and the height limitation of up to two storeys for the housing on the southern edge of the proposed development closest to Waldingfield Road. However, despite these amendments our main objection remains the proposed major vehicle access to the site being situated almost directly opposite the entrance to the RPG at Chilton Hall and the proximity of the whole development so close to the registered parkland. We would like to reiterate all our concerns mentioned in our previous letter of **OBJECTION** dated 16th October and would again suggest that the developer focus the design upon traffic approaches via the existing St Mary's Close entrance and from the Chiltern Woods development to the north. We would also request that any street lighting is kept to a minimum.

Yours sincerely,

Margie Hoffnung
Conservation Officer
The Gardens Trust



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Martin Fellows
Operations (East)
planningee@highwaysengland.co.uk

To: Babergh District Council

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: DC/17/04052

Referring to the planning application referenced above, dated 16 August 2017, application for the residential development of up to 130 dwellings including means of access into site, parking and associated works, with all other matters reserved, Land North of Waldingfield Road, Sudbury, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B ~~is~~ is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

Signature:

Date: 18 August 2017

Name: David Abbott

Position: Asset Manager

Highways England:

Woodlands, Manton Lane

Bedford MK41 7LW

david.abbott@highwaysengland.co.uk

Our ref:
Your ref:

David Abbott
Operations - East
Woodlands
Manton Lane
Bedford MK41 7LW

Sarah Scott
Babergh District Council,
Corks lane,
Hadleigh,
Suffolk,
IP7 6SJ

Direct Line: 0300 470 4740

18 August 2017

Dear Ms Scott,

CONSULTING HIGHWAYS ENGLAND ON PLANNING APPLICATIONS

As you know, Highways England is the highway authority for trunk roads and motorways (the strategic road network) in England and, as such, we are statutory consultees for planning applications as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or the “DMPO”).

The DMPO sets out, in schedule 4 paragraphs g, h and i, the criteria where we need to be consulted, specifically:

- Development other than minor development, likely to result in an adverse impact on the safety of, or queuing, on a trunk road
- Development likely to prejudice the improvement or construction of a trunk road
- Development which consists of or includes the construction, formation or laying out of access to or from a trunk road.

Planning authorities must apply judgement in interpreting these criteria but it is clear you will not need to consult us on all applications. Nevertheless, we receive numerous consultations relating to proposals that are either very remote from our network, are very minor in scale, or both.

In such cases we are still obliged under the terms of our company licence to issue a formal response within tight deadlines, as we are for all such consultations. This generates unnecessary work for us both.

We readily acknowledge there is likely to be a level of uncertainty in some cases. In such cases it is reasonable for your authority to err on the side of caution and consult us and we will be pleased to respond. In most cases, however, it should be quite clear whether or not a development proposal meets the criteria to warrant consultation.

We would be grateful if you would ensure due diligence is exercised by you and your colleagues when deciding when to consult us on applications. I would be happy to discuss a case before formal consultation if necessary.

Yours sincerely

David Abbott
Assistant Asset Manager, Area 8
Operations (East)
Email: david.abbott@highwaysengland.co.uk



Dear Ms Scott

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND NORTH OF WALDRINGFIELD ROAD, SUDBURY, SUFFOLK
Application No. DC/17/04052**

Thank you for your letter of 1st December 2017 providing details of amendment to the above scheme. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

This is an outline planning application for a residential development of 130 dwellings on land North of Waldringfield Road, and includes access, parking and associated works, with other matters (relating to appearance, landscaping, scale and layout) reserved. The additional information includes a revised landscape strategy (Ref: EDP No. 3925/11b), a revised Concept Masterplan (Ref: UDB: No. 3203), a wider masterplan (Ref: UDB NO. 3303), a development parameters plan (Ref: UDB No. 3502), and illustrative photographs showing the existing and proposed views along Waldringfield Road. As you are aware we have also been in contact with the applicant with regards to the amended application.

Historic England Advice

Historic England has commented on this development on a number of occasions. We confirm that we do not object to the principle of development but have concerns about the site access arrangements from Waldringfield Road which we have raised in previous correspondence. This is due to the potential impact upon the Grade II* listed Chilton Hall and its Registered Park and Garden, which is situated on the other side of the Waldringfield road opposite the development. A number of amendments have now been made to the masterplan in response to our previous comments.

As discussed Chilton Hall is a fine well-proportioned sixteenth century house set within a designed landscape. It is situated immediately adjacent to the development area on the opposite side of the Waldringfield Road. The house was built between 1550 and 1560 on the site of an earlier medieval house and sits within a wide, well defined moat. What remains of the house is a fine red brick two-storey dwelling set within its own grade II registered park and garden. The house is registered at grade II* and other historic assets also includes the moat, a C16 walled kitchen garden, and a woodland garden. The garden wall to the east is separately listed at Grade II. The house, including the moat and gardens has considerable presence in the landscape and the site, its location and relationship to the local area contributes much to our understanding of the history and development of this area of the countryside from the



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medieval period through to the sixteenth and seventeenth centuries. The park, in addition to being of interest in its own right, contributes to the significance of the listed house and forms an important part of its setting. As do the views from the house over parkland and countryside beyond. The boundary along Waldringfield Road contributes to the sense of enclosure within the park, and the land to the north and west of the site forms the backdrop to the principal entrance and exits to the Hall and is therefore an important part of the setting of the heritage assets.

In our previous letter we raised concerns about the impact of the development upon the significance of the listed house and the registered garden through development within their setting, particularly the impact on views from the park and house towards the North West. The primary issue of concern was the impact of the main access into the development from Waldringfield Road, which would be situated on the opposite side of the road from the park. We also raised concerns about the impact of the development itself on the setting of the house and park from the high density of dwellings situated on the southern part of the development. We note a number of these comments have been specifically addressed in the revised application. This includes a new area of landscape planting along Waldringfield Road, which is designed to strengthen the existing hedge and screen the development from the registered park and garden. The proposal also notes that planting will be strengthened in the middle of the site which would break up the built up areas of the development and further soften the scheme as seen from the areas to the south. We also note the inclusion of the development parameters plan which indicates that the heights of the houses closest to the park would be a maximum of two storeys. The location of the proposed site access is however unchanged.

In relation to the historic environment, the National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The core planning principles of the NPPF are observed in paragraphs 14 and 17 which propose a presumption in favour of sustainable development, which includes the need to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations' (paragraph 17). Paragraph 131 states that when determining planning applications, account should be taken of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and, 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. The NPPF paragraph 132 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also states that 'any harm or loss should require clear and convincing justification'. It is also recognised within the



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NPPF (paragraph 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The NPPF (Paragraph 137) highlights the opportunity for Local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Paragraph 141 also makes provision for developers 'to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact'.

As discussed above, we have previously raised concerns about the potential for this development to have an impact upon Chilton Hall and its landscape. Following further consultation we are pleased that a number of changes have been made to the proposal. This includes an area of new landscape planting along Waldringfield Road, additional planting across the middle of the site and the inclusion of the development parameters plan which indicates that the heights of the houses closest to the park would be a maximum of two storeys. Provided these increased landscape provisions are properly implemented and are of sufficient depth and height then we would consider that they would result in a reduction in the level of harm to the setting of the adjacent heritage assets. Securing these changes through to the main application would be critical to ensuring that this mitigation would be successful.

We have also received assurances that a roundabout access is not needed and that the design of the junction can be reduced in scale. The applicants preferred option is set out in the revised master plan, and useful illustrations showing the existing and proposed views have also been supplied. We are particularly concerned about the visual impact of any new signage and lighting and the current proposal and the illustrations suggests that these elements are not necessary to deliver the scheme, which is also welcomed. We do however remain concerned about the removal of a large area of the hedge to create the entrance and the potential impact of noise from additional vehicle movements, and light from the cars using the junction.

Having fully considered the new information provided, we have concluded that the scheme would still result in some harm to the significance of the Hall and park though a development within their setting; however, provided that the changes shown in the revised scheme can be secured in the full application and are fully implemented, then the level of overall harm would be reduced. We continue to raise a concern about the proposed access arrangements and maintain our view that alternative access points are available to the applicants that do not result in harm to the setting of the designated heritage assets. The NPPF paragraph 132 states that 'any' harm requires clear and convincing justification and 'great weight needs to be given to conserving the setting of the designated assets'. Whilst viable alternatives exist your authority would need to consider if the sustainability of the development would be reduced in relation



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to the core principles of the NPPF. If your authority is minded to consider the application in its current form then we would be seeking assurances that suitably worded conditions can be placed on the application to secure the landscaping and junction proposals as set out in the revised plans, and that your highways advisors can confirm that the junction as depicted in the revised application is appropriate for the scheme and can be successfully implemented without the need for an upgrade or additional street lighting.

We have also noted that the development would have the potential to impact upon non-designated heritage assets. We understand that the site cannot be evaluated at present due to the existing orchard but that the applicants are prepared to accept an archaeological condition to secure an appropriate programme of archaeological works. We would want to note that nationally important archaeological deposits may exist at the site; and that the applicants need to take this into account, however we would support an appropriate archaeological condition for the application as set out in paragraph 141 of the NPPF.

Recommendation

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 Waldringfield Road.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132 and 134 of the NPPF, and an appropriate condition is needed to support archaeological work under paragraph 141 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Will Fletcher

Inspector of Ancient Monuments

E-mail: will.fletcher@HistoricEngland.org.uk



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Cc Steven Stroud, Richard Gilmore, Michael Collins and Abby Antrobus:



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Ms Sarah Scott
Mid Suffolk District Council
131 High Street
Needham Market
Suffolk
IP6 8DL

Direct Dial: 01223 582710

Our ref: P00645877

4 September 2017

Dear Ms Scott

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND NORTH OF WALDRINGFIELD ROAD, SUDBURY, SUFFOLK
Application No. DC/17/04052**

Thank you for your letter of 15 August 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

This is an outline planning application for a residential development of up to 130 dwellings on land North of Waldringfield Road, and includes access, parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

Historic England Advice

Historic England has given advice on this land at various times over the past few years, and we are aware of the development history of the site. In particular, that the land was initially put forward as part of the Chiltern Woods masterplan, and then was withdrawn from that proposal and promoted as an individual development. We have therefore commented on the appropriateness of this land for development in relation to the historic environment on a number of occasions. We would not wish to object to the principle of development but we consistently raised concerns about the site access arrangements, in particular the access from Waldringfield Road. We raised this as an issue in previous correspondence about the Chilton woods scheme, for example our correspondence with the Council in 2014, with AMEC in 2015 and 2016, and also with the applicant for this application in 2017 (Our ref: PA00509008 dated June 2017).

Chilton Hall, is a fine Grade II* listed house situated within a designed landscape. It is situated immediately to the south east of the development area on the opposite side of the Waldringfield Road. The house was built between 1550 and 1560 on the site of an earlier medieval house and sits within a wide, well defined moated enclosure. The Hall



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was thought to have been partially destroyed by fire c 1800 leaving only the east wing standing. This is a red brick two-storey dwelling with attics and cellars. The park and garden (registered at Gd II) is an early C16 or C17 walled kitchen garden set beside the house with a sunken rose garden and woodland garden which were added in the 1930s. Part of the C16 garden wall to the east is separately listed at Grade II. The house is a fine period property which has considerable presence in the landscape and contributes much to the history and development of this area. 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. The current boundary treatment along Waldringfield 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.

Our concern is the impact of the development upon the significance of the listed house and the registered garden through development within their setting, particularly the impact on views from the park and house towards the North West. This is primarily about the impact of the southern access into the development, which would be situated on the opposite site of the road from the park, and to some extent the development itself with a high density of dwellings situated on the southern part of the development.

The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The core planning principles of the NPPF are observed in paragraphs 14 and 17 which propose a presumption in favour of sustainable development, which includes the need to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations' (paragraph 17). Paragraph 131 says that when determining planning applications, account should be taken of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and, 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. The NPPF paragraph 132 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also states that 'any harm or loss should require clear and convincing justification'. It is also recognised within the NPPF (paragraph 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The NPPF (Paragraph 137) highlights the opportunity for Local planning authorities to look for new development within the setting of heritage



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assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Paragraph 141 also makes provision for developers 'to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact'.

