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COMMITTEE: **PLANNING COMMITTEE**
DATE: **Wednesday, 26 April 2017
at 9.30 am**
VENUE: **Council Chamber, Council
Offices, Corks Lane, Hadleigh**

MEMBERS

Sue Ayres
Sue Burgoyne
David Busby
Tina Campbell
Derek Davis
John Hinton

Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
David Rose
Ray Smith

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

AGENDA

PART 1

ITEM	BUSINESS	PAGES
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	MINUTES	1 - 8
	To confirm and sign the Minutes of the meetings held on 15 March and 29 March 2017 as correct records (attached).	
4	PETITIONS	
	To report, in accordance with Council Procedure Rules, the receipt of any petitions submitted to the Chief Executive.	

5 QUESTIONS BY THE PUBLIC

To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.

6 QUESTIONS BY COUNCILLORS

To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.

7 SITE INSPECTIONS

In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections.

The provisional date for any site inspections is Wednesday 3 May 2017.

8 PAPER S134 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE 9 - 12

Paper S134 - Schedule of planning applications attached

An Addendum to Paper S134 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

- a** B/16/01365 - Land north and west of Capel Community Centre, Days Green, Capel St Mary (Pages 13 - 40)
- b** B/16/00777 - Land on the south side of Bull Lane, Long Melford (Pages 41 - 134)
- c** B/16/01216 - Land south of Sproughton VC Primary School, Church Lane, Sproughton (Pages 135 - 146)
- d** B/16/01718 - Former Monks Eleigh School, Church Field, Monks Eleigh (Pages 147 - 160)
- e** B/17/00214 & B/17/00215 - Tills Farm, Hadleigh Road, Polstead (Pages 161 - 168)

9 PAPER S135 - FOOD ENTERPRISE ZONES - DRAFT LOCAL DEVELOPMENT ORDER FOR THE STEVIN'S SITE, WHERSTEAD 169 - 230

Report by the Corporate Manager – Open for Business attached.

Notes: (Pages 231 - 234)

1. Please note that the next meeting is scheduled for Wednesday 10 May 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter on Public Speaking at Planning Committees, a link is provided below:

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

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

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

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

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

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

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on (01473) 826610 or via email at committees@babberghmidsuffolk.gov.uk.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 15 MARCH 2017

PRESENT: Peter Beer - Chairman

Sue Ayres	Sue Burgoyne
Tina Campbell	Derek Davis
Alan Ferguson	John Hinton
Michael Holt	Bryn Hurren
Adrian Osborne	Stephen Plumb
Nick Ridley	David Rose

Dave Busby and Ray Smith were unable to be present.

106 SUBSTITUTES

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

Bryn Hurren (substituting for Dave Busby)
Alan Ferguson (substituting for Ray Smith)

107 DECLARATION OF INTERESTS

None declared.

108 MINUTES

RESOLVED

That the Minutes of the meeting held on 15 February 2017 be confirmed and signed as a correct record.

109 PETITIONS

None received.

110 QUESTIONS BY THE PUBLIC

None received.

111 QUESTIONS BY COUNCILLORS

None received.

PAPER S121 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper S121 (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 Charter for Public Speaking at Planning Committee, representations were made as detailed below relating to Item No 1 of Paper S121 and the speakers responded to questions put to them as provided for in the Charter:-

<u>Application No.</u>	<u>Representations from</u>
B/17/00058	Joan Miller (Parish Council) Jenna Ackerley (Objector) Kevin Brennan (Applicant)

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 item referred to in Paper S121 be made as follows:-

EAST BERGHOLT

Application No. B/17/00058/FUL Paper S121 – Item 1	Full application – change of use of part of ground floor and first floor to self-contained dwelling (Class 3) The King's Head, Rectory Hill.
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The Case Officer referred Members to the revised recommendation, as set out in the Addendum, which now included two conditions requested by Suffolk County Council Archaeology. She read out a representation received by email from a resident of Whitehorse Road since the circulation of the Addendum. Delia Cook from the Council's Economic Development Team was present at the meeting and responded to questions about the marketing of the property and the current employment use.

During the course of the debate, Members asked for more information about the location of the King's Head in relation to other similar establishments and to the rest of the village. The Chairman called a short adjournment to enable a 1:5000 map of the village to be displayed.

Following questions about the East Bergholt Neighbourhood Plan and the Asset of Community Value (ACV) process, the Senior Development Management Officer, Ben Elvin, clarified various matters including the relevance of EM24 to this application.

He confirmed that the residential element of the property could be sold off separately without being contrary to EM24, and that the current application retained an employment use for the building. Members were aware that the ACV listing did not require the building to be used for a specific purpose.

After further discussion and notwithstanding the officer recommendation of approval subject to conditions, a motion to refuse permission was moved, on the grounds that the property had not been fully marketed as a public house and its non-viability for that use had not therefore been fully demonstrated. The motion was lost on being put to the vote, following which the recommendation as set out in the Addendum to Paper S121 was proposed and seconded, and carried on being put to the vote.

RESOLVED

That planning permission be granted subject to conditions including the following:-

- 1) Standard Time Limit Condition**
- 2) List of Approved Plans**
- 3) Hours restriction for deliveries**
- 4) Restriction on any further extract equipment**
- 5) Provision of parking prior to first use**
- 6) Historic building recording**
- 7) Submission of historic building recording for approval by the LPA.**

The business of the meeting was concluded at 10.45 a.m.

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Chairman

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BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 29 MARCH 2017

PRESENT: Peter Beer - Chairman

Sue Ayres	David Busby
Tina Campbell	Derek Davis
John Hinton	Michael Holt
Adrian Osborne	Lee Parker
Stephen Plumb	Nick Ridley
David Rose	

Sue Burgoyne and Ray Smith were unable to be present

113 DECLARATION OF INTERESTS

None declared.

114 CONFIRMATION OF MINUTES

RESOLVED

That the minutes of the meeting held on 1 March 2017 be confirmed and signed as a correct record.

115 PETITIONS

None received.

116 QUESTIONS BY THE PUBLIC

None received.

117 QUESTIONS BY COUNCILLORS

None received.

118 SITE INSPECTIONS

Sue Carpendale, Ward Member for Mid Samford, requested site inspections in respect of Application No B/16/01458 – Full application for up to 150 dwellings, 7 Little Tufts and land east of Longfield Road (to assess the impact on residential amenity and the existing highway network) and Application Nos B/16/01365 and B/17/00122 – Full application – erection of 100 dwellings, land north and west of Capel Community Church, Days Green (to assess the impact on the village infrastructure, including access and highway safety issues).

Prior to asking Members to vote on the request, the Chairman asked the Case Officer to make a brief presentation with photographs to enable them to decide whether they considered it necessary to visit the sites.

Following the presentation it was agreed to hold site visits.

RESOLVED

- (1) That site inspections be held on Wednesday 5 April 2017 in respect of Application Nos B/16/01458 and B/17/00122 (duplicate to Application No B/16/01365) prior to their consideration by the Committee.**
- (2) That a Panel comprising the following Members be appointed to inspect the sites:-**

**Sue Ayres
Peter Beer
Sue Burgoyne
David Busby
Tina Campbell
Derek Davis
John Hinton**

**Michael Holt
Adrian Osborne
Lee Parker
Stephen Plumb
Nick Ridley
David Rose
Ray Smith**

119 PAPER S123 – PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper S123 (circulated to Members prior to the commencement of the meeting) updating Members in relation to Paragraph 49 of the NPPF.

In accordance with the Council's Charter for public speaking at Planning Committee, a representation was made as detailed below relating to the item in Paper S123, and the speaker responded to questions put to him as provided for in the Charter:-

Application No.

Representation from

B/16/00437/OUT

Phil Cobbold (Agent for Applicant)

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) a decision on the item referred to in Paper S123 be made as follows:-

LAVENHAM

**Application No. B16/00437
Paper S123 – Item 1**

Outline application – erection of up to 25 residential dwellings (all matters reserved except means of access) land off Norman Way.

Members had before them the previous report on this application (considered by Planning Committee on 7 September 2016 - appended to Paper S123).

The Case Officer, Gemma Pannell, referred to the reason for the reference to Committee, as explained on pages 6 and 8 of Paper S123, and updated in the Addendum in relation to the current lack of a five year land supply. She also asked Members to agree the inclusion of a condition for the provision of allotments.

Members were advised that although increased weight is now to be given to the Lavenham Neighbourhood Plan, the Committee was not being asked to re-visit the considerations it took into account when making its previous decision of approval. Members noted the advice about the lack of a five year land supply, as set out in the Addendum, which concluded that the proposal was considered to be sustainable development within the three identified strands such that there is a presumption in favour of the proposal, in accordance with the NPPF.

RESOLVED

(1) That the Professional Lead – Growth and Sustainable Planning be authorised to secure a Planning Obligation, on terms to his satisfaction, under Section 106 of the Town and Country Planning Act, 1990, to provide:

- **Affordable Housing**
- **Management of the public open space**

(2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above the Professional Lead – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including:

- **Reserved Matters to be submitted**
- **Archaeology**
- **Drainage Strategy**
- **Fire Hydrants**
- **Ecological Mitigation**
- **Energy/Sustainability Statement**
- **Construction Management Plan (Dust/noise)**
- **Surface Water Drainage Conditions (SCC Flood Team)**
- **Design Code (Concurrent with Res Matters)**
- **Strategic planning scheme**
- **Soft Landscaping**
- **Hard Landscaping**
- **External Lighting**
- **Tree Protection**
- **Levels (Concurrent with Res Matters)**
- **Details of estate roads**
- **Carriageways and footways to be constructed prior to occupation**
- **Details of areas of parking and manoeuvring to be provided**
- **Details for storage and areas of presentation for bins**
- **Details to prevent discharge of surface water**
- **Construction and Deliveries Management Plan**
- **Sustainable access route provision (footpath link to High Street)**
- **The provision of allotments prior to first occupation of any dwelling**

The business of the meeting was concluded at 10.05 a.m.

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Chairman

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S134

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

26 April 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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

1		B/16/01365	CAPEL ST MARY – land North and West of Capel Community Church Appendix A	GP	
2		B/16/00777	LONG MELFORD – land on the South side of Bull Lane Appendix A	GP	
3		B/16/01216	SPROUGHTON – land South of Sproughton VC Primary School	LB	
4		B/16/01718	MONKS ELEIGH - former Monks Eleigh C of E Primary School, Church Field	SS	
5		B/17/00214 & B/17/00215	POLSTEAD – Tills Farm, Hadleigh Road	MH	

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 - Development Management, 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 - DEVELOPMENT MANAGEMENT

The delegation to the Head of Economy 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.

(Minute No 48(a) of the Council dated 19 October 2004).

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/babergh/LocalPlan>

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

Agenda Item 8a

Committee Report

Committee Date: 26 April 2017

Item No: 1

Reference: B/16/01365

Case Officer: Gemma Pannell

Description of Development: Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links.

Location: Land North and West of Capel Community Church, Days Green, Capel St Mary

Parish: Capel St Mary

Ward: Mid Samford

Ward Members: Cllr S. Carpendale and Cllr F. Swann

Site Area: 5.69

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 10/10/2016

Expiry Date: 31/03/2017

Application Type: Full Planning Application

Development Type: Major Residential Dwellings

Environmental Impact Assessment: N/A

Applicant: Hopkins Homes Limited

Agent: Armstrong Rigg Planning

DOCUMENTS SUBMITTED FOR CONSIDERATION

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

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents residential development in a sustainable location. The dwellings will go towards meeting the needs of the district, acknowledging that Babergh District Council cannot demonstrate an up to date 5 year housing land supply.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

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

B/17/00122	Residential development of 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links (duplicate to application B/16/01365)	Not yet determined.
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Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. Members undertook a visit of the site on Wednesday 5 April 2017, following a request by Cllr Sue Carpendale.

Details of any Pre Application Advice

4. Pre-application advice was given on the merits of the scheme having regard to policy CS11.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. The following responses have been received from consultees:

Capel St Mary Parish Council: Recommend Refusal – Need for strategic overview of how Capel is to be developed; review of village infrastructure is required before any development is approved; development should be limited to smaller groups of dwellings intergrated within existing village framework; need for starter homes and bungalows; Days Road is narrow and dangerous with a footpath on one side only; road improvements are required; greater traffic flows through the village; existing problems with parking will be exacerbated; health services unable to cope.

Wenham Magna Parish Meeting: Impact of the proposal on Great Wenham sewage works– the works are just about coping with the current flow with the aid of almost constant attention because of overflow. The proposed development would put almost intolerable strain on the current sewage arrangements.

Corporate Manager – Sustainable Environment (Heritage): The Heritage Team considers that the proposal would cause: Low level, less than substantial harm to the setting and significance of designated heritage assets in proximity to the site because whilst there will be some harm to the setting of a Grade II listed building, impact on the relationship to the Grade II* listed church and other non-designated heritage assets in the vicinity, the cumulative impact will not reach a high level of harm to the significance or setting due to a combination of the distance involved, and the existing topographical features being retained, which have informed the layout and green spaces of the development.

Corporate Manger – Sustainable Environment (Other Issues): Object: Capel Mushrooms, currently do not produce compost itself, but it is brought onto site ready-prepared. This has been the case for the last 2 years. The mixing of compost has previously been associated with significant odour emissions because it was manufactured from chicken manure and required precise controls in order to prevent the compost from becoming ‘anaerobic’, which is when significant foul odours can be generated. Although odour from the on-site production of compost material is currently not present, Capel Mushrooms the right to revert to produce their own compost again at any time in the future, depending on their business needs.

The current principal source of odour arises from the storage and movement of spent compost. Once the compost is spent, it is brought out of the growing sheds on a weekly basis (24 tonnes per week) and stockpiled. Depending on how long it is left in situ, significant odour can arise when the pile is opened and anaerobic compost is exposed to the air. Significant odour from the stockpile occurs whenever the heap is opened and loaded onto transport. Material would normally be extracted in spring/early summer and autumn in order to meet good practice for the utilisation of nutrients in growing crops. This is the time of year when local residents would be more likely to have their windows open for ventilation, or would wish to enjoy their gardens. The removal of spent compost is undertaken on a commercial basis - a JCB is used to load it onto HGVs. In addition, more frequent opening of the stockpile occurs from smaller-scale transport belonging to local landscapers and amateur gardeners.

The letter submitted by the Applicant states that the sniff-test carried out by their consultants (which took place on just one day), “*was undertaken during the composting period*”. I would point out that this statement is at odds with the advice from Capel Mushrooms, which is that they currently do not manufacture their own compost.

The Applicant’s letter also cites an appeal decision in which the Inspector considered that the use of a sniff-test was appropriate. The use of sniff-tests as an appropriate assessment tool is not disputed. The appeal case actually involved both a predictive element and sniff-tests. The sniff-tests were “*carried out in a variety of conditions with temperatures ranging from 1 degree C to 25 degrees C and with wind spread across all directions*”. This was not the case with the Applicant’s assessment, which took place on one day only, and when the wind was not passing towards the application site from the farm. In addition, the circumstance of the appeal decision was that the prevailing wind blows *away* from the appeal site. In Capel, the prevailing wind passes from Capel Mushrooms across part of the application site. It is therefore my opinion that the two cases are not comparable. The Council’s Environmental Protection team has produced substantial evidence of previous complaints which demonstrate that odours do arise from the site to a degree that residents have been compelled to report to the Council.

The proposed development would introduce properties within 50m of the boundary of the mushroom farm, closer than the majority of previous complainants. I do not dispute the appropriateness of sniff-tests in assessing odour from the site, however, I remain of the opinion that the current assessment is insufficient to robustly conclude that odour from the mushroom farm is not likely to lead to loss of amenity at the proposed development.

The Applicant's odour assessment should have been undertaken in conjunction with Capel Mushrooms over a much longer period of time in order to take account of **all** sources of odour at the farm (particularly, but not exclusively the opening up of spent compost stockpiles), and varying wind direction. This would have informed the likelihood of loss of amenity on the application site. It would also inform the development layout if it were found that certain parts of the site are at higher risk, given proximity and the prevailing wind direction.

For the above reasons, I would recommend that planning permission should not be granted.

Even if it could be established that current operations at Capel Mushrooms would not give rise to a loss of amenity to future occupants of the proposed dwellings, I do not believe that the Council could reasonably prohibit the business from reverting back to producing their own compost on the site should they choose to do so. As previously advised, when Capel Mushrooms did manufacture compost they were employing all reasonably practicable measures to mitigate odour emissions – and this was the only reason that complaints to the Council reduced after 2011 i.e. because the Council repeatedly advised residents that there was no action that the Council could take to improve the situation for them. It is obviously the LPA's decision whether or not to grant permission for this application, but if it does give approval, it should do so in the full knowledge that:

(i) The approval could fetter the right of Capel Mushrooms to undertake their production operations in the manner they choose – particularly the option to revert back to producing their own compost, which they have until recently, done for many years;

(ii) If Capel Mushrooms choose to revert back to producing their own compost, then the historical evidence indicates that future occupants of the application site (being closer to the farm than existing dwellings and directly in line with the prevailing wind from the farm) would be very likely to experience significant levels of odour; and

(iii) The Council would be unable to take action to abate any significant odours, provided that Capel Mushrooms employed all reasonably practicable measures to mitigate odour emissions – as they previously did when they produced their own compost.

Corporate Manager – Sustainable Environment (Land Contamination): No objection – it is concluded that the site poses a very low risk in terms of contamination receptors.

Corporate Manager – Sustainable Environment (Sustainability): No objection, subject to condition requiring implementation of the approved sustainability statement.

Corporate Manager – Public Realm (Arboricultural Officer): No objection in principle to this application subject to it being undertaken in accordance with the protection measures indicated in the accompanying arboricultural report. Whilst a small number of trees and hedging are proposed for removal these are generally of limited amenity value and/or poor condition and their loss will have a negligible impact on the appearance and character of the local area.

Professional Lead – Housing Enabling: Not yet received. Any comments received will be reported via the addendum paper.

Natural England: No comments to make on this application

Anglian Water: No objection – the foul drainage from this development

Highways England: No objection

Suffolk Wildlife Trust: No objection – subject to condition requiring mitigation for stag beetles.

Lead Flood Authority: No objection – subject to conditions

County Rights of Way Officer: No objection. As a result of anticipated increased use of public rights of way in the vicinity of the development, Suffolk County Council have submitted a contribution request (CIL) for improvements to the network.

County Archaeological Service: No objection – subject to conditions

County Fire and Rescue Service: No objection – condition requiring fire hydrants to be installed.

County Development Contributions Manager: Detailed comments in relation to the requirements for CIL. With regard to Education it is noted that SCC will have surplus places available at the catchment primary school and sixth form to accommodate all of the pupils arising from this scheme. However there will be no surplus places at secondary school level and a CIL contribution will be sought towards this.

County Highway Authority: Recommends conditions.

NHS England: No objection. Although based on planning formula Constable Country Rural Medical Practice shows a small level of capacity, due to limitations in terms of physical access to all floors of the premises, the practice is unable to reach its full capacity potential; therefore the practice is unable to accommodate proposed growth as a result of this development. The proposed development would give rise to a need for improved physical access at the practice to achieve greater space efficiency and thus increasing capacity; a proportion of the cost of which would need to be met by the developer. A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £36,271 and this sum should be secured through CIL.

Place Services (providing Landscape and Ecology Advice to BMSDC): Detailed comments reproduced in relevant assessment on landscape and ecology within report below.

Representations

6. Summary of neighbour and other representations

At the time of preparing this report, 86 letters of representation (including 18 duplicate letters) have been received in conjunction with the application making the following summarised objections:

- Design not in keeping with rural area
- Extra traffic
- Pressure on parking
- Increased pressure on surgery
- Other land in Capel more suitable
- Brownfield sites in Ipswich should be developed first
- Increased noise pollution
- Increased house prices locally therefore will not be affordable
- New build should only be in village envelope
- Development should be small scale
- Views of community are overruled, as in other villages nearby
- Needs of local people should come before profits
- 78 houses already under construction in Holbrook
- Dove Close was supposed to be a tranquil location

- Increased traffic in Pound Lane
- Junction with A12 is insufficient and not robust
- Increase traffic near to school
- Wrong location for development
- Existing parking problems in the vicinity of Dental Practice
- Excessive number of houses
- What additional funding will there be for schools, roads and health care
- A new village should be considered on land at Raydon airfield
- Loss of rural outlook
- Days Road is too narrow
- Baberghs Housing Strategy is uncoordinated and confused
- Development should be limited to 20
- Additional electricity wires should be underground
- Is there are an overall housing plan for Capel
- Empty buildings and homes should be used before building new ones
- Overlooking
- Impact on wildlife
- Loss of agricultural land
- Sheltered housing residents will be disturbed by noise and dust
- Not compliant with policies CS11, CS15, CS19 or CS20
- Drainage concerns – soil has poor infiltration rates
- Increased surface water runoff
- Loss of privacy
- Proposal is a breach of human rights – We are entitled to peacefully enjoy our homes
- Increased HGV movements through the village

1 letter of representation has been received in conjunction with the application making the following comments in support:

- Without developments such as this – young people have to live in towns such as Ipswich where they don't ideally want to live.
- There is a need for more 2 bedroom first homes for young couples

The Site and Surroundings

7. The application site extends to 5.11 hectares of agricultural land located outside but abutting the built up area boundary of Capel St Mary, to the north west of the village. A public right of way bisects the site running in a north-south direction and there is a public footpath running along the southern boundary.
8. The site is bordered to the east by Days Road and the Capel Community Church, by existing residential development to the south and by extensive mature woodland and hedgerows to the north.
9. The site lies entirely within Flood Zone 1, classified as having a low probability of flooding. It is not within a Conservation Area and there are no Tree Preservation Orders within the site.

The Proposal

10. Full planning permission is sought for the provision of 100 dwellings including 35 no. affordable dwellings.
11. The size and tenure of the properties is set out in the table below:

PRIVATE – 65 units:

Number of units	Number of bedrooms	% of total
19	2 Bed	29%
27	3 Bed	42%
16	4 Bed	24%
3	5 Bed	5%

AFFORDABLE – 35 units

Number of units	Number of bedrooms	% of total
8	1 Bed	23%
20	2 Bed	57%
7	3 Bed	20%

12. The application also includes the provision of vehicular access of Days Road, with a series of footpaths linking to the existing public rights of way.
13. The existing woodland and boundary trees will be retained with additional planting across the site.
14. The provision of 1.8 hectares of public open space, including an ecological mitigation area and Local Area of Play (LAP).
15. Across the site will be 247 no. car parking spaces, including garages, car ports and off road spaces, including visitors spaces.

NATIONAL PLANNING POLICY FRAMEWORK

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

PLANNING POLICIES

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

BABERGH CORE STRATEGY 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS16 Affordable Homes
- CS21 Infrastructure Provision

NEIGHBOURHOOD PLAN/SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLAN

18. None

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Main Considerations

19. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

The Principle Of Development

20. The site is located outside the Settlement Boundary for Capel St Mary. Therefore, there is a policy presumption against development in such locations. Capel St Mary is identified as a Core Village in the Core Strategy.
21. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. NPPF Paragraph 49 states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
22. Babergh District Council does not have this housing land supply at this time and as such the relevant policies set out above are not considered to be up to date. Indeed paragraph 14 of the NPPF states in this respect:

"For decision-taking this means:

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

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

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

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

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

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

24. The proposal is to develop 100 new dwellings which would not only add to the supply of housing in the district but includes an element of affordable housing which would provide additional housing in that respect as well, such that the proposal can be considered to fall within the social dimension of sustainable development.
25. The application site is well connected in highway terms, connecting the village to the nearby settlements of Ipswich and Colchester and the site is considered to have a good level of public transport accessibility.
26. Furthermore with regards to the economic strand the proposal would provide a development of reasonable size to support the local economy both in terms of construction and in respect of residents using local services.
27. In the light of all of the above the proposal is considered to be sustainable development within all three identified strands such that there is a presumption in favour of this proposal, in accordance with the NPPF.
28. Policy CS3 of the Core Strategy identifies 1050 homes for rural areas, this quantum of development is unallocated at present (in either district development plan documents or Neighbourhood Plans) so there is a reliance at present on windfall sites to deliver this growth.
29. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15.

Consideration against policy CS11 and the adopted SPD

30. Policy CS2 (Settlement Pattern Policy) identifies Long Melford as Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).
31. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

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

 1. *the landscape, environmental and heritage characteristics of the village;*
 2. *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
 3. *site location and sequential approach to site selection;*
 4. *locally identified need - housing and employment, and specific local needs such as affordable housing;*
 5. *locally identified community needs; and*
 6. *cumulative impact of development in the area in respect of social, physical and environmental Impacts.*
32. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies.

33. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, means that it is a material consideration when planning applications are determined.
34. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
35. Accordingly, the correct meaning of Policy CS11 requires an objective interpretation of the policy text considered in the context of relevant development plan policies and the wider context of national planning policy in force when the Core Strategy was adopted in February 2014. As the SPD was not adopted until August 2014, the proper interpretation of Policy CS11 cannot be influenced by the guidance within the SPD.
36. However, to the extent that it is consistent with the proper interpretation of Policy CS11, the planning guidance within the SPD will be relevant to the Council's application of Policy CS11 when determining planning applications. In this respect, under the subheading 'Scale of Proposal in Relation to Existing Settlement', paragraph 12 of the SPD states (so far as relevant) that:
 "12. ... The size and scale of any proposal should be proportionate to the settlement in which it is located. Because each village is different it is not possible to prescribe standard proportions of development that would be acceptable. A judgment will need to be made on the basis of the size and character of the village, the services and facilities that are available and their capacity to accommodate further development ...Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it."
37. As it relates to proposals "*for development for Core Villages*", the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11. Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located. The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

38. In terms of the likely visual effect on the surrounding landscape, the proposals will inevitably have an impact, but this will be generally limited to the northwest boundary edge of Capel St Mary where the proposals border the existing settlement boundary. The character of the site will change significantly as part of this proposal; however the proposed landscape mitigations included as part of the application will provide some measures to help reduce these effects in the longer term.

39. The majority of the site falls within the Ancient Plateau Claylands character area which is dominated by arable farmland subdivided by an irregular sinuous field pattern, and scattered with woodland. Within this character area settlement is scattered widely throughout this landscape, with parishes tending to have multiple built clusters of various sizes: large groups often elongated; outlying groups often based on green side settlement; and wayside settlements and farmsteads. These historic patterns within parishes are easily lost to infill and ribbon development and should be used to inform any emerging development proposal.
40. The proposals utilise the existing screening planting belt to the North of the site, which helps to screen the majority of the site from the north. Views to the site from both Days Road and the existing residential development are restricted to short range views, mainly due to the topography of the landscape and the existing vegetation that surrounds the site.
41. The key areas where the proposals may impact on the existing landscape are focused on the spaces directly fronting Days Road and the residential areas directly abutting the site boundary. In these areas, the treatment of the existing landscape and planting needs to be carefully managed, especially the gateway entrance of the site.
42. The site is well enclosed visually by existing mature vegetation which includes an area of plantation woodland within the northern portion of the application site boundary. Views into the site are therefore broadly confined to a localised area around the immediate vicinity of the site with visibility from further afield limited to locations to the north east of the site and from slightly more distant locations to the west.
43. The strong visual containment of the site also indicates that potential impacts upon local landscape character will be limited and largely confined to the site area itself. The development framework aims to minimise the effect on the existing landscape features by retaining all existing hedgerows and mature trees.