As discussed above, we have consistently raised concerns about the potential for this development to have an impact upon Chilton Hall and its landscape. Our advice is focused on the southern access and on the treatment of the southern boundary of the site. We are particularly concerned about the land needed for a junction particularly if this needs to be a roundabout, but also the impact of any associated infrastructure for a junction such as the visual impact of new signage and lighting poles. We also considered the potential impact of noise from additional vehicle movements, and light pollution. The development would also benefit from an enhanced landscape buffer along the southern side which would help strengthen the boundary and increase the screening, and would protect the setting of the listed house and registered landscape from the impact of the new houses.

The access from Waldringfield Road was indicated on the '*Initial site constraints and opportunities plan*' (ref: Catesby Estates LTD drawing no. DC/001), and then was removed from the scheme that was promoted at the pre-application stage (ref: UDB drawing number 3201). In our previous advice we stated that we would be more supportive of a proposal that uses the existing access from St Mary's Close, or would access this site from the north through the Chiltern Woods development. Both of these two options remain feasible and achievable and would result in a reduction of harm to the significance of the designated heritage assets. In planning policy terms under paragraphs 132 and 134 any harm would require clear and convincing justification, and whilst viable alternatives exist we would consider the justification in heritage terms to be limited.

We have however stated that whilst we would object to a vehicular access from Waldringfield Road, we would not object to a pedestrian only or combined pedestrian/cycle access onto Waldringfield Road, provided that this did not need additional infrastructure such as high level lighting and signage.

We have also stated that the boundary planting alongside Waldringfield Road is also important in that it contributes to the setting of the parkland, and therefore enhanced tree screening on the southern end of the site would reinforce the existing boundary and would provide a landscape buffer between the development and the park. This could potentially be considered as an enhancement under paragraphs 137 of the NPPF.

A scheme of works for non-designated heritage assets under paragraph 141 may also



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be appropriate.

Recommendation

Historic England objects to the application on heritage grounds. The primary concern is the impact of the new proposed southern site access on Chilton Hall, which is a Grade II* listed house situated within a designed landscape which is registered at Grade II. This would result in harm to the significance of the designated assets. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 123, 134 and 137. We would want to see an alternative site access and would want the applicant to include additional landscape mitigation on the southern boundary of the site.

In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Will Fletcher

Inspector of Ancient Monuments

E-mail: will.fletcher@HistoricEngland.org.uk



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From:Consultations (NE)
Sent:29 Aug 2017 11:21:50 +0100
To:BMSDC Planning Area Team Green
Subject:Re: DC/17/04052

Dear Ms Scott

Application ref: DC/17/04052

Our ref: 223853

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours sincerely

Joanne Widgery
Natural England
Consultations Team
Hornbeam House
Crewe Business Park
Electra Way,
Crewe
Cheshire, CW1 6GJ

Tel: 0300 060 3900

Email: www.gov.uk/natural-england

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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Comments for Planning Application DC/17/04052

Application Summary

Application Number: DC/17/04052

Address: Land North Of Waldingfield Road Sudbury

Proposal: 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.

Case Officer: Sarah Scott

Customer Details

Name: Mr Matt Paisley

Address: Police Station, Acton Lane, Sudbury, Suffolk CO10 1QN

Comment Details

Commenter Type: Amenity Group

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Noted by the Sudbury Safer Neighbourhood Team. As with all new housing plans, I would advise consideration to be given to ensure ample parking locations are given to new premises. No other observations to make at this time.

PS 1455 Matt Paisley

Your Ref: DC/17/04052
Our Ref: 570\CON\4504\17
Date: 21 December 2017
Highways Enquiries to: colin.bird@suffolk.gov.uk

All planning enquiries should be sent to the Local Planning Authority.

Email: Planning.Control@baberghmidsuffolk.gov.uk

The Planning Officer
Babergh District Council
Council Offices
Corks Lane
Ipswich
Suffolk
IP7 6SJ

For the Attention of: Sarah Scott

Dear Sarah

TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN DC/17/04052

PROPOSAL: 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

ROAD CLASS:

Further to the submission of the applicant's detailed highway report I consider that the application will not have a severe impact on the highway and we can recommend approval with the S106 requirements and conditions below.

I note that the visibility splay on drawing 19082-03 B is incorrectly drawn and should link to the tangent point of the outside of the curve so that vehicles in any part of the carriageway are visible for 120m. However, this splay is achievable without requiring removal of any trees and is defined in the condition below.

I confirm that street lighting will not be required by the Highway Authority at the proposed new priority junction or within the site.

The following extract from my previous response confirms the Travel Plan requirements which should be incorporated in the S106 obligations for this development.

To ensure there is sufficient resource for Suffolk County Council to engage with the Travel Plan and there are certainties that the Travel Plan will be implemented in full; the following Section 106 contribution is required:

- ***Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration. This is to cover Suffolk County Council officer time working with the Travel Plan Coordinator and/or Management Company and agreeing new targets and objectives***

throughout the full duration of the travel plan. If the contribution is not paid Suffolk County Council may not be able to provide sufficient resource to assisting the ongoing implementation and monitoring of the travel plan, which may result in the failure of the Travel Plan to mitigate the highway impact of this development.

- ***Travel Plan Implementation Bond, or cash deposit - £79,466 (£611 per dwelling – based on the estimated cost calculated by Suffolk County Council of fully implementing the Travel Plan). This is to cover the cost of implementing the Travel Plan on behalf of the developer if they fail to deliver it themselves. A rolling bond, one-off Travel Plan Contribution for SCC to deliver the Travel Plan on behalf of the applicant, or any other suitable obligations to guarantee Travel Plan implementation may also be considered.***

The implementation of the Travel Plan should ideally be secured solely by Section 106 obligations. A planning condition may be insufficient due to the size and possible phasing of the development. Therefore the following elements of the Travel Plan should be secured by Section 106 obligations:

- ***Implementation of the Interim Travel Plan (when approved)***
- ***Provision of an approved travel pack to each resident on occupation***
- ***Submission, approval and full implementation of a Full Travel Plan on occupation of the 100th residential dwelling***
- ***Monitoring the Full Travel Plan for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration***
- ***Securing and implementing remedial Travel Plan measures if the vehicular reduction targets are not achieved, or if the trip rate in the Transport Assessment is exceeded when the site is occupied***

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1 AL 2

Condition: No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the occupation of the development.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

2 B2

Condition: Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

3 D 2

Condition: Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

4 ER 1

Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

5 ER 2

Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

6 NOTE 01

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's West Area Manager must be contacted on Tel: 01284 758868. For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

7 NOTE 07

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

8 NOTE 15

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

9 P 2

Condition: Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

10

Before the access is first used clear visibility at a height of 0.6 metres above the carriageway shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 120 metres in each direction along the edge of the metalled carriageway from the centre of the access.

Reason: To ensure vehicles exiting the development would have sufficient visibility to join the main road safely, and vehicles on the main road would have sufficient warning of a vehicle emerging to take avoiding action.

11

Prior to commencement details of the scheme to widen the existing footway along the site frontage and extending to the junction with Saint Marys Close, including pedestrian crossing points, shall have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full prior to occupation of the 30th dwelling.

Reason: To ensure the sustainable links to the site are safe and adequate for the level of use.

12

Condition: Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2 of the Suffolk Guidance for Parking and paragraph 35 of the National Planning Policy Framework

Yours sincerely,

Mr Colin Bird
Development Management Engineer
Strategic Development

Your Ref: DC/17/04052
Our Ref: 570\CON\4504\17
Date: 31 January 2018
Highways Enquiries to: colin.bird@suffolk.gov.uk

All planning enquiries should be sent to the Local Planning Authority.
Email: Planning.Control@baberghmidsuffolk.gov.uk

The Planning Officer
Babergh District Council
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the Attention of: Steven Stroud

Dear Steven

TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION RETURN DC/17/04052

PROPOSAL: 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

ROAD CLASS:

Notice is hereby given that the County Council as Highway Authority make the following comments:

Further to my response dated 21 December 2017, I have considered the effects of the development, in discussion with the developer, to determine the necessary Section 106 contribution required to mitigate the additional congestion and to provide effective sustainable links.

To make the development acceptable we would require a contribution to cover the costs of improving the traffic flow at the roundabout junction of Waldingfield Road and Aubrey Drive by altering the lane markings on Waldingfield Road, and a contribution to allow design and construction of a Toucan crossing between the two roundabouts on Waldingfield Road at Aubrey Drive and Northern Road.

The total cost for the above works would be £80,000

The obligation should be 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. This contribution is in addition to the Travel Plan contributions set out in my previous letter.

I would also like to clarify that further discussions with the applicant took place to explore the issues involved should an alternative access via St Marys Close be considered for this site.

Given the information available we would consider that St Mary's Close is unsuitable to provide an access for a development of this size because of safety concerns about the possible alignment of the proposed access road, and the associated visibility, which we consider would be below an acceptable standard.

Yours sincerely,

Mr Colin Bird
Development Management Engineer
Strategic Development

Your Ref: DC/17/04052
Our Ref: 570\CON\3077\17
Date: 7 September 2017
Highways Enquiries to: colin.bird@suffolk.gov.uk

All planning enquiries should be sent to the Local Planning Authority.
Email: Planning.Control@baberghmidsuffolk.gov.uk

The Planning Officer
Babergh District Council
Council Offices
Corks Lane
Hadleigh
Ipswich
Suffolk
IP7 6SJ

For the Attention of: Sarah Scott

Dear Sarah

TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION RETURN DC/17/04052

PROPOSAL: 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

ROAD CLASS:

Notice is hereby given that the County Council as Highway Authority make the following comments:

We have no objection to this application, in principle, but consider the following comments should be addressed.

Due to the proximity to the 40mph speed limit and the recorded speeds we would require visibility splays of 2.4 x 120m in accordance with the Design manual for Roads and Bridges. These splays appear to be achievable for the proposed access.

The entry radii should be 10.67m in accordance with the Suffolk Design Guide for access from a minor road onto a county road.

The footway along the frontage of the site appears to be narrow and should be widened to a minimum of 1.8m to the south to St Marys Close where improved pedestrian crossing points should be provided with tactiles.

As indicated within the TA, this site will increase congestion at the junction between Waldingfield Road and Northern Road and a S106 contribution will be required towards an improvement previously identified in the Chilton Woods application.

Further S106 contributions may be required for additional bus stops and rights of way improvements and I will supply further details of any S106 requirements in due course.

Our Travel Plan officer has provided the following comments:

The Travel Plan section included in Appendix B of the Transport Assessment (dated 14th July 2017) has identified some suitable measures to encourage the residents to use sustainable transport to mitigate the vehicular impact on the existing highway network. However, to ensure there is a consistent approach to this Travel Plan and the Travel Plan for the neighbouring Chilton Woods development the following amendments need to be made to the Travel Plan:

- ***There must be a pedestrian and cycle link provided to connect the development to the proposed Chilton Woods development. This was referenced in 5.2.2 of the Travel Plan and should be secured by a planning condition.***
- ***The Travel Plan will need to identify if there is a safe walking route to the existing primary (Woodhall Primary School) and secondary (Ormiston Academy) schools from the development. The most direct route to the schools would involve crossing two roads (Aubrey Drive and Springlands Way) at two busy roundabouts without controlled pedestrian crossing facilities. This is likely to act as a disincentive for walking to school due to possible safety issues and potentially increase the number of vehicle trips from the development. Further information is needed to assess the potential safety issues in regards to the walking routes to the two schools.***
- ***The distance from the site entrance to the frequent bus services (that use the stop at the Health Centre) identified in the Travel Plan is beyond the recommended 400 metres distance. This distance will be greater for the residents in the dwellings furthest from the site entrance, which would act as a strong disincentive to use bus travel. Some further information will be needed in the Travel Plan on how this issue can be overcome.***
- ***The Travel Packs will require a multi-modal voucher to the value of two one month bus tickets per dwelling to be consistent with the same request for the Chilton Wood development. If the resident does not wish to redeem the bus tickets, a cycle voucher of equivalent value must be offered as an alternative.***
- ***Paragraph 5.2.14 of the Travel Plan made reference to a travel information leaflet holder being placed in a prominent location on the site. Based on other Travel Plans being implemented across the Eastern Region, this measure is not very effective and potentially more costly than combining a bespoke website and social media to market the Travel Plan instead. Further successful marketing measures that have been used on other Travel Plans regionally; should consist of having regular Travel Plan event days in a central area of the development to further engage the residents with the Travel Plan. Examples of these measures can be provided if needed.***
- ***The Travel Plan targets must be focused on reducing the developments trip generation, instead of against the 2011 Census data to comply with the overarching principles of Travel Plans and Transport Assessments in the "Travel Plans, Transport Assessments and Statements" section of the 2014 Planning Practice Guidance. Based on the experience with other Residential Travel Plans the use of resident questionnaires is a very unreliable way of primarily monitoring the Travel Plan, as the response rates tend to be very low (10-20%), even with the use of an incentive.***
- ***The Travel Plan must be monitored annually from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration. The monitoring must be mainly focused on obtaining the traffic counts and trip rates to compare to the Transport Assessment, with resident questionnaires to collect some qualitative information that can be fed back to Travel Plan stakeholders.***
- ***The commitment to submit and implement a Full Travel Plan is missing. The Full Travel Plan will need to be submitted on occupation of the 100th dwelling when the baseline monitoring has been completed. This Full Travel Plan will contain revised measures and targets based on the actual residents that live on the development.***
- ***There must be a commitment to engage with the Travel Plan Coordinator for the Chilton Woods development to help join up the Travel Plans and create consistency across the two sites.***

A revised Travel Plan and Transport Assessment that takes into account the issues raised above will need to be submitted prior to the determination of this application.

These revisions need to comply with National Planning Policy Framework paragraph 32, which sets out that plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;**
- safe and suitable access to the site can be achieved for all people.**
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.**

Other relevant paragraphs include 34, 35 and 36 as well as the “Travel Plans, Transport Assessments and Statements in Decision-taking” section of the 2014 Planning Practice Guidance.

In addition, a decent quality Travel Plan will also support policies CS4, CS15 and CS21 of the Babergh Core Strategy (2011-2031).

To ensure there is sufficient resource for Suffolk County Council to engage with the Travel Plan and there are certainties that the Travel Plan will be implemented in full; the following Section 106 contribution is required:

- Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration. This is to cover Suffolk County Council officer time working with the Travel Plan Coordinator and/or Management Company and agreeing new targets and objectives throughout the full duration of the travel plan. If the contribution is not paid Suffolk County Council may not be able to provide sufficient resource to assisting the ongoing implementation and monitoring of the travel plan, which may result in the failure of the Travel Plan to mitigate the highway impact of this development.**
- Travel Plan Implementation Bond, or cash deposit - £79,466 (£611 per dwelling – based on the estimated cost calculated by Suffolk County Council of fully implementing the Travel Plan). This is to cover the cost of implementing the Travel Plan on behalf of the developer if they fail to deliver it themselves. A rolling bond, one-off Travel Plan Contribution for SCC to deliver the Travel Plan on behalf of the applicant, or any other suitable obligations to guarantee Travel Plan implementation may also be considered.**

The implementation of the Travel Plan should ideally be secured solely by Section 106 obligations. A planning condition may be insufficient due to the size and possible phasing of the development. Therefore the following elements of the Travel Plan should be secured by Section 106 obligations:

- Implementation of the Interim Travel Plan (when approved)**
- Provision of an approved travel pack to each resident on occupation**
- Submission, approval and full implementation of a Full Travel Plan on occupation of the 100th residential dwelling**
- Monitoring the Full Travel Plan for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration**
- Securing and implementing remedial Travel Plan measures if the vehicular reduction targets are not achieved, or if the trip rate in the Transport Assessment is exceeded when the site is occupied**

All the contributions and obligations have taken into account CIL regulation 122 and are:

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

Full wording for the proposed Section 106 obligations can be supplied at a later date if planning permission is granted.

Also to ensure that the development secures charging facilities for electric vehicles in accordance with the NPPF the following planning condition is required:

- Condition: Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.**

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2 of the Suffolk Guidance for Parking and paragraph 35 of the National Planning Policy Framework.

More detailed Travel Plan comments can be provided on request by the applicant if needed.

If the above comments can be addressed we would be able to recommend approval with appropriate conditions.

Yours sincerely,

Mr Colin Bird
Development Management Engineer
Strategic Development

From:Chris Ward
Sent:16 Aug 2017 10:05:42 +0100
To:Sarah Scott
Cc:BMSDC Planning Area Team Green;Sam Harvey
Subject:RE: Planning Consultation Request - DC/17/04052

Dear Sarah,

Thank you for consulting me in regards to the application for 130 dwellings at Land North Of Waldingfield Road in Sudbury. I will be providing a response in regards to the Travel Plan that was submitted as part of the Transport Assessment. However to comply with internal protocol and the overarching principles of Travel Plans and Transport Assessments identified in the 2014 Planning Practice Guidance, this response will form part of the formal SCC Highway response.

If this causes you any issues please let me know as soon as possible.

Kind regards

Chris Ward
Travel Plan Officer
Transport Strategy – Development Management
Strategic Development – Resource Management
Suffolk County Council
Endeavour House, 8 Russell Road, Ipswich, IP1 2BX
Telephone: 01473 264970
Mobile: 07860 832202
email : chris.ward@suffolk.gov.uk
web : <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/>

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [<mailto:planninggreen@baberghmidsuffolk.gov.uk>]
Sent: 15 August 2017 15:35
To: Chris Ward <Chris.Ward@suffolk.gov.uk>
Subject: Planning Consultation Request - DC/17/04052

Please find attached planning consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software. Opinions, conclusions and other information in this email that do not relate to the official business of Babergh District Council and/or Mid Suffolk District Council shall be understood as neither given nor endorsed by Babergh District Council and/or Mid Suffolk District Council.

Consultation Response Pro forma

1	Application Number	DC/17/04052 Outline application for residential development up to 130 dwellings including access to site.	
2	Date of Response	14/12/2017	
3	Responding Officer	Name:	Julie Abbey-Taylor
		Job Title:	Professional Lead – Housing Enabling
		Responding on behalf of...	Strategic Housing Team
4	Recommendation (please delete those N/A) Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	For a scheme of up to 130 dwellings the affordable housing policy requires 35% of the development to be for affordable housing = 45 dwellings. Mix detailed on the accompanying consultation response. 75% AH = affordable rented 25% AH = shared ownership Recommend approval if AH is provided at 35%	
5	Discussion Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	There are currently circa. 920 applicants registered on the Council's Housing Register, 300 of whom are seeking social housing in Sudbury. This application site is adjacent the urban extension site known as Chilton Woods. The affordable housing mix requested for this application is designed to complement the mix proposed for Chilton Woods.	
6	Amendments, Clarification or Additional Information Required (if holding objection) If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate	Recommend that the open market mix provides for 10% bungalows or chalet bungalows in order to provide market sale offer for older people who wish to downsize to more manageable homes.	
7	Recommended conditions	Bike storage area and bin store to be included in the planning conditions. These will certainly be a requirement for RP's. All affordable housing to be transferred to an RP freehold. That the unit types and sizes are included in any S106 agreement.	

Please note that this form can be submitted electronically on the Council's website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Council's website and available to view by the public.

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

BABERGH DISTRICT COUNCIL

MEMORANDUM

TO: Sarah Scott – Development Management Planning Officer

From: Julie Abbey-Taylor, Professional Lead – Housing Enabling

Date: 15th December 2017

SUBJECT: Affordable & Open market Housing mix comments

Proposal: **Outline application for up to 130 dwellings on land north of Waldingfield Road, Sudbury**

Application Reference: DC/17/04052

Key Points

1. Background Information

A development proposal for 130 residential dwellings (mixture of affordable and open market homes), means of access to the site, parking and associated works, with all other matters reserved.

The outline application determined that the affordable housing to be provided on this site, equating to 45 dwellings to be policy compliant.

2. Housing Need Information:

- 2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2017, confirms a continuing need for housing across all tenures and a growing need for affordable housing.
- 2.2 The 2017 SHMA indicates that in Babergh there is a need for 73 new affordable homes per annum. **Ref1**
- 2.3 Furthermore, by bedroom numbers the affordable housing mix should equate to:

Ref2 Estimated proportionate demand for affordable new housing stock by bedroom number	
Bed Nos	% of total new affordable stock
1	46%
2	36%

3	16%
4+	2%

2.4 This compares to the estimated proportionate demand for new housing stock by bedroom size across all tenures.

Ref3 Estimated proportionate demand for all tenure new housing stock by bedroom number	
Bed Nos	% of total new stock
1	18%
2	29%
3	46%
4+	6%

2.5 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property-owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.

2.6 The Council's Choice Based Lettings system currently has circa.920 applicants registered for affordable housing in Babergh at July 2017.

2.7 The Council's Choice Based Lettings system currently has **in the region of 300** applicants registered for affordable housing, who are seeking accommodation in Sudbury September 2017, a third of whom are aged over 55. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the **920 applicants** registered is the important number.

3. Preferred Mix for Open Market homes.

3.1 The open market needs to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property-owning market and require appropriate housing enabling them to downsize.

3.2 With an ageing population, both nationally and locally new homes should, wherever possible, be built to Lifetime-Homes standards and this can include houses, apartments and bungalows.

3.3 There is strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storey. There is also a demand for smaller terraced

and semi-detached houses suitable for all age groups. This application does not provide any indicative layout in terms of type and tenure.

3.4 The Council wishes to encourage the provision of homes built to Lifetime-Homes standards, as this will enable our aging population to remain longer in their homes.

3.5 Broadband and satellite facilities as part of the design for all tenures should be standard to support.

3.6 All new properties need to have high levels of energy efficiency.

4. Preferred mix for Affordable Housing

4.1 The most recent information from the Babergh's Council's Housing Register shows **300** applicants registered who have a connection to Sudbury.

4.2 **45** of the dwellings on the proposed development should be for affordable housing. These should be provided in the form of:

Affordable rented - 75% of 45 dwellings = 33 units

8 x 1 bed 2-person flats @ 50sqm

4 x 1 bed 2-person houses @ 58sqm

2 x 2 bed 3-person bungalows @ 63sqm

14 x 2 bed 4-person houses @ 79sqm

5 x 3 bed 5-person houses @ 93sqm

Shared ownership – 25% of 45 dwellings = 12 units

8 x 2 bed 4-person houses @ 79sqm

4 x 3 bed 5-person houses @ 93sqm

4.3 This development will need to ensure that the affordable units are “tenure blind” within the overall development.

5. Other requirements for affordable homes:

- Properties must be built to current Homes and Communities Agency National Housing Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets.
- The Council will not support a bid for Homes & Communities Agency grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.

- The location and phasing of the affordable housing units must be agreed with the Council to ensure they are integrated within the proposed development according to current best practice
- On larger sites, the affordable housing should not be placed in groups of more than 15 units. Looking at the plan this application has adhered to this guidance, but see comment 4.3 in regard to location within the overall development.
- Adequate parking provision is made for the affordable housing units adjacent to the dwellings.
- It is preferred that the affordable units are transferred freehold to one of Babergh's partner Registered Providers.

Julie Abbey-Taylor, Professional Lead – Housing Enabling

DC/17/04052 LAND NORTH OF WALDINGFIELD ROAD SUDBURY

APPROVE

Sudbury Town Council notes the comment by Suffolk County Council regarding the drainage on site.

Sarah Scott
Planning Department
Babergh District Council
Corks Lane
Hadleigh
IP7 6SJ

05/09/2017

Dear Sarah,

RE: DC/17/04052 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 reserved. Land north of Waldingfield Road, Sudbury

Thank you for sending us details of this application. We have read the ecological survey report (EDP, Jul 2017) and we note the conclusions of the consultant. We have the following comments on this proposal:

Protected Species

Hazel Dormouse (*Muscardinus avellanarius*)

The application site is bounded to the west and north by the site for the proposed Chilton Woods development (Babergh DC planning reference B/15/01718). As part of the ecological assessment work for Chilton Woods surveys for hazel dormice were undertaken. These surveys recorded this species on the Chilton Woods site, given the habitat connectivity between the two sites it appears highly likely that they could also be present on the application site. The ecological survey report accompanying this application does not include consideration of the potential impact of the proposed development on this species. Further assessment is therefore required prior to the determination of this application.

Great Crested Newts (*Triturus cristatus*)

As identified in the ecological survey report, great crested newts have been recorded in ponds to the east and south of the site. The report states that a translocation exercise will be required to mitigate for the presence of any great crested newts in terrestrial habitat on site. However, no further detail on this proposed mitigation is included within the report and it is unclear where any trapped animals will be relocated to. Any animals should be retained in an area where they can continue to access the existing ponds and terrestrial habitat to the east of the site to ensure that the population is maintained at at least its existing level. Prior to the determination of this application we recommend that further detail on the proposed mitigation measures are provided to ensure that the proposed development will not result in a significant adverse impact on the local great crested newt population.