Impact on Heritage

44. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications.
45. In addition Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.
46. The Government's planning policies for Conserving and enhancing the historic environment are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,
47. "The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral"
48. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues Historic England have produced good practice advice notes. Advice Note 3 - The Setting of Heritage Assets (2015) sets out a staged approach to assist decision-making.

Impact on Listed Buildings

49. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
50. The Heritage considerations here relate to the potential impact on the setting of Grade II listed Ladysmead to the south east and Grade II* listed St Marys Church to the south, as well as two C19th cottages to the south west corner and a historic farmstead group to the north in the wider context as non-designated heritage assets.
51. Ladysmead stands to the south east of the proposed development site and is a Grade II listed C17th property with a C20th century cross wing addition. This is the closest heritage asset to the site, bordering the eastern boundary where the site narrows to a tapered point in the south eastern corner. Historic OS maps dating from 1882-1883 detail the distinction between the immediate curtilage of Ladysmead and the historic field pattern, illustrated in much the same way as today. Whilst the site provides a pleasant outlook from the listed building and certainly positively contributes to the setting in its wider sense, the overall impact of the development on this designated heritage asset would cause harm at the lower end of the range, of less than substantial harm. The encroachment of the proposed development on the currently open space would have some visual impact on the listed building, affecting the views and intervisibility from the site, in particular from the footpath running to the south of the listed building and the proposal site. However, the site layout has addressed this point by maintaining a green area to this south eastern point, mitigating direct impact on the setting of the listed building and on balance would not cause high level harm to the setting or significance of Ladysmead.
52. The Grade II* listed Church of St Mary to the south is the second designated heritage asset whose setting may potentially be impacted by the proposed development. Views of the church tower from the site are minimal, with an existing footpath extending south towards the church providing the only real direct tangible link. Views are obscured by the modern residential development to the south of the site. As such, there would be limited impact and no harm to the setting of the church by the additional proposed dwellings; already compromised by the development separating the church and the site.
53. To the south west corner but outside of the site are two attractive C19th cottages. Whilst not listed, they could be considered non-designated heritage assets as buildings of historic and architectural interest. The proposed residential development would have some impact on the setting of these cottages in terms of proximity and visual appreciation when approaching from the west, as the road rises up to the level plateau of the site and would therefore be viewed in the same space as the cottages. However, the development would cause no harm to their setting; the open space areas provided to the south west draws the line of development away from these cottages and reduces the impact to negligible.
54. Brook Farm complex to the north of Days Road and north west of the site is an additional group of buildings considered to be non-designated heritage assets. The site consists of a historic farmhouse and converted smithy buildings with interesting architectural details such as monk bond and some English garden wall bond detailing in the brickwork. The tiled roof of the farmhouse can be seen to the north west from within the development site. As the site gently slopes away to this corner, the roof appears low in the horizon but still evident. With this gradient and differing level of the topography bordering the site, there may be some potential impact on Brook Farm and its setting with the introduction of modern residential development appearing high in the landscape. However the ecological mitigation area and retained woodland screen will partially alleviate the visual impact and provide some softening of the development, causing no harm to significance and immediate setting of these buildings.

55. Considerations in the proposed layout of the development have broadly addressed these heritage issues, reducing the levels of harm to the lower range, for any of the designated or non-designated heritage assets surrounding the site. The existing woodland area and mature hedgerows to the north contribute to the character of the site. The scheme intends to retain these areas and incorporate them into the layout with an additional “ecological mitigation area” and green spaces which provide a buffer around the extremities of the site and maintain a sense of the historic field boundaries. Additionally the proposed central north-south footpath further reflects the features of the existing pastoral fields, indicative of the field boundary and ditch drainage feature evident now and on the historic OS maps. The existing footpath between the church and the site, within the existing modern development, is an interesting designed feature which provides some glimpsed views of the church tower from the south boundary of the site but more specifically provides a physical connection to the proposal area.
56. In conclusion, the impact of the proposed development on the setting of various heritage assets in the vicinity will be at the lower end in the range of less than substantial harm, with most harm to the setting of Grade II listed Ladysmead in close proximity. On balance, the mitigation in the proposed design and layout of the development reduces any high level harm.

Impact on Archaeological Assets

57. The proposal affects an area of high archaeological potential recorded in the County Historic Environment Record. A roman villa site, also associated with Iron Age features, has been identified to the south east (CSM 002 and 041). Further Roman, prehistoric, Saxon and medieval occupation remains have also been located directly to the east of the proposed development site (CSM 030), with Iron Age and Roman activity also identified during archaeological investigations to the south (CSM 027). A number of Roman cremations have also been recorded to the south of the proposed development area (CSM 010 and 013).
58. Archaeological evaluation within the proposed development area has located a scatter of archaeological features of prehistoric and Roman date. As a result, there is potential to encounter further archaeological remains at this location and the proposed development will involve groundworks which will damage or destroy any surviving archaeology. However, the county archaeologist is satisfied that the impact can be adequately mitigated by the imposition of conditions.

Conclusion (Impact on Heritage)

59. The NPPF, at paragraph 134, says that, where proposals 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. Decision-takers should now make this balancing assessment of harm against public benefits. Unless the public benefits of the scheme are considered to be substantial, they will not outweigh the harm to heritage interests. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The balancing assessment follows at the end of this report.

The locational context of the village and the proposed development

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

61. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:
- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the exiting settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries
62. The site abuts the BUAB and is well contained by both Days Road and the block of woodland to the north northeast of the site which provides a natural physical boundary to the edge of the development. The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development.

Site location and sequential approach to site selection

63. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Capel St Mary.
64. The proposal is well connected to existing facilities within walking distance. The site abuts the settlement boundary and is very well linked to the existing village centre with pedestrian access achievable via Days Road, where the footpath will be extended along the western side, north of the church. Pedestrian access also achieved via the retained Public Right of Way which traverses the site and to Mill Hill via the south western corner of the site.
65. There are no sequentially preferable allocated sites within Long Melford, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
66. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

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

67. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster¹ and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.

68. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
69. The Core Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
70. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Capel St Mary and the functional cluster of smaller rural settlements which it serves.
71. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
72. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
73. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
74. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has submitted a housing needs assessment.
75. 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.

76. The Council's Choice Based Lettings system currently has circa. 1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 17 applicants registered for affordable housing, who are seeking accommodation in Capel St Mary, and 51 across the cluster as a whole. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number.
77. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the parish council's housing need survey which was completed in July 2016.
78. The Capel St Mary Housing Survey Report and Summary (July 2016) identified a need for a total of 91 new households (56 within Capel St Mary, and 35 for those wishing to live or return to Capel St Mary). The applicant assumes that this need is in relation to market housing and notes that it only took into account a 46% return rate and therefore there will be further unmet need housing from both within Capel St Mary and the wider cluster.
79. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. The mix takes into account the research undertaken by both the applicant and the parish.

Locally Identified Community Needs

80. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
81. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment. The proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities.
82. During the applicants' public exhibition, prior to submission of the application, visitors were asked to comment on whether there were any community/local facilities missing or which could be approved in Capel St Mary. The applicant's have provided a list of these responses. However, have concluded that they will be providing a local area of play on the site and that 15% of their CIL liability will be directed to the Parish Council who can use it for local projects. They have no considered there would be a need for any other community facilities to be provided on site.

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

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

84. In terms of existing commitments and other proposals in the relevant cluster, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services.
85. The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
86. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years.

Sustainability Assessment Of Proposal

87. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Capel St Mary is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between Colchester and Ipswich. Capel St Mary is only a short distance from Manningtree and Ipswich, both of which have a railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Capel St Mary 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.
88. As a Core Village, Capel St Mary is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village benefits from a Primary School, Doctors Surgery, Pharmacy, Village Hall, Pub, Convenience Store, bakery, Post Office and three churches.
89. It is acknowledged that there will be a high proportion of car travel from Capel St Mary, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Capel St Mary, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.
90. The socio-economic profile of Capel St Mary highlights the villages important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, the evidence provided in the applicant's sustainability assessment, is that there is a need to balance housing stock and growth in the future such that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
91. It is considered that the development proposed will enhance the vitality of the community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Capel St Mary, underpinning social capacity, providing affordable housing and widening the housing mix overall.

Site Access, Parking And Highway Safety Considerations

92. Access to the development is proposed off of Days Road. The existing carriageway width in Days Road is less than 5.0m, narrowing further north of the site.

93. A traffic count of the existing highway network was carried out the centre of Capel St Mary by the applicant, this established an average 214 two way just east of Thorney Road, during the AM peak mid-week, with an average of 287 two way near the Post Office in the same period.
94. The development layout has been designed to accord with Manual for Streets and the SCC Design Guide. The highway network within the development layout will provide a footway to the main access road to both sides and a footway within the highway on shared surfaces roads. The detailed design of the roads will be offered to Suffolk County Council under S38 agreement of the Highways Act 1980.
95. The site access will be taken directly from Days Road. The access will provide a visibility splay of 70m on a 2.4m set back. As part of the application the highway access will be widened to 5.0m, with public footway provided to Days Green junction to provide a continuous path from Thorney Road.
96. The development will provide a total parking provision of 247 no. spaces in the form of garages, carports and parking spaces.
97. In conclusion, the highway network is operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed access is designed to meet the highway requirements of Suffolk County Council and there will be no detriment to safety and minimal effect on capacity on the highway network.

Design And Layout and impact on residential amenity.

98. The layout and design of the development has been informed by the sites constraints and opportunities taking account of its location at the edge of the settlement. The design includes a central load with a network of minor roads and footpaths leading off from this. The layout incorporates open space, including an area to the frontage of the site and a linear green corridor framing the retained public right of way which bisects the site. The layout also includes the retention of the northern woodland.
99. The layout provides a low density scheme with a mix of dwelling types and sizes. The dwellings are limited to two storey in height with single storey dwellings provided to the site boundaries to mitigate impact on the amenities of neighbouring properties.
100. The built forms face the road but is set back from the road a varying degrees and orientations, with a range spacing between them, which creates interest, legibility and local identity. Overlooking and overshadowing are limited by site levels, and window distances.

Environmental Impacts - Trees

101. The trees on the site comprise predominantly early mature to mature trees which are distributed around the peripheries of the site presenting low to moderate arboricultural value. The layout has allowed for the retention of most trees screening the site, resulting in the loss of one section of a tree group to facilitate the proposal and link the two parcels of land together. In addition, two groups of trees and two individual trees will be impacted by the installation of a footway and drainage along the southern boundary of the site.
102. The layout also include for new structured tree planting, which will improve and strengthen the current tree stock. The Arboricultural Officer has no objection to the proposal and is satisfied that the development will not result in the loss of any significant trees.

Environmental Impacts - Land Contamination

103. There is no objection to the application on grounds of land contamination.

Environmental Impacts - Odour

104. The Capel Organic Mushroom Farm (COMF) is located approximately 15m west of the Site. In the past the farm has processed compost on site for use in mushroom growing. Mushroom growing at COMF occurs in eight-week cycles on a rotational basis to ensure constant yield production. During the first three weeks of the cycle, compost is produced by mixing wet straw and chicken manure out in the open. Composting has the potential to cause odour nuisance due to the production of ammonia during the initial stages of the process. This compost production has not taken place for the last two years.
105. Sensitive receptors located downwind of an emission source are potentially at risk of odour nuisance. Depending on wind direction, odorous emissions have the potential to be carried from COMF towards the Proposed Development. The greatest potential for nuisance to occur within the Site is when the wind is blowing from the west or north-west, across the mushroom farm towards the Proposed Development.
106. The processes at Capel Mushrooms are completely normal for this type of farm, and odour will be apparent on some occasions depending on a variety of factors. This can lead to significant loss of amenity at nearby properties.
107. Since 1999, the Environmental Protection team has received 120 complaints of odour from the mushroom farm. This resulted in an extensive report being carried out in 2003 by an independent environmental consultant which suggested improvements on-site which were carried out by the company.
108. Under the provisions of the Environmental Protection Act 1990, the Council is required to investigate complaints alleging an odour nuisance. If satisfied that the odour is causing a Statutory Nuisance (as defined in the law) the Council must serve an Abatement Notice on the business responsible for the problem. An Abatement Notice would formally require steps to be taken to ensure the nuisance is abated within a period of time and/or to prevent any further occurrence or recurrence.
109. Before taking action under the above legislation in respect of Statutory Nuisance, the Council have to be mindful that the recipient of such action would have a right of appeal if they could prove that the 'Best Practicable Means' have been used to prevent or counteract the effect of the nuisance. Even if a Statutory Nuisance is proven in a Court prosecution, a defendant would have the same legal defence if they could prove they used or are using the 'Best Practicable Means'. The consultant confirmed that Capel Mushrooms have been demonstrating best practicable means in controlling odours from the different sources on site.
110. Since the report was produced, the Secretary of State for the Department of the Environment, Food and Rural Affairs has published specific guidance relating to businesses involved in the manufacture of mushroom substrate. This guidance details the standards that such businesses are expected to achieve and the techniques/technology by which they should achieve them. Capel Mushrooms was inspected by Environmental Health in October 2011, at which time the business was found to be fully compliant with the Secretary of State's guidance and standards. The Council is unable to require more stringent odour abatement measures than those specified in the national guidance and therefore it would be unlikely that any remedial action could be taken in the event of complaint in order to safeguard residential amenity. Environmental Health are concerned that any complaints would have the potential to fetter the operation of the existing business.

111. The frequency of odour complaints being made in the local area have reduced considerably over the past 10 years from 12 complaints in 2006 to no complaints in 2012 and just one in 2013. The EA H4 Odour Guidance sets out the recommendation that an odour concentration should not be exceeded for more than 2% of the year at any sensitive receptor, equivalent to 175 hours per year, or seven days. The BDC complaints data provided indicate that the last time seven or more odour complaints were received was in 2007; in 2007, none of the addresses complained on seven separate occasions. This indicates that the odour experienced at existing properties is unlikely to constitute a nuisance (due to the infrequent nature of incidents).
112. The Council's Environmental Health Officer has expressed concern at the adequacy of the applicants assessment and advised that if planning permission is granted then this could fetter the right of Capel Mushrooms to undertake their production operations in the manner they choose – particularly the option to revert back to producing their own compost which they have, until recently, done for many years. The Local Planning Authority would be unable to prevent the farm undertaking their own production operations. This is a site with a lawful use and, therefore, the grant of planning permission would not affect this use.
113. If Capel Mushrooms revert back to producing their own compost, then the historical evidence indicates that future occupants of the application site (being closer to the farm than existing dwellings and directly in line with the prevailing wind from the farm) would be very likely to experience significant levels of odour; and the Council would be unable to take action to abate any significant odours, provided that Capel Mushrooms employed all reasonably practicable measures to mitigate odour emissions – as they previously did when they produced their own compost. Whilst this risk cannot be excluded your officers consider that it requires more detailed evaluation by the applicant in order for your officers to be content that the risk to the amenity of future occupiers has been sufficiently evaluated.
114. A good standard of amenity for all future occupants of land and buildings is one of the 12 planning principles in the NPPF. Moreover paragraph 109 of the National Planning Policy Framework states that the planning system will prevent new development from being put at unacceptable risk from being adversely affected by unacceptable levels of air pollution. Whilst the development will be in close proximity to Capel Mushroom Farm, it is considered that there are a number of existing dwellings in close proximity to the farm and the proposed development will result in development being closer than that which already exists.
115. The applicants consultant has however suggested some means of mitigating the harm and this could include provision of sealed glazing and advising potential buyers of the potential for odour emissions. The mitigation measures proposed, namely informing potential residents of the proximity to a working farm, will ensure that there is an awareness of future odours at certain times of the year. In the particular circumstances the applicant has been invited to undertake further work and has indicated they are doing so. A verbal update will be given at your meeting.
116. There is clear public benefit in securing new homes, and the evident reduction in complaint level and the change in operating practice are credible factors in favour of granting permission in all the circumstances. Taken in the round there is a measure of risk from the potential reversion to past operating practice but this is sufficiently low that your Officers are on balance content to recommend a delegated authority to reasonably address this single issue matter.

Biodiversity And Protected Species

117. The majority of the site is of low biodiversity value, however some of the field boundary habitats on site have the potential to be of value to protected species as well as being of general biodiversity value themselves. The development is likely to result in impacts on important ecological features including Protected and Priority species however it can be made acceptable with mitigation secured to minimise the impacts will be minimised. The applicant's ecologist states that the development is unlikely to have any impacts on the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site.
118. As the development lies outside the trigger distance of 8km driving distance from the European Site, it is not necessary for the LPA to prepare a Habitats Regulations Assessment screening report. However it should be noted that the emerging Recreational Avoidance and Mitigation Strategy (RAMS) being prepared for Babergh DC, Ipswich BC and Suffolk Coastal DC, will be using zones of influence for new residential development. This will result in the need for developer contributions to the RAMS once adopted to offset in-combination impacts for this type of development in this location.
119. The ecology report considers that there is no habitat suitable for stag beetles (a UK and Suffolk Priority species), this is since arable land does not provide a suitable habitat, however where hedgerow will be lost to create the site access on the eastern side this may provide a suitable habitat and therefore a planning condition is required to ensure appropriate mitigation for this species.

Planning Obligations / CIL

120. The development is likely to contribute in the region of £815,000 through CIL contributions, of which 15% would be payable to Capel St Mary Parish Council.
121. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development. Affordable housing will be secured by Section 106, as will the travel plan requirements set out by the County Highway Authority.

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

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

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance and Assessment

123. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply since the Original Report was published), provision of affordable housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval.

Further, and in any event, the Council does not have a five year housing land supply and considers therefore that limited weight should be attached to policies CS2 and CS11. Whilst it is considered that these policies are broadly complied with, any conflicts with these policies (whether in relation to proving “*exceptional circumstances*” or compliance with the limbs of policy CS11 including evidence of sequential preference, locally identifiable need or community needs) should be afforded limited weight.

It is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) and the potential impact from odour, subject to the further evaluation described above, do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. Whilst the restrictions in footnote 9 of the NPPF include impacts on heritage assets, for the reasons explained above none of these policies indicate that development should be restricted.

The application is therefore recommended for approval.

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

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

Identification of any Legal Implications of the decision

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

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

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

- Affordable Housing
- Travel Plan Requirements

[b] further evaluation of the potential odour risk issues and mitigation to the satisfaction of the Corporate Manager – Growth & Sustainable Planning and [c] that such permission be subject to conditions including:-

- 1) Standard Time Limit Condition.

- 2) The development shall be implemented in accordance with all aspects of the approved sustainability statement including the minimum 10% reduction in CO2 emissions and shall not commence above ground level until full Design Stage calculations under the National Calculation Method have been submitted to and approved in writing by the Local Planning Authority demonstrating that the development is capable of achieving the required standard in accordance with the approved sustainability strategy and any subsequent approved revisions. Should the development be subject to revised or new regulations such as (but not limited to) Part L building regulations, the 10% reduction in CO2 emissions will be calculated once the building is fully compliant with the regulation. In these circumstances a revised sustainability statement may be required.

Suitable evidence of implementation as per the sustainability strategy will be required, for example manufacturers literature confirming energy rating, site specific purchase orders, water consumption calculations, BRE Green Guide ratings, as built photographs etc
- 3) No development shall take place within the area indicated 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.
- 4) No building shall be occupied until the site investigation and post investigation assessment has been completed.
- 5) The strategy for the disposal of surface water which is included in the FRA (dated September 2016, ref: IP14_029_12) and addendum A (dated December 2016 ref IP14_029_12) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 6) The 50th dwelling 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.
- 7) 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.
- 8) All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey report (SES, Sept 2016), Phase 2 ecological surveys and assessment (SES, Sept 2016) and addendum letter for bats (SES, Oct 2016), as already submitted with the planning application and agreed with the local planning authority prior to determination.
- 9) Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority.
- 10) Details of fire hydrants to be submitted and agreed in writing.
- 11) Tree Protection
- 12) Details of Materials
- 13) 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.

- 14) 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.
- 15) The new estate road junction(s) with Days Road inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials. Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.
- 16) The use shall not commence until the area(s) within the site shown on Drawing Number CAP1/002 as submitted for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes. Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
- 17) Before the access is first used visibility splays shall be provided as shown on Drawing No. IP14_029_012_SK001 Revision C as submitted with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.
- 18) Before any of the hereby approved dwellings are first occupied Days Road and Brook lane are to be improved in accordance with details generally as shown on submitted drawings numbered IP14_029_012_SK001/C and SK004 and in accordance with design and construction details which shall first have been submitted to and approved in writing by the LPA. Reason: To ensure that the existing roads and footways are of sufficient width to allow safe passage of vehicles and pedestrians.

B/16/01365 Hopkins Homes Development

Land North and West of Capel Community Church, Days Green, Capel St Mary

Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links.

Capel St Mary Parish Council Recommendation to Babergh District Council

Following an Extraordinary Meeting on 15th November 2016 the Capel St. Mary Parish Council recommended **REFUSAL** of this application. This follows extensive local consultation with residents. The principal reasons for this decision are as follows and where appropriate we have highlighted in bold relevant sections of **Babergh Local Plan 2011-2031**.

- 1. LOCATION. Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 9** states that *'In considering the suitability of sites for development under CS11 the Council will have regard to the sequential approach. In the context of CS11 this means: In the first instance considering whether there are other available, suitable and deliverable sites within the built-up area of the village. If no suitable sites are available within the built-up area then the next preferred location is sites which adjoin the built-up area of the village'*. The Strategic Housing Land Allocation identifies several sites around Capel St. Mary which are currently being considered for development and these should be considered as part of this sequential process, but we are not aware that this has been done. The Hopkins Homes rating of the various other sites is overly simplistic and gives a false impression. In our view it is not helpful to consider these potential developments on a piecemeal basis. There is a real need for a strategic overview of how Capel is to be developed, in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv)**.
- 2. INFRASTRUCTURE.** The Parish Council had envisaged a fair share of 1050 homes along with other Core and Hinterland villages (**Babergh Local Plan 2011-2031 CS3 Strategy for Growth and Development**). It seems that this no longer applies. **Rural Housing Policy CS11 Para. 10** states that *'Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it. Where enhancements to facilities and services are required the impact that this will have on the viability of the proposal will be taken into account'*. We believe that there is a need for a complete review of the village infrastructure – roads, services, schools, open spaces and recreation – before any developments like this are approved. This review should also encompass the A12 which is already congested and dangerous, and will become more so. In general terms, we believe that this development has many positive points but has to be considered against the background of inadequate infrastructure. Should the Planning Committee be minded to give this development approval it is imperative that, in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv)** a full infrastructure survey is completed, and appropriate action taken or agreed, before erection of properties is commenced.
- 3. PROPOSED DEVELOPMENT.** Following consultations held with our residents we have published our Parish Plan (February 2014), the results of a Drop-in Event co-hosted by BABERGH DISTRICT COUNCIL Planning Dept. (October 2015) and a Housing Needs Survey (July 2016) conducted jointly with BABERGH DISTRICT COUNCIL Planning Dept. These have consistently reinforced the

fact that, whilst development is expected, it should be limited to smaller groups of well-designed houses integrated within the existing village framework. The underlying need is for Starter homes and houses or bungalows suitable for the elderly. **Policy CS20 Rural Exception Sites** requires that *'the type of dwellings to be provided are consistent with the needs identified by the Housing Need Survey'*. Whilst the development of 100 homes proposed by Hopkins Homes goes some way to meet these needs it does not in our view comply with the requirements of **CS20** or of **Policy CS15 Implementing Sustainable Development in Babergh Para vi)**. The number of four/five bedroom properties should be reduced and the number of bungalows increased. Should the Planning Committee be minded to give this development approval it is imperative that, in accordance with **Policy CS19 Affordable Homes** there is no deviation allowed from the proposed provision of 35% affordable housing. Regarding sustainability, **Policy CS15 Implementing Sustainable Development in Babergh Para viii)** requires that the development must *'address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low – carbon energy'*. We do not believe that the plans submitted adequately address this requirement. One further concern relates to the lack of provision for street lighting throughout this development. Other areas of Capel St Mary are adequately lit and this is instrumental in maintaining the village as a low crime rate area.

4. **SITE ACCESS.** Days Road is, at the point of access to this development, narrow and dangerous with a footpath on one side only. The proposed road widening to 5m is in our view inadequate and it is difficult to see how this can be achieved. When nearby Dove Close was built, it was a condition that the road was widened – this was never enforced. The proposed footpath is too narrow at 1.5m bearing in mind some elderly residents of nearby Dove Close sheltered accommodation use mobility vehicles. They would need to cross the road to access the narrow footpaths, and cross back again where Days Road meets The Street. Two crossings within a short distance at dangerous junctions. The proposals do not comply with **Policy CS15 Implementing Sustainable Development in Babergh xvi)** *'promote healthy living and be accessible to people of all abilities including those with mobility impairments'*. Should the Planning Committee be minded to give this development approval it is imperative that road improvements are made before erection of properties is commenced, and that appropriate safety measures are incorporated into the design.
5. **TRAFFIC FLOW THROUGH VILLAGE.** Hopkins Homes have been unwilling to provide us with their detailed traffic flow data. To reach the A12 most traffic must drive past the Primary School and through the village centre. The existing traffic flow causes concerns, especially as it passes the drop-off and collection point for the Primary School. There are already problems with parking at this point of The Street, and the police carry out occasional checks. Increased traffic will exacerbate this problem and put our children at risk. The Parish Council in conjunction with County Councillor Jones have also previously looked at improving safety adjacent to the shops in the village centre with Highways Department. Again, greater traffic flow will cause greater problems. To avoid using The Street we envisage that Rembrow Road and Thorney Road will become *'rat runs'* with speeding vehicles, and there is evidence that this is already happening. It also seems probable that Pound Lane and Brook Lane, both narrow country lanes, will be used by vehicles returning from Colchester or Hadleigh to the proposed development and this would be very hazardous. We understand that SUFFOLK COUNTY COUNCIL are currently modelling traffic flows through Capel St. Mary, based on mobile phone data. Should the Planning

Committee be minded to give this development approval it is imperative that the impact of increased traffic flows should be modelled to give accurate and up to date data, and any necessary road improvements carried out prior to commencement in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv**).

6. **HEALTH SERVICES.** There is considerable recent history of problems experienced by residents with the Constable Country Medical Practice in Capel. At one stage it was placed in Special Measures by the CQC. Getting an appointment remains difficult. Hopkins Homes state that there is capacity to deal with new patients. This is disputed by the NHS who has stated that the capacity of the existing premises will need to be increased and have asked for a CIL contribution. The Practice Manager has confirmed to the Parish Council that it is not possible to increase the capacity of the existing premises and that any increase in patient numbers will result in more Capel residents having to travel to East Bergholt for appointments. This would not be appropriate for an ageing population. The proposed development will not comply with the requirements of **Policy CS15 Implementing Sustainable Development in Babergh Para iv** *'ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development'*. Should the Planning Committee be minded to give this development approval it is imperative that any CIL grant awarded to the NHS contributes to the provision of a *'fit for purpose'* GP Surgery in Capel St. Mary.
7. **PARKING.** There is already congestion in the village shopping precinct, a problem that will be exacerbated by any new homes built. Parking is inadequate as the car park services the shops, village hall, library and doctors' surgery. Road side parking near the entrance to the car park, and road narrowing, make this a difficult area for both drivers and pedestrians. Regarding the development site itself, there is no provision for visitor parking and several of the drives have 'in line' rather than 'side by side' driveway parking. The Council is concerned about the developers' extensive use of un-adopted roads. These un-adopted roads will be inadequate for roadside parking and cause potential problems for emergency services access. We envisage that visitors to the development will park in Days Road itself, thus making this too narrow road even more dangerous. Should the Planning Committee be minded to give this development approval it is imperative that adequate parking is incorporated for visitors and that emergency services are happy with access issues.

In conclusion, whilst there is much to like about this development, Capel St. Mary Parish Council recommends **REFUSAL** of this application, as it does not fully comply with various requirements set out in **Babergh Local Plan 2011-2031** and **Supplementary Planning Document July 2014**.

Capel St Mary

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27a The Street, Capel St Mary, Ipswich IP9 2EE

Gemma Pannell
Babergh District Council
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Tuesday 13th December 2016

B/16/01365 Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links.

Dear Ms Pannell

Further to the Parish Council response submitted in November 2016 please see additional comments.

Site Access

Drawing Number IP14_029_012_SK001 in the Transport Plan included in the Hopkins Homes application shows all the proposed changes which will be made to make the width of Days Road 5m with a 1.5m footpath. In fact the footpath between the entrance to Days Green and the Community Church is not 1.5m and the plan shows no improvement. The footpath is for the most part 1.2m and 1.3m, and therefore not suitable for a mobility scooter which is why at present the residents of the Sheltered Housing Complex, Dove Close travel on the highway.

The footpath will substantially disadvantage the elderly using walking aids. Wheelchairs, and mobility scooters, also parents / carers with pushchairs and young children (Equality Act 2010).

Yours sincerely

J. Lawes

Mrs J Lawes
Clerk to Capel St Mary Parish Council

Agenda Item 8b

Committee Report

Committee Date: 26 April 2017

Item No: 2

Reference: B/16/00777

Case Officer: Gemma Pannell

Description of Development: Erection of 71 residential dwellings (including market and affordable homes), garages, parking, vehicular access (with Bull Lane), estate roads, public open space, play areas, landscaping, drainage and other infrastructure works.

Location: Land on the south side of, Bull Lane, Long Melford

Parish: Long Melford

Ward: Long Melford

Ward Member/s: Cllr R. Kemp and Cllr J. Nunn

Site Area: 3.1

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 07/06/2016 06:02:35

Expiry Date: 16/02/2017

Application Type: Full Planning Application

Development Type: Major Dwellings

Environmental Impact Assessment:

Applicant: Hopkins Homes Limited

Agent: Bidwells LLP

DOCUMENTS SUBMITTED FOR CONSIDERATION

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

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Having regard to Section 38(6) of the Planning & Compulsory Purchase Act 2004 it is considered that the development is broadly in line with development plan policies in the round but that material considerations indicate a departure is appropriate in the circumstances. In particular the absence of 5 year housing land supply is now an important material consideration. The officers recommend approval of this application. The proposed development is considered to be sustainable development within all three identified strands such that there is a presumption in favour of this proposal, in accordance with the NPPF.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

1. There is no planning history relevant to the application site.

Details of Previous Committee

2. The application was due to be considered by committee on 14 December, but was withdrawn from the agenda prior to consideration to enable the Council to consider its position following the outcome of the judicial review in East Bergholt. The original report is attached at Appendix A. This report should be read in conjunction with that.

PART THREE – ASSESSMENT OF APPLICATION

3. The assessment of this application is contained within the report attached at Appendix A. This report is supplementary to the report produced at Appendix A, and takes account of any changes since the writing of the original report. Both consultations and publicity as they presently stand are reported below and a verbal update will be given at your meeting.
4. Since 24 March, the application has been subject to a re-consultation with interested parties on an amended scheme to take into account the mix of dwellings identified within the local needs survey. The following responses have been received since the original report was written.

Consultations

5. Summary of consultations received in response to the re-consultation carried out 24 March 2017.

Suffolk Preservation Society

- Welcome the increase in small dwellings with fewer executive style homes.
- No attempt has been made to reduce the impact on listed buildings or to limit the extension of the suburban edge of the village into the countryside.
- Continues to raise strong objections to the scheme.

- Draws attention to the comments of the Council's Heritage team, that there is less than substantial harm but that the harm is at a level greater than slight or moderate.
- The applicant's rebuttal that the erosion of the rural setting of 24 Bull Lane by the creation of the new development to the west should be taken in the context of the Planning Practice Guidance which provides that the cumulative change to the setting of listed buildings should be taken into account and that a negative cumulative change could include severing the last link between an asset and its original setting.
- Urge that the application is resisted and a reduced scheme is sought.

County Councillor Richrd Kemp

- Objects on a number of grounds.
- The site is in the wrong area of the village. The road is already overloaded by traffic from the 600 plus houses that feed onto Bull Lane. What is needed is a new approach to all developments in Babergh, upgrade of the basic infrastructure.
- The site will cause an urban spread to the village and will reduce the historic value of this medieval village.
- The site will impact upon the small cluster of listed buildings in the Bull Lane Farm area.
- The needs survey conducted by the Developer is not consistent with the normal process, and is therefore flawed.
- Bull Lane bungalows have been flooded at least three times in the past ten years. I have personally been and visited properties at the time of flooding. Sorry all the experts in the world do not overcome plain factual evidence. This development would without doubt exacerbate these problems.
- Road dangers at both ends of Bull Lane. Nothing has been included to overcome the dangers of increased traffic to pedestrians (in particular) next to the Bull Hotel or the Bull Lane to Melford bypass junction, where there have been at least two fatal accidents in the past few years. Just to remind the experts if Chilton Woods is ever built it is estimated by "experts" that 40% of the traffic will use the Melford bypass.
- I know from being a resident in Long Melford, there are pressures on the local surgery and local school pupil numbers, no further pressure is required.
- In critical terms it is the wrong site, in the wrong place, with a totally inadequate infrastructure, and should be REFUSED.

Representations

6. A number of additional letters of objection have been received, which raise no new issues to that previously reported, as contained within the original report attached as Appendix A.

Main Considerations

7. Your development plan policies are rehearsed in the original report. It is notable that Long Melford has been designated as a Neighbourhood Area but as yet not Neighbourhood Plan is in place. The site is located outside the Settlement Boundary for Long Melford. Therefore, there is a high level policy presumption against development in such locations unless exceptional circumstances are present. The absence of a 5 year supply of housing land is itself an important consideration which must weigh in this respect. Moreover the applicant has indicated a commitment to deliver the scheme within the next 5 years with the applicant committing to a reduced 2 years deadline for commencement. Long Melford is identified as a Core Village in the Core Strategy where growth is expected to focus.

8. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. NPPF Paragraph 49 states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
9. Babergh District Council does not have this housing land supply at this time and as such the relevant policies set out above are not considered to be up to date. Indeed paragraph 14 of the NPPF states in this respect:

"For decision-taking this means:

*approving development proposals that accord with the development plan without delay;
and*

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

10. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Officers note that it is the NPPF taken as a whole which is relevant to the determination in these circumstances.
11. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

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

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

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

12. The proposal is to develop up to 71 new dwellings which would not only add to the supply of housing in the district but includes an element of affordable housing which would provide additional housing in that respect as well, such that the proposal can be considered to fall within the social dimension of sustainable development.
13. The application site is well connected in highway terms, connecting the village to the market town of Sudbury and the nearest bus stops are located less than 100m to the centre point of the site and the site is considered to have a good level of public transport accessibility.

14. Furthermore, with regards to the economic strand the proposal would provide a development of reasonable size to support the local economy both in terms of construction and in respect of residents using local services.
15. In the light of all of the above the proposal is considered to be sustainable development within all three identified strands such that there is a presumption in favour of this proposal, in accordance with the NPPF.

PART FOUR – CONCLUSION

Planning Balance

16. With reference to the treatment of the submitted applications, the Council embraces its statutory duties and responsibilities in relation to listed buildings, 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*”. *The Conservation Area furthermore warrants statutory responsibilities under Section 72 to preserve or enhance that area.*
17. Following recent legal judgments and related *obiter dicta*, it is understood that whilst the assessment of likely harm to a designated heritage asset is a matter for its own planning judgement, the Local Planning Authority is required to give any such harm considerable importance and weight having regard to the NPPF.
18. In the determination of the application, consideration should be given to weighing whether the public benefits are sufficient to outweigh the less than substantial harm to the listed building at 24 Bull Lane. Consideration has been given to the potential for harm to the setting of Melford Hall and to the other heritage assets, including the Conservation Area, detailed in the original report. In this regard it is established that the supply of land for housing is a matter of potential public benefit which may be weighed in the determination.
19. The lack of a five year supply of housing land does not automatically lead to the grant of planning permission. In this case, the adverse impact of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.
20. Whilst any policies relevant to the supply of housing are considered to be not up to date, the proposal would nevertheless strictly be contrary to the development plan and this conflict should be weighed against other material considerations including the provisions of the Framework and paragraph 14 in particular.
21. Overall, the scheme would contribute to housing need, provide for localised benefits and scheme specific mitigation. In light of the Council’s lack of housing land supply it is considered that the public benefits outweigh the harm to the heritage assets which harm has been assessed as being less than substantial but greater than a low or moderate level.
22. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits in the supply of housing land to meet expected land supply as identified do outweigh the less than substantial harm, and may be given considerable importance and weight relative to that harm identified.

23. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

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

24. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
25. In this case the planning authority has worked with the applicant to ensure that the mix of dwellings better reflects the housing mix identified in the applicants housing need survey.

Identification of any Legal Implications of the decision

26. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

- (1) That the Corporate Manager – Growth and Sustainable Planning be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, on terms to his satisfaction to secure :
- Affordable Housing
 - Open Space
- (2) That, subject to the completion of the Planning Obligation referred to in Recommendation (1) to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, he be authorised to grant planning permission subject to conditions including
- 1) Modified time limit condition – 2 years.
 - 2) Listing of approved plans
 - 3) Development shall be implemented in accordance with the approved sustainability statement
 - 4) Strategy for disposal of surface water and FRA shall be implemented as approved.
 - 5) Details of the Sustainable Urban Drainage System shall be submitted and approved (prior to 36th dwelling being occupied)
 - 6) Construction surface water management plan.
 - 7) Surface water drainage strategy
 - 8) Provision of fire hydrant
 - 9) Recommendations of the ecological survey reports to be implemented in full
 - 10) Soft Landscaping

- 11) Hard Landscaping
- 12) Details of External Lighting
- 13) Tree Protection
- 14) Archaeological Conditions
- 15) Protection measures outlined in the arboricultural report
- 16) Construction and Environmental Management Plan
- 17) No burning shall take place on site
- 18) Materials
- 19) Screen walls and fences to be submitted
- 20) Provision of residents travel packs
- 21) Estate roads details
- 22) Construction of carriageways and footways to Binder course prior to occupation of any dwellings.
- 23) Provision of visibility splays.
- 24) Parking and turning space to be provided and retained.
- 25) Delivery of off-site highway improvements, including;
 1. Upgrade the road markings at the Bull Lane / Hall Street junction and pinch point past the Bull Hotel
 2. A yellow box road marking to the Bull Lane / Cordell Road junction
 3. Installation of new signs promoting the pedestrian route to Hall Street via Cordell Road and Woollards Gardens.
 4. Installation of a westbound bus stop on the site frontage to include hardstanding, bus shelter and Real Time Passenger Information screen.
 5. Installation of an eastbound bus stop opposite the site to include a hardstanding and flag pole / timetable case.
 6. Installation of traffic calming measures to Bull Lane and adjustment of the existing traffic calming.
 7. Widening and resurfacing of Bull Lane on the site frontage to 5.5 metres minimum.

APPENDIX A

Item No: 1

Reference: B/16/00777/FUL

Parish: LONG MELFORD **Ward Members:** Cllrs R Kemp and J Nunn

Location: Land on the south side of, Bull Lane

Proposal: Erection of 71 residential dwellings (including market and affordable homes), garages, parking, vehicular access (with Bull Lane), estate roads, public open space, play areas, landscaping, drainage and other infrastructure works.

Applicant: Hopkins Homes Limited

Case Officer: Gemma Pannell **Date for Determination:** 08 September 2016

RECOMMENDATION: Refuse Planning Permission

This application is referred to Planning Committee as the proposal is of a scale that requires consideration by Members.

A Panel of Members inspected the site on 26th October 2016

THE SITE

1. The site comprises approximately 3 hectares of arable land to the east of the village of Long Melford, to the south of Bull Lane. The northern boundary of the site is defined by Bull Lane and six existing properties on Bull Lane that back on to the site. To the west are existing residential properties, where the site meets the current village settlement boundary and the disused railway line, now a Local Nature Reserve, forms the southern edge of the proposed site.
2. The site is outside of the defined Conservation Area, but there are a number of Listed Buildings within the vicinity of the site.

THE PROPOSAL

3. The application seeks full permission for the construction of 71 dwellings (including 46 market and 25 affordable homes) garages and parking. The vehicular access is to be constructed off of Bull Lane to serve the development.

4. The mix of houses is as set out in the table below:

Size	Number
1 bed	4 (16%)
2 bed	15 (60%)
3 bed	5 (20%)
4 bed	1 (4%)
Total	25 (35%)

Private Size	Number
<i>2 bed</i>	7 (15%)
<i>3 bed</i>	26 (57%)
<i>4 bed</i>	13 (28%)
Total	46 (65%)

5. The application documents can be viewed on line via the planning pages on the District Council's website.

NATIONAL PLANNING POLICY FRAMEWORK

6. 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, and the NPPF, continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
7. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

PLANNING POLICIES

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

Babergh Core Strategy 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS16 Affordable Homes
- CS21 Infrastructure Provision

Babergh Local Plan (Alteration No.2) 2006

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CN08 Development in or near conservation areas
- CN14 Historic Parks and Gardens of Special Historic Interest
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

9. The relevant policies can be viewed on line. Please see the notes attached to the schedule.

CONSULTATIONS

10. The application has been subject to two rounds of consultation and therefore the comments summarised below are those received in connection with the latest plans received on 27th September except where consultees have made no further comments in relation to the revised plans:
11. **Long Melford Parish Council** – The application does not address concerns about road dangers, problems with junctions, flooding and wildlife issues. Object. Detailed objection attached at appendix A.
12. **County Highway Authority** – No objection subject to conditions
13. **County Archaeologist** – No objection subject to conditions
14. **Historic England** – The additional analysis helps to clarify the impact of the proposed development on Melford Park and the conservation area. This would cause a low level of harm to both of these designated heritage assets. Your authority should weight this harm against the public benefits of the proposal in line with paragraph 134 of the National Planning Policy Framework. If your authority is minded to grant consent, we recommend this is conditional upon the implementation and maintenance of an appropriate landscaping scheme approved by your authority and designed to minimise the impact of the development on the Park and conservation area.
15. **Anglian Water** – The foul drainage from this development is in the catchment of Long Melford Water Recycling Centre that will have available capacity for waste water flows. The sewerage system at present has available capacity for these flows. Anglian Water suggests a condition to deal with surface water disposal.
16. **Suffolk Fire and Rescue** – Recommend the installation of a fire hydrant (to be dealt with by condition).
17. **Suffolk Wildlife Trust**
18. **Original Comments** The revised layout fails to buffer the adjacent Long Melford Disused Railway Line County Wildlife Site (CWS) and the Railway Walks Local Nature Reserve (LNR). With the absence of a suitable buffer between the new dwellings and the CWS and LNR it cannot be concluded that the proposal will not result in adverse impacts on sites designated for their nature conservation value or the species that they support. It also remains unclear what form the garden boundaries will take and whether these will be compatible with maintaining the ecological value of the CWS/LNR. If some development at this location is acceptable in principle, the layout should be revised to include a significant buffer to the CWS/LNR. The application should not be approved in its current form.
19. **Further Comments** We have received additional information from the applicant's ecological consultant (Southern Ecological Solutions) following our comments of 12/07/2016 and 18/10/2016, and understand that comments on this additional information may be useful to you.

20. We note that the letter from Southern Ecological Solutions (dated 28/10/2016) includes mitigation measures proposed to address our comments. As currently presented, the proposed development has residential gardens adjoining the CWS/LNR. In our opinion the designated site should be buffered by public open space or additional landscaping. However, it is understood from the ecological consultant that this does not fit with the wider design proposals for the development and therefore the measures in the letter from Southern Ecological Solutions have been put forward to mitigate impacts on the CWS/LNR.
21. With regard to the measures described, we have the following comments:
- It is noted that the gardens are considered to be adequate to mitigate light spill from the development on to the CWS/LNR, to ensure this there should be no south facing lighting installed on any of the proposed buildings. Nor should there be any street lighting spilling on to the CWS/LNR.
 - We note that additional planting is proposed to reinforce the southern boundary. Any planting proposed on the southern boundary, which falls outside the development site, must be agreed with the site owner/manager in advance of anything being conditioned.
 - Whilst it is noted that the natural boundary line at the base of the embankment is proposed to form the edge of the development, it remains unclear what boundary treatment will be applied here and whether it is appropriate to secure the detail of this by condition (should consent be granted). It must be ensured that any boundary treatment proposed is compatible with the CWS/LNR (such as preventing direct access from gardens), including any further management requirements for the designated site.
22. **County Rights of Way Officer** – No objection
23. **Suffolk County Council – Landscape** – The proposal will create a significant change in land cover and clearly therefore in the character of the site. It will also change the outlook of users of the right of way that runs along the railway line (LNR). The proposal will also change the outlook of adjacent dwellings. Subject to effective implementation of a robust scheme of the detailed planting and landscaping as well as control of the proposed materials finishes and lighting by condition the proposal will not have significant adverse impact on the wider landscape. The proposal is acceptable in landscape terms subject to conditions requiring soft landscaping, hard landscaping, tree protection and external lighting details all to be submitted.
24. **Suffolk County Council – Development Contributions Manager:**
25. **Education:** The local catchment schools are Long Melford CEVCP and Ormiston Sudbury Academy. Based on existing capacities of these schools SCC will require contributions towards providing additional school places for the 18 primary age pupils arising, at a total cost of £219,258. There is existing capacity at Ormiston Sudbury Academy so we would not be seeking secondary school contributions.
26. **Pre-school Provision:** We would anticipate up to 7 pre-school pupils arising at a cost of £6,091 per place and there are no surplus places to accommodate children arising from this development. Therefore an early years contribution of £42,637 is sought.
27. **Libraries:** The capital contribution towards libraries arising from this scheme is £15,336 and will be spent on enhancing library services at Long Melford Library.
28. The above will form the basis of a future bid for CIL funds.
29. **Police Design Out Crime - Suffolk Constabulary** – No objection or comments.

30. **NHS England** – The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 163 residents and subsequently increase demand upon existing constrained services. The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the ‘presumption of sustainable development’ advocated in the NPPF provide appropriate levels of mitigation.
31. A development contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £22,360. NHS England therefore requests that this sum be secured through Community Infrastructure Levy.
32. **Suffolk County Council Flood & Water Team (inc Drainage)** – Suffolk County Council, can recommend approval of the application subject to conditions.
33. **Corporate Manager – Sustainable Development (Heritage)** - The Heritage Team considers that the proposal would cause harm to the significance of a number of designated heritage assets, with the greatest harm being to the setting and significance of 24 Bull Lane. Whilst the level of harm to all assets is less than substantial, and in some cases is assessed as being at a low or moderate level, in the specific case of 24 Bull Lane it is assessed as being less than substantial but greater than a low or moderate level.
34. The Heritage Team recommends that decision-takers should now make the balancing assessment of harm against public benefits, as required by NPPF 134. Unless the public benefits of the scheme are considered to be substantial, however, they will not outweigh the harm to heritage interests and the scheme should be refused as failing to meet the requirements of Babergh saved Local Plan policies CN06 and CN08 and national policy guidance contained in NPPF 131, 132 and 134. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
35. **Arboricultural Officer** – No objection to this proposal subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Only a small section of remnant hedgerow is proposed for removal but this is of low quality and should not be considered a constraint. Appropriate new planting can be dealt with as a condition.
36. **Strategic Housing** – Provides detailed comments on the affordable and open market requirements. *These have been incorporated into the housing needs assessment of this report.*
37. 25 of the dwellings on the proposed development should be for affordable housing. 18 of these dwellings should be for Affordable Rent Tenancy and 7 for Shared Ownership.
38. **Public Realm/Open Space** – No comments received
39. **Corporate Manager – Sustainable Environment (Land Contamination Issues)** – No objection.
40. **Corporate Manager – Sustainable Environment (Sustainability Issues)** – No objection – subject to conditions

41. **Corporate Manager – Sustainable Environment (Other Issues)** – I have no objections in principle to this application. This is a large development and therefore there is a risk of loss of amenity at existing premises during the demolition and construction phases of the development. I would therefore suggest a construction and environmental management plan should be submitted and hours of work should be limited to 0800-1800 Mon – Fri and 0900 – 1300 on Saturdays.
42. I understand that a children’s play area is planned for the public open space area to the rear of the existing dwellings 20 – 24 Bull Lane. No detail is given in the Landscape Strategy as to what this play area will contain. I do have some concerns about the siting of play equipment at this location, given its proximity to the existing dwellings, and would recommend that any equipment installed should only appeal to very young children and not contain any noisy equipment (e.g. skate ramp, pitches/equipment for ball games etc). I would strongly advise that a condition be attached to any permission to the effect that no equipment shall be installed until full details have been submitted to, and approved by the LPA.
43. I would also suggest that further acoustic detail be obtained about the proposed substation which is in relatively close proximity to plot 14, and existing dwellings. Substations can be associated with noise, particularly low frequency noise which can result in loss of amenity.
44. Finally I would suggest that a condition be attached to any permission to the effect that prior to the commencement of the permitted development, a written scheme of the proposed lighting, including siting, height, design and position of luminaires, shall be submitted to and approved in writing by the local planning authority. Each luminaire must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The lighting shall be implemented in accordance with the approved scheme and permanently maintained for the life of the approved development. No other form of lighting shall be implemented on the application site without the prior written approval of the local planning authority.
45. **National Trust** – The National Trust holds restrictive covenants over the entire site. The Trust considers that the original objection has not been overcome. There have been changes to the materials and some small changes to the landscaping, the fundamental concerns relating to the layout remain unaltered and the Trust remains of the view that the suburban form is inappropriate for the context. The Trust is of the view that this is a sensitive edge of settlement location and that the transition from open countryside into the village should be carefully treated, the current appearance is of a typical suburban layout and is inappropriate for this context. The Local Planning Authority should satisfy themselves that the settings of the nearby listed buildings is not compromised and also that the loss of the existing agricultural land is acceptable.

REPRESENTATIONS

46. In relation to the original application 23 representation(s) objecting to the application have been received and the comments are summarised as follows:
- Impact on traffic
 - No need for further development
 - Impact on existing infrastructure
 - Loss of wildlife
 - Impact on privacy
 - Development on greenfield land

- Loss of property values
 - Impact on character of Long Melford
 - Overlooking
 - Flooding
 - Impact on tourism
 - Highway safety
 - Not consistent with the orientation and layout of neighbouring development
 - Need for a roundabout onto the bypass
 - Overdevelopment
 - Agricultural land should be retained
47. Following the receipt of revised plans on 27th September 2016 (and a further period of consultation for 21 days) 157 representations objecting to the application have been received and the comments are summarised as follows:
- Traffic
 - Overdevelopment
 - Lack of employment opportunities
 - Impact on infrastructure
 - Impact on tourism
 - Overlooking
 - Impact on privacy
 - Flooding
 - Emergency Services won't be able to get through
 - Impact on wildlife/local nature reserve
 - Impact in character of area
 - Lack of parking
 - Loss of rural outlook
 - Existing problems with sewage/drainage
 - Visual impact
 - Impact on existing services (Doctors)
 - Brownfield sites should be a priority
48. Following the receipt of revised plans on 27th September 2016 (and a further period of consultation for 21 days) 4 representations supporting the application have been received and the comments are summarised as follows:
- There is a need for cheaper housing
 - The market needs more houses.
 - Currently a limited choice of new housing
 - Measures to reduce speed of traffic along Bull Lane should be considered. The existing traffic is not a reason to prevent much needed housing
 - Flooding of Bull Lane is only experienced during exceptionally heavy rainfall – there is no risk of new homes being subject to flooding
 - Provision of further employment opportunities as more residents therefore more businesses may be attracted to Hall Street
 - This is a modest extension to Sampson Drive development
 - Long Melford must take its share of development
49. Following the receipt of revised plans on 15th November 2016 (and a further period of consultation for 21 days, expiring on 8th December was undertaken) 10 representations objecting to the application have been received which raise issues similar to those previously outlined. Any representations raising any new issues will be updated through the addendum.

50. The following organisations and public representatives have made representations on the application and their comments are summarised as follows:
51. **Suffolk Preservation Society**
52. **Comments on original scheme** - Objects to the application which it considers will cause harm to the significance of heritage assets of national importance and will erode the rural context of this historic village and makes the following summarised comments:
- The 2016 SHLAA is not a development plan document or a supplementary planning document and therefore, particularly in this case, should be given limited weight in the assessment of planning applications.
 - Disagrees with the assessment of harm to identified heritage assets
 - Impact on edge of village landscape – suburbanisation of the countryside, eroding the historic setting of village.
 - Local Policy – the Bull Lane site is an unsustainable location and contrary to Local policies CS11 and CS15.
 - Development of this site will cause harm to the significance of listed buildings and strongly urge that the application in its current form is refused. However, if the lpa is minded to approve some development of this site we would urge that a reduced site is considered which would allow development of the western parcel of the site up to the Bull Lane cottages. A reduced scheme which omits the land behind the Bull Lane Cottages, including the listed number 24, and the land to the south of the Bull Lane Farmhouse could successfully minimise the impact on heritage and maintain a degree of rural context to the village.
53. **Comments on amendments of 27th September 2016** – Following a discussion of the additional information received and the comments made by Historic England, SPS continue to object to the proposal and urge the local authority to seek a substantially reduced scheme as previously outlined.

PLANNING CONSIDERATIONS

54. From an assessment of planning policies, public representations and other material considerations, it is appropriate to evaluate the following key aspects in relation to this development in a core village:
- Principle of Development
 - Consideration against policy CS11 and SPD
 - Connectivity and Highway safety
 - Biodiversity and Protected Species
 - Surface Water Drainage
 - Planning Obligations and CIL
 - Planning Balance

Principle of Development

55. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

56. The NPPF also provides (para 187) that “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”
57. Long Melford is defined as a core village under policy CS2, which states that core villages will act as the focus of development within their functional cluster. The cluster comprises Acton, Alpheton, Boxted, Cockfield, Great Waldingfield, Lawshall, Shimpling, Stanstead, *Borley, Foxearth and Liston (within Braintree District Council)*. The application site abuts the built up area boundary (buab) for Long Melford and therefore policy CS11, which provides greater flexibility for appropriate development beyond the buab for identified core villages, would apply.
58. Policy CS3 of the Core Strategy identifies 1050 homes for rural areas, this quantum of development is unallocated at present (in either district development plan documents or Neighbourhood Plans) so there is a reliance at present on windfall sites to deliver this growth.
59. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15.