Chilton Woods Development

This application site is surrounded on two sides by the proposed Chilton Woods development. Whilst the application acknowledges the potential for connections to the larger adjacent development, we query whether the opportunity exists to provide better green links between the two proposals. For example, a reduction in the number of dwellings in the north-eastern corner of this application site would potentially enable a stronger green corridor to connect to the greenspace proposed as part of Chilton Woods.

Conclusion

As currently presented we consider that the application fails to demonstrate that the proposed development will not result in an adverse impact on protected species. We therefore **object** to this application.

If you require any further information, please do not hesitate to contact us.

Yours sincerely

James Meyer
Senior Conservation Planner

From:David Pizzey
Sent:22 Aug 2017 11:09:34 +0100
To:Sarah Scott
Cc:BMSDC Planning Area Team Green
Subject:DC/17/04052 Land North Of Waldingfield Road, Sudbury.,

Hi Sarah

I have no objection in principle to this application as there appears to be little conflict between the development, based upon the Concept Masterplan, and any significant trees/hedges on site. The Tree Survey provides an accurate assessment of the trees and although a small number will be lost these are generally of limited amenity value and/or poor condition; all important trees are scheduled for retention.

If you are minded to recommend approval of the scheme we will require additional information including an Arboricultural Method Statement and Tree Protection Plan in order to help ensure appropriate protection measures. This can be dealt with as part of reserved matters or under condition if required.

Regards

David

David Pizzey FArborA
Arboricultural Officer
Hadleigh Office: 01473 826662
Needham Market office: 01449 724555
david.pizzey@baberghmidsuffolk.gov.uk
www.babergh.gov.uk and www.midsuffolk.gov.uk
Babergh and Mid Suffolk District Councils – Working Together

Please be advised that any comments expressed in this email are offered as a informal professional opinion unless otherwise stated and are given without prejudice to any decision or action the Council may take in the future. Please check with the email's author if you are in any doubt about the status of the content of this email. Any personal information contained in correspondence shall be dealt with in accordance with Mid Suffolk and Babergh District Council's Data Protection policy and the provisions of the Data Protection Act as found on both Council's websites.

-----Original Message-----

From: planninggreen@baberghmidsuffolk.gov.uk [<mailto:planninggreen@baberghmidsuffolk.gov.uk>]
Sent: 15 August 2017 15:35
To: David Pizzey <David.Pizzey@baberghmidsuffolk.gov.uk>
Subject: Planning Consultation Request - DC/17/04052

Please find attached planning consultation request letter relating to planning application - DC/17/04052 - Land North Of Waldingfield Road, Sudbury, ,

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software. Opinions, conclusions and other information in this email that do not relate to the official business of Babergh District Council and/or Mid Suffolk District Council shall be understood as neither given nor endorsed by Babergh District Council and/or Mid Suffolk District Council.

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**BABERGH DISTRICT COUNCIL
PLANNING COMMITTEE**

WEDNESDAY 9 MAY 2018

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA BUT BEFORE 12 NOON ON
THE WORKING DAY BEFORE THE MEETING AND ERRATA**

PAPER PL/17/40

<u>ITEM</u>	<u>REF. NO</u>	<u>REPRESENTATION FROM</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
1	DC/17/04052	Correspondence received by officers in response to this application, attached.	<p>Officers have considered carefully the items attached to this Addendum Paper and do not consider that they should affect the conclusions set out within the Committee Report.</p> <p>The recommendation to Members therefore remains as presented within the Report.</p>	Steven Stroud

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Planning Application DC/17/04052 Land north of Waldingfield Road

- 1) Bee orchids (Ophrys Apifera?) in the orchard north east of Waldingfield Road.

This is a protected species under Section 13 of the countryside act 1981



These orchids were photographed in the orchard in 2016 and details sent to David Pizzy at Babergh DC, He asked to be told when they were flowering last year, which we did, but got no further reaction from him. Shortly after that the owners of the orchard had all the grass areas mown! Since they aren't picking the fruit or looking after the trees one wonders why? Is it correct that all this area should be ploughed up and built all over?

- 2) Potential right of way

I attach a copy of a letter from Mrs Diane Martin, who owned 21 St Marys Close from when it was built in 1985 until 2015. She now lives in Australia. We are in the process of getting her to send the information in her letter in the form of an affidavit as this is needed by the Land Registry to register our interest.

To our knowledge the access to the peripheral track that goes all round the orchard has never been challenged nor have any of us been told to desist from entering the orchard.

From this letter it would appear that several owners of houses abutting the orchard have used this track for a variety of purposes over 33 years including picking hedgerow fruits, (wild damsons and bullaces) walking dogs, playing cricket and generally enjoying the countryside.

14 View Road
Tel: 0061 8 95921686 Safety Bay
Mob: 0061 406042697 Perth 6169
email: dianepmartin47@gmail.com Western Australia

To Whom it May Concern:

I lived at 21 St Marys Close from 8th March 1985 to 16th July 2015. I can categorically confirm we as a family used our gate into the orchard at least once, usually more, times, every day that we lived there. Mostly going for walks with our dogs or children.

Our neighbours in number 20 moved in a few weeks after us, also made a gate into the orchard and used it on a daily basis, as did all of the families that lived in number 20.

We both even cut the grass in the orchard behind our houses (I also grew flowers under the hedge) we used that area mostly for playing cricket.

Yours faithfully

Diane Martin

3. Access to Power Cables

The following email sent by me on April 23rd to UK Power Networks in order to make them aware of the outline planning application went to consents@ukpowernetworks.co.uk

“There is currently a planning application for the building of new houses in the orchard abutting the backs of these houses. If the plan is passed then new houses would be built with their rear gardens up against the rear gardens of the St Marys Close houses.

The existing houses in St Marys Close, have at the bottom of their gardens an overhead power line and a buried gas main. Servicing of the power cables is currently carried out from a farm track running around the perimeter of the orchard, and this track would also be the most accessible way to service the gas main and is how they are serviced at the moment. This track would disappear under the rear gardens of the planned new houses and so would straightforward access to your power cables. We are required in our deeds to grant you access to your assets, and certainly getting any machinery in to the area would cause major disruption and would be quite costly for you. Our interest to avoid such upheaval is my reason for writing. The proposed new houses could easily be built further northeast in the orchard without loss of density and thus retain the farm track for access. This would provide you and the houses in St Marys Close with much simpler and cheaper access.

Currently the internal layout is reserved in the planning application and there may well be time to encourage the developer to take your and our wishes into account. The relevant planning application is **DC/17/04052 Land North of Waldingfield Road. (Babergh District Council)**.

I look forward to hearing from you.

Tom Mauder

01787 829142”

I would be grateful if you could make councillors aware of these three issues in time for the planning meeting to decide on the above application.

Many thanks

Tom and Maren Mauder

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Steven Stroud
Strategic Projects and Delivery Manager
Babergh District Council
Endeavour House
8 Russell Rd
Ipswich
IP1 2BX

4 May 2018

Dear Steven

Planning Application Reference DC/17/04052
Land north of Waldingfield Road, Sudbury

I write in response to the comments received on 28 April 2018 in connection with the above application.

Bee Orchids

The grassland within the orchard has been, and will continue to be, maintained on a periodic basis up to the point that development commences (subject to the grant of planning permission). The proposed development will include significant ecological mitigation areas which will deliver a net gain in biodiversity and provide an opportunity for new and existing flora to establish.

Potential Right of Way

Please see the enclosed letter from our solicitors Eversheds Sutherlands responding to the claim of a third party right of way across the site.

Access to Power Line

The utility operator has a right of access to the gardens of the properties adjoining the site within St Mary's Close in order to maintain the power line and vegetation growing beneath. The fact that maintenance has historically been undertaken from the application site, does not remove the fact that a right of access over the gardens of the properties in St Mary's Close remains.

The opportunity for the inclusion of a maintenance strip below the power lines as part of the new housing development or the granting of similar rights for the utility operator over some of the new properties are options that can be discussed in detail with the utility operator and existing residents at the reserved matters stage.

Please do not hesitate to contact me should any clarification be necessary.

Yours faithfully

Ed Barrett
Senior Planning Manager
edb@catesbyestates.co.uk
01926 836910

Steven Stroud
Strategic Projects and Delivery Manager
Barbergh and Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

Date: 4 May 2018

Your ref:

Our ref: ANDREWST\175442-000099

Direct: +44 20 7919 0670

Email: stuartandrews@eversheds-sutherland.com

Dear Sirs

PLANNING APPLICATION DC/17/04052 LAND NORTH OF WALDINGFIELD ROAD

We act on behalf of Catesby Estates in connection with the above planning application.

We have been provided with third party correspondence which include claims that rights of access within parts of the application site have been established over time by neighbouring residents. We confirm that this is an entirely false claim and enclose the up to date registered title to the property in confirmation of this position. You will note in review of this material that title absolute is registered to Mr and Mrs Wheldon with a charge in favour of our clients and that there are no other claims, restrictions or cautions relating to any part the site.

You will also be readily aware that any private land issue should have no bearing upon the determination in public law of a proposed development scheme. As such, any propriety claim (whether unsubstantiated or otherwise) cannot be treated as a material issue in the determination of this planning application.

We hope that this correspondence assists in clarifying this matter.

Yours faithfully

Eversheds Sutherland (International) LLP

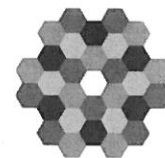
Eversheds Sutherland (International) LLP

Encl.

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Eversheds Sutherland (International) LLP is a limited liability partnership, registered in England and Wales (number OC304065), registered office One Wood Street, London EC2V 7WS. Authorised and regulated by the Solicitors Regulation Authority. A list of the members' names and their professional qualifications is available for inspection at the above office.

Eversheds Sutherland (International) LLP is part of a global legal practice, operating through various separate and distinct legal entities under Eversheds Sutherland. For a full description of the structure and a list of offices, please visit www.eversheds-sutherland.com.



Official copy of register of title

Title number SK352608

Edition date 18.08.2017

- This official copy shows the entries on the register of title on 21 Aug 2017 at 10:30:04.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 21 Aug 2017.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Kingston upon Hull Office.

A: Property Register

This register describes the land and estate comprised in the title.

SUFFOLK : BABERGH

- 1 (01.04.2014) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the north-west side of Waldingfield Road, Sudbury.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (01.04.2014) PROPRIETOR: HUGH WHELDON and MIMI WHELDON of Little Church Farm, Prospect Hill, Little Cornard, Sudbury CO10 0PF and ANDREW WHELDON of Poplars Farm, Upper Tye, Cornard Tye, Great Cornard, Sudbury CO10 0QA.
- 2 (01.04.2014) The value stated as at 1 April 2014 was £45,000.
- 3 (01.04.2014) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 4 (18.08.2017) RESTRICTION: No disposition of the registered estate, excepting a strip of land 50cm wide between the points marked A-B-C-D-E-F-G-H on the title plan, by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by Catesby Estates Limited (Co. Regn. No. 03231740) of Catesby House, Unit 5b Tournament Court, Edgehill Drive, Warwick CV34 6LG or their conveyancer that the provisions of paragraph 1 of Schedule 6 of an Agreement dated 2 August 2017 made between (1) Hugh Wheldon and others and (2) Catesby Estates Limited have been complied with.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (01.04.2014) A Conveyance dated 26 July 1939 made between (1) Ada Emma Ward and (2) Peter Wheldon contains restrictive covenants details of which are set out in the schedule of restrictive covenants hereto.

NOTE 1: No copy of the covenant to observe the said restrictive covenants was supplied on first registration.

NOTE 2: No copy of the Conveyance was lodged on First Registration.

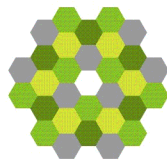
- 2 (18.08.2017) UNILATERAL NOTICE affecting the land in this title except for a strip of land 50cm wide between the points marked A-B-C-D-E-F-G-H on the title plan in respect of the benefit of clause 13 of a Promotion Agreement dated 3 August 2017 made between (1) Hugh Wheldon and others and (2) Catesby Estates Limited.
- 3 (18.08.2017) BENEFICIARY: Catesby Estates Limited of Catesby House, Unit 5b Tournament Court, Edgehill Drive, Warwick CV34 6LG.

Schedule of restrictive covenants

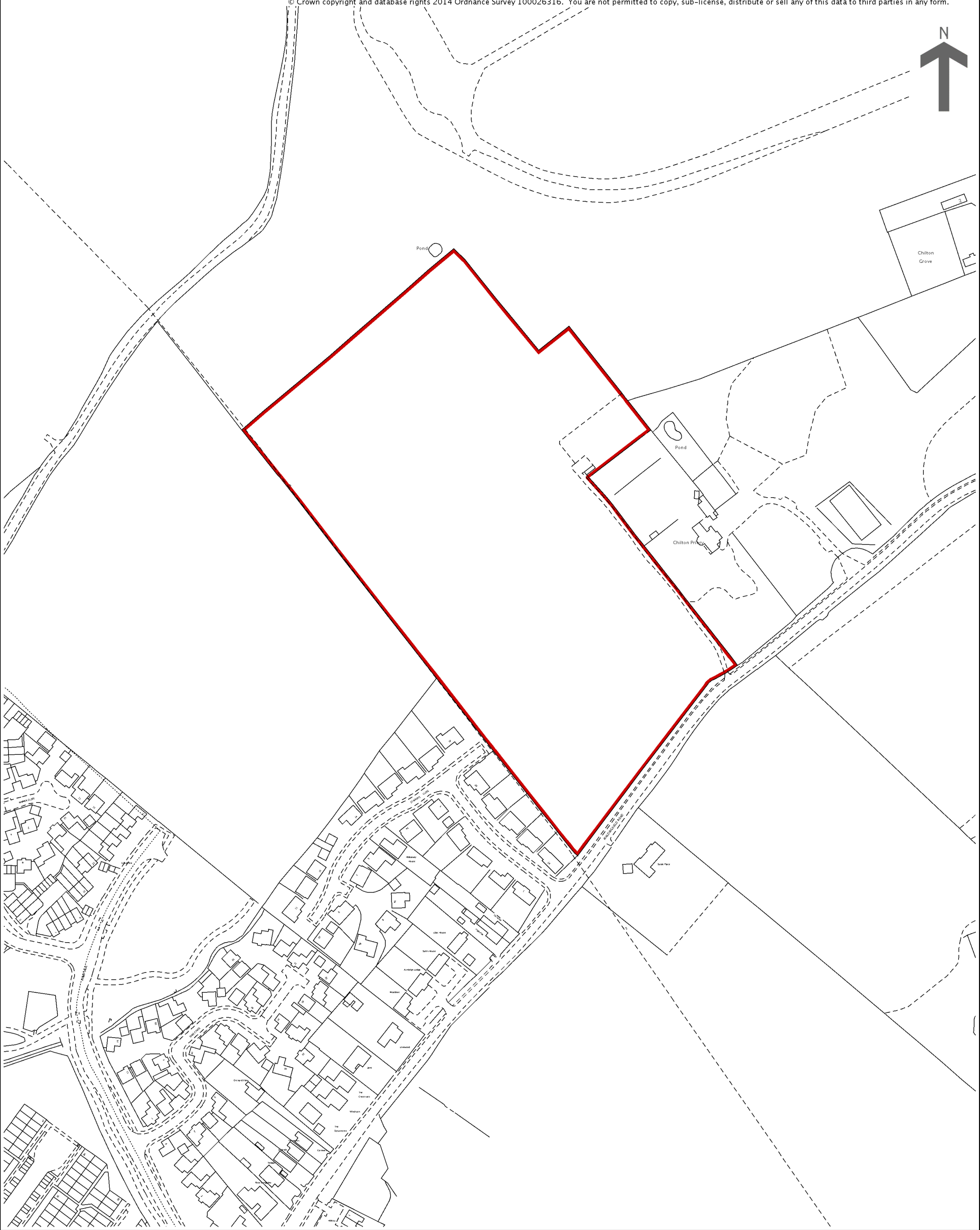
- 1 (01.04.2014) The following are details of the covenants contained in the Conveyance dated 26 July 1939 referred to in the Charges Register:-

"the Vendor covenanted that he would not at any time erect a house or other building within Fifty yards of the ground of Chilton Priory shown on the plan attached to the said Conveyance.

End of register



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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 07 December 2016 at 13:24:33. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Kingston upon Hull Office.

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Steven Stroud
Planning Case Officer
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

1 London Wall Buildings
London
EC2M 5PG

townlegal.com

T: 020 3893 0370
F: 020 3893 0371
D: 0203 893 0385
E: patrick.robinson
@townlegal.com

By post and email: steven.stroud@baberghmidsuffolk.gov.uk

Your ref:
Our ref: EPGR
8 May 2018

Dear Sir

Land north of Waldingfield Road, Sudbury: Chilton Parish Council
Outline planning application for a residential development of up to 130 dwellings (Use Class C3)
including means of access into the site (not internal roads), parking and associated works, with all
other matters (relating to appearance, landscaping, scale and layout) reserved
Application Ref No DC/17/04052

We act for Chilton Parish Council.

The Council is requested to pay careful attention to the contents of this letter when reporting the application to the Planning Committee at its meeting on Wednesday 9 May 2018; and to ensure that the points raised are clearly and expressly drawn to the attention of Members.

We summarise our client's position as follows:

1. A series of clear breaches of Policy CS4

The Chilton Woods Strategic Land Allocation – now embodied in Policy CS4 (attached for ease of reference) – has been a guiding principle of development for a decade and more. Babergh District Council has sought to engage with Local Parish Councils affected, and other local interest groups in weaving together the policy framework which has been evolved with great care over time. This is now embodied in the current adopted plan as Policy CS4 of the core strategy. The Policy says in terms that:

The Council is committed to working co-operatively with partners and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils and the local community to bring forward and deliver the Chilton Woods scheme in a timely way. This will include joint action to overcome any potential key development issues...It will also work jointly to ensure timely delivery of satisfactory access arrangements, sustainable transport provision, the community woodland, necessary community facilities and structural landscaping / woodland screening at the appropriate point in the overall development process.

Thus it is a clear policy imperative that the development of the identified Allocation is that it will hold to be unacceptable a piecemeal approach to development, unless piecemeal development conforms

8 May 2018

to an approved / adopted master and phasing plan, and does not prejudice the delivery of necessary infrastructure.

The Parish Council and the neighbourhood generally has also proceeded on the safe assumption and legitimate expectation that Policy CS4 will insist that:

The residential element [of approximately 1,050 new homes] is required to have direct access to the A134. Access will be provided from a new distributor road designed to link the A134 with Aubrey Drive

and that:

provision of community woodland and structural landscaping (approximately 30 hectares) located throughout the site and along the boundaries of the site [will be provided as part of the development and included in the Masterplan]

Policy CS4 goes on to provide, in relation to woodland and landscaping that:

This must be designated to take account of existing features such as trees, hedgerows and water courses, and to co-ordinate with the spatial requirements, design and context for the [detailed points endorsed in the Policy then listed]

It has been reassuring for the Parish Council that Policy CS4 also embedded the following commitment:

[any scheme of development] must provide for long-term, comprehensive financial and management / maintenance plans and arrangements for such community woodland, and for the local community and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils to be involved in its design, establishment and management

In determining this pure outline planning application for the Orchard site north of Waldingfield Road, the Council is in the spotlight in terms of whether it will genuinely live up to these clearly articulated policy pronouncements – which have been extensively consulted upon, and on which the Parish Council and others place great weight and reliance.

It is crystal clear from the application documents that:

- Application Ref No DC/17/04052 is piecemeal;
- The sole road access proposed is direct on to Waldingfield Road, and not via Aubrey Drive;
- There is no community woodland provision;
- Although it is said in the Officers' Report that:

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 application does not demonstrate any commitment – nor does the brief schedule of proposed conditions and s106 planning obligations – that any "thick belt of strategic landscaping" would form an essential part of the development along the Waldingfield Road boundary.

We have advised our client that there are significant flaws in the Heritage assessment in the officer's report – a subject which should cause concern to the Council, over the question whether it has carried out a sufficiently careful systematic and compliant analysis of the harm which would be caused to the historic environment.

8 May 2018

The Parish Council's clear view is therefore that the only correct approach of the Planning Committee is either to adjourn this application, and cause some searching questions to be asked as to the approach taken, or to proceed to refuse permission.

The Conclusion in the Officers' Report in respect of compliance with Policy CS4 is of interest – and would appear to support the concerns expressed above. It says this (in part):

*The development proposed in relation to this application [DC/17/04052] **does not conform** [to Policy CS4]; as such, with the Masterplan now already approved by the Council pursuant to that Policy [i.e. the Chilton Woods development approved following the Resolution dated 25 October 2017 – Application Ref No B/15/01718/OUT]. 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 "1,050 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.*

[Text omitted]

*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 [emphasis added].*

This is all expressed in very telling language. It is a plain admission that the application is a direct breach, wholly in conflict, with adopted policy. It admits that the scheme is piecemeal.

The Report attempts to justify this stand-alone scheme on the basis that "the permission and subsequent delivery of the development [of the Orchard site] would not prejudice or adversely interfere with the [Suffolk County Council] permission".

This is a wholly flawed analysis. Members of the Planning Committee are being asked to vote in favour of a non-policy-compliant scheme which clearly breaches a decade of public engagement and consultation, and to allow a scheme which would if permitted be able to proceed entirely separately and stand-alone from the Chilton Woods Masterplan.

2. The fundamental errors in the Heritage Assessment

The NPPF has been established with the deliberate intention, overall, that a consistent and careful, systematic approach will be applied across the entire country, in making judgements about issues of relevance on a countrywide basis. In light of the NPPF, it is always prudent to avoid making hasty assessments of how policy should be taken in the stride of Planning Officers when arriving at recommendations on planning applications, particularly where there are nuanced issues – including in relation to matters of heritage protection.

The Parish Council feels that it should draw to the District Council's attention a number of concerns over the way in which the heritage analysis has been placed before Members on the basis of the application Report which is before the Committee this week.

Whilst the report chooses to refer to the Applicant's heritage advisor report it does not even mention two other detailed reports dealing with heritage issues provided by Mr Michael Collins an experienced heritage adviser. Further the extract from Heritage England quoted in the report is partial Heritage England's recommendation to your Council is:-

"Recommendation

8 May 2018

Historic England objects to the application on heritage grounds. The primary concern is the impact of the new proposed southern site access on Chilton Hall, which is a Grade II* listed house situated within a designed landscape which is registered at Grade II. This would result in harm to the significance of the designated assets. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 123, 134 and 137. We would want to see an alternative site access and would want the applicant to include additional landscape mitigation on the southern boundary of the site.

In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess".

Officers arrive at the question of "public benefit" rather hastily, before having assessed the substantial harm issue to any sufficient extent. On behalf of the Parish Council we draw your attention to the need for rather more care to be taken over this issue than is evident from the Officers' Report, lest the matter be open to adverse comment, criticism or (worse) legal challenge.

This is another reason why the application should be adjourned, or in the alternative refused.

3. If, contrary to the Parish Council's position, the Officers' recommendation is accepted

If the Planning Committee is minded to resolve to grant permission for this Orchard site scheme, the Parish Council wishes to place the following points on the record:

a) Overall context – the need for transparency

The Parish Council is expressly referred to in Policy CS4. We are a long-term participant in this evolving planning world. The Parish Council requests that it be given a seat at the table to take an active role in the translation of any permission from a vote at Committee to the building of properties on the site.

b) The statutory Duty to Co-operate

It is a matter of very considerable regret that our client's on-the-record requests, along with those of other interested parties, that they be actively involved in progressing the Chilton Woods Resolution to Grant through to the planning permission which was in fact issued late on the evening of the Easter weekend (on Maundy Thursday) that the Parish Council's involvement was not permitted. Despite assurances of their involvement the Parish Council were ignored.

The Parish Council will be writing over the next few days to the Council to explain why we wish to formally request a Deed of Variation to the terms of the s106 Deed of Planning Obligations signed for the Chilton Woods development on 29 March 2018, when the planning permission was granted.

The inexcusable failure to take account of the Parish Council's views has caused significant and measurable harm to the interests of the Parish Council and the neighbourhood, which harm was entirely avoidable. This is highly regrettable, and could well have long-term consequences.

It is particularly regrettable that assurances given to the Parish Council were disregarded. The Parish Council are considering what other steps in the context of local government governance they should take to highlight their concerns in this respect.