Consideration against policy CS11 and the adopted SPD

60. Policy CS2 (Settlement Pattern Policy) identifies Long Melford as Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a ‘functional cluster’ of smaller settlements (see Core Strategy, paragraph 2.1.1.5).
61. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:
- "Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:*
1. *the landscape, environmental and heritage characteristics of the village;*
 2. *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
 3. *site location and sequential approach to site selection;*
 4. *locally identified need - housing and employment, and specific local needs such as affordable housing;*
 5. *locally identified community needs; and*
 6. *cumulative impact of development in the area in respect of social, physical and environmental Impacts.*

7. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies.
62. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, means that it is a material consideration when planning applications are determined.
63. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
64. Accordingly, the correct meaning of Policy CS11 requires an objective interpretation of the policy text considered in the context of relevant development plan policies and the wider context of national planning policy in force when the Core Strategy was adopted in February 2014. As the SPD was not adopted until August 2014, the proper interpretation of Policy CS11 cannot be influenced by the guidance within the SPD.
65. However, to the extent that it is consistent with the proper interpretation of Policy CS11, the planning guidance within the SPD will be relevant to the Council's application of Policy CS11 when determining planning applications. In this respect, under the subheading 'Scale of Proposal in Relation to Existing Settlement', paragraph 12 of the SPD states (so far as relevant) that:
- "12. ... The size and scale of any proposal should be proportionate to the settlement in which it is located. Because each village is different it is not possible to prescribe standard proportions of development that would be acceptable. A judgment will need to be made on the basis of the size and character of the village, the services and facilities that are available and their capacity to accommodate further development
- ...Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it."
66. As it relates to proposals "*for development for Core Villages*", the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11. Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located.

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

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

68. The site is a narrow arable field on the edge of Long Melford to the north of the disused railway line on the edge of the valley of the Chad Brook. The site is on land that is within the Rolling Valley Farmlands landscape type. River valleys of this type are typically found across Suffolk to the South of the Gipping. (Suffolk LCA 2008/2011).
69. The applicant has provided a Landscape Appraisal sufficient to demonstrate the likely impacts of the proposal on the character of the landscape and local visual amenity.
70. The proposal will create a significant change in land cover and clearly therefore in the character of the site. It will also change the outlook of users of the right of way that runs along the railway Line Local Nature Reserve (LNR). The proposal will also change the outlook of adjacent dwellings. Subject to effective implementation of a robust scheme of the detailed planting and landscaping, as well as control of the proposed materials finishes and lighting by condition, the proposal will not have a significant adverse impact on the wider landscape.
71. The applicant has also provided an outline scheme of planting and landscaping with a palate of species which is broadly acceptable. It is considered that the planting details and species choices can be provided and refined as part of the discharge of condition stage.
72. The application site is not located within a designated area of landscape or ecological importance. To inform consideration of the impact of the proposal on the landscape the Council has sought specialist advice from Place Services (14.11.2016) which, whilst making specific recommendations, concluded that: ‘...for a development of this size which abuts the existing village boundary, the proposals have sort [...sought...] to mitigate its impact both through the layout, design approach and landscaping...Notwithstanding some other issues highlighted in terms of transport and heritage impact [...see below for further comments...], the proposals establish a layout which references the built context of Long Melford while seeking to mitigate its impact at the country edge and important gateway into the village.’
73. It is considered that subject to detailed conditions relating to the landscaping of the site, there is the opportunity to reasonably minimise the adverse impacts of the development on the character of the landscape and local visual amenity having particular regard for Policy CS15.

Impact on Heritage

74. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications.

75. In addition Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.
76. The Government's planning policies for Conserving and enhancing the historic environment are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,
77. "The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral"
78. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues Historic England have produced good practice advice notes. Advice Note 3 - The Setting of Heritage Assets (2015) sets out a staged approach to assist decision-making.

Impact on Listed Buildings

79. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
80. The following built heritages assets have been identified within the vicinity of the site and which may experience a level of impact as a result of the proposed development;
- Melford Hall (Grade I)
 - Melford Hall Registered Park and Garden (Grade II*)
 - Bull Lane Farm (Grade II Listed)
 - Barn and Outbuildings to Bull Lane Farmhouse (Grade II Listed)
 - 24 Bull Lane (Grade II Listed)
 - The Old Cottage (Grade II)
81. Historic England have assessed the impact of development on the Grade I and Grade II* listed building and undertaking an assessment of the impact of the proposed development on Melford Park and Melford Hall. It is considered that there would be no perception of the development from the upper floors of Melford Hall and, whilst there would be a perception of the development from certain viewpoints from within the park, these would be glimpsed views and, whilst there is some impact on the southern part of the park, this would only result in a low level of harm.
82. The Old Cottage lies to the north of Bull Lane and about 50m north-east of the north-east corner of the development site. It lies in a well-defined plot with open land around it. Its roadside position and the land to the side and behind it to the north are important parts of its setting. The land to the south of Bull Lane and west of Kings Lane makes a lesser contribution, however. The Old Cottage is not immediately opposite the development site, and the specific configuration of the landscape here suggests that, although the development site may be within its distant setting, this is not a part of the setting that makes any particular contribution to significance. It is considered therefore, that there is unlikely to be any harm to the significance of this particular asset.

83. Bull Lane Farm and the separately-listed barn to the west form a coherent historic farmstead group, in a prominent roadside position immediately to the north of Bull Lane, opposite the easternmost portion of the development site. The well-defined farmstead gives a sense of enclosure and separateness to both assets, but there is no doubt that the open land to either side, and especially that behind, which merges to the north with Melford Park and the eastern extension of the conservation area, also makes a very important contribution. In my view, however, as with other local assets, Bull Lane itself marks a division in the setting: the land to the south of it is a much lesser contributor to setting and significance. Given this, whilst there will be some harm to the significance of these two assets from the development, this will be at a low to moderate level.
84. The greatest impact of the development is likely to be on the setting of 24 Bull Lane. At present, this has a completely rural setting, one that belies its true location relatively close to Long Melford. Its roadside position is an important feature of its setting, but of similar importance is the isolated location of this house and its immediate (unlisted) neighbour: they form a distinctive group, in well-defined individual plots, but with a strong physical and visual relationship to the open countryside around them. The open land to the east of 24 Bull Lane, and particularly that behind it and its neighbour, provides a tranquil rural backdrop to the asset, which greatly enhances the appreciation and understanding of its significance as an isolated rural dwelling.
85. The proposed development seeks to embed this isolated group of buildings in a new suburban extension to Long Melford, and this disrupts the existing tranquil, open and rural setting of the asset. Of particular concern is the plan to develop immediately behind 24 Bull Lane, including the construction of a new access road running behind the existing plots and a number of new, two-storey dwellings. The visual intrusiveness and disruptive effect of this will be exacerbated by the slight rise in the existing ground level from north to south and the end result is likely to completely sever 24 Bull Lane from its existing rural context. In addition, development along the roadside to the east of 24 Bull Lane will further erode the open, rural character of the setting, leaving the listed building appearing as one amongst many roadside buildings, now completely absorbed into the built-up area of Long Melford.
86. For the reasons set out above, this proposal would cause harm to the significance of 24 Bull Lane as a designated heritage asset, the level of harm is assessed as less than substantial, but close to that level and certainly greater than a slight or moderate level of harm.

Impact on Conservation Areas

87. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
88. Long Melford Conservation Area is a heritage asset of high significance, with the significance deriving principally from the historic character of its medieval linear planform and the architectural value of the historic buildings contained within it. The Conservation Area derives significance from the spatial relationships of the elements contained within it, in terms of the sense of place these elements convey, and the provision of setting they provide for assets within the designated area. The site is located adjacent to the south eastern boundary of the Conservation Area which provides a small degree of rural character to the wider setting of the asset.

89. The Long Melford Conservation Area has a large eastward extension which includes Melford Park and the southern boundary of the conservation area lies immediately north of Bull Lane, along the line of the Chad Brook. At its closest, the Conservation Area is within about 70 m of the northern boundary of the development site and is therefore considered to be within the setting of this part of the Conservation Area. The existing undeveloped agricultural land north of Bull Lane is a significant feature of the conservation area's setting and makes an important contribution to significance; this lessens as one moves away south, however, and particularly as one crosses Bull Lane.
90. The land to the south of Bull Lane, including the development site, is considered to make only a minor contribution. Because of this the level of harm the proposal causes to the conservation area's significance as a designated heritage asset is considered relatively minor.

Impact on Archaeological Assets

91. The site lies in an area of archaeological potential, south of Melford Park, which is a registered parkland and to the west of Acton place, another former parkland. Multi period finds scatters have been located within the vicinity of the site, whose situation within the Stour Valley is topographically favourable location for occupation of all periods. Archaeological evaluation at this site has revealed a series of medieval features. As a result there is high potential for the discovery of further below ground heritage assets of archaeological importance within this area, and groundworks, associated with the development have the potential to damage or destroy any archaeological remains which exist. However, the county archaeologist is satisfied that the impact can be adequately mitigated by the imposition of conditions.

Conclusion (Impact on Heritage)

92. The NPPF, at paragraph 134, says that, where proposals 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. Decision-takers should now make this balancing assessment of harm against public benefits. Unless the public benefits of the scheme are considered to be substantial, they will not outweigh the harm to heritage interests. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The balancing assessment follows at the end of this report.

The locational context of the village and the proposed development

93. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
94. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:

- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries
95. The site abuts the BUAB and the adjoining railway walk which provides a natural physical boundary to the edge of the development. The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with the neighbouring development of Sampson Drive.

Site location and sequential approach to site selection

96. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Long Melford.
97. The applicant has not undertaken an assessment to identify if there are any sequentially preferable sites. There are no sequentially preferable allocated sites within Long Melford.
98. The proposal is well connected to existing facilities within walking distance. The site abuts the settlement boundary and is one of the few remaining sites which are not designated by a Special Landscape Area or constrained by the historic Melford Walk, which abuts the south east boundary of the settlement.
Locally identified need - housing and employment, and specific local needs such as affordable housing
99. Members will be aware that the Planning Court will consider two claims for judicial review challenging the Council's decision to grant planning permission for development proposed for the Core Villages of Bildeston and East Bergholt. Both claims include grounds of challenge concerning the proper interpretation of Policy CS11; specifically, the meaning of "*locally identified need*" as one of the matters that a proposal for development for a Core Village must address to the satisfaction of the local planning authority.
100. The Council defends both claims for judicial review on the basis that the decisions to grant planning permission proceeded upon a proper interpretation of Policy CS11, as it relates to "*locally identified needs*" and a lawful application of relevant development plan policies, including Policy CS11, having regard to the particular facts and circumstances relevant to each decision.
101. The Council contends that "*locally identified needs*" must be construed having regard to Policy CS2 (Settlement Pattern Policy), Policy CS3 (Strategy for Growth and Development) and Policy CS11 (Strategy for Development for Core and Hinterland Villages), which require Core and Hinterland Villages to make a contribution towards meeting the District's housing needs. As stated above, these policies provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031.

102. Paragraph 2.8.5.4 of the Core Strategy notes that the total requirement of 1,050 new dwellings to be accommodated in Core and Hinterland Villages should not be viewed as a sum simply to be divided equally or randomly between the number of villages listed. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
103. The Core Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
104. Without prejudice to the Council's defence to the two extant claims for judicial review, until such time as the Planning Court delivers judgment, it would be prudent for the Council to adopt a cautious approach to the determination of planning applications involving proposals for development for Core Villages. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Long Melford, and the functional cluster of smaller rural settlements which it serves.
105. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
106. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
107. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.

108. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has submitted a housing needs assessment.
109. 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.
110. The Council's Choice Based Lettings system currently has circa.1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 66 applicants registered for affordable housing, who are seeking accommodation in Long Melford, 22 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 1200 applicants registered is the important number.
111. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the applicants Housing Need Survey which identified that there is an estimated 1,091 households that would like to move to a new home in Long Melford over the next five years. The survey was also very clear that demand for homes in Long Melford outstrips supply, with a substantial demand for market housing in the study area, with an estimated 98 new market homes required each year in Long Melford and 171 in the surrounding villages, totalling 269 per annum across the study area.
112. The survey also identified there is a requirement for 24 affordable homes per year in Long Melford and an additional 35 affordable homes per year in the surrounding villages, totalling 59 per annum across the study area if these homes should be affordable (made available for shared ownership or rent).
113. The survey showed that households in Long Melford are less likely to be unable to afford market housing than households in the Surrounding Villages. The data indicates that 68.2% of lone parent households in the study area would be unable to afford market housing (if they were to move home now). Other households are also relatively unlikely to be able to afford. Households that contain two or more pensioners are most likely to be able to afford market housing in the study area.
114. Almost a third (30.8%) of households headed by someone employed in the study area would be unable to afford market housing locally (if they were to move now) compared to only 14.0% of households headed by someone employed outside of the study area.
115. Of the schemes with planning permission in Long Melford, Orchard Brook provided no on-site affordable housing and the scheme in Ropers Lane provides the affordable housing (27 units) in the form of 24 flats and 3 houses, so the offer from Hopkins Homes provides dwelling types that will not be provided in the quantity required on the other sites and will help meet the range of housing need that exists.

116. 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 storeys. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups. This application proposes 11 x 4 beds which is 24% of the open market provision. The SHMA 2012 recommends that only 6% of all new supply should be in the form of 4 bedroomed accommodation.
117. In this application there are 7 x 2 bed open market homes proposed, only 2 are bungalows, which is disappointing considering the age profile for Long Melford and the surrounding villages where 26.8% of the population are aged over 65. This compares to the average for Babergh which is 21.4%.
118. The mix of affordable dwellings has also taken account of other schemes that have recently been approved in Long Melford, namely B/15/01043 Former Fleetwood Caravans Ltd, Hall Street, Long Melford and B/15/00180 Land north of Ropers Lane, Rodbridge Hill, Long Melford. There are no affordable units on the former Fleetwood Caravan site.
119. There is a need for housing across all tenures and all dwelling types. The shortages in Long Melford and its cluster are for smaller dwellings for younger first time buyers and for those older households that wish to downsize from larger, older less manageable properties. The overall benefits of the proposal would mean that 35% (25 dwellings) of the development would deliver much needed affordable housing which is of considerable public benefit enabling those on lower incomes to buy into shared ownership or to apply for the rented units that will help the local economy by accommodating those households on lower incomes. The open market mix is not exactly what we would have liked to see but has provided a reasonable mix of dwelling types for sale and compliments the overall potential delivery of new housing in Long Melford when considered in the context of what has been granted permission recently.

Locally Identified Community Needs

120. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
121. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment. The proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities.
122. It does not appear that the applicant has identified any specific community needs that could benefit from the development.

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

123. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
124. In terms of existing commitments and other proposals in the relevant cluster¹, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the table at Appendix A shows applications which have been either delivered or have planning permission within the cluster, which looks at data from a date 3 years from the date the report was run.
125. In the functional cluster of Long Melford, there have been 175 dwellings approved, with 137 of these being within Long Melford itself and the remainder split between Acton (7), Cockfield (14), Lawshall (4), Great Waldingfield (2) and Shimpling (5) and Stanstead (6).
126. Other development already consented in the village includes 77 homes north of Ropers Lane, Rodbridge Hill (which is at the other end of the village) and 44 homes on the former Fleetwood Caravan Factory site which is centrally located. The proposed development will represent a 59% increase on those dwellings already committed within the village.
127. For clarification details of the number and level of housing completions are set out in the following tables. In Long Melford 26 planning applications were approved between 2011 & 2015 which provided for 154 dwellings; 128 of which were granted 2015/16.

128. **Approved Planning Applications and related number of dwellings**

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Planning applications approved 2011 to 2015
Acton	1	4	1	1	1	3	11
Alpheton	0	0	0	0	0	0	0
Boxted	0	0	0	0	0	0	0
Cockfield	0	0	1	2	2	8	13
Great Waldingfield	0	1	1	0	2	2	6
Lawshall	2	2	0	1	1	0	6
Long Melford	2	4	2	7	7	4	26
Shimpling	0	0	0	1	1	1	3
Stanstead	0	1	2	1	2	2	8
Long Melford Functional Cluster	5	12	7	13	16	20	73

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Number of dwellings per planning application approved 2011 to 2015
Acton	1	4	2	1	2	7	17
Alpheton	0	0	0	0	0	0	0
Boxted	0	0	0	0	0	0	0
Cockfield	0	0	1	2	4	13	20
Great Waldingfield	0	1	1	0	2	2	6
Lawshall	2	2	0	2	1	0	7
Long Melford	3	8	3	9	128	3	154

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Number of dwellings per planning application approved 2011 to 2015
Shimpling	0	0	0	1	1	2	4
Stanstead	0	1	2	1	2	2	8
Long Melford Functional Cluster	6	16	9	16	140	29	216

129. The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
130. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years.

Connectivity and Highway Safety

131. The development abuts the existing village boundary and although not within 400m, (5min walking distance of the village centre) provides opportunities to create new pedestrian links to the key services and facilities. Opportunities for pedestrian connections are limited and the proposals have provided a connection into the existing pavement on Bull Lane. Bus stops are located immediately adjacent to the development and have been incorporated into the highway proposals. With close access to bus stops and the provision of a connecting pavement into the village, the development proposals have utilised all of the available connection attributes of the site.
132. Bull Lane connects Long Melford with the A134 bypass to the east of the site, whereby it connects via a staggered cross roads junction as Bull Lane continues across the A134 towards Acton. At the other end of Bull Lane, the road narrows due to the proximity of listed buildings at the junction with the High Street.
133. Concern has been raised about the increased traffic generated by this development and the impact on the road network and in particular the junction onto the High Street from Bull Lane. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety.

134. The County Highway assessment regarding traffic is based on evidence provided by the applicants transport consultants. There was a Transport Assessment dated 31/05/2016 and a subsequent letter/report dated 25/08/2016 addressed to Hopkins Homes. This was further research in response to the initial comments of the Highway Authority.
135. The initial transport assessment measured actual vehicle flows and speeds on Bull Lane in September 2015. A significant amount of vehicle speeds near the site access were measured above the 30mph limit hence the proposal for traffic calming measures to help reduce speeds along the site frontage. The existing traffic flows on Bull Lane are well below the theoretical capacity a road of this nature can accommodate. The additional flows likely from the development are predicted from traffic flow databases and will not significantly affect the capacity of either Bull Lane or its junctions. Using industry standard computer modelling the flows are factored up to the year 2020 and they are still well within capacity.
136. In terms of Bull Lane/Hall Street there is no scope for further improvements due to existing buildings. The pedestrian route to the village centre will have enhanced signing to encourage use of the Woollards Gardens route.
137. Essentially it was demonstrated that the development will not have a severe impact on the highway network, with the inclusion of mitigation measures to assist speed reduction, improve public transport infrastructure and to enhance alternative pedestrian routes to the village amenities.

Design and Layout

138. The scheme equates to approximately 23 dwellings per hectare which is considered to reflect the existing density and characteristics of the locality.
139. The development encompasses a strong built frontage along Bull Lane which is set behind a linear green space which incorporates a footpath link to the existing residential development. The development site itself benefits from being surrounded by mature tree planting (to the east and south) which helps to reduce the impact of the development onto the wider environment. The setback built frontage from Bull Lane helps to reduce the impact the development will have onto Bull Lane, allowing opportunities for tree planting and screening landscape.
140. A number of built forms are included within the proposals with a mix of single storey, one and half storey and two storey dwellings and garages, which will create a varied typology reflecting the character and topography of the site. Single storey dwellings are located on the western and eastern boundaries of the development to address any potential loss of privacy or private amenity currently enjoyed by existing properties in these locations.
141. The proposed layout has been designed around a central minor access spine road which serves the entire site. At each end of the minor access road, private drives provide access to smaller pockets of single storey dwellings. The minor access road has been designed in a series of curves to help provide both a speed restraint to vehicle movement and variety to the development layout.

142. The proposed layout has been amended to reflect feedback and comments regarding the impact on the adjacent listed building that the development will surround. In terms of urban design, the layout has attempted to mitigate this impact by both setting the building line further back into the site and reducing the proposed development to the rear of the existing dwellings.
143. Inevitably, the proposed development will have an effect of the visual setting of the listed building which will now become part of a large development rather than an isolated dwelling. The mitigation applied to reduce and limit this impact will lessen the overall visual impact to some degree but the overall context of the site will fundamentally change.
144. The general approach to elevations throughout the proposed development has been aimed to respond to the local vernacular, taking design cues from the positive context of Long Melford.
145. The proposed mix of materials and finishes provide enough variety without becoming too contrived in appearance, especially along Bull Lane itself. The proposed range of house typologies is suitable and suitably reflects the proposed development mix, size and tenure.
146. The development includes three areas of open space, a large area at the centre of the site, a focal open space at the end of the north south entrance road into the site from Bull Lane and a large open space to the eastern end of the development at the culmination of the spine access road.
147. For a development of this size which abuts the existing village boundary, the proposals have sought to mitigate its impact both through the layout, design approach and landscaping.

Biodiversity and Protected Species

148. 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.
149. An extended Phase I habitat survey has been undertaken and has established that the majority of the site is likely to be of low biodiversity value, however field boundary hedgerow habitats on site are known to be of value to several protected species, as well as being of general biodiversity value themselves.
150. The southern hedgerow is part of the Long Melford Walk Local Nature Reserve (LNR)/County Wildlife Site (CWS). Phase 2 surveys have been undertaken which include Bat Activity Surveys, Reptile Surveys, Badger Surveys, invertebrate walkover; and BAP/NERC Act mammals. The Phase 2 Surveys have found six species of bats were recorded foraging around the boundaries and commuting across the site. A small population of slow worms were found using the southern western area of grassland.
151. In view of these findings, the proposed scheme has adopted a number of mitigation and enhancement recommendations which ensure that there will be no predicted significant adverse impacts from the development upon identified ecological receptors.

Surface Water Drainage

152. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
153. Permeability testing has been undertaken which demonstrates that the underlying geology is of insufficient permeability to utilise soakaways to discharge surface water run-off from the site and therefore it is proposed to discharge surface water run-off to the existing Anglian Water sewer, located adjacent to the roundabout for Bull Lane and Sampson Drive.
154. The applicant has provided evidence of a viable surface water drainage strategy for the proposed development and has therefore complied with the requirements of both policy CS15 and the NPPF.

Environmental Issues (Land Contamination, Ecology)

155. A phase 1 investigation report has been submitted with the application and this highlighted some potential isolated pockets of made ground on site which may contain contaminative material – the applicant has since undertaken an additional investigation and this determined that the risk posed was sufficiently low to not require additional works and therefore the Senior Environmental Management Officer has raised no objection to the proposed development. A note will be imposed on any permission to advise the developer the Local Authority should be informed if any inspected ground conditions are encountered during construction.

Planning Obligations and CIL

156. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
157. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.
158. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development

Crime and Disorder

159. 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.

Public Benefits vs Harm

160. In consequence of the Council's heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
161. As set out in the judgement on Forest of Dean Council & the Secretary of State for Local Government v Gladmen Developments Limited (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on Barnwell Manor Wind Energy Ltd v East Northants DC [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
162. The presumption in favour of sustainable development which is set out in Para 14 of the NPPF, accordingly does not apply as a result of the identified heritage impact.
163. The NPPF (para. 134) sets out that 'where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use.' The applicant submitted a letter dated 28.11.16 which identifies the public benefits which the applicant considers the scheme would provide. The public benefits set out by the applicant are summarised below and where relevant to the policy considerations further comment is provided.
- A contribution to housing needs with a mix of house types (including bungalows) and policy compliant affordable tenures (25 units or 35%).
164. Further to the applicants comment that 'other development commitments in the village, either do not provide any affordable housing, or is of a mix which does not reflect local need' other major applications approved in Cluster Long Melford in the 5 year period include:
- B/15/01043/FUL - Former Fleetwood Caravan Site, Hall Street, Long Melford - 23/03/2016 – 44 dwellings, including 13 sheltered units.
 - B/15/00180/OUT - Land North of Ropers Lane, Long Melford – 12/02/2016 - 77 dwellings including 27 affordable housing units
 - B/07/01211/FUL - Folly Road (Land off) (B/11/0402/FUL also refers), Great Waldingfield - 23/11/2010 – 93 Dwellings including 32 affordable housing (Completed).
 - B/07/01918/FUL - List House Works, Hall Street - 07/03/2008 - 12 dwellings with 0 affordable housing (Completed).
165. In 2015/16 128 units have been permitted in Long Melford (which has included provision of affordable and sheltered accommodation). This proposal would contribute further to meeting market and affordable housing need and further information on this is provided in the comments of the Strategic Housing Officer.

- On-site delivery, subject to approval by the end of 2016, could commence on site as early as May 2017, with first homes being available for occupation by early 2018, with completion of the entire site by mid-2020. Therefore 100% of this site can be delivered within a five-year period from consent, and for this reason will help assist the Council's five-year housing land supply.

166. For clarification the Council currently has a 5 year supply position of 5.7 years. As of April 2016 outstanding completions in the Parish of Long Melford are 143 dwellings (128 of which were permitted 2015/16) and in the wider Long Melford Cluster 162 dwellings.

167. Further details of completion rates in the locality are set out in the following table:

Long Melford Functional Cluster	Census 2001	Change 2001-2011	Census 2011*	Comp 11 - 12	Comp 12 - 13	Comp 13 - 14	Comp 14 - 15	Comp 15-16	2016	difference in stock 2011 to 2015	additional houses 2011 to 2015
Acton	737	40	777	0	1	3	2	0	783	1	46
Alpheton	99	5	104	0	0	0	0	0	104	0	5
Boxted	50	2	52				0	0	52	0	2
Cockfield	362	34	396		3	2	1	1	403	2	41
Great Waldingfield	611	11	622	28	46	8	12	2	718	15	107
Lawshall	377	19	396	1		2	1	3	403	2	26
Long Melford	1,646	104	1,750	8	5	6	3	4	1,776	1	130
Shimpling	168	22	190				0	0	190	0	22
Stanstead	131	19	150			1	0	1	152	1	21
Long Melford Functional Cluster	4,181	256	4,437	37	55	22	19	11	4,581	3	400

- Contribution of approximately £649,060.00 Community Infrastructure Levy with 15% of this (circa £97,359) allocated to Long Melford Parish Council to finance Parish Council community initiatives and New Homes Bonus Payments to Babergh District Council of £640,000.

168. Of the contributions from CIL the following is required in order to mitigate impact of the proposal:

- Health - £22,360
- Education – £219,258 & pre-school contributions of £42,637
- Libraries - £15,336

169. This leaves a residual of £252,110 and £97,359 directly to the Parish Council.

- The site layout provides a well-designed new neighbourhood which takes account of its context and integrates well with it; and will result in the existing landscape structure being enhanced, with the provision of public open space within the development site in accordance with the Council's standards

170. Notwithstanding the impact on designated heritage assets, the advice provided by Place Services generally agrees with this view. With regard to the impact of the scheme's design and layout on the listed building the advice from Place Services notes that ...'inevitably, the proposed development will have an effect on the visual setting of the listed building which will now become part of a large development rather than an isolated dwelling. The mitigation applied to reduce and limit this impact will lessen the overall visually impact to some degree but the overall context of the site will fundamentally change
- The development will be afforded good connectivity and accessibility to nearby facilities, including enhanced connectivity for the public to the Long Melford Railway Walk'.
171. The submitted plans include 'informal' linkages to the railway walk however there is a lack of clarity on status of access points and whether they would be considered for wider community use and therefore a public benefit.
- Traffic calming measures to Bull Lane, a comprehensive scheme of off-site highway improvements, including new bus stop provision and enhanced pedestrian footway links to village centre. Further they have identified that the traffic associated with the development has not been highlighted to have a significant effect upon the operation of the local highway network.
172. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety subject to off-site highway improvements works being undertaken. The extent of any public benefit arising from the off-site works, over and above scheme mitigation, has not been subject to assessment.
- No significant concerns in respect of biodiversity, arboriculture, landscape and visual perception, contamination, archaeology, flood risk or drainage.'
 - Renewable energy and low carbon technologies are proposed for the site, which will provide a combination of approaches which exceed Building Regulations and Policy requirements to increase the sustainability of the proposals;
 - The proposal would provide and retain local employment in construction and in the related supply chain via a local developer based in Suffolk.
173. These views are noted however the extent of what is greater public benefit rather than simply scheme mitigation would need to be considered fully.
174. In the determination of the application consideration should be given to weighing whether the public benefits are sufficient to justify the presumption against harm to the listed building at 24 Bull Lane.
175. The authority currently has a positive 5 year land supply position and as a result of the identified impact on the designated heritage asset the presumption in favour of sustainable development does not apply. Therefore in accordance with the NPPF, para 134 the determination of the application should consider whether the harm to the heritage asset is outweighed by the public benefits derived from the proposal.