Our client requests that this egregious error is not repeated in the progression of any Resolution to Grant on the current application; and seeks your express confirmation that their views will be fully taken into account.

c) Necessary Planning Conditions

In the event it is resolved the Parish Council considers that there are a number of detailed conditions which would be required for any planning permission. These focus in particular on the following:

- Waldingfield Road structural bund;
- Acoustic fencing;
- Planting of the structural bund: timing; and
- Planting of the structural bund: species types and detailed control as to condition and form.

Detailed draft conditions addressing each of these issues as would be required by the Parish Council are **attached** for your urgent consideration.

d) Necessary and proportionate planning obligations

The Parish Council also require inter alia the following provisions to be incorporated in a s106 Deed of Planning Obligations expressly involving terms to benefit the Parish Council:

- Transfer of the freehold of the structural bund containing the landscaping to the Parish Council;
- Payment for the in-perpetuity maintenance of the structural bund and landscaping by the Parish Council;
- Payment for the community woodland;
- Payment to the Parish Council in respect of Village Hall Construction;
- Payment to the Parish Council in respect of Village Hall in-perpetuity maintenance;
- Disapplying the standard exclusion of the Contracts (Rights of Third Parties) Act 1999, such that the Parish Council has a direct right of enforcement of the provisions in the Deed intended to be for its benefit;
- A reserved Matters Protocol

The Parish Council expects and asks for confirmation that the Babergh Planning Officers will actively engage with the Parish Council to discuss these topics.

4. Overall conclusion

The application is a plain and direct breach of the adopted policies applicable to Babergh District, and should be refused.

If the Council is of the view that the scheme can be modified by amendment of the application, the Parish Council will need to understand why – and the consideration of the application adjourned accordingly.

If, contrary to the clear views expressed in this letter and in the representations made to the Council on the application, the Planning Committee decides to proceed, there would be no excuse whatever for a repeat of the highly unsatisfactory position evidenced by the way in which the Chilton Woods planning obligations were negotiated behind closed doors following the Resolution to Grant

Steven Stroud

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8 May 2018

permission on 25 October 2017. Furthermore, the Parish Council places on record the clear necessity for appropriate express conditions and planning obligations as set out above.

Please acknowledge receipt by email, and confirm that copies of this letter and enclosures will be placed before Members of the Planning Committee sufficiently in advance of the Committee Meeting to give them an opportunity to assimilate its contents in full.

Yours faithfully

A handwritten signature in black ink that reads "Town Legal LLP". The script is cursive and fluid.

Town Legal LLP

c.c. (by email only)

Philip Isbell (philip.isbell@baberghmidsuffolk.gov.uk)

Chilton Parish Council (chiltonpc@btinternet.com)

Mrs M Maybury (Margaret.maybury@babergh.gov.uk)

Mr F Lawrenson (frank@lawrenson.net)

Linda Sheppard (linda.sheppard@baberghmidsuffolk.gov.uk)

**Land north of Waldingfield Road, Sudbury: Planning Application Ref No
DC/17/04052**

Chilton Parish Council's objection letter: draft conditions

1. Waldingfield Road structural bund

No development involving the laying out or construction of internal roads or the commencement of construction of any of the residential dwellings, other than works to complete the approved site access point onto Waldingfield Road shall take place until a structural bund inside the property boundary running along the entire length of the site adjacent to Waldingfield Road (other than the junction of the internal road) has been constructed and completed in accordance with details of the bund have been submitted to and approved in writing by the local planning authority. The structural bund shall be to a height of not less than 2 metres measured from ground level along its entire length, and not less in width than 3 metres along its entire length (other than the junction of the internal road); and shall be constructed of materials including soil capable of supporting strategic planting for screening purposes. It together with the landscaping will extend to a width of 15 metres into the development site from Waldingfield Road. The structural bund shall be constructed and completed in accordance with the approved details prior to the commencement of construction of any of the residential dwellings, and shall be maintained permanently in situ.

Reason: To ensure that the development is appropriately screened to adequately protect the amenity of neighbouring properties and to ensure that the development does not cause unacceptable harm to heritage assets.

2. Strategic planting and acoustic fencing along the structural bund

No development other than works to complete the structural bund shall take place until a hard and soft landscaping scheme for the structural bund has been submitted to and approved in writing by the local planning authority. This will include the following details:

- (a) Details of acoustic fencing to be constructed along the entire length of the bund including its means of attachment.
- (b) Details of all trees and plants including (including species, size of stock at time of planting and location) to be provided along the entire length of the structural bund as well as areas for seating. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997. The "soft landscaping scheme" shall be implemented in accordance with the approved details within the first planting season (October – March) following the commencement of development, unless otherwise agreed in writing by the local planning authority. If within a period of five years, any of the proposed trees and plants identified in the approved landscaping scheme die, are removed or in the opinion of the local planning authority become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual and environmental amenity, to ensure a comprehensive approach to landscaping, and to minimise the harm to heritage assets.

3. Landscape Management Plan

No development other than works to complete the approved site access to Waldingfield Road shall take place until a Landscape Management Plan has been submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall include details for the ongoing management of the trees and plants including details of the extent, timing and frequency of grass cutting, shrub pruning and tree and hedgerow maintenance.

Reason: In the interests of visual and environmental amenity and to ensure a comprehensive approach to landscaping and the mitigation of harm to heritage assets.

4. Control over lighting

Any lighting of internal site roads and areas other than individual residential properties shall be undertaken in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of installation. Such scheme shall ensure that the positions, direction of lighting and lux levels are designed to minimise light spill caused by the development and shall be maintained in the approved form in perpetuity.

Reason: To minimise impacts upon designated heritage assets and light spill and other intrusion caused by the development on neighbouring properties.

5. Future closure of the access road junction to Waldingfield Road

Upon the opening to traffic of Aubrey Drive serving the Chilton Woods development approved under Planning Permission Ref No B/15/01718 dated 29 March 2018 connected to the boundary of the development, the access road to the development served by a junction onto Waldingfield Road shall be permanently closed and stopped up and the area closed off and the structural bund extended in uniform height and width to form a continuous bund along the southern boundary of the development. The additional bund shall be planted, fenced and maintained as specified in Conditions 1, 2 and 3 above.

Reason: To ensure that the development is served off Aubrey Drive as required by adopted Core Strategy CS4.

6. No vehicular connection to be made between the development and Chilton Woods until the junction with Waldingfield Road has been closed off under Condition 5

No internal site road forming part of the development shall serve more than 130 residential properties whilst the junction of the internal site road with Waldingfield Road is kept open to traffic.

Reason: To prevent the development from creating a link to the Chilton Woods development from Waldingfield Road. A level of traffic associated with more than 130 properties would create unsafe and unacceptable highway conditions on the traffic network.

Note: As indicated in the attached letter, the Parish Council also require provisions in a s106 Deed of Planning Obligations covering:

- Transfer of the freehold of the structural bund to the Parish Council following completion of its construction and planting

8 May 2018

- payment by the developer of a sum sufficient to cover the in-perpetuity maintenance of the structural bund by the Parish Council, on completion of the transfer for a nominal consideration - £100,000
- Payment to the Parish Council in respect of Village Hall construction (the figure proposed is £1.3 million)
- Payment to the Parish Council in respect of the Village Hall in-perpetuity maintenance (the figure proposed is £400,000). The sum provided in the other S106 agreement is clearly inadequate.
- Disapplying the standard exclusion of the Contracts (Rights of Third Parties) Act 1999, to ensure that the Parish Council has a direct right of enforcement of the provisions in the Deed intended to be for its benefit

Steven Stroud

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8 May 2018

Policy CS4

Policy CS4: Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard

A. Chilton Woods Strategic Land Allocation

A comprehensive, mixed land-use development is allocated on 131 hectares of land in the Chilton and Woodhall area north of Sudbury as shown on Map A. A Masterplan will be required to guide development, together with development feasibility / viability evidence and a proposed phasing programme (to include as a minimum the items listed i to vii below). This allocation is expected to provide an integrated, high-quality and sustainable development that fulfils the requirements of other policies in this Local Plan, particularly Policies CS1 and CS15, and reflects the aspirations of Suffolk's Greenest County initiative. The planning application(s) must be accompanied by an Environmental Impact

Assessment.

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.

The development will provide and include and the Masterplan will show:

- a. Approximately 15 hectares of new employment land on the western part of the development (north of Woodhall Business Park) for employment related uses. Access to this development will be via a new distributor road linked to the A134 west of the existing Tesco superstore. An initial phase of employment development may make use of an additional means of access via Woodhall Business Park as part of a comprehensive and agreed access strategy and phasing plan;
 - b. Approximately 5 hectares of land to the north of Waldingfield Road are allocated for employment related use(s) (towards the scheme's eastern end) subject to the new development having a low impact only in terms of traffic generation and on nearby residential amenity. Some of this allocated development has already been implemented and is in situ. Access to this development will be via Waldingfield Road;
 - c. Provision for a waste facility, to include household waste and recycling centre;
 - d. Provision for approximately 1,050 new homes (on an allocated area of approximately 33 ha.). This residential element is required to have direct access to the A134. Access will be provided from a new distributor road designed to link the A134 with Aubrey Drive;
- Core Strategy & Policies – February 2014 35

- e. **Designed provision for effective functional separation between residential areas and employment land, particularly for those land uses / activities with greater impact on residential amenity (often non B1 type employment activities);**
- f. **Provision of community woodland and structural landscaping (approximately 30 hectares) located throughout the site and along the boundaries of the site. This must be designed to take account of existing features such as trees, hedgerows and watercourses, and to coordinate with the spatial requirements, design and context for the items referred to in point g and h below. The scheme must provide for long-term, comprehensive financial and management / maintenance plans and arrangements for such community woodland, and for the local community and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils to be involved in its design, establishment and management;**
- g. **Surface water attenuation will be required to minimise the risk of flooding (the preferred means being SUDS);**
- h. **Provision of landscaping, green infrastructure (which may incorporate 'blue' infrastructure such as balancing ponds/wetland created as part of the SUDS) and open space / leisure & recreational facilities (approximately 8ha); and also an area of allotments of between 0.5ha and 1ha, which is to be agreed with local parish councils. This provision is to be in addition to the community woodland and structural landscaping referred to above. Green infrastructure to be planned to coordinate with the wider network for Sudbury and Great Cornard area;**
- i. **A transport assessment based upon the development proposals will be required and a travel plan will be necessary;**
- j. **Provision of a well located and accessible community 'hub' / village / neighbourhood centre and land of an appropriate size to accommodate community infrastructure uses such as:**
 - i) **community facilities, services and uses such as a community hall/building with flexible space for community meetings, and/or sports and social club with changing rooms, and associated sports pitches (such as cricket and football), and/or multi-surface sports areas, and parking;**
 - ii) **local retail provision, and a pub and/or café, and leisure uses, business space and a residential element including opportunities for live/work units; and**
 - iii) **a civic square/area for market stalls/community meeting area.**
- k. **Provision for approximately 3ha. of land for education (primary school / nursery provision) and associated uses;**

- l. An evidence-based package of sustainable transport measures to include the creation of new routes and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc;**
- m. Any requirement for off-site transport / highway improvements will be determined by transport assessment evidence;
Core Strategy & Policies – February 2014 36**
- n. Any requirement for mitigation of healthcare impacts will be determined by evidence that proposals can be supported by existing infrastructure and/or a reasonable prospect of provision of funding to meet the needs arising from the development.**

The land uses specified above have been established through Masterplanning and Place-Shaping work. The approximate land areas are indicated as a guide for the preparation of a Masterplan as part of the planning application process. The land uses identified above comprise 94.5ha of the total 131ha of site area, and individual elements of the development will be considered in the context of the comprehensive development of the site, and on evidence available at the time.

The Masterplan and supporting studies and feasibility/viability evidence should demonstrate and include:

- i) how the overall development, including its access points, positively responds to, and where possible enhances, designated heritage assets and their settings;**
- ii) how the development will be designed to suit the landform / topography and landscape characteristics of the site and its local context, and protect the amenity of existing and future residents;**
- iii) design principles for each development parcel (residential, business / employment land, community / neighbourhood centre / hub) including addressing the sustainable development policies in this and subsequent local plan documents (if relevant), and how they will be implemented;**
- iv) outcomes from community engagement and mechanisms to establish delivery and ongoing management of community resources;**
- v) phasing of the development including provision of buildings, social and physical infrastructure and services;**
- vi) a biodiversity plan including any measures for protection, mitigation, compensation and/or new habitat creation; and**
- vii) the density and mix of housing types (including affordable housing provision) in line with Policies CS18 and CS19.**

Implementation and Delivery

The Council is committed to working co-operatively with partners and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils and the local community to bring forward and deliver the Chilton Woods scheme in a timely way. This will include joint action to overcome any potential key development issues, such as the electrical power supply in the Sudbury area and its likely impact on development viability. It will also work jointly to ensure timely delivery of satisfactory access arrangements, sustainable transport provision, the community woodland, necessary community facilities and structural landscaping / woodland screening at the appropriate point in the overall development process.

Development at Chilton Woods is programmed for commencement in the earliest part of the Plan period. Progress on its planning and development will be closely monitored and the following phasing and timing reviewed to ensure delivery of an appropriate amount of new housing and employment land through the plan period:

- i) 2012 onwards - implementation of the Chilton Woods Mixed Use Development as shown on Map A in accordance with this Policy; Core Strategy & Policies – February 2014 37
- ii) 2016 - review of progress with delivery of Chilton Woods and target date set for release of land for employment and housing in the Broad Location of Growth identified on the Key Diagram;
- iii) mid – late part of plan period (or earlier if required following the 2016 review) - Masterplan submitted and approved and first phase of land released for development for employment land and approximately 500 dwellings in accordance with Policy CS5.

B. Other Development for Sudbury / Great Cornard

A Neighbourhood Plan and/or other DPD(s) will be prepared to provide a comprehensive framework to ensure that any planned growth and development for Sudbury / Great Cornard (other than that at Chilton Woods) is well integrated with the town and delivered at the right time.

Development in Sudbury / Great Cornard should comply with other policies in this Local Plan, particularly Policy CS15, and other subsequent documents, and where appropriate, provide:

- i) high quality design, structural landscape planting, and layouts and scale of development that respect adjacent landscape or townscape features, ensure a separate identity and avoid creeping coalescence with adjacent settlements;
- ii) a green infrastructure framework connecting with and adding or extending formal and informal green spaces, wildlife areas, and natural landscape settings and features;

- iii) **good links and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc.**

C. Sudbury Town Centre

As the district's principal town centre, the Council will encourage and support the continued growth, expansion and diversification of Sudbury town centre to serve its catchment area, particularly the provision of larger, more versatile retail and service units and improvements to public transport, strategic and local access.

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Your ref:
Our ref: EPGR
8 May 2018

Dear Sir

Land north of Waldingfield Road, Sudbury: Chilton Parish Council
Outline planning application for a residential development of up to 130 dwellings (Use Class C3)
including means of access into the site (not internal roads), parking and associated works, with all
other matters (relating to appearance, landscaping, scale and layout) reserved
Application Ref No DC/17/04052

We act for Chilton Parish Council.

The Council is requested to pay careful attention to the contents of this letter when reporting the application to the Planning Committee at its meeting on Wednesday 9 May 2018; and to ensure that the points raised are clearly and expressly drawn to the attention of Members.

We summarise our client's position as follows:

1. A series of clear breaches of Policy CS4

The Chilton Woods Strategic Land Allocation – now embodied in Policy CS4 (attached for ease of reference) – has been a guiding principle of development for a decade and more. Babergh District Council has sought to engage with Local Parish Councils affected, and other local interest groups in weaving together the policy framework which has been evolved with great care over time. This is now embodied in the current adopted plan as Policy CS4 of the core strategy. The Policy says in terms that:

The Council is committed to working co-operatively with partners and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils and the local community to bring forward and deliver the Chilton Woods scheme in a timely way. This will include joint action to overcome any potential key development issues...It will also work jointly to ensure timely delivery of satisfactory access arrangements, sustainable transport provision, the community woodland, necessary community facilities and structural landscaping / woodland screening at the appropriate point in the overall development process.

Thus it is a clear policy imperative that the development of the identified Allocation is that it will hold to be unacceptable a piecemeal approach to development, unless piecemeal development conforms

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to an approved / adopted master and phasing plan, and does not prejudice the delivery of necessary infrastructure.

The Parish Council and the neighbourhood generally has also proceeded on the safe assumption and legitimate expectation that Policy CS4 will insist that:

The residential element [of approximately 1,050 new homes] is required to have direct access to the A134. Access will be provided from a new distributor road designed to link the A134 with Aubrey Drive

and that:

provision of community woodland and structural landscaping (approximately 30 hectares) located throughout the site and along the boundaries of the site [will be provided as part of the development and included in the Masterplan]

Policy CS4 goes on to provide, in relation to woodland and landscaping that:

This must be designated to take account of existing features such as trees, hedgerows and water courses, and to co-ordinate with the spatial requirements, design and context for the [detailed points endorsed in the Policy then listed]

It has been reassuring for the Parish Council that Policy CS4 also embedded the following commitment:

[any scheme of development] must provide for long-term, comprehensive financial and management / maintenance plans and arrangements for such community woodland, and for the local community and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils to be involved in its design, establishment and management

In determining this pure outline planning application for the Orchard site north of Waldingfield Road, the Council is in the spotlight in terms of whether it will genuinely live up to these clearly articulated policy pronouncements – which have been extensively consulted upon, and on which the Parish Council and others place great weight and reliance.

It is crystal clear from the application documents that:

- Application Ref No DC/17/04052 is piecemeal;
- The sole road access proposed is direct on to Waldingfield Road, and not via Aubrey Drive;
- There is no community woodland provision;
- Although it is said in the Officers' Report that:

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 application does not demonstrate any commitment – nor does the brief schedule of proposed conditions and s106 planning obligations – that any "thick belt of strategic landscaping" would form an essential part of the development along the Waldingfield Road boundary.

We have advised our client that there are significant flaws in the Heritage assessment in the officer's report – a subject which should cause concern to the Council, over the question whether it has carried out a sufficiently careful systematic and compliant analysis of the harm which would be caused to the historic environment.

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The Parish Council's clear view is therefore that the only correct approach of the Planning Committee is either to adjourn this application, and cause some searching questions to be asked as to the approach taken, or to proceed to refuse permission.

The Conclusion in the Officers' Report in respect of compliance with Policy CS4 is of interest – and would appear to support the concerns expressed above. It says this (in part):

*The development proposed in relation to this application [DC/17/04052] **does not conform** [to Policy CS4]; as such, with the Masterplan now already approved by the Council pursuant to that Policy [i.e. the Chilton Woods development approved following the Resolution dated 25 October 2017 – Application Ref No B/15/01718/OUT]. 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 "1,050 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.*

[Text omitted]

*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 [emphasis added].*

This is all expressed in very telling language. It is a plain admission that the application is a direct breach, wholly in conflict, with adopted policy. It admits that the scheme is piecemeal.

The Report attempts to justify this stand-alone scheme on the basis that "the permission and subsequent delivery of the development [of the Orchard site] would not prejudice or adversely interfere with the [Suffolk County Council] permission".

This is a wholly flawed analysis. Members of the Planning Committee are being asked to vote in favour of a non-policy-compliant scheme which clearly breaches a decade of public engagement and consultation, and to allow a scheme which would if permitted be able to proceed entirely separately and stand-alone from the Chilton Woods Masterplan.

2. The fundamental errors in the Heritage Assessment

The NPPF has been established with the deliberate intention, overall, that a consistent and careful, systematic approach will be applied across the entire country, in making judgements about issues of relevance on a countrywide basis. In light of the NPPF, it is always prudent to avoid making hasty assessments of how policy should be taken in the stride of Planning Officers when arriving at recommendations on planning applications, particularly where there are nuanced issues – including in relation to matters of heritage protection.

The Parish Council feels that it should draw to the District Council's attention a number of concerns over the way in which the heritage analysis has been placed before Members on the basis of the application Report which is before the Committee this week.

Whilst the report chooses to refer to the Applicant's heritage advisor report it does not even mention two other detailed reports dealing with heritage issues provided by Mr Michael Collins an experienced heritage adviser. Further the extract from Heritage England quoted in the report is partial Heritage England's recommendation to your Council is:-

"Recommendation

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Historic England objects to the application on heritage grounds. The primary concern is the impact of the new proposed southern site access on Chilton Hall, which is a Grade II* listed house situated within a designed landscape which is registered at Grade II. This would result in harm to the significance of the designated assets. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 123, 134 and 137. We would want to see an alternative site access and would want the applicant to include additional landscape mitigation on the southern boundary of the site.

In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess".

Officers arrive at the question of "public benefit" rather hastily, before having assessed the substantial harm issue to any sufficient extent. On behalf of the Parish Council we draw your attention to the need for rather more care to be taken over this issue than is evident from the Officers' Report, lest the matter be open to adverse comment, criticism or (worse) legal challenge.

This is another reason why the application should be adjourned, or in the alternative refused.

3. If, contrary to the Parish Council's position, the Officers' recommendation is accepted

If the Planning Committee is minded to resolve to grant permission for this Orchard site scheme, the Parish Council wishes to place the following points on the record:

a) Overall context – the need for transparency

The Parish Council is expressly referred to in Policy CS4. We are a long-term participant in this evolving planning world. The Parish Council requests that it be given a seat at the table to take an active role in the translation of any permission from a vote at Committee to the building of properties on the site.

b) The statutory Duty to Co-operate

It is a matter of very considerable regret that our client's on-the-record requests, along with those of other interested parties, that they be actively involved in progressing the Chilton Woods Resolution to Grant through to the planning permission which was in fact issued late on the evening of the Easter weekend (on Maundy Thursday) that the Parish Council's involvement was not permitted. Despite assurances of their involvement the Parish Council were ignored.

The Parish Council will be writing over the next few days to the Council to explain why we wish to formally request a Deed of Variation to the terms of the s106 Deed of Planning Obligations signed for the Chilton Woods development on 29 March 2018, when the planning permission was granted.

The inexcusable failure to take account of the Parish Council's views has caused significant and measurable harm to the interests of the Parish Council and the neighbourhood, which harm was entirely avoidable. This is highly regrettable, and could well have long-term consequences.

It is particularly regrettable that assurances given to the Parish Council were disregarded. The Parish Council are considering what other steps in the context of local government governance they should take to highlight their concerns in this respect.

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Our client requests that this egregious error is not repeated in the progression of any Resolution to Grant on the current application; and seeks your express confirmation that their views will be fully taken into account.

c) Necessary Planning Conditions

In the event it is resolved the Parish Council considers that there are a number of detailed conditions which would be required for any planning permission. These focus in particular on the following:

- Waldingfield Road structural bund;
- Acoustic fencing;
- Planting of the structural bund: timing; and
- Planting of the structural bund: species types and detailed control as to condition and form.

Detailed draft conditions addressing each of these issues as would be required by the Parish Council are **attached** for your urgent consideration.

d) Necessary and proportionate planning obligations

The Parish Council also require inter alia the following provisions to be incorporated in a s106 Deed of Planning Obligations expressly involving terms to benefit the Parish Council:

- Transfer of the freehold of the structural bund containing the landscaping to the Parish Council;
- Payment for the in-perpetuity maintenance of the structural bund and landscaping by the Parish Council;
- Payment for the community woodland;
- Payment to the Parish Council in respect of Village Hall Construction;
- Payment to the Parish Council in respect of Village Hall in-perpetuity maintenance;
- Disapplying the standard exclusion of the Contracts (Rights of Third Parties) Act 1999, such that the Parish Council has a direct right of enforcement of the provisions in the Deed intended to be for its benefit;
- A reserved Matters Protocol

The Parish Council expects and asks for confirmation that the Babergh Planning Officers will actively engage with the Parish Council to discuss these topics.

4. Overall conclusion

The application is a plain and direct breach of the adopted policies applicable to Babergh District, and should be refused.

If the Council is of the view that the scheme can be modified by amendment of the application, the Parish Council will need to understand why – and the consideration of the application adjourned accordingly.

If, contrary to the clear views expressed in this letter and in the representations made to the Council on the application, the Planning Committee decides to proceed, there would be no excuse whatever for a repeat of the highly unsatisfactory position evidenced by the way in which the Chilton Woods planning obligations were negotiated behind closed doors following the Resolution to Grant

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permission on 25 October 2017. Furthermore, the Parish Council places on record the clear necessity for appropriate express conditions and planning obligations as set out above.

Please acknowledge receipt by email, and confirm that copies of this letter and enclosures will be placed before Members of the Planning Committee sufficiently in advance of the Committee Meeting to give them an opportunity to assimilate its contents in full.