176. Overall, whilst the scheme would contribute to housing need and provide for localised benefits and scheme specific mitigation, on balance it is not considered that the public benefits are considered to outweigh the harm to the heritage asset which is assessed as being less than substantial but greater than a low or moderate level.
177. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified do not outweigh the less than substantial harm, having given considerable importance and weight to that harm identified.

RECOMMENDATION

That planning permission be refused for the reasons including:-

- (1) The proposed development comprises the erection of 71 residential dwellings and associated development outside of the housing settlement boundary for Long Melford. The greatest impact of the development is likely to be on the setting of 24 Bull Lane. At present, this has a rural setting, one that belies its true location relatively close to Long Melford. Its roadside position is an important feature of its setting, but of similar importance is the isolated location of this house and its immediate (unlisted) neighbour: they form a distinctive group, in well-defined individual plots, but with a strong physical and visual relationship to the open countryside around them. The open land to the east of 24 Bull Lane, and particularly that behind it and its neighbour, provides a tranquil rural backdrop to the asset, which greatly enhances the appreciation and understanding of its significance as an isolated rural dwelling.
- (2) The proposed development seeks to embed this isolated group of buildings in a new suburban extension to Long Melford, and this disrupts the existing tranquil, open and rural setting of the asset. The proposal will result in development immediately behind 24 Bull Lane, including the construction of a new access road running behind the existing plots and a number of new, two-storey dwellings. The visual intrusiveness and disruptive effect of this will be exacerbated by the slight rise in the existing ground level from north to south and the end result is likely to completely sever 24 Bull Lane from its existing rural context. In addition, development along the roadside to the east of 24 Bull Lane will further erode the open, rural character of the setting, leaving the listed building appearing as one amongst many roadside buildings, now absorbed into the built-up area of Long Melford.
- (3) For the reasons set out above, this proposal would cause harm to the significance of 24 Bull Lane as a designated heritage asset, the level of harm is assessed as less than substantial, but close to that level and certainly greater than a slight or moderate level of harm, contrary to policies CR01, CR06, CS11 and CS15 of the Babergh Local Plan, Core Strategy & Saved Policies.

- (4) The development of the site whilst the scheme would contribute to housing need and provide for localised benefits and scheme specific mitigation, on balance it is not considered that the public benefits outweigh the harm to the heritage asset which is assessed as being less than substantial but greater than a low or moderate level. The proposal is therefore not found to represent sustainable development and is therefore refused in accordance with paragraph 134 of the NPPF.

Long Melford Parish Council

Gemma Pannell, Planning Department
Babergh District Council
Council Offices
Corks Lane
Hadleigh
IP7 6SJ

16 October 2016

Dear Ms Pannell

PROPOSED DEVELOPMENT IN BULL LANE, LONG MELFORD B/16/00777

The Long Melford Parish Council objects to the revised plans for the above proposed development on the grounds listed below and in the attached document.

1) Overdevelopment of Long Melford with 121 homes already approved to be built in two other major developments. Even without the 72 in Bull Lane, the rate of housebuilding is in excess of that envisaged by Babergh's Core Strategy

The proposed development does not comply with Babergh's own Core Strategy policies

Long Melford is classified as a Core Village and Policy CS11 says "Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15". We have carried out these assessments (the applicant has not) and it is clear that the proposed development fails to score positively in 18 of the 21 criteria set out in CS15.

The development is not necessary to meet the Babergh Core Strategy overall housing requirements

Long Melford's share of overall new housing required under the Core Strategy is well on the way to being met for the plan period (2011-2031) with over 13 years of the period still to go. Other sites within the built up village boundary (or well related to it) rather than on agricultural land could easily make up the requirements.

Some of the applicant's submitted documents are seriously flawed and therefore should not be relied upon. For example:

Housing Needs Study misleading This study is analysed in Appendix 2 of the attached document and is based on flawed methodology.

– the study is based not on published statistics (as Government guidance recommends) but on a survey conducted on behalf of the applicant. This survey had a low response rate of around 12.6% (compare that with the response rate of over 77% when Long Melford produced its Parish Plan in 2006). This is a small self-selected sample and likely to be made up mainly of people who did have housing needs and were therefore motivated to respond.

Taking the study's conclusion of the need for 122 dwellings a year in the area of Long Melford, that would mean a total of 1647 homes over the remaining 13.5 year period of Babergh's Core Strategy. This figure is 28% of the total 5974 additional dwellings envisaged for the whole of Babergh District in the 20-year period covered by the Core Strategy. Moreover, it would double the size of Long Melford over the period. The applicants study is not an adequate justification for the proposed development.

2) Substantial extra traffic in Bull Lane and at the dangerous junctions with the bypass and Hall Street where accidents have occurred (and which Suffolk Highways is also concerned about) with no suggested measures to make the junctions safer or slow down Bull Lane traffic

The applicants Transport Assessment is incomplete with basic mistakes

– the Transport Assessment mentions only one accident in Bull Lane and it only assesses one junction: the proposed access to the scheme. It makes no assessment of the dangerous junctions between Bull Lane and the A134 / Long Melford bypass and between Bull Lane and Hall Street / Cordell Road, where there have been several accidents in the last three years and many more (including two deaths) before that.

The transport Assessment also implies that walking distances to the town centre / school etc are acceptable. In fact they fall way outside the 'acceptable walking distances' the applicant quotes.

3) Potential flooding problems (which Anglian Water is also concerned about)

4) Increased demand on the doctors' surgery, school and Hall Street parking

5) Loss of rural character at entrance to the village. Rural character is essential to the attraction of Long Melford; without it, the economy (shops and services) of the village will suffer. These facilities are central to the Core strategy role of Long Melford as a core village.

6) Threat to wildlife (which Suffolk Wildlife Trust is also concerned about)

7) the application does not comply with many of Babergh's own planning policies and attached is a detailed document from the parish Council showing this.

Some of the applicants supporting documents, especially its Housing Needs study, are seriously flawed and should not be relied upon by Babergh planners. Details of the inadequacies are included in the attached document.

We would be grateful for a response from you on the points made above and in the attached document, especially on the points made about the proposal failing to comply with Babergh's saved planning policies.

Yours sincerely

Graham Eade, Chair, Long Melford Parish Council

John Watts, Chair, Chair LMPC Planning Committee

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Long Melford Cluster Report

Application Total: 54

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/14/00910 Long Melford	Pooles Meadow, High Street, Acton, SUDBURY, CO10 0AJ	Erection of detached 4 Bedroom one and a half storey dwelling together with new vehicular access and associated works	FUL	Q13	GRA	08/09/2014	Acton
B/15/00003 Long Melford	Pooles Meadow, High Street, Acton, SUDBURY, CO10 0AJ	Erection of 1 no. one and a half storey detached dwelling together with new vehicular access and associated works as amended by agent's email and amended plans 2328/01G and 02F received on 17 February 2015.	FUL	Q13	GRA	20/02/2015	Acton
B/15/011332 Long Melford	Tola, Waldingfield Road, Acton, SUDBURY, CO10 0AH	Demolition of existing workshop and storage area and erection of 2 No. detached residential dwellings with studio garages	FUL	Q13	GRA	12/01/2016	Acton
B/16/00088 Long Melford	Meadow View, Melford Road, Acton, SUDBURY, CO10 0BA	Outline - Residential Development for up to 3 No. Dwellings (all matters reserved)	OUT	Q13	GRA	05/04/2016	Acton

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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/16/00726 Long Melford	The Pool House, High Street, Acton, SUDBURY, CO10 0AJ	Erection of 1 no. three bedroom dwelling; (following demolition of existing double garage).Erection of single garage ancillary to pool house.	FUL	Q13	GRA	26/08/2016	Acton
B/16/00851 Long Melford	Land adjacent Meadow View, Melford Road, Acton	Outline - Residential Development for up to 3 No. Dwellings (all matters reserved)	OUT	Q13	GRA	17/08/2016	Acton
B/15/00827 Long Melford	Great Green Farmhouse, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HQ	Erection of a two-storey dwelling.	FUL	Q13	GRA	04/09/2015	Cockfield
B/14/01164 Long Melford	Land South of Jupiter, Great Green, Cockfield	Outline - Erection of 6 semi-detached dwellings.	OUT	Q13	GRA	01/04/2016	Cockfield

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B/13/01521 Long Melford	Green Farm, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HJ	Conversion of two-storey barn and adjacent single-storey wing and erection of extension to form 1 no. dwelling. Demolition of lean-to cartshed and store. Erection of detached cartlodge store.	FUL	Q13	GRA	02/04/2014	Cockfield
B/16/00408 Long Melford	Hope House, Cross Green, Cockfield, BURY ST EDMUNDS, IP30 0LG	Conversion of former agricultural barn to dwellinghouse. Construction of access. Erection of 2 no. bay cartlodge (following demolition of existing outbuilding and stable block)	FUL	Q13	GRA	28/07/2016	Cockfield
B/16/00591 Long Melford	Hope House, Cross Green, Cockfield, BURY ST EDMUNDS, IP30 0LG	Notification for Prior Approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development	AGDW	Q27	GRA	21/06/2016	Cockfield
B/16/00527 Long Melford	Earls Hall Farm, Earls Hall Road, Cockfield, BURY ST EDMUNDS, IP30 0JD	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from agricultural building to 1 no. dwellinghouse (C3) (as amended by application form received 15/06/16 and site location plan received 13/06/16).	AGDW	Q27	GRA	16/06/2016	Cockfield

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/16/00778 Long Melford	Kings Barn, Smallbridge Farm, Bradfield Road, Cockfield, BURY ST EDMUNDS, IP30 0HH	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a&b) Change of use from agricultural building to 1 no. dwellinghouse (C3)	AGDW	Q27	GRA	25/07/2016	Cockfield
B/16/01075 Long Melford	Land west of Clovelly, Howe Lane, Cockfield	Outline Application - Erection of 2 no. single-storey detached dwellings with garages and construction of new shared vehicular access.	OUT	Q13	GRA	14/10/2016	Cockfield
B/16/01105 Long Melford	Land South of Jupiter, Great Green, Cockfield	Outline (all matters reserved) - Erection of 5 no. dwellings.	OUT	Q13	GRA	05/10/2016	Cockfield
B/16/01107 Long Melford	Abbey Farm, Bury Road, Cockfield, BURY ST EDMUNDS, IP30 0LB	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a&b) - Change of use from agricultural building to dwellinghouse (C3)	AGDW	Q27	GRA	18/10/2016	Cockfield

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/16/01141 Long Melford	Ivy Farm, Chapel Road, Cockfield, BURY ST EDMUNDS, IP30 0HE	Erection of a replacement dwelling and change of use of land from agricultural to residential curtilage.	FUL	Q13	GRA	17/10/2016	Cockfield
B/14/00918 Long Melford	The Hives, Lavenham Road, The Heath, Great Waldingfield, SUDBURY, CO10 0SE	Erection of 1 no. single-storey detached dwelling, with detached garage and construction of new vehicular access (following demolition of existing outbuildings); and erection of new detached garage building to serve existing dwelling.	FUL	Q13	GRA	08/01/2015	Great Waldingfield
B/15/01501 Long Melford	The Hives Lavenham Road The Heath Great Waldingfield Sudbury CO10 0SE	Erection of 1 no. 1 1/2 storey dwelling and attached annexe (following demolition of existing outbuilding). As amended by Drawing nos. 1463/15/01 G and 1463/15/02 D, received 04/12/2015.	FUL	Q13	GRA	24/12/2015	Great Waldingfield
B/16/00175 Long Melford	Greenleys, Badley Road, Great Waldingfield, SUDBURY, CO10 0RY	Erection of 1 No. bungalow (following demolition of existing).	FUL	Q13	GRA	08/04/2016	Great Waldingfield

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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/16/00888	Oakham View, Lavenham Road, The Heath, Great Waldingfield, SUDBURY, CO10 0SE	Erection of 1no dwelling.	FUL	Q13	GRA	24/08/2016	Great Waldingfield
Long Melford							
B/14/00177	Land north Garden House, Lambs Lane, Lawshall	Erection of 1 No. single dwelling & associated external works as amended by letter from agents dated 2 May 2014 and revised plans 3206/20C ,21B, 22C,23C,24A, 25A and 27A as amplified by agent's letter dated 16 May 2014 attaching details of facing materials and drawing 3206/18A showing details of hard and soft landscaping and site levels.	FUL	Q13	GRA	28/05/2014	Lawshall
Long Melford							
B/14/00730	Frithwood Works, Hanningfield Green, Lawshall, BURY ST EDMUNDS, IP29 4QD	Erection of 2 No. detached dwellings following demolition of existing workshop buildings - (revised scheme to outline approval B/12/00837).	FUL	Q13	GRA	18/09/2014	Lawshall
Long Melford							
B/14/00842	Gate and West Farm, Golden Lane, Lawshall, BURY ST EDMUNDS, IP29 4PT	Siting of a caravan for a temporary 3 year period, including mains water connection, electric and septic tank for occupation by an agricultural worker.	FUL	Q13	GRA	14/11/2014	Lawshall
Long Melford							

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/15/00484 Long Melford	Land south of Mages Yard, Lambs Lane, Lawshall	Erection of 1 No. detached dwelling (amended to that approved under B/12/01095/FUL) with siting of building moved 1.8m to the South and relocation of a bin/log store to fulfil the required clearance with side of an underground electric cable).	FUL	Q13	GRA	05/06/2015	Lawshall
B/14/00196 Long Melford	Rosevale, Ropers Lane, Long Melford, SUDBURY, CO10 9HQ	Erection of 2 No. semi-detached dwellings.	FUL	Q13	GRA	02/05/2014	Long Melford
B/14/00208 Long Melford	The Old Foundry, Hall Street, Long Melford, SUDBURY, CO10 9JG	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - Change of Use from Office(B1a) to Residential Use (C3)	OFDW	Q27	GRA	17/04/2014	Long Melford
B/14/00604 Long Melford	The Old Barn, Withindale Lane, Long Melford, SUDBURY, CO10 9HS	Change of use from commercial to a single dwelling.	FUL	Q13	GRA	15/01/2015	Long Melford

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/14/00554 Long Melford	Land to south of The Bungalow, Rodbridge Hill, Long Melford	Erection of 2 No. semi-detached single storey dwellings as amended by agent's e-mails dated 6 June 2014 and 10 June 2014 and plans 13/SK186-01 and 05A showing amended red lined site area.	FUL	Q13	GRA	25/07/2014	Long Melford
B/13/01173 Long Melford	Swags and Bows, Hall Street, Long Melford, SUDBURY, CO10 9HZ	Change of use of part of building from Class A1 (retail) use to Class C3 (residential) use. Erection of pitched roof extension to, fenestration alterations to rear elevation, timber cladding to rear elevation of, existing single-storey rear flat-roof element.	FUL	Q13	GRA	31/03/2014	Long Melford
B/13/00875 Long Melford	Downs Garage, Southgate Street, Long Melford, SUDBURY, CO10 9HU	Erection of 3 No. detached dwellings (demolition of redundant filling station building) as amended by agent's letter dated 16 January 2014 (received on 20 January 2014) submitting a revised Site Location Plan numbered 11012-05 Rev B and revised Local Character and Analysis Plan (11012-01 Rev A). As further amended by submission of Supplementary Supporting Statements on marketing and contamination and design and layout together with amended site layout plan 11012-05 Rev C. As amended by agents letter dated 21 July 2014 and amended plans 11012-05D.	FUL	Q13	GRA	29/09/2014	Long Melford
B/15/01183 Long Melford	St Catherines Hall, Liston Lane, Long Melford, SUDBURY, CO10 9LD	Subdivision and conversion of dwelling to form 2 No. dwellings.	FUL	Q13	GRA	24/12/2015	Long Melford

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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/15/01188	Springvale, Rodbridge Hill, Long Melford, SUDBURY, CO10 9HG	Erection of new bungalow and detached cart lodge.	FUL	Q13	GRA	03/03/2016	Long Melford
Long Melford							
B/15/01191	Springvale, Rodbridge Hill, Long Melford, SUDBURY, CO10 9HG	Erection of 2 No. 3 bedroomed dwellings following demolition of existing bungalow.	FUL	Q13	GRA	17/02/2016	Long Melford
Long Melford							
B/15/01043	Former Fleetwood Caravans Ltd, Hall Street, Long Melford	Erection of 44 dwellings (including 13 sheltered units) with associated parking, access, landscape, open space, drainage and infrastructure.	FUL	Q07	GRA	23/03/2016	Long Melford
Long Melford							
B/15/00180	Land north of Ropers Lane, Rodbridge Hill, Long Melford	Outline - Erection of 77 dwellings with new vehicular and pedestrian accesses, parking and public open space, as amended by Infiltration testing details, provided by Geosphere Environmental Ltd, received 26th June 2015.	OUT	Q07	GRA	12/02/2016	Long Melford
Long Melford							

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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/15/00335 Long Melford	Land to south of The Bungalow, Rodbridge Hill, Long Melford	Erection of 2 No. semi detached single storey dwellings as amended by agent's emails dated 1 June 2015 and amended plans 13/186-05B and 06A (with corrected roof plan) received dated 1 June 2015.	FUL	Q13	GRA	04/06/2015	Long Melford
B/16/00247 Long Melford	Windmill Hill House, Windmill Hill, Long Melford, SUDBURY, CO10 9AD	Erection of replacement dwelling with detached two-storey garage (following demolition of existing dwelling) amended from approved scheme: B/13/00842	FUL	Q13	GRA	11/04/2016	Long Melford
B/15/01656 Long Melford	The Lodge, Withindale Lane, Long Melford, SUDBURY, CO10 9HS	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of use from B1(a) office to (C3) dwelling.	OFDW	Q27	GRA	21/01/2016	Long Melford
B/16/00766 Long Melford	Cranfield Barn, Clare Road, Long Melford, SUDBURY, CO10 9AE	Notification for Prior Approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development.	AGDW	Q27	GRA	03/08/2016	Long Melford

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/16/00750 Long Melford	Barn and Land northwest side of, Gents Lane, Shimpling	Erection of 2 no. detached two-storey dwellings; Erection of detached double garage serving plot 1; and alterations to existing vehicular access (following demolition of existing agricultural buildings)	FUL	Q13	GRA	07/09/2016	Shimpling
B/14/00409 Long Melford	Gatefields Meadow, Hartest Hill, Shimpling, BURY ST EDMUNDS, IP29 4EX	Change of Use of Nursery building to form single dwelling	FUL	Q13	GRA	03/07/2014	Shimpling
B/12/00485 Long Melford	Trevilla, The Street, Shimpling, BURY ST EDMUNDS, IP29 4HW	Part demolition of existing listed building, severance of (part) side garden to host dwelling, reinstatement of outbuilding to form two bedroom dwelling, construction of new single garage and vehicular access to serve existing dwelling (as amended by agents letter and revised plans received by the Local Planning Authority on 29/08/2012 and letter from Brett Design Partnership dated 02/12/12 received by the Local Planning Authority on 04/12/12 and further amended by email from Brett Partnership dated 10/04/13 received by the Local Planning Authority on 10/04/2013 and further amended by email dated 22/04/2013 from the agent) as amplified by Land Contamination Questionnaire received 15/05/2015.	FUL	Q13	GRA	04/06/2015	Shimpling

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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/13/01291 Long Melford	Offices And Premises, Landmark House, Hartest Hill, Shimpling, BURY ST EDMUNDS, IP29 4EX	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - Change of use of Class B1 office to Class C3 dwelling house.	OFDW	Q27	GRA	23/12/2013	Shimpling
B/13/00991 Long Melford	Land west of White Hart Inn, Lower Street, Stanstead, SUDBURY, CO10 9AH	Erection of 1 no. detached two-storey dwelling.	FUL	Q13	GRA	18/12/2013	Stanstead
B/14/01419 Long Melford	Giffords Meadow, Shimpling Road, Stanstead	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 -Prior Approval Under Class MB(a) Change of use from Agricultural Building to Dwellinghouse (C3) - Conversion of winery to dwelling house. As amended by drawing no. 1435 01 b, received 16/12/14.	AGDW	Q27	GRA	07/01/2015	Stanstead
B/15/00158 Long Melford	Land east of 5 Blooms Hall Lane, Stanstead	Erection of single-storey dwelling and garage.	FUL	Q13	GRA	12/06/2015	Stanstead

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/15/00991	Land East of, Blooms Hall Lane, Stanstead	Erection of single-storey dwelling and garage (alternative scheme to that approved under B/15/00158/FUL).	FUL	Q13	GRA	01/10/2015	Stanstead
Long Melford							
B/15/00852	The Barn, Highbank Nursery, The Hill, Stanstead, SUDBURY, CO10 9AP	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from Agricultural Building to Dwellinghouse (C3), and for associated operations under Class Q(b). As amplified by submission of land contamination report.	AGDW	Q27	GRA	25/08/2015	Stanstead
Long Melford							
B/16/00701	Highbank Nursery, The Hill, Stanstead, SUDBURY, CO10 9AP	Erection of dwelling following demolition of barn	FUL	Q13	GRA	17/08/2016	Stanstead
Long Melford							
B/16/00286	Land west of Brambles, Lower Street, Stanstead	Erection of 1 no. two-storey dwelling with associated ancillary outbuilding and improvements to existing vehicular access as amended by agent's letter dated 8 April 2016 and submission of amended plans 16/15/02a,03a,04a,05a and 06 and external materials samples.	FUL	Q13	GRA	12/07/2016	Stanstead
Long Melford							

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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/16/00127	Highbank Nursery, The Hill, Stanstead, SUDBURY, CO10 9AP	Erection of 1 no. dwelling (following demolition of barn). (Resubmission of B/15/01478/FUL)	FUL	Q13	GRA	24/03/2016	Stanstead
Long Melford							
B/16/00129	Land East of 5, Blooms Hall Lane, Stanstead	Erection of single storey dwelling & associated garage, utilising existing vehicular access. (Variation to approved scheme B/15/00991/FUL).	FUL	Q13	GRA	10/03/2016	Stanstead
Long Melford							
B/16/01076	Land east of 5 Blooms Hall Lane, Stanstead	Erection of single storey dwelling & associated garage, utilising existing vehicular access. (Variation to approved scheme B/16/00129/FUL).	FUL	Q13	GRA	29/09/2016	Stanstead
Long Melford							

Proposed Bull Lane Development: Representation

Introduction

This representation relates to the proposed development of 71 houses on Bull Lane in Long Melford (Application ref: B/16/00777) (and is made on behalf of the Long Melford Parish Council which has already submitted a representation on the original version of the proposals before they were amended). The objection has been endorsed by those who attended a public meeting called by the Parish Council to consider the revised proposals.

The objection in brief is that the proposals are too large and in the wrong location; furthermore the proposals fail too many sustainability tests. The objection is based on scrutiny of the proposals against the planning policies of Babergh DC and, in some instances, the Government and Suffolk CC.

Summary

Long Melford Parish Council agreed at the Planning Meeting of 4th October 2016 to proceed with the Neighbourhood Plan and to the submission to Babergh DC for the parish to be designated as the area. Allocation of sites for housing in sustainable locations within the village will be a key issue in the Plan. The Parish Council supports suitable and sustainable housing development in Long Melford, but not the present proposal.

Our considered view on this proposal is that **it should be refused planning permission** for the following reasons:

1. It is too large and not needed, given the large volume of housing already built or committed in Long Melford in the early years of the Core Strategy period and given the likelihood of sufficient more sustainable sites coming forward in the balance of the plan period, this all in the context of the objectively assessed need for housing set out in the Core Strategy and confirmed by the Council in January 2015. The Housing Needs Assessment submitted by the applicant is flawed and would, if followed to its logical conclusion, lead to the doubling of the size of Long Melford by the end of the Plan period (2031); it is not an adequate justification for the proposed development. In brief:
 - a. The Council has identified a five-year housing land supply to meet the objectively assessed need (Annual Monitoring Report 2015-2016, Babergh DC).
 - b. The applicant's Housing Needs Study is flawed and provides no justification for the development proposed.
 - c. Locally the pace of housing development and commitments in Long Melford in the early years of the Core Strategy has more than fulfilled its share of the housing required to meet the Council's assessment of need; more will be built in the rest of the Plan period and welcomed but not in this location.
2. The failings of the applicant's Housing Needs Study mean that the proposals cannot meet the requirements in terms of housing mix set out in the Core Strategy in Objective 1 and Policies CS11 and CS18.
3. It is poorly located from the perspective of

- a. Its distance from the main village facilities and the uncongenial/unsafe pedestrian route from the proposed development to the village. The development would be a 350m long eastwards extension of the built up area, beyond the village boundary.
 - b. Its deleterious effect on an important route of rural and heritage character in to the village; the character of Long Melford is not just a nice view; it is an important asset drawing visitors to the village to use its shops and services. If that character is eroded by suburban development such as that proposed, then visitors will be lost, the viability of shops and services will be diminished and Long Melford will be less able to serve as a core village. This character is the sum of many features, and this holistic picture is not addressed in the piecemeal way in which the applicant has assessed the impacts of the proposed development.
 - c. The only way out of the site is via Bull Lane, which, as a winding, undulating rural lane, is unsuitable for additional traffic and which ends in two dangerous junctions, both with a significant accident record.
4. The proposals fail to meet important policy criteria by which development, especially in Core Villages, is to be assessed, especially failing to score positively on 18 of the 21 sustainability criteria in Policy CS15. The applicant does not assess the proposals against these criteria.

In short the proposed development should be refused planning permission because it conflicts with Core Strategy policies relating to housing need, sustainable development, transport planning, ecology, heritage and a series of detailed aspects of sustainability.

Scale of Housing Development and Need

The Core Strategy and Policies, adopted in February 2014, provide for 5,975 new dwellings to be built in the District in the plan period: 2011-2031. This total comprises three elements:

1. Windfalls: 1,640 units; these are unplanned developments put forward by landowners and developers.
2. Developments completed in 2011-12 and other committed developments: 2,430 units
3. Sites to be allocated by the Council: 2,500 units.

The total of 5,975 equates to some 300 dwellings per annum over the 20-year plan period. As part of the process of producing a combined development plan for Babergh and Mid-Suffolk, this total has been confirmed as fulfilling the Government policy requirement to meet the objectively assessed need for housing (Local Plan: Core Strategy Focused Review – Objectively Assessed Need and Rural Growth Policy, Issues and Options, Early Stage Consultation, Babergh DC and Mid-Suffolk DC, January 2015).

The share of any single rural settlement in this overall provision will be a product of two main factors:

1. An overall total of 1,050 dwellings (within the 2,500 units for which sites are to be allocated) which are planned to be provided in core and hinterland villages (Long Melford is a core village serving ten smaller surrounding hinterland villages).

2. An allocation for each core village, which will be considered in the light of the size, location, character and its role in its hinterland, with local communities and at the site allocations stage of the preparation of the plan (Core Strategy Policy CS2 and paras 2.2.3.4 and 2.8.5.3). However this stage in the preparation of the development plan has not been reached, so there is no allocation for Long Melford; a broad estimate of the housing numbers that might be expected to be developed in the cluster of Long Melford and its hinterland villages in the period 2011-2031 has been made by considering the potential windfalls, commitments and the allocation to core and hinterland villages (Table 1 in the Appendix 1).

Table 1 indicates that, using reasonable assumptions to assess the share of the Long Melford cluster (Long Melford and its ten hinterland villages) in housing supply in the plan period (2011-2031), a range of 358-537 (on the different assumptions set out in Appendix 1) additional dwellings might be required (this would represent increases of 7% or 11% respectively in the number of dwellings in Long Melford and each of its ten hinterland villages). Against this requirement, a total of 383 dwellings have either been constructed or permitted in the cluster. This means that, 6.5 years into a 20-year plan period, between 71% and 107% of the total requirement in the Long Melford cluster has been fulfilled. At this pace of development (by contrast, the Core Strategy anticipated that development would be at a lower rate in the first five years of the plan: 220 dwellings p.a. compared to 325 dwellings p.a. thereafter) there can be little doubt that the need for additional housing in the Long Melford cluster will be met in both Long Melford and the ten hinterland villages. There is no need for the proposed development.

If the Bull Lane proposals were to be permitted, the total commitments rise from 383 dwellings to 454, representing 127% or 85% of the identified requirement. Clearly at this early stage in the plan period, there is no need for the present proposals in order for the overall housing requirement in the Core Strategy, which has been confirmed recently, to be met. If the higher end of the range of housing need (537 dwellings) is taken, then, without the Bull Lane proposals, there is an outstanding need for 154 dwellings in the remaining 13.5 years of the plan period. In order to explore an alternative way in which this requirement might be met, we have identified 12 sites within 1 kilometre of the Coop store which could accommodate some 120 dwellings; ten of these sites are within the village boundary (BUAB) and the other two have a long boundary with the BUAB (unlike the Bull Lane site, neither of these sites is anywhere near the outer edges of the village BUAB). All relate well to the structure of the village. As is the nature of windfall sites, there is no certainty that they will come forward for development. However the recent pace of development in Long Melford indicates that a sufficient flow of sites that are better located than the Bull Lane proposals will be forthcoming.

The Core Strategy states (para 2.8.5.4) that the overall requirement for the district cannot simply be divided between the different settlements because of their differing abilities to accommodate development. The Core Strategy then sets out policies (CS2, CS11 and CS15) to guide the evaluation of development proposals in the different communities.

Scale, Role and Character of Long Melford

The Core Strategy repeatedly refers to the need to relate the scale of development proposed in core and hinterland villages to their scale and character, role and function and the views of the local community (paras 2.2.3.4, second and fourth paras of section 2.7., paras 2.8.5.3 and 2.8.5.4). It is appropriate to consider these features of Long Melford. Much of this picture of the village is drawn from the Parish Plan 2006. Key features of Long Melford are:

- It contains about 1,600 houses and a population of some 3,500.
- It has a very long north-south main street, known as Little St Mary's, Hall Street and High Street, with a historic westerly extension at Westgate.
- The village has developed over many centuries, mainly through small-scale incremental development.
- Larger residential developments, for example Roman Way and Harefield, have been integrated into the village by dint of being located on the robust main street (which was the main road from Sudbury to Bury St Edmunds before the bypass was built) and of their sympathetic design which features large greens and varied house styles.
- Many people are attracted to Long Melford by the opportunity to live in a beautiful village yet be within walking distance of shops, pubs and other facilities.
- Long Melford is unusual in having not only a fine and very large mediaeval church but also two major country houses, both open to the public.
- The village is fortunate in having a by-pass, the A134. Nevertheless the main street, which is the focus for the many shops, restaurants, galleries and antiques centres, is very busy and often congested.
- Long Melford attracts large numbers of visitors, to both the permanent attractions and to the many events staged in the village and the country houses. Visitors include both day visitors and overnighting visitors, who stay in the hotels and bed-and-breakfasts in the village.
- Whilst Long Melford is a popular destination for retirement, it is also a lively working and family community, with some 150 local businesses and a flourishing primary school.
- Further employment opportunities are provided in the two industrial estates immediately east of the by-pass.
- Long Melford offers a good choice of shops for day to day needs and for certain more specialist shopping (art and fashion); it has good access, including by bus, to a larger range of shops and services in Sudbury, about 5.5 kms to the south. Shops and businesses serving the public are located throughout much of the main street, making it an interesting walk to reach other shops.
- Long Melford is surrounded by natural features that give the village a distinctive character: the parkland of Kentwell and Melford Halls, the River Stour and its tributary the Chad Brook and the woodland that lines the former railway line on the east side of the village.

The importance of these characteristics, which influence the capacity of the village to accommodate additional development, is clearly recognised in the Core Strategy:

“It is clear that the Core Villages identified are very varied, and their needs and factors which influence what is an “appropriate level of development” will vary from village to village. This is especially the case where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where they include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations in the site allocation process, and when considering planning applications.” (Core Strategy 2014, para 2.8.5.4)

Evaluation of Proposed Development against Babergh DC Planning Policies	
BDC Policy	Evidence of the Application and <i>Our Commentary</i> (the latter in italics)
Policy CS2: Settlement Pattern Policy	Most new development (including employment, housing, and retail, etc.) in Babergh will be directed sequentially to the towns / urban areas, and to the Core Villages and Hinterland Villages identified below. In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans.
	These criteria for the assessment of development proposals have been considered below, where there are generally very similar criteria in Policies CS11 and CS15.
Policy CS11: Strategy for Development for Core and Hinterland Villages	Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority (or other decision maker) where relevant and appropriate to the scale and location of the proposal:
	Where CS11 matters are listed in CS15, they are considered under CS15; matters occurring only in CS11 are considered here.
<ul style="list-style-type: none"> site location and sequential approach to site selection; 	<p>The applicant states that the site is sequentially preferable as it abuts the village boundary (Built Up Area Boundary (BUAB) defined in the Local Plan 2006 Saved Policies) and is well connected to village facilities. The applicant says further that the site is one of the few remaining sites in Long Melford that is not constrained by planning policies.</p> <p><i>However the sequential approach identified in Policy CS11 means that sites within the BUAB are to be preferred for development, then those abutting the boundary and then those at greater distances from the boundary. Therefore sites within the BUAB are to be preferred over the proposed site on Bull Lane. A number of sites within the BUAB have been identified which are little used or are in non-residential use, and which are likely to come forward for residential development in the rest of the plan period.</i></p>

	<p><i>Two aspects of the site’s relationship to the BUAB and the village need to be considered:</i></p> <ol style="list-style-type: none"> <i>1. The site is located at the extreme eastern end of the Long Melford BUAB; it would represent a major extension of the village away from the heart of Long Melford.</i> <i>2. It is the short boundary of the proposed development which touches the BUAB; most of the site (it is 350m long) will be a long distance from the BUAB.</i> <p><i>The applicant’s claim to be adjacent to the boundary is technically correct but not substantially helpful in establishing the relationship of the site to the village and its facilities. Paragraph 10 of the SPD addresses this situation clearly, especially the reference to ribbon development in the first bullet point (Rural Development & Core Strategy Policy CS11, 2014, Babergh DC). The site adjoins the BUAB so is not sequentially preferable; in substance the particular geography of the site and the village means that the proposal would be ribbon development and not favoured in policy terms.</i></p> <p><i>The applicant in the Design and Access Statement (para 6.1) describes the site, significantly, as “located to the east of Long Melford”, not in Long Melford.</i></p> <p><i>The applicant refers to the recognition of the site in the Strategic Housing Land Availability Assessment (SHLAA), 2016. However the assessment is draft and does not represent planning policy or an allocation of the site. The assessment concludes only that “the site is potentially considered suitable for residential development, taking identified constraints into consideration.” The constraints are given as “highways – regarding access, footpaths and infrastructure required and environmental- part of site adjoins County Wildlife Site.” The site is included in the assessment because it was submitted on behalf of the landowner not because it has been identified by the planning authority.</i></p> <p><i>Inclusion of the site in the SHLAA does not bestow on the site any status as a location for development.</i></p>
<ul style="list-style-type: none"> • locally identified need - housing and employment, and specific local needs such as affordable housing; • and CS2 local housing need 	<p>The applicant has undertaken their own housing needs survey in the Long Melford cluster. This is reported to indicate a need for 98 market houses and 24 affordable houses per year in Long Melford alone. <i>If this requirement was accepted it would amount to 1647 additional homes in Long Melford over the remaining 13.5 years of the plan period. This would double the size of the village which has about 1600 dwellings. It would be 28% of the total (5975 dwellings) housing requirement for Babergh District (including urban and rural areas). This is clearly not a credible</i></p>

	<p><i>outcome: the applicant's housing needs survey does not justify the scale of development proposed or any other scale of development.</i></p> <p><i>Further comments on the applicant's Housing Needs Study, September 2015, are given in Appendix 2. These comments cast considerable doubt on the validity of the Needs Study, especially on the household survey, which provides the evidence for the study and which is not the recommended source of data for a local housing needs study.</i></p> <p><i>The provision of affordable housing is welcomed but not as part of a scheme that is in total unacceptable.</i></p> <p><i>An important feature of Long Melford is that it is a working village, and workplaces and shops are mingled with residential property in many parts of the village; the application includes no workplaces which might have enlivened the community and reduced the need to travel, almost certainly by car, to work in more distant settlements.</i></p>
<ul style="list-style-type: none"> • cumulative impact of development in the area in respect of social, physical and environmental impacts. 	<p>The applicant in the Planning Statement at paras 7.29-7.32 acknowledges that concerns have been expressed about the capacity of local services, including health and education; they also recognise two other developments that should be taken into account: Ropers Lane and Fleetwood Caravans; the three developments would produce 192 additional homes. The applicant then refers to the Community Infrastructure Levy (CIL) that they expect to pay (£649,405, set out in Section 9 of the Statement), which will help mitigate the impact of the development on local infrastructure.</p> <p><i>CIL is indeed designed to deliver funding for infrastructure. Whether the moneys collected filter through to infrastructure investment in Long Melford depends on the priorities of Babergh DC.</i></p> <p><i>There is a different aspect of cumulative impact that is not addressed by the applicant: the cumulative impact of the many different effects (visual, traffic, landscape, heritage, ecological etc) of the proposed development itself. We have said elsewhere that the applicant's assessments have all tended to be very piecemeal, even within individual disciplines or topics, for example impact on a single listed building, views from particular viewpoints. The lack of a holistic view of the development and its effects is more marked between topics, which is the effect that should be captured by a cumulative impact assessment. The most evident cumulative impact is that of the</i></p>

	<p><i>development itself and its attendant highway works, together with the removal of vegetation along Bull Lane on the character of this important entry to the village, a character which itself derives from a rich array of natural and man-made assets, including listed buildings, a varied topography, a lane that does not have the muscle to carry this scale of development, woodland, the valley of the Chad Brook and views across the landscape. And this character of the entry to the village is part of the underpinning of the economic and social well-being of Long Melford visitors like coming to an attractive and distinctive village; this important entry to the village would be dramatically and permanently changed for the worse.</i></p>
<p>Policy CS15: Implementing Sustainable Development in Babergh</p>	
<p><i>Note: Policy CS11 above stipulates that “Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15.” The applicant has not addressed the provisions of CS15 in their Planning Statement: the applicant at paragraphs 6.40, 7.13, 7.38 and 7.39 appears to have responded to the Checklist in Appendix 4 of Supplementary Planning Document (SPD) on Rural Development & Core Strategy Policy CS11, 2014, not to the CS15 criteria for sustainable development, which are repeated in Appendix 3 of the same document. The Checklist in Appendix 4 does not have the weight of the development plan, whereas the CS15 criteria have that weight, being in the adopted Core Strategy. The applicant has not addressed CS15 and has failed to show how the proposals score positively when assessed against the CS15 criteria. The SPD and its appendices (at para 1) is stated to be designed “to provide guidance on the interpretation and application of Policy CS11.” It does not have the same weight as the Core Strategy and cannot alter or diminish the requirements of CS11 and its daughter Policy CS15; ultimately, whatever guidance may be provided in the Appendix 4 Assessment Checklist, it is the policies of the adopted Core Strategy against which the development proposal must be assessed; the SPD may be a material consideration. We have therefore tested the proposals and the applicant’s evidence against the 21 tests of CS15.</i></p>	
<p>Policy CS15: Proposals for development must respect the local context and character of the different parts of the district, and where relevant should demonstrate how the proposal addresses the key issues and contributes to meeting the objectives of this Local Plan. All new development within the district, will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development – as interpreted and applied locally to the Babergh context (through the policies and proposals of this Local Plan), and in particular, and where appropriate to the scale and nature of the proposal, should:</p>	
<ul style="list-style-type: none"> • respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views; • And CS11: the locational context of the village and the proposed development (particularly the 	<p>The applicant’s Landscape and Visual Assessment considers the landscape and visual features within 2 kms of the site, identifies receptors that may be affected by the proposed development and then assesses the effects and their potential significance. Measures to mitigate significant effects are proposed. The viewpoints of 16 receptors are assessed; five are found to suffer substantial or very substantial adverse effects.</p> <p><i>Mitigation measures are proposed but the residual effects on the various receptors after the</i></p>

<p>AONBs, Conservation Areas, and heritage assets);</p> <ul style="list-style-type: none"> • Also CS11: the landscape, environmental and heritage characteristics of the village; 	<p><i>application of mitigation are not considered; in the absence of such consideration, it may be that the five receptors will indeed suffer substantial or very substantial adverse effects. The main defect of the Landscape and Visual Assessment is that it takes a very disintegrated view of the issues set out in the Core Strategy policies: single receptors are considered, single viewpoints are assessed, identified through analysis of Zones of Theoretical Visibility, and in the conclusions the effects are presented on a series of discrete sets buildings: residential buildings, listed buildings etc. None of this approximates to a response to Core Strategy Policy CS15: “Proposals for development must respect the local context and character of the different parts of the district”, which is a sensible holistic approach which relates to human experience of settlements and places. The Landscape and Visual Assessment has probably followed the accepted methodology for such assessments, but it fails to address the local context and character of Long Melford and the impact of the proposed development on the features that together make up that character.</i></p> <p><i>On the same theme of a holistic approach the Planning Statement does not refer to any of the important features listed below except the listed buildings. It considers that the impact of the proposed development will be minimal. Partly because heritage and landscape are considered separately by the applicant, there is no holistic recognition of this key gateway to the village.</i></p> <p><i>The importance of this entrance to the village cannot over-emphasised:</i></p> <ul style="list-style-type: none"> • <i>the boundary of the area covered by the Dedham Vale (AONB) and Stour Valley Management Plan 2010-2015 runs along Bull Lane towards the village before turning south just two houses before the application site; the site is not within the AONB but within the wider area that is being managed to maintain and improve its landscape and conservation character. The site lies at the entrance to this part of the plan area. The Council comments on page 65 of the Core Strategy: “One of the most precious natural assets in England is its landscape. Babergh makes a valuable and varied contribution to this. The Suffolk Coasts and Heaths AONB and Dedham Vale AONB including the Stour Valley cover a considerable part of the district.” On the same page it identifies some of the essential features of the AONB and the Stour Valley: “Key features within the landscape in this area which are significant include; the meandering river and its tributaries, gentle valley slopes with scattered woodlands, grazing and water meadows, sunken rural lanes, historic villages with imposing church towers and historic timber framed buildings, small fields enclosed by ancient hedgerows and a wealth of evidence of human settlement over centuries. The Stour Valley is predominantly rural with a</i>
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medieval settlement pattern. **Woodlands are situated within the tributary valleys and much of the valley floor comprises arable crops**, with the exception of the areas such as Sudbury Common Lands.” The text in bold is relevant to the site and its immediate environs.

- Following the line of the Chad Brook, which, with its wooded banks, frames the entrance to the village along Bull Lane, are two important boundaries: historic parks and gardens (protected by Core Strategy policies CN14 and CN 15) and the Long Melford conservation area (protected by policies CN08, CN09 and CN11).
- Three Listed Buildings in close proximity to the application site, Bull Lane Farmhouse, Melford Barn and Outbuildings and 24 Bull Lane, which are important landmarks along Bull Lane. We agree with the observations of the Suffolk Preservation Society in relation to the listed buildings.

The lack of a holistic approach to the character of Long Melford is illustrated by the conclusion of the Landscape and Visual Assessment at para 4.3 : “it is considered that the landscape/townscape effects would be of ‘moderate significance’. Changes to the character of the landscape would be limited to a localised area and would not impact on the wider landscape.”

There is an inconsistency in the applicant’s treatment of the short sections of hedgerow on the south side of Bull Lane: Viewpoint 1 in the Landscape and Visual Assessment relies on the vegetation at the NW corner of the site being retained, but the External Works Layout shows this and the hedgerow further east as to be removed; the Planning and Landscape Strategy Layouts confirm this.

The impact of the proposed housing will be exacerbated by the topography of the site: throughout its length it rises away from Bull Lane to the south, meaning that even houses located away from Bull Lane will be very visible: the development will fill the view along Bull Lane on the south side.

The proposed development will have an overwhelming and damaging effect on this whole entrance; its scale and suburban character will be at odds with the heritage and landscape scene, creating a disappointing and “could be anywhere” impression in the minds of visitors and residents entering the village. And that is not merely a “nice view” issue; it has social and economic consequences: the shops and services in Long Melford, from Jane’s Department Store to

Holy Trinity Church, rely on visitors, and visitors come to Long Melford because the whole experience is good: the buildings, the river, the streetscape, the pubs and cafes, the greens and the approaches to the village, which are the visitors' crucial first impression of the village. This overall attractiveness is recognised by Babergh DC's designation of Long Melford as a hub village serving ten other villages (and many visitors from further afield). This would be eroded if one of the entries to the village was to be suburbanised by the proposed development.

The other important factor in the scene that you encounter on entering Long Melford via Bull Lane is that it is a lane with an irregular alignment and bordered with a variety of hedges and banks. If the requirements of the County Council (SCC) in relation to highways are met, Bull Lane will be suburbanised, losing any character.

Key requirements of SCC (from the response of the Highways Development Manager to the application):

- *New road markings.*
- *Comprehensive scheme of traffic calming for the entire length of Bull Lane.*
- *New formal bus stops with appropriate kerbing and shelters.*
- *Footways from the development to the bus stops.*
- *Consider a pedestrian crossing to access the bus stops.*
- *Proposed new road junction to have larger radii.*

These measures are in addition to highway works proposed by the applicant in the Transport Assessment (set out in the Appendices):

- *Widening of Bull Lane, unspecified as to how wide or for what distance.*
- *A site access road which will be 5.5m wide and bordered by two footpaths each 2m wide, a total of 9.5m of hard surface and kerbs.*
- *Junction visibility splays either side of the junction, each 120m long and 4.5m wide.*
- *30mph signs in the road and crocodile teeth on the surface.*

The applicant has shown no sensitivity to the character and quality of this part of the village or respect for the "landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views"

	<p><i>The Planning Layout appears to show a new footpath running along Bull Lane north of the hardstanding and the adjacent houses; this is outside the red line, so presumably will not be delivered.</i></p> <p><i>We note the findings of research carried out by Indigo Planning and presented at the Planning for Housing Conference on 29th September 2016. They analysed the decisions on 258 major housing appeals decided in 2016. Of relevance to the present case they found:</i></p> <ul style="list-style-type: none"> <i>• In 34% of cases (88), where the inspector concluded that the local planning authority could not demonstrate a 5-year supply of land for housing but nevertheless dismissed the appeal, the most frequently occurring key factor in the decision was the impact on the character and appearance of the area/loss of countryside; it was a key consideration in over 70% of cases.</i> <i>• In 14% of cases (36), where the inspector concluded that the local planning authority could demonstrate a 5-year supply of land for housing and dismissed the appeal, the most frequently occurring key factor in the decision was the impact on the character and appearance of the area/loss of countryside; it was a key consideration in just under 70% of cases.</i> <p><i>Whilst there is great political priority being attached to expanding the supply of housing, it does not override all other factors: protecting the character and appearance of the area is a very important consideration.</i></p> <p><i>The proposed development will have a very damaging effect on precious and sensitive natural and man-made features which together create a lovely and quite distinctive gateway to the village, a gateway that is also an important element in the social and economic well-being of the village. The requested highway measures may improve safety but they will compound the suburbanising effect of the proposed development.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> <i>• make a positive contribution to the local character, shape and scale of the area;</i> 	<p><i>The Planning Statement does not refer to how the proposals will contribute.....</i></p> <p><i>The proposed development will contribute negatively to the shape of the area in that it will create a major (350m) eastward extension of the village away from its heart. It will contribute negatively to the character of the area by suburbanising an attractive rural approach to the village. It will contribute negatively to the scale of the area because it is too large for the needs of the village.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> <i>• protect or create jobs and sites to</i> 	<p><i>The applicant recognises that LM is a Core Village, which serves a wider group of surrounding</i></p>

<p>strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting, and raise workforce skills and incomes;</p> <ul style="list-style-type: none"> • And CS2: the role of settlements as employment providers and retail/service centres 	<p>villages and claims that the heart of the village (shops and services) is 800m from the site and the primary school and doctors' practice in Cordell Road 750 m from the site (Planning Statement Table 7). Elsewhere in the Planning Statement (paras 2.20 and 2.21) it is stated that the primary school is 0.8 miles (<i>which equates to 1.29 kms</i>) and the medical practice 0.5 miles (<i>0.8 kms</i>) from the site. In the Transport Assessment there is a brief reference to the accessibility of village facilities on foot at para 3.22.</p> <p><i>These distances are confusing but generally long; they have been measured by ourselves from the western edge of the existing cottages that will be surrounded by the proposed development; this is roughly the middle of the proposed development. The distances are:</i></p> <ul style="list-style-type: none"> • <i>to the Co-op, the most important convenience shop and the heart of the village: 1.12 kms.</i> • <i>to the primary school gate: 1.26 kms. (The Medical Practice is about 250m closer to the site)</i> <p><i>Whilst these are walkable distances, they are not easy or congenial walking distances for many people. These distances can be compared the standards recommended by the Department for Transport: desirable – 400m; acceptable – 800m; preferred maximum – 1200m (Local Transport Note 1/04, Department for Transport); there are no facilities within the desirable or acceptable distances of the proposed development (The Bull Hotel is 750m from 20 Bull Lane). Furthermore the trip to local facilities such as these will often be linked to a trip to a more distant destination, e.g. work, a larger centre such as Sudbury or visiting friends and family. In many instances it will be natural to use the car. Because the proposed site is not immediately accessible to the village centre, the benefit of additional spending in local shops and services is likely to be limited. This limiting effect will be compounded by two further factors:</i></p> <ul style="list-style-type: none"> • <i>It will be very tempting to turn right out of the proposed development onto the by-pass to get to the larger centres of Sudbury and Bury St Edmunds, rather than go to Long Melford.</i> • <i>Unlike the main street, there are no shops or services on Bull Lane, which will make for a less interesting and less attractive walk to the village centre.</i> <p><i>It is our view that the site is poorly located from the point of view of access to the village shops, restaurants, pubs and other services.</i></p> <p><i>The proposed development includes no workplaces which might have enlivened the community (in keeping with the mixed character of Long Melford) and reduced the need to travel, almost certainly by car, to work in more distant settlements.</i></p> <p>Not score positively.</p>
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- ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;
- and CS2: the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure

NHS England in their observations on the proposal have stated that the application lacks a Health Impact Assessment and that there is inadequate capacity in the Long Melford Medical Practice; the developers should contribute to additional capacity through the Community Infrastructure Levy. The applicant's Planning Statement estimates the CIL as £649,405. There is no assurance that these funds will be applied to increasing capacity in the medical practice.

The primary school in Long Melford appears, from figures provided by Suffolk CC Children and Young People Services, to have spare capacity:

Long Melford CEVC Primary	Published Admission Number	Number on Roll
Year R	30	14
Year 1	30	28
Year 2	30	23
Year 3	30	19
Year 4	36	31
Year 5	36	35
Year 6	36	27

However two classes are very nearly at capacity and these figures relate to a time before which the school has been in special measures; the numbers on roll are probably understated, compared with more normal times.

If additional capacity is required, there should be funds from CIL to assist with the funding.

The Council should provide assurance that the CIL funds will be applied to additional capacity in local health and education.

Score positively

<ul style="list-style-type: none"> retain, protect or enhance local services and facilities and rural communities; And CS11 (v): locally identified community needs; 	<p>The applicant records that the new residents will spend money in local shops and patronise other local services.</p> <p><i>This effect will be limited by:</i></p> <ul style="list-style-type: none"> <i>The long and uncongenial/unsafe (Bull Lane/Hall Street junction) walking distance to the main village facilities.</i> <i>The consequent temptation to use the car, which will make other centres such as Sudbury almost as accessible.</i> <p>Not score positively.</p>
<ul style="list-style-type: none"> consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities; 	<p>Planning Statement: The scale, mix and type of dwellings proposed reflect the local housing need within Long Melford and the surrounding villages as determined by a Local Housing Needs Survey and Assessment. The Housing Needs Study carried out for the applicant gathered evidence of support for specialist housing for the aging population (e.g. Figures 8.6 and 8.7) and it reported the Census results which show a higher than average proportion of older people in the study area. The housing mix recommended in Table 9.1 addresses the mix according to tenure (market and affordable) and numbers of bedrooms.</p> <p><i>The Planning Statement produces the housing mix at Table 5 and there is no provision for older people. In Table 6 against policy CS18 non-compliance with the policy is justified by reference to the Housing Needs Study. The Housing Needs Study survey included questions on preferences for housing types suitable for older people (e.g. Questions C9 and D11) but the need for such housing is not evaluated in the Study and no provision is made in the proposed development.</i></p> <p><i>There is no mention of deprivation in either the Housing Needs Study or the Planning Statement.</i></p> <p><i>It is concluded that the applicant has not considered these issues and cannot therefore justify non-compliance with the policy.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make 	<p>By implementing the mitigation and enhancement recommendations, there will be no predicted significant adverse impacts from the Proposed Development upon identified ecological receptors in line with relevant wildlife legislation and planning policy. Furthermore, enhancements can be achieved following recommendations in accordance with the National Planning Policy Framework and Babergh Local Plan (Planning Statement, para 8.7).</p>

<p>efficient use of greenfield land and scarce resources;</p>	<p><i>We agree with Suffolk Wildlife Trust that the application fails to demonstrate that it will not result in an adverse impact on the CWS/LNR; it therefore should not be consented.</i></p> <p><i>It is agreed that this is greenfield site. Prioritising the use of brownfield sites would mean directing development to the sites that have been identified within the village, rather than use of the Bull Lane site.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy; 	<p>The proposals will meet with current building regulations which increasingly are improving to achieve low carbon and energy efficient development. Planning Statement, Table 6. The Proposed dwellings will produce 25% less CO₂ than buildings built to 2006 Building Regulations Standards (Sustainability Statement para 4.1); this will be achieved partly by improving the thermal performance of the buildings and partly by a number of additional measures that will be considered (<i>our emphasis</i>). Chapter 10 of the Sustainability Statement sets out <i>options</i> for how a 10% reduction in carbon emissions <i>could be achieved</i> (<i>our emphasis</i>).</p> <p><i>There is no commitment to these proposals and it is unclear what the benchmark is for a 10% reduction.</i></p> <p><i>The large majority of house designs shown on the applicant's drawings include chimneys and have hearths in the main room.</i></p> <p><i>Triconnex Ltd, in their report included in the application documents, assumes that the plots will all be gas heated, and that there will be a need for an additional 136kVA electrical supply to the site, involving a new transformer and substation.</i></p> <p><i>The sentence from the applicant's Planning Statement gives no indication of the extent to which the proposals will deliver any of the elements of the Council's energy and climate change as expressed in this policy. No commitment is given in the application for any sources of renewable or low-carbon energy generation.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green 	<p>The Landscape Strategy shows two areas of public open space with, apparently, a narrow stretch of public open space linking them along the whole northern boundary of the site. This stretch borders Bull Lane for a considerable distance.</p> <p><i>The spaces are relatively modest and sufficient for toddlers accompanied by an adult. Bull Lane</i></p>

<p>infrastructure of the district;</p>	<p><i>carries fast-moving traffic and would be a significant hazard to wandering young children: small children would have to be accompanied while at play. There is no recreation space to meet the needs of older children.</i></p> <p><i>The spaces proposed will not, to any significant extent, either contribute to, or enhance the green infrastructure of Long Melford, but will tend to be 'owned' by the immediate local residents of the development, and therefore not attractive to children from the wider locality, who would feel like 'intruders'. The remote location of the proposed development and the location of the open spaces within the scheme make it very unlikely that they will contribute to the green infrastructure of the village, still less the district. It is not clear whether the open spaces will be available to non-residents of the proposed development. Provision of open space needs to be matched by robust arrangements for the maintenance and management of the spaces. The Drainage and Flood Relief Plan shows a management company as responsible for the maintenance of public open space, parking areas, underground attenuation tanks and SCC Highways responsible for roads, verges and footways. Inadequate management arrangements and funding could be a major risk for the development.</i></p> <p>Potentially score positively.</p>
<ul style="list-style-type: none"> • create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the enhancement of biodiversity, and mitigate some of the impacts of climate change eg. enhancement of natural cooling and reduction in the heat island effect, provision of pollution sequestration for the absorption of greenhouse gases, and through the design and incorporation of flood water storage areas, sustainable drainage systems (SUDs); 	<p>The application site, being set in existing farmed land, and with an established public footpath running along its southern border, provides ample opportunity for walking, and allows access on foot to all the local recreational facilities elsewhere in Long Melford. The extensive planting included in the landscaping report, included in the application documents, will provide shade. The geology of the site does not allow for attenuation of surface water runoff by infiltration; surface water will be evacuated to an off-site sewer.</p> <p>The Ecological Surveys and Assessment submitted by the applicant record six species of bats foraging around the boundaries and commuting across the site including barbastelle <i>Barbastella barbastellus</i>; a small population of slow worm <i>Anguis fragilis</i> using the south-western area of grassland; an outlier badger sett situated 15m from the south-western boundary of the site and foraging signs visible along Long Melford Walk. It also reported that the majority of the site is of low value to invertebrates although Long Melford Walk likely supports an assemblage of moths of conservation concern, specifically species of principal importance. The report recommends a number of mitigation and enhancement measures and concludes that there will be no predicted significant adverse impacts from the proposed development upon identified ecological receptors.</p>

	<p>The Planning Statement repeats the same findings.</p> <p><i>The proposals will not increase the connectivity of natural habitats in Long Melford. The application site is virgin agricultural land and the development will detract from its natural ecology and existing biodiversity. The application makes no reference to the grass snakes, lizards and owls which are frequently seen on and adjacent to the site. Competition from introduced species will detract from the existing biodiversity. The proposal cannot therefore be said to mitigate the impact of climate change but the reverse. Furthermore in relation to the ecological interest recorded on and adjacent to the site there is no commitment to the recommended mitigation and enhancement measures; for example the Landscape Strategy shows no buffer along the southern boundary with the Local Nature Reserve, only “Occasional trees within back gardens to connect with off-site woodland.” George Millins, a local wildlife expert, agrees that this is a serious omission from the proposals; furthermore he advocates that there should be a fence, or better a wall, between the gardens and the Local Nature Reserve to reduce the opportunities for access to the LNR and disturbance; there should be a commitment to maintenance of the fence or wall.</i></p> <p><i>No proposals for the reduction of the heat island effect, pollution sequestration or the absorption of greenhouse gases are included in the application. These issues are not addressed in the application. This scheme is in no wise ‘green’. See next item for SUDS.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk; 	<p>A Flood Risk Assessment & Drainage Strategy has been undertaken and accompanies this planning application. The application site is located in Flood Zone 1 and is considered to be at low risk from all sources of flooding. The surface water can be attenuated on site where necessary and discharged from the site, via connection to the Anglian Water surface water sewers, at no increased off-site flood risk. Planning Statement, para 8.8. In the applicant’s Flood Risk Assessment it is stated that, based on geological tests, the site is unsuitable for infiltration; RSA Geotechnics Ltd recommend that a positive drainage solution is adopted linking into existing sewers (applicant’s Flood Risk Assessment & Drainage Strategy paras 3.18 and 4.2). In the Planning Statement it is said (para 8.8) that surface water can be attenuated on the site.</p> <p><i>Anglian Water Services Ltd, in their response to the application, have set out the hierarchy of preferred drainage solutions, according to the Building Regulations, SUDS being the preferred option and connection to a sewer the least preferred. Anglian Water concluded that the proposed</i></p>

development is unacceptable; the applicant is proposing to use the least preferred method. The stance of Anglian Water Services is endorsed. The geological character of the site is further evidence that the site is unsuitable for sustainable development and should not be developed.

The applicant's reference to Flood Zone 1 is a correct reading of the Environment Agency's classification of flood risk. However the EA is only responsible for main rivers, sea and reservoirs. Lead local flood authorities have the lead operational role in managing the risk of flooding from surface water and groundwater. And District councils manage flood risk from ordinary watercourses (other than main rivers).

SCC is the Lead Local Flood Authority (LLFA) responsible for commenting on all major developments across Suffolk in respect of surface water management. The LLFA have asked the developer to provide more detailed information about surface water drainage as what has so far been presented is inadequate for the Authority to make a recommendation to accept or reject the proposal. LLFA considers not only the impact on the site itself, but also the impact of the site on flood risk to existing properties/roads and also water quality issues where the water discharges to a stream/river.

We have a number of concerns relating to surface water drainage:

- 1. There is a ditch on the southern boundary of the existing properties on Bull Lane (Nos 20-24 and Pheasant Cottage), which used to drain to the east before running north between Pheasant Cottage and the hardstanding in the field. The ditch is poorly maintained and at least partly filled by a bund which has been formed around the hardstanding. The site slopes down to these properties but runoff is limited now by the porous soil surface of the field. If the site is developed as proposed, the run-off will be much greater; it is unclear how these existing properties will be protected from surface water entering the gardens and houses.*
- 2. The applicant appears to be unaware of the flooding that occurs frequently in Bull Lane when there is a sharp downpour. The photographs in Appendix 3 (Figures 1-3) show vehicles in Bull Lane running through a typical flood. The photos were taken (by John Wilson of Bull Lane) on 23rd June this year outside Pheasant Cottage and Nos 20-24 Bull Lane after about an hour of rain; the flood water reached a maximum depth of about 4 inches and extended three-quarters of the way across the road. The main source of the water was the field around the*

	<p><i>houses and the adjacent hardstanding. This is a common occurrence.</i></p> <p><i>The planning authority also has to be satisfied that there is in place a long term agreement for the maintenance of any surface water management assets. This is a real risk relating to new development: the balancing pond installed to alleviate flooding that may result from the adjacent Sampson Drive development has not been maintained and the planning authority is taking enforcement action. This is why flood alleviation and drainage measures should be as natural and low-maintenance as possible, hence the interest of sustainable urban drainage systems (SUDS).</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate; 	<p>See previous item where the applicant has shown that the site is incapable of supporting SUDs; surface water, after an unspecified amount of attenuation on site, will flow to existing sewers.</p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • minimise the demand for potable water in line with, or improving on government targets, and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics; 	<p><i>No measures are proposed to minimise the demand for potable water. There are no proposals in the application for the conservation of potable water supplies, or of its physical characteristics. There is no provision in the proposals for on-site surface water collection, storage or treatment for reuse, but solely for disposal into the Chad Brook.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • minimise waste (including waste water) during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development; 	<p>The Sustainability Statement (Chapter 7) describes the provision to be made for residents to re-cycle their waste.</p> <p><i>The no proposals in the application for the conservation of resources, either water or other materials during construction of the development are considered under the next heading. The proposed provision for residents' waste is normal practice.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change (eg. 	<p>The applicant's Sustainability Statement (Chapter 6) refers to the use of A rated materials and to local procurement of materials. At Chapter 9 it describes a proposed construction management plan that will address re-cycling of materials, and conservation of water and energy</p> <p><i>These proposals are not commitments; they are hedged with caveats or presented as aims.</i></p> <p><i>The site is inherently an exposed one, and the orientation of the proposed houses has little effect</i></p>

<p>resilience to high winds and driving rain);</p>	<p><i>upon their energy demand. The building methods proposed are not specified in the application, and the proposed external facing materials - various facebricks and render - do not give any indication of their thermal performance, or that of the external construction of which they form a part. The plans and sectional drawings do not give any indication of thermal performance that would suggest passive thermal design.</i></p> <p><i>The house designs proposed and shown on the 60-odd drawings forming part of the application do not follow passivhaus principles of energy conservation as understood, and are not zero-energy designs.</i></p> <p><i>There is no mention in the application of the use of natural materials, materials derived from recycled waste products, or eco-friendly natural products, all of which are widely available but which have apparently not been considered in the preparation of the application.</i></p> <p><i>While the intention to introduce variety in the design of the houses and their materials is a sensible principle, it is disappointing that this does not extend as far as selecting bricks and tiles made locally. The closest approach to this seems to be the selection from mass-produced machine-made and machine-distressed brick ranges supplied by nation-wide builders merchants with branches in East Anglia, rather than from brickmakers still working in the area. Old Long Melford was made from the geological deposits of clay and sand on which it stands, the very materials needed to produce the bricks and tiles the applicant seeks to emulate.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • promote healthy living and be accessible to people of all abilities including those with mobility impairments; 	<p>The Sustainability Statement (Chapter 8) refers to general features of the houses that will promote healthy living.</p> <p><i>NHS England have noted the lack of a health impact assessment in the application; the issue of healthy living has not been addressed in a considered way.</i></p> <p><i>The distance between the proposed development and local amenities offered in Long Melford (and the hazards encountered along the route) will present difficulty for many people resident in the new houses, particularly in bad weather, and especially for those with impaired mobility.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • protect air quality and ensure the implementation of the Cross Street 	<p><i>The application contains no proposals for the protection of air quality.</i></p> <p><i>Cross Street is considered to be too remote from the proposed development for an impact</i></p>

<p>(Sudbury) Air Quality Action Plan is not compromised;</p>	<p><i>assessment to be made.</i> Not score positively.</p>
<ul style="list-style-type: none"> • seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality; and 	<p>Connectivity to the village is discussed in more detail in the Transport Assessment. The conclusions are that the proposal is well connected to existing facilities within walking distance of most everyday village facilities. Planning Statement, para 7.19</p> <p>The Transport Assessment has concluded that traffic generated from the Proposed Development is not considered to create congestion. The Transport Assessment has also confirmed that the local road network has capacity to accommodate the traffic generated by the proposal. Planning Statement, para 7.32.</p> <p>The site is located in a sustainable location, as there are local bus routes to neighbouring settlements. Planning Statement, para 8.15.</p> <p><i>The likelihood of car travel being minimised is very low:</i></p> <ul style="list-style-type: none"> • <i>the walk distance to many village facilities is well over one kilometre, a significant deterrent to walking for many people, especially in poor weather; the walking route via the Bull Lane/Hall Street junction is unattractive and potentially unsafe, especially for unaccompanied children and people with disabilities.</i> • <i>The bus services are infrequent and slow: between 19 and 25 minutes to reach Sudbury, two to three times longer than it takes in the car, which allows departures at any time. Bus services stop at 8pm and there are none on Sundays.</i> <p><i>The policy implies that the developer should take additional measures (“Seek to”) to minimise car use, whereas the applicant is simply describing what he expects to happen, with no additional measures.</i></p> <p><i>The Transport Assessment submitted by the applicant has a number of flaws which undermine the evidence and conclusions it produces in support of the proposed development:</i></p> <ul style="list-style-type: none"> • <i>The traffic impact of the development is assessed in relation to only one junction, that of the access road into the site on Bull Lane. No assessment is made at all of the junctions at either end of Bull Lane, at the Bull Hotel with Hall Street and at the by-pass with the A134. All traffic leaving the site will use one of these junctions, both of which are inadequate and have been the scene of many accidents (see below)(see photos in Appendix 3 Figures 4-10).</i> • <i>As with the traffic assessment the record of accidents has been checked only in relation to Bull Lane itself, not the two junctions at either end. The Traffic Assessment does not quote the</i>

source of the accident data, it does not justify the limited geographical scope of the search and it does not state the severity of the accidents being recorded (e.g. only serious accidents or.....) Police accident records show that, at the A134 junction, there have been 14 accidents since the end of 2005, of which five were serious; in the last three years, 2013-2015 there have been four accidents. At the Hall Street junction there have been seven accidents since 2006, all slight; in the last three years, 2013-2015 there have been three accidents. The accident recorded by the applicant was in 2013 and was serious.

- So two junctions, one 0.4 kms from the site and one 0.8 kms from the site, which will be used by all traffic entering or leaving the site, have been the scene of 22 recent accidents (six of them serious and eight within the last three years), but they have not been assessed for capacity or safety by the applicant.
- The normal response to an inadequate junction such as that at Hall Street is to propose traffic controls, which in this case would probably be traffic lights. Without doing a feasibility study SCC Highways have given initial views on the possibility of traffic lights. These are quotes from their correspondence with one of the Long Melford district councillors:
"I noted the comment about traffic lights. Even giving this a brief thought I would wonder how practical these would be at this location. At the least I suspect these would need to be three way and affect through traffic on Hall Road (Street). There is also the question of who would pay for them and do you want such lights within a conservation area? If you requested it I could instruct Kiers to undertake a formal feasibility study but before doing so I would suggest you gauge local public opinion to avoid the risk of spending money on such a study to find strong opposition that would stop any such scheme."
"To safely and effectively control traffic at this junction we may end up with 5 sets (Hall Street N & S / entrance to Village Hall / Cordell Road / Bull Lane). Such a system would significantly delay traffic through the village particularly if a red phase is needed to allow pedestrians to walk through the narrow gap adjacent to the Bull Inn."
The strong message is that the cure, if it could be justified, might be worse than the disease: an unsightly array of traffic lights causing aggravation to all road users. This is a good example of the capacity and character of the village not being able to support this scale of development at this location. The additional traffic through two accident-prone junctions is unacceptable and the means of managing such additional traffic are unacceptable as well. But the applicant has failed to analyse either of these junctions; this cannot possibly be counted as scoring positively.

	<ul style="list-style-type: none"> • <i>The Transport Assessment at para 3.3 quotes the NPPF requirement that cumulative impacts should be considered; none are taken into account in the assessment. Two significant examples (and there are more, depending on the base date of the assessment and on other schemes that will be committed by the Assessment's projection date of 2020) are the Chilton extension of Sudbury, which is an allocation in the Babergh DC Core Strategy and which will comprise 15 hectares of employment land and 1050 homes; it is estimated that 40% of the traffic from this development will travel along the A134/LM by-pass and therefore through the Bull Lane junction and the Fleetwood Caravans site in the middle of Long Melford where 44 homes are under construction.</i> • <i>The Transport Assessment makes no reference to air quality improvement. The applicant has done nothing to "minimise the need to travel by car". Rather they have undertaken an inadequate "predict and provide" transport assessment.</i> <p>Not score positively.</p>
<ul style="list-style-type: none"> • where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes. 	<p>The Planning Statement makes no reference to a Travel Plan. The submitted Transport Assessment does not address the issues conventionally covered by a Travel Plan and listed in this part of the policy.</p> <p><i>This is a missed opportunity given the well-known dependency of rural communities on car travel. As stated above under the previous item, the Transport Assessment puts forward no measures to minimise car-based travel to and from the site.</i></p> <p><i>The proposed parking provision (186 spaces or 2.62 spaces per dwelling) is a recognition that the site is poorly located for alternative, more sustainable forms of transport.</i></p> <p>Not score positively.</p>
<ul style="list-style-type: none"> • <i>In addition 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 of Babergh's built and natural</i> 	<p><i>The proposed development and the traffic it will generate will have a deleterious effect on a key entry to Long Melford, which is characterised by a number of important features:</i></p> <ul style="list-style-type: none"> • <i>A winding and undulating lane with mainly soft verges and often bordered by dense vegetation, a lane which is unsuited in character to a large housing development.</i> • <i>Three Listed Buildings in close proximity to the application site, including Bull Lane Farmhouse, Melford Barn and Outbuildings and 24 Bull Lane, which must be considered in their wider context.</i> • <i>The boundary of the area covered by the Dedham Vale (AONB) and Stour Valley Management</i>

<p>environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas. In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest.</p>	<p><i>Plan 2010-2015</i></p> <ul style="list-style-type: none"> • <i>Following the line of the Chad Brook, which, with its wooded banks, frames the entrance to the village along Bull Lane, are two important boundaries: historic parks and gardens (protected by Core Strategy policies CN14 and CN 15) and the Long Melford conservation area (protected by policies CN08, CN09 and CN11).</i> <p><i>A full response to this issue is contained in the paragraphs above relating to Policy CS15.</i></p> <p>Not score positively.</p>
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Notes re BDC Core Strategy Policies

Scope of CS Policies

CS2 identifies Core and Hinterland Villages and sets out **broad criteria for assessment of all development**, urban, village or countryside.

CS3 is a strategy for growth and development: numbers and broad locations for development.

CS4-10: major allocations.

CS11: Proposals for development in Core Villages need to score positively against CS15 tests; CS11 lists six other criteria to be satisfied by development proposals in Core Villages.

CS15 Implementing sustainable development in Babergh; 21 sustainability criteria.

Given that “**Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15**”, it is noteworthy that the proposals for Bull Lane fail to score positively on 18 of the 21 measures of sustainability set out in Policy CS15. On one measure, the capacity of social infrastructure, the proposals score positively and on the last one, provision of open space, the proposals potentially score positively.

Appendix 1

Table 1, Housing Requirements and Proposed Developments, Long Melford

Notes

Total housing need 2011-31, of which	5975	
Windfalls across district	1640	
Assumed share of clusters in windfalls (%)	57	Note 1
Assumed share of clusters in windfalls (nos.)	935	
Assumed share of LM cluster in windfalls (%)	17.25	Note 2
Assumed share of LM cluster in windfalls (nos.)	161	
New allocations in Core & Hinterland Villages	1050	
Option 1: LM share = 1/10 (10 core villages)	105	
Option 2: LM share is pro rata completions 2011-2016 (%)	27	Note 3
Option 2: LM share is pro rata completions 2011-2016 (nos)	284	
Completions 2011-2012 and commitments LM	92	
Total allocations, commitments and windfalls in LM, Option 1	358	
Total allocations, commitments and windfalls in LM, Option 2	537	
Against which committed developments:		
Long Melford cluster, completed units, 2011/12 - 2015/16	144	
Long Melford cluster pp's not started or under construction	162	Note 4
Other commitments since 31/3/16	77	Note 5
Total commitments	383	
Equates to x% of total requirement Option 1	107	
Equates to x% of total requirement Option 2	71	
In 6.5 years out of 20-year plan period		
Proposed Bull Lane development	71	
New total commitments if Bull Lane permitted	454	
Equates to x% of total requirement Option 1	127	
Equates to x% of total requirement Option 2	85	

Notes

1. CS: Pro rata population outside urban areas
2. Annual Monitoring Report (AMR) 2015-2016 Table 6
3. AMR 2015-2016 Tables 5 & 6
4. Includes Fleetwood site
5. Site in Ropers Lane, Rodborough; other developments committed e.g. in hinterland villages which are in the Long Melford cluster.

Appendix 2

Commentary on Applicant's Housing Needs Study, September 2015

The Study has produced an extraordinary result: a requirement for affordable and market housing in Long Melford and the hinterland villages:

	Affordable housing required per year	Market housing required per year	Total dwellings required per year	Total over remaining 13.5 years of Core Strategy (our figures)
Long Melford	24	98	122	1647
Hinterland villages	35	171	206	2781
Total	59	269	328	4428

These figures are plainly unhelpful and unconvincing as evidence to support the proposed development in Bull Lane: the total of 4428 dwellings represents 74% or three-quarters of the total requirement for the whole of Babergh District (5974) in the 20-year period covered by the Core Strategy; the total for Long Melford (1647) would double the size of the village; that for the hinterland villages (2781) would increase their size by 87%.

The Housing Needs Study has been carried out following the guidance produced by the Government and by the Countryside Agency (paras 1.4 and 1.5). However in one very important respect the Study departs from Government guidance, which advises that the assessment is most suitably performed with secondary data (i.e. published statistics) (para 6.4). Such statistics are not available at a local level such as the Study Area for this Study. The Study is consequently based on primary data, namely a survey of households in Long Melford and the hinterland villages. A large questionnaire was mailed to every household in the Study Area and completed and returned by those who wanted to. There are many question marks over the validity of a survey conducted in this manner:

1. There will inevitably be some bias in the group of the survey households which chose to respond to the questionnaire; they are likely to be those who are more concerned about housing and, specifically, their own housing needs; they may see the survey, wrongly, as a vehicle for promoting their own housing needs with the hope of a solution; conversely the 87.4% of households who did not respond will probably be less concerned about housing issues especially housing needs. The results were weighted to take into account a number of objective factors, but not subjective issues such as those that may have influenced the (self-)selection of the households who responded. The effect of any bias cannot be divined from the Study but it is likely to have led to an over-estimation of housing need.
2. The response rate (overall about 12.6%) is not necessarily the best guide to the statistical validity of the survey. The absolute number of respondents does however limit the detail to which the data can be analysed. If there are small numbers in the cells in a table, there is a risk of high margins of error. For example Table 6.12 identified 24 households (in the total population, as the survey figures have been grossed up to the total populations i.e. the responses of 12.6% of the population have been grossed up to 100%) as needing affordable housing in Long Melford; this figure is carried forward for

further analysis in Tables 6.13 and 6.15, where the numbers in the columns Need and Total (i.e. net need) are very small. It should be recalled that these are total population figures, so the survey results behind these small numbers will be very small indeed. The risk of large errors is very significant.

3. The credibility of the Study is further undermined by the lack of transparency. The results of the survey are not presented, even in aggregate form, and the Study acknowledges at para 6.3 that not all the steps in the estimation are presented. It is therefore not possible to understand how each table has been derived and, more generally has been used.
4. Not only is the response rate likely to have been selective (point 1 above), but the responses, given that this was a self-completion questionnaire with no interviewer present, will be subject to error as a result of misunderstanding by the respondent or bias on the part of the respondent. For the same reasons as those in point 1 above, there is likely to be a tendency to overstate one's housing need. For example Government guidance indicates that unsuitable housing is a sign of housing need and Q A.13 in the questionnaire explores this issue, listing amongst other items "difficulty of maintaining your home" and "your accommodation is too expensive"; these questions are extremely vague and should certainly not provide the basis for a programme to build affordable homes. Such issues need to be assessed objectively and against clear benchmarks.
5. The assessment has been undertaken for Long Melford and for all the hinterland villages together; this aggregation of the villages is necessary to make the data handling manageable. But it introduces distortions into the analysis of the supply of properties. It is well known that property markets differ over quite short distances (hence expressions like "the other side of the tracks") and this is how a variety of housing needs are met within a local area. Any local agent will be able to list the hinterland villages in order of price. For example Zoopla (often based on a small sample) shows the average value of a terraced property in Boxted as £402,487, in Stanstead as £265,535, in Long Melford as £255,359 and in Glemsford as £180,083. By adding the data for all the hinterland villages together, the Study has lost these local differences in the housing market. This distortion will tend to have raised property prices across the Study Area and artificially increased the need for affordable housing.
6. Following Government guidance, the Study adopts the lower quartile (of house prices) as the benchmark for affordability. Whilst this may be Government guidance, it invites the conclusion that the analysis ignores the 25% of the supply of housing that is available at lower prices. This will again tend to inflate the need for affordable housing.

Appendix 3 Photographs

- Figures 1-3 Flooding in Bull Lane, June 2016
- Figures 4-7 Traffic and pedestrians negotiating Bull Lane/Hall Street junction at The Bull
- Figures 8-10 Traffic and cyclist negotiating Bull Lane/A134-Long Melford bypass



Figure 1 Flooding in Bull Lane



Figure 2 Flooding in Bull Lane



Figure 3 Flooding in Bull Lane



Figure 4 Bull Lane/Hall Street junction



Figure 5 Bull Lane/Hall Street junction



Figure 6 Bull Lane/Hall Street junction



Figure 7 Bull Lane/Hall Street/Cordell Road junction



Figure 8 Bull Lane/A134-by-pass junction



Figure 9 Bull Lane/A134-by-pass junction



Figure 10 Bull Lane/A134-by-pass junction

Agenda Item 8c

Committee Report

Committee Date: 26 April 2017

Item No: 3

Reference: B/16/01216

Case Officer: Lynda Bacon

Description of Development: Submission of details under O.P.P. B/11/00745/OUT - For the erection of 30 No. dwellings and associated works: Details submitted regarding access to the site; the appearance, layout and scale of the development and the landscaping of the site (Condition 2) with accompanying details relating to sustainability measures (Condition 21). As amended by sustainability information received 12 December 2016 and 14 March 2017; revised Layout Plan Drawing No. CLS/03F; revised Access Layout SK03 Rev P3 and revised house types (Plots 8 - 17) received 27 January 2017 and as amplified by Photo Voltaic panel information received 4 April 2017.

Location: Land south of Sproughton VC Primary School, Church Lane, Sproughton

Parish: Sproughton

Ward: Brook

Ward Member/s: Cllr B Gasper and Cllr N Ridley

Site Area: 1.33

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 02/09/2016 06:01:38

Expiry Date: 07/02/2017

Application Type: Reserved Matters

Development Type:

Environmental Impact Assessment: N/A

Applicant: Bennett Homes

Agent:

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

GARAGES DG/01 and SG/01 received 26 September 2016.

GARAGE (PLOT 3) DG/01 Revision A received 10 April 2017.

PLOT 1 FLI_01-FLIXTON Revision A received 20 September 2016.
PLOT 2 & (21 HANDED) HAU/01-HAUGHLEY Revision B received 4 April 2017.
PLOT 4 & (5 HANDED) HAU/02-HAUGHLEY Revision A received 20 September 2016.
PLOT 18 KEL/01-Kelling Revision A received 20 September 2016.
PLOT 22 LIN/03-LINCOLN Revision B received 4 April 2017.
PLOT 23 FLI_02-FLIXTON Revision A received 20 September 2016.
PLOT 28 & 24 (HANDED) BEY/02-BEYTON Revision A received 20 September 2016.
PLOT 30 BEY_01-BEYTON Revision A received 20 September 2016.
PLOTS 3 & 27 LIN_01-LINCOLN Revision A received 26 September 2016.
PLOTS 6 & 7 EII_01-ELLINGHAM Revision A received 20 September 2016.
PLOTS 19 & 20 ELLINGHAM & LANGRICK ELL-LAN/01 Revision A received 20 September 2016.
PLOTS 25 (26&29 HANDED) OUL/01-OULTON Revision A received 20 September 2016.

Floor Plans and Elevations Plots 8 - 17 received 27 January 2017.
Site Layout Plan Drawing No. CLS/03F received 27 January 2017.
Development Access Layout Drawing No. 2963 SK03 Revision P3 received 27 January 2017.

Layout PV Panel Location Plan received 4 April 2017.
Sustainability information: 10% Reduction Feasibility Study; Part G Water Calculation;
Compliance information and Predicted Energy Assessment received 12 December 2016 and
MAT1 Green Guide Ratings information received 14 March 2017.

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

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval/refusal of this application. The proposal represents the sustainable development of an allocated site pursuant to the grant of outline planning permission under reference B/11/00745/OUT.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- It is a “Major” application for: -
 - a residential land allocation for 15 or over dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

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

B/16/01216	Submission of details under O.P.P. B/11/00745/OUT - For the erection of 30 No. dwellings and associated works: Details submitted regarding access to the site; the appearance, layout and scale of the development and the landscaping of the site (Condition 2) with accompanying details relating to sustainability measures (Condition 21). As amended by sustainability information received 12 December 2016, revised Layout Plan Drawing No. CLS/03F; revised Access Layout SK03 Rev P3 and revised house types (Plots 8 - 17) received 27 January 2017 and as amplified by Photo Voltaic panel information received 4 April 2017.	Current Application
B/16/00226	Application under Section 106BA - Removal of the affordable housing obligation.	Refused 21/03/2016
B/11/00746	Change of use of agricultural land to public open space as amended by Tree Survey and Extended Phase 1 Habitat Survey received 31.01.2012 and as further amended by Archaeological Evaluation, Geophysical Survey Report and Envirocheck Reports received on 18.01.2013 and as amplified by letter received on 18.01.2013. As further amended by revised Design and Access Statement extract received on 19.04.2013, revised Surface Water Drainage Strategy received 01.07.2013 and revised site location	Granted 19/12/2014

plan received on 18.12.2013.

B/11/00745	Outline - Erection of 30 No. dwellings as amended by Tree Survey and Extended Phase 1 Habitat Survey received 31.01.2012, as amended by Archaeological Evaluation, Geophysical Survey Report, and Envirocheck Reports received on 18.01.2013 and as amplified by part site layout Plan and letter received on 18.01.2013.As further amended by revised Design and Access Statement extract (page No.10) received on 19.04.2013 and revised Surface Water Drainage Strategy and letter received 01.07.2013.	Granted 19/12/2014 14:58:22
B/09/01013	Outline - Erection of 30 no. dwellings (including 10 no. affordable dwellings) and construction of vehicular access.	Withdrawn 08/10/2014
B/09/01012	Change of use of agricultural land to public open space.	Withdrawn 08/10/2014
B/80/00821	Outline - residential development, vehicular access and estate road	29/08/1980
W/6234	Outline - residential development	Refused 30/07/1964
W/997	Outline - Residential development	Granted

Details of Previous Committee / Resolutions

2. At Planning Committee on 7th August 2013 Members resolved to grant outline planning permission (B/11/00745/OUT) in respect of the erection of 30 No. dwellings and to grant full planning permission (B/11/00746/FUL) for the change of use of agricultural land to public open space.

Details of Member site visit

3. None

Details of any Pre Application Advice

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations

Sproughton Parish Council: Initial comments submitted recommending approval subject to;

- the affordable housing requirement proposed under the outline permission being met;
- that further clarification is sought regarding the maintenance and use of the adjacent public open space;
- the Arboriculturist Report is supported;
- that conditions Nos. 7 (new footway provision) and 8 (visibility splays) of the outline permission are met in consultation with the Parish Council.

The Parish Council subsequently confirmed that Sproughton Parish Council is particularly concerned about the affordable housing element of the proposed development, and is aware of the developer's application for the affordable housing element of the application to be removed. The Parish Council is of the view that the detailed design of the affordable homes needs to be considered at this stage.

Local Highway Authority: Initially advised that the information as originally submitted was not acceptable in highway terms to be able to discharge the conditions in respect of Access or Layout.

In respect of the revised Layout Plan Drawing No. CLS/03F and the revised Access Layout 2963.SK03 Rev P3 received 27 January 2017, the LHA have subsequently confirmed that the revised drawings are now acceptable in highway terms in relation to the submission of details.

The LHA goes on to explain that drawing Number 2963.SK03/P3 does not show a footway along the school and site frontage. The applicant has advised the LHA that to build a footway along that frontage would have a significant detrimental effect on the existing trees and hedgerows. It is therefore not shown on the submitted drawings. The LHA have consulted with their Landscape Officer and his views are the same. The LHA suggest that the footways which are proposed (and shown on the drawings) extend to the southern boundary of the school so that in future it may be possible for the school to allow access through the school site if deemed appropriate or desirable.

Suffolk County Council Archaeology: This site lies in an area of archaeological potential recorded on the County Historic Environment Record. A Mesolithic site is recorded to the south-east (SPT 002), with a number of Bronze Age cinerary urns located to the north-east (SPT 005). The cropmark remains of a Bronze Age burial mound has also been identified to the north-west (SPT 049). The site has good potential for the discovery of important unknown archaeological sites and features given the landscape setting overlooking the valley of the River Gipping, which is topographically favourable for early occupation. A first phase of archaeological evaluation at the site has detected several pits and linear features. As a result, there is potential for further remains to be encountered and the proposed works will damage or destroy any archaeological remains which do exist.

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, it is suggested that two planning conditions are imposed to secure the implementation of a programme of archaeological work and the subsequent archive deposition of the assessment and results.

Environmental Health – Sustainability Issues: After clarification from the agents to this application it is confirmed that we are satisfied that the condition relating to sustainability can be discharged based on the commitments made by the applicants team ie: The Green Guide ratings as provided with an allowance of a drop in rating by 1 level only should issue arise in relation to obtaining materials; a commitment to all timber used on site being FSC certified and obtaining COC certificates to prove this; 112ltrs water use per person per day and a 10% reduction in emissions. However, It should also be noted that we are disappointed that the applicant is not considering installing PV to the smaller dwellings.

Strategic Housing: No comment received.

Arboricultural Officer: No comment received.

Public Realm: No comment received.

Representations

6. Summary of neighbour and other representations

- Serious concerns with the proposed access. Church Lane is a narrow road with vehicles parked on both sides of the road. The exit from Church Lane into Lower Street is difficult due to a blind corner. With the inevitable increase of heavy traffic delivering to the site, congestion will increase when parents are delivering and collecting their children from the school. Access for emergency vehicles will be affected. The number of vehicles parked at random in Samford Place will increase, making it impossible for residents to get in or out at these times.
- The Primary School and children using Church Lane will suffer greatly from the upheaval of constant traffic, not just from the Lorries during the building period but from the extra cars using the road after building is completed. Possibility of an extra 3-4 cars per household using Church Lane, which being a no-through road, means that they will have no option but to pass the school.
- Sproughton Primary School is full so where will pupils from this new estate attend school?
- Village infrastructure, including foul and surface water drainage systems and local Doctors, cannot meet the extra demands made by 30 new families moving in.
- How do the developers propose to construct a new access road without harming the present oak trees or their roots, especially since they have TPO's on them?
- The fields have always been used for crops, and is used as public foot path for dog walkers on a daily basis.

- Contractors lorries and equipment will have to access Church Lane via the B1113 as in the other direction there is a weak bridge permitting nothing over 7.5 ton. The bus service had to stop coming down Church Lane to Gipping Way because of the parked cars.
- There is a stream running down the side of the field which gets blocked and sometimes floods in heavy rain, as does the road.
- This is not sustainable to the Village and will have an environmental effect on all the Village. More houses will take away the feeling of living in a small community.
- The Playing Field Management Committee (PFMC) administers Sproughton Playing Field Charitable Trust on behalf of the village, and as the Playing Field is the principal neighbour to the proposed development, the PFMC would welcome an open dialogue with both Babergh District Council and Bennett Homes, to ensure any plans on the provision and maintenance of any additional playing field space / new open space or play facilities are coordinated in an appropriate way.
- How will the new playing field will be accessed / fenced off? The new playing field gives a green space in front of the largest properties and directly opposite the existing football pitch goal mouth. What plans are in place to protect the houses? Although generous, the new playing field space is not big enough to be of practicable use as a second football pitch.
- There are no documents showing how the new playing field will be administered / maintained / managed on a day to day basis. Nor documents showing how the S106 open space development money will be spent. No provision for affordable housing.
- Why does the new path stop? Why doesn't it join either the school or the existing playing field?
- There is the worrying potential for expansion into the designated green space between the valley at the South / South East and the A14.

The Site and Surroundings

7. The application site is situated to the south of Sproughton Primary School and to the west of Church Lane. The site is enclosed to the north, east and south by an application site for 1.75 hectares of public open space proposed by application B/11/00746/FUL. The site currently comprises an agricultural field of Grade 3 quality. The access to the site is off Church Lane. To the north of the site is Sproughton Primary School and village recreational facilities including a playing field, bowling green and tennis courts. To the East of the site are residential dwellings, the nearest neighbouring dwellings are 47 – 63 Church Lane are located on the opposite side of Church Lane. To the south and west of the site is agricultural land with a small pumping station also located adjacent to Church Lane.

The application site is located within the countryside, in close proximity to the southern extent of the built up area boundary for Sproughton. The site is also within the Special Landscape Area. There are also a number of TPO trees adjacent to the site; including five significant trees to either side of the proposed access road within the frontage of the adjacent public open space site. Just outside the site to both the south and the south west are further TPO trees. The front of the site is located within flood zone 2. There is also the possibility of contaminated land within the site, to the south of the existing pumping station. The majority of the site is located within the Cordon Sanitare for the Church Lane sewage treatment works.

Saved Policy HS24 of the Babergh Local Plan Alteration No.2 (2006) allocates the site for 30 houses.

The Proposal

8. Planning permission is sought for the approval of all those matters reserved for subsequent approval, following the grant of outline planning permission under reference B/11/00745/OUT for the erection of 30 dwellings and associated works. The reserved matters relate to the proposed site access; the appearance, layout and scale of the development, and landscaping of the site.

Site Access: A new minor access road situated opposite Gipping Road, off Church Lane will be created to form a crossroads that includes the construction of a block paved raised speed table. The access will be provided with 2.4m x 43m visibility splays in both directions. Pedestrian access in to the site will be via a 2m wide footpath to the north of the site, which links to the estate road and a new footpath to the playing field. 1.8m wide footpaths and shared surfaces to properties will be provided within the site.

Appearance, Layout and Scale: The application provides for 20 No. houses that will be available for purchase on the open market consisting mainly of detached and semi-detached two-storey properties and comprising 16 No. 4 bedroom units and 4 No. 3 bedroom units. The application also provides 10 No. units that will be available as affordable housing as secured by the legal agreement completed under the outline planning permission (as per Deed of Variation dated 4th January 2017). The affordable housing comprises the following property and tenure type:

Affordable Housing:

- 2 No. x 1 bed flats for rent (plots 12/13)
- 7 No. x 2 bed houses for shared equity (plots 8-11 and plots 14-16)
- 1 No. x 3 bed house for shared equity (plot 17).

Landscaping: The submitted landscaping details include grassed front gardens, new tree, shrub and ground cover planting as per the submitted site layout plan.

Condition 21 of the outline planning permission also requires this reserved matters application to include the submission of a comprehensive sustainability statement that addresses matters such as reducing/minimising energy usage, provision of recycling facilities, low energy construction materials and water re-use for approval in writing.

NATIONAL PLANNING POLICY FRAMEWORK

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

- Paragraph 6 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. 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.
- Paragraph 7 details the three roles of sustainable development as economic, social and environmental and that development should seek to provide enhancements to these roles.
- Paragraph 8 states that the three roles of sustainable development should be sought jointly and not in isolation.
- Paragraphs 11 – 16 sets out the presumption in favour of sustainable development.
- Paragraph 17 lists the 12 core planning principles. Most notable are that development should secure high quality design, high level of amenity, support the transition to a low carbon future and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Paragraph 32 requires all decisions should take account of whether safe and suitable access to the site can be achieved for all people.
Paragraph 47 explains how local planning authorities should boost the supply of housing and Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 55 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and not be considered isolated.
- Paragraphs 56 – 65 explains the Government's approach to achieving good design. Whilst Paragraphs 93 – 104 provides guidance to meet the challenge of climate change and flooding.
- Paragraph 150 explains that Local Plans are key to the delivery of sustainable development and that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (para 196 & 197).

CORE STRATEGY

10. CS1 - Presumption in favour of sustainable development
 CS2 - Settlement pattern policy
 CS3 - Strategy for growth and development
 CS11 - Strategy for development for core and hinterland villages
 CS12 – Sustainable design and construction standards
 CS13 – Renewable/low carbon energy
 CS15 - Implementing sustainable development in Babergh
 CS18 – Mix and types of dwellings
 CS19 – Affordable Homes

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

11. None

SAVED POLICIES IN THE LOCAL PLAN

12. CR04 – Special Landscape Areas
HS24 – Allocation – Church Lane, Sproughton
HS31 – Public Open Space
CN01 - Design Standards
TP15 - Parking Standards

Main Considerations

13. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.
14. The principle of developing the site for 30 dwellings has been established under the outline permission granted on 19 December 2014 (Ref: B/11/00745/OUT). Outline planning permission was granted as it was considered that the principle of residential development was acceptable within the context of Saved Policy HS24 of the Local Plan. The outline planning permission was granted subject to the completion of a s106 legal agreement securing delivery of affordable housing, open space and a financial contributions towards the provision of secondary school education and early years childcare.
15. The main considerations in assessing this reserved matters application is therefore limited to the specific design and access arrangements being proposed and not the principle of the development.
16. In terms of design, the area is characterised by a mix of property design and types. Whilst the construction materials remain to be agreed, the dwellings proposed are of a traditional appearance, scale and proportions. The built form is compatible with the adjacent residential developments and the layout of the development provides parking and private amenity space for each property. A detailed landscaping proposal has been prepared which retains and supplements existing boundary planting and includes a new native hedgerow to the eastern boundary and shrub/ground cover planting within the gardens of individual properties. The proposed landscaping belt between the residential dwellings and the countryside will ensure that views from the countryside into the site are limited and provide a soft division between the countryside and the village in this location. This will ensure the protection of the Special Landscape Area.
17. It is considered that the proposal delivers a well-conceived layout of built form and spaces to compliment the wider surrounding area and that the proposal would be of an acceptable quality providing a good environment for future residents and connectivity with the existing area. The proposal therefore adheres to the guidance in the Local Plan and NPPF. The reserved matters submitted in relation to the appearance, layout, scale and landscaping of the development are considered acceptable.

18. The proposed access arrangements have been reviewed by the Local Highway Authority and amendments have been secured in response to initial comments received from the LHA. The reserved matters submitted in relation to access to the development are considered acceptable.
19. It should also be noted that other conditions of the outline permission, including a number of highway conditions, remain to be discharged under separate submission in due course.

Sustainability Assessment Of Proposal

20. Sustainability information has been submitted pursuant to Condition 21 which confirms the chosen method of reducing carbon emissions is the installation of photovoltaic panels at 4 of the open market properties; that the development offers a commitment of using 112 litres per person per day; that timber used on site will be FSC certified and materials used will be as per the agreed Green Guide ratings. The sustainability information has been reviewed by the Council's Environmental Management Officer and the submitted details are considered to be satisfactory to discharge the requirements of Condition 21.

Environmental Impacts - Trees, Ecology, Flooding and Land Contamination

21. Environmental impacts in respect of the TPO'd trees and ecology were considered at the outline application stage and the development is required to be carried out in accordance with the agreed arboricultural report and habitat survey, as secured by conditions of the outline permission. Flooding issues and the potential for land contamination were also considered and satisfactorily resolved at outline stage.

Impact On Residential Amenity

22. The impact of the proposal on the residential amenity of existing residents was considered at outline application stage and it was further considered that given the distance between existing and proposed development, there would be no loss of privacy to the neighbouring dwellings resulting from the proposed development. It was also acknowledged that there would be an increase in noise and disturbance from an intensification of the use of Church Lane by the occupiers of the proposed 30 dwellings. However, it was further considered that Church Lane is already used by traffic from other housing estates and the additional traffic would not have a severe impact on the existing dwellings so as to justify refusal of the application.
 23. The submitted site layout plan shows that 30 houses can be located on the site with adequate space for private amenity areas and without overlooking or loss of privacy to occupiers of the proposed dwellings.
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PART FOUR – CONCLUSION

Planning Balance

24. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

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

25. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
26. In this case the planning authority has worked with the applicant to overcome any issues arising during the processing of the application.

Identification of any Legal Implications of the decision

27. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That planning permission be granted subject to conditions including;

- Provision of footpath linking development to southern school boundary

Agenda Item 8d

Committee Report

Committee Date: 26 April 2017

Item No: 4

Reference: B/16/01718

Case Officer: Steven Stroud, Senior Planning Officer

Description of Development: Outline Application - all matters reserved except means of access - Redevelopment of former Monks Eleigh C of E Primary School site for residential development (Class C3) comprising up to 17 dwellings maximum; formation of new vehicular means of access off Church Field to replace existing together with associated landscape and related improvements.

Location: Former Monks Eleigh School, Church Field, Monks Eleigh, IP7 7JH

Parish: Monks Eleigh

Ward: North Cosford

Ward Member: Cllr. Clive Arthey

Site Area: 0.7

Conservation Area: Not in Conservation Area

Received: 20/12/2016

Expiry Date: 03/07/2017

Application Type: Outline Planning Permission

Environmental Impact Assessment: Not Required

Applicant: Suffolk County Council (Project Lead - School Organisation)

Agent: Cornerstone Property Assets Limited

SUMMARY

The proposal has been assessed with due regard to adopted development plan policies, the National Planning Policy Framework, and all other material considerations. The officers recommend approval of this application, subject to resolution of outstanding matters relating to ecology. It is recommended that Members delegate authority to the Corporate Manager to grant planning permission subject to a positive resolution in that regard.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

1. The application is referred to committee for the following reason/s:
 - It is a “Major” application for:-
 - a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

2. No planning history is considered relevant to the determination of this application.

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations:

Monks Eleigh Parish Council

"The Council noted the concerns/observations submitted by a parishioner with regards to access into Churchfield. Reports on the issue of volume of transport was also noted particularly that since the school had closed there had been less traffic in this area, but at the time when the school was open there would have been a similar amount of traffic and parking as is proposed would occur with the proposed new housing development. However, the Parish Council do have reservations about the three accesses onto Churchfield, rather than the one access."

Suffolk County Council - Highways

No objection: "Further to receipt of the amended site boundary plan, notice is hereby given that the County Council as Highway Authority withdraws its objection subject to the imposition of... conditions."

Suffolk County Council - Floods and Drainage

No objection is raised, however the proposal for a pumped drainage system would be contrary to local and national planning policies. Nevertheless, and where the applicants have presented a 'last resort', conditions are recommended to be imposed on any permission granted.

Suffolk County Council - Archaeology

No objection; recommend standard condition(s).

Suffolk County Council - Developer Contributions (CIL and s106)

No objection; identified infrastructure requirements will form the basis of a future bid to Babergh District Council for CIL funds if planning permission is granted and implemented.

BMSDC - Infrastructure

"Community Infrastructure Levy (CIL) is assessed upon grant of Reserve Matters permission. Residential development in this area is subject to the CIL Residential rate of £115 (indexed). Affordable Housing requirements will need to be secured via a s106 Agreement."

BMSDC - Land Contamination

No objection.

BMSDC - Arboriculture

No objection.

Sport England

No objection; subject to conditions/s106 agreement relating to the need to secure a financial contribution towards off-site provision or enhancement to playing field provision in the locality.

Suffolk Constabulary

Do not wish to offer comments.

Anglian Water

No in-principle objection; recommend conditions. However, the supporting detail relating to surface water drainage is unacceptable.

Officer Comment - The applicant has extensively revised their evidence base and proposal in respect of SW drainage. Anglian Water have been re-consulted however no comments in respect of those amendments have been received to date.

Place Services - Ecology

Holding objection; Insufficient information is available at present to fully understand potential impacts in respect of bats. *"It is therefore not possible to determine the application yet, but if the Planning Committee are 'minded to approve', I would support this being delegated to officer level for ecology issues pending the results of further bat surveys. This will allow these to be undertaken and inform the appropriate mitigation and licence application and I will provide detailed comments when the results are available."*

Suffolk Wildlife Trust

Advise that further bat surveys are required.

Representations

6. Those representations received are summarised below:

- Highways concerns: width of Church Field and entrances onto the highway from dwellings shown on layout;
- Layout concerns;
- Overlooking concerns;
- Church Field should be widened and southern boundary set back;
- On-street parking issues.

All comments and representations received have been noted and taken into account when reaching the recommendation for Members.

The Site and Surroundings

7. The application site relates to a former school maintained by the Suffolk County Council and amounts to some 0.7ha. The former school building and related hard and soft features remain in situ along with a vehicular access from Church Field.

The site lies within the settlement boundary (BUAB) of Monks Eleigh, which is a Hinterland Village in accordance with the development plan. It is within a Special Landscape Area and an area of high archaeological potential.

Church Field, which is a 30mph residential road, bounds the site to the south along with residential development which is adjacent to the west, south and east. Open countryside lies to the north.

The Proposal

8. Outline planning permission with all matters reserved (i.e. scale, layout, appearance, and landscaping) save for access, is sought for the erection of up to 17 no. dwellings and associated works.

The primary access to the development would be from Church Field, subject to improvements to the existing. Two additional access points forming driveways for dwellings fronting Church Field have also been indicated.

The illustrative layout plan shows one estate road from Church Field, creating a cul-de-sac of residential development comprising 17 no. dwellings. A total of 51 no. parking spaces (44 no. for dwellings and 7 no. general visitor spaces) have also been illustrated, which would meet the minimum standards set out by the local highway authority.

The indicative residential mix is as follows:

- 2 no. 1 bed-2 person flats;
- 4 no. 2 bed-4 person houses;
- 2 no. 3 bed-5 person houses;
- 4 no. 3 bed-6 person houses;
- 2 no. 4 bed-7 person houses;
- 2 no. 4 bed-7 person 2.5 storey houses;
- 1 no. 5 bed-7 person 2.5 storey house.

In accordance and compliant with the development plan, the applicant has agreed that 35% of the dwellings to be provided on site shall be affordable.

Where all matters save for access are reserved, the Local Planning Authority is, in general terms, tasked with considering the acceptability of the access points to the application site from the public highway, and the principle of the development applied for in this location.

NATIONAL PLANNING POLICY FRAMEWORK

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

CORE STRATEGY

10. The following policies are especially relevant to this application:-

- **CS1** - Presumption in Favour of Sustainable Development in Babergh
- **CS2** - Settlement Pattern Policy
- **CS3** - Strategy for Growth and Development
- **CS11** - Core and Hinterland Villages
- **CS12** - Sustainable Design and Construction Standards
- **CS13** - Renewable/Low Carbon Energy
- **CS15** - Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes
- **CS21** - Infrastructure Provision

SAVED POLICIES IN THE LOCAL PLAN

11. The following policies are also applicable to this proposal:-

- **CN01** - Design Standards
- **HS32** - Public Open Space (Sites up to 1.5ha)
- **TP15** - Parking Standards

Main Considerations

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

The following are identified as the *main* considerations in assessing this application:

The Principle of Development

13. In accordance with policy CS2 of the Core Strategy, the application site is located within the BUAB of Monks Eleigh, which is defined as a 'Hinterland Village' for planning purposes. The policy states *inter alia*, that Hinterland Villages will accommodate some development to help meet the needs within them and that all proposals must be assessed against policy CS11.

Policy CS11 of the Core Strategy states that development in Hinterland Villages will be approved where proposals score positively against policy CS15 and are able to demonstrate, to the satisfaction of the Local Planning Authority, that a number of other criteria-based matters listed under that policy have been met.

However, the Rural Development and Core Strategy Policy CS11 Supplementary Planning Document (2014) is clear that where an application site is within an established BUAB, as in this case, the principle of development has *already* been established, subject to assessment against other material planning considerations.

This report will therefore now proceed to assess those other material considerations.

The Use of Brownfield Land

14. The Glossary to the NPPF defines 'previously developed land' - i.e. brownfield land - as: "*land which is or was occupied by a permanent structure, including the curtilage of the developed land... and any associated fixed surface infrastructure*".

Paragraphs 17 and 111 of the NPPF place a requirement upon decision-takers to encourage the effective re-use of brownfield land; that such land should in effect be prioritised for development. Whilst the weight to be applied to such a consideration is in some ways limited by the word 'encourage' it is nonetheless a factor that gives additional weighting to the acceptability of the proposed development in this instance.

Design, Layout and Impacts upon the Character and Appearance of the Area

15. 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.

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.

Saved policy CR04 states that development within Special Landscape Areas (SLAs) will only be permitted where it maintains or enhances the special landscape qualities of the area and is designed and sited to harmonise with the landscape setting.

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.

In this instance matters relating to scale, layout, appearance, and landscaping would be reserved for a later date should Members be minded to approve the application before them. 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 layout, indicative site visualisations and a detailed Design and Access Statement that provide an indication as to how the development might occur, with supporting rationale.

The submitted details reflect a scheme of dwellings of varying scales, forms and detailed designs that provide visual interest and would generally accord with the local vernacular. The SLA covers the whole of the area constraining the application site, and beyond. Although the application site (along with a large part of the village) falls within the SLA, its potential impact upon landscape character is considered very limited given the location of the site which is bounded by other residential development and mature, established landscaping.

On that basis, and subject to a suitably designed and landscape-led approach at 'Reserved Matters' (in-line with those indicated on the supplied drawings), it is not considered that the development would adversely affect the landscape characteristics of the SLA, or the appreciation of the more open and verdant areas within the wider locality.

Therefore, having had regard for those submitted, indicative details and the nature of the site and surrounding environs, it is considered that the principle of development is acceptable in this instance. Detailed considerations regarding the function and presentation of the development can be considered at the Reserved Matters stage, where the developer would be required to adhere to the principles of the Building for Life 12 urban design guide (required under the Core Strategy) and encouraged to make use of design review as part of a pre-application process.

Site Access, Parking and Highway Safety Considerations

16. The key policies to consider from the development plan are CS15 of the Babergh Core Strategy and policy TP15 of the Babergh Local Plan. These policies seek development that is well laid out in terms of site access and highway safety, traffic flow and the environment.

Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all, and also makes it clear that proposals must only be refused where residual cumulative impacts on highway safety would be 'severe'.

Members should also note and apply significant weight to the Written Ministerial Statement of 25th March 2015 which states, inter alia, "*Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.*"

The proposal provides for the creation of up to 17 no. new dwellings which would be a material change from the previous use of the site which served as a school.

The concerns raised by the Parish Council and local residents have been considered carefully, alongside the professional and expert opinion provided by the local highway authority where the relevant engineer has provided the following points:

- *"The proposed condition requiring details of parking will ensure that adequate off-road parking is provided so that additional on-street parking should be limited (if any) and should not be unacceptable. Existing properties appear to all have adequate parking with reference to Suffolk Guidance for Parking: Technical Guidance 2015.*
- *The width of Church Field is adequate for passing and with the new accesses additional effective width should be provided for those lengths. The removal of vegetation to provide visibility splays will also make the street feel wider. As can be seen on the plan, Church Field is wide enough for a car and HGV to pass without mounting the footway.*
- *The parking spaces can be made long enough that there should be no problem manoeuvring into and out of them by cars.*
- *The number of vehicle movements generated will be insignificant in overall terms. I find no evidence that would lead me to conclude that the traffic impact would be unacceptable or warrant refusal."*

Whilst the plan provided by the applicant which showed a car and HGV passing (amended drawings have removed this illustration) was perhaps 'aspirational', your officers in any event endorse the professional comments provided by the LHA.

Furthermore, having regard to the configuration and presentation of the immediate highway network, it is considered that traffic speeds along Church Field are very likely to be low. Moreover, such vehicular movements