Yours faithfully

A handwritten signature in black ink that reads "Town Legal LLP". The script is cursive and fluid.

Town Legal LLP

c.c. (by email only)

Philip Isbell (philip.isbell@baberghmidsuffolk.gov.uk)

Chilton Parish Council (chiltonpc@btinternet.com)

Mrs M Maybury (Margaret.maybury@babergh.gov.uk)

Mr F Lawrenson (frank@lawrenson.net)

Linda Sheppard (linda.sheppard@baberghmidsuffolk.gov.uk)

**Land north of Waldingfield Road, Sudbury: Planning Application Ref No
DC/17/04052**

Chilton Parish Council's objection letter: draft conditions

1. Waldingfield Road structural bund

No development involving the laying out or construction of internal roads or the commencement of construction of any of the residential dwellings, other than works to complete the approved site access point onto Waldingfield Road shall take place until a structural bund inside the property boundary running along the entire length of the site adjacent to Waldingfield Road (other than the junction of the internal road) has been constructed and completed in accordance with details of the bund have been submitted to and approved in writing by the local planning authority. The structural bund shall be to a height of not less than 2 metres measured from ground level along its entire length, and not less in width than 3 metres along its entire length (other than the junction of the internal road); and shall be constructed of materials including soil capable of supporting strategic planting for screening purposes. It together with the landscaping will extend to a width of 15 metres into the development site from Waldingfield Road. The structural bund shall be constructed and completed in accordance with the approved details prior to the commencement of construction of any of the residential dwellings, and shall be maintained permanently in situ.

Reason: To ensure that the development is appropriately screened to adequately protect the amenity of neighbouring properties and to ensure that the development does not cause unacceptable harm to heritage assets.

2. Strategic planting and acoustic fencing along the structural bund

No development other than works to complete the structural bund shall take place until a hard and soft landscaping scheme for the structural bund has been submitted to and approved in writing by the local planning authority. This will include the following details:

- (a) Details of acoustic fencing to be constructed along the entire length of the bund including its means of attachment.
- (b) Details of all trees and plants including (including species, size of stock at time of planting and location) to be provided along the entire length of the structural bund as well as areas for seating. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997. The "soft landscaping scheme" shall be implemented in accordance with the approved details within the first planting season (October – March) following the commencement of development, unless otherwise agreed in writing by the local planning authority. If within a period of five years, any of the proposed trees and plants identified in the approved landscaping scheme die, are removed or in the opinion of the local planning authority become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual and environmental amenity, to ensure a comprehensive approach to landscaping, and to minimise the harm to heritage assets.

3. Landscape Management Plan

No development other than works to complete the approved site access to Waldingfield Road shall take place until a Landscape Management Plan has been submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall include details for the ongoing management of the trees and plants including details of the extent, timing and frequency of grass cutting, shrub pruning and tree and hedgerow maintenance.

Reason: In the interests of visual and environmental amenity and to ensure a comprehensive approach to landscaping and the mitigation of harm to heritage assets.

4. Control over lighting

Any lighting of internal site roads and areas other than individual residential properties shall be undertaken in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of installation. Such scheme shall ensure that the positions, direction of lighting and lux levels are designed to minimise light spill caused by the development and shall be maintained in the approved form in perpetuity.

Reason: To minimise impacts upon designated heritage assets and light spill and other intrusion caused by the development on neighbouring properties.

5. Future closure of the access road junction to Waldingfield Road

Upon the opening to traffic of Aubrey Drive serving the Chilton Woods development approved under Planning Permission Ref No B/15/01718 dated 29 March 2018 connected to the boundary of the development, the access road to the development served by a junction onto Waldingfield Road shall be permanently closed and stopped up and the area closed off and the structural bund extended in uniform height and width to form a continuous bund along the southern boundary of the development. The additional bund shall be planted, fenced and maintained as specified in Conditions 1, 2 and 3 above.

Reason: To ensure that the development is served off Aubrey Drive as required by adopted Core Strategy CS4.

6. No vehicular connection to be made between the development and Chilton Woods until the junction with Waldingfield Road has been closed off under Condition 5

No internal site road forming part of the development shall serve more than 130 residential properties whilst the junction of the internal site road with Waldingfield Road is kept open to traffic.

Reason: To prevent the development from creating a link to the Chilton Woods development from Waldingfield Road. A level of traffic associated with more than 130 properties would create unsafe and unacceptable highway conditions on the traffic network.

Note: As indicated in the attached letter, the Parish Council also require provisions in a s106 Deed of Planning Obligations covering:

- Transfer of the freehold of the structural bund to the Parish Council following completion of its construction and planting

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- payment by the developer of a sum sufficient to cover the in-perpetuity maintenance of the structural bund by the Parish Council, on completion of the transfer for a nominal consideration - £100,000
- Payment to the Parish Council in respect of Village Hall construction (the figure proposed is £1.3 million)
- Payment to the Parish Council in respect of the Village Hall in-perpetuity maintenance (the figure proposed is £400,000). The sum provided in the other S106 agreement is clearly inadequate.
- Disapplying the standard exclusion of the Contracts (Rights of Third Parties) Act 1999, to ensure that the Parish Council has a direct right of enforcement of the provisions in the Deed intended to be for its benefit

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Policy CS4

Policy CS4: Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard

A. Chilton Woods Strategic Land Allocation

A comprehensive, mixed land-use development is allocated on 131 hectares of land in the Chilton and Woodhall area north of Sudbury as shown on Map A. A Masterplan will be required to guide development, together with development feasibility / viability evidence and a proposed phasing programme (to include as a minimum the items listed i to vii below). This allocation is expected to provide an integrated, high-quality and sustainable development that fulfils the requirements of other policies in this Local Plan, particularly Policies CS1 and CS15, and reflects the aspirations of Suffolk's Greenest County initiative. The planning application(s) must be accompanied by an Environmental Impact

Assessment.

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.

The development will provide and include and the Masterplan will show:

- a. Approximately 15 hectares of new employment land on the western part of the development (north of Woodhall Business Park) for employment related uses. Access to this development will be via a new distributor road linked to the A134 west of the existing Tesco superstore. An initial phase of employment development may make use of an additional means of access via Woodhall Business Park as part of a comprehensive and agreed access strategy and phasing plan;
 - b. Approximately 5 hectares of land to the north of Waldingfield Road are allocated for employment related use(s) (towards the scheme's eastern end) subject to the new development having a low impact only in terms of traffic generation and on nearby residential amenity. Some of this allocated development has already been implemented and is in situ. Access to this development will be via Waldingfield Road;
 - c. Provision for a waste facility, to include household waste and recycling centre;
 - d. Provision for approximately 1,050 new homes (on an allocated area of approximately 33 ha.). This residential element is required to have direct access to the A134. Access will be provided from a new distributor road designed to link the A134 with Aubrey Drive;
- Core Strategy & Policies – February 2014 35

- e. **Designed provision for effective functional separation between residential areas and employment land, particularly for those land uses / activities with greater impact on residential amenity (often non B1 type employment activities);**
- f. **Provision of community woodland and structural landscaping (approximately 30 hectares) located throughout the site and along the boundaries of the site. This must be designed to take account of existing features such as trees, hedgerows and watercourses, and to coordinate with the spatial requirements, design and context for the items referred to in point g and h below. The scheme must provide for long-term, comprehensive financial and management / maintenance plans and arrangements for such community woodland, and for the local community and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils to be involved in its design, establishment and management;**
- g. **Surface water attenuation will be required to minimise the risk of flooding (the preferred means being SUDS);**
- h. **Provision of landscaping, green infrastructure (which may incorporate 'blue' infrastructure such as balancing ponds/wetland created as part of the SUDS) and open space / leisure & recreational facilities (approximately 8ha); and also an area of allotments of between 0.5ha and 1ha, which is to be agreed with local parish councils. This provision is to be in addition to the community woodland and structural landscaping referred to above. Green infrastructure to be planned to coordinate with the wider network for Sudbury and Great Cornard area;**
- i. **A transport assessment based upon the development proposals will be required and a travel plan will be necessary;**
- j. **Provision of a well located and accessible community 'hub' / village / neighbourhood centre and land of an appropriate size to accommodate community infrastructure uses such as:**
 - i) **community facilities, services and uses such as a community hall/building with flexible space for community meetings, and/or sports and social club with changing rooms, and associated sports pitches (such as cricket and football), and/or multi-surface sports areas, and parking;**
 - ii) **local retail provision, and a pub and/or café, and leisure uses, business space and a residential element including opportunities for live/work units; and**
 - iii) **a civic square/area for market stalls/community meeting area.**
- k. **Provision for approximately 3ha. of land for education (primary school / nursery provision) and associated uses;**

- l. An evidence-based package of sustainable transport measures to include the creation of new routes and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc;**
- m. Any requirement for off-site transport / highway improvements will be determined by transport assessment evidence;
Core Strategy & Policies – February 2014 36**
- n. Any requirement for mitigation of healthcare impacts will be determined by evidence that proposals can be supported by existing infrastructure and/or a reasonable prospect of provision of funding to meet the needs arising from the development.**

The land uses specified above have been established through Masterplanning and Place-Shaping work. The approximate land areas are indicated as a guide for the preparation of a Masterplan as part of the planning application process. The land uses identified above comprise 94.5ha of the total 131ha of site area, and individual elements of the development will be considered in the context of the comprehensive development of the site, and on evidence available at the time.

The Masterplan and supporting studies and feasibility/viability evidence should demonstrate and include:

- i) how the overall development, including its access points, positively responds to, and where possible enhances, designated heritage assets and their settings;**
- ii) how the development will be designed to suit the landform / topography and landscape characteristics of the site and its local context, and protect the amenity of existing and future residents;**
- iii) design principles for each development parcel (residential, business / employment land, community / neighbourhood centre / hub) including addressing the sustainable development policies in this and subsequent local plan documents (if relevant), and how they will be implemented;**
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- v) phasing of the development including provision of buildings, social and physical infrastructure and services;**
- vi) a biodiversity plan including any measures for protection, mitigation, compensation and/or new habitat creation; and**
- vii) the density and mix of housing types (including affordable housing provision) in line with Policies CS18 and CS19.**

Implementation and Delivery

The Council is committed to working co-operatively with partners and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils and the local community to bring forward and deliver the Chilton Woods scheme in a timely way. This will include joint action to overcome any potential key development issues, such as the electrical power supply in the Sudbury area and its likely impact on development viability. It will also work jointly to ensure timely delivery of satisfactory access arrangements, sustainable transport provision, the community woodland, necessary community facilities and structural landscaping / woodland screening at the appropriate point in the overall development process.

Development at Chilton Woods is programmed for commencement in the earliest part of the Plan period. Progress on its planning and development will be closely monitored and the following phasing and timing reviewed to ensure delivery of an appropriate amount of new housing and employment land through the plan period:

- i) 2012 onwards - implementation of the Chilton Woods Mixed Use Development as shown on Map A in accordance with this Policy; Core Strategy & Policies – February 2014 37
- ii) 2016 - review of progress with delivery of Chilton Woods and target date set for release of land for employment and housing in the Broad Location of Growth identified on the Key Diagram;
- iii) mid – late part of plan period (or earlier if required following the 2016 review) - Masterplan submitted and approved and first phase of land released for development for employment land and approximately 500 dwellings in accordance with Policy CS5.

B. Other Development for Sudbury / Great Cornard

A Neighbourhood Plan and/or other DPD(s) will be prepared to provide a comprehensive framework to ensure that any planned growth and development for Sudbury / Great Cornard (other than that at Chilton Woods) is well integrated with the town and delivered at the right time.

Development in Sudbury / Great Cornard should comply with other policies in this Local Plan, particularly Policy CS15, and other subsequent documents, and where appropriate, provide:

- i) high quality design, structural landscape planting, and layouts and scale of development that respect adjacent landscape or townscape features, ensure a separate identity and avoid creeping coalescence with adjacent settlements;
- ii) a green infrastructure framework connecting with and adding or extending formal and informal green spaces, wildlife areas, and natural landscape settings and features;

- iii) **good links and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc.**

C. Sudbury Town Centre

As the district's principal town centre, the Council will encourage and support the continued growth, expansion and diversification of Sudbury town centre to serve its catchment area, particularly the provision of larger, more versatile retail and service units and improvements to public transport, strategic and local access.

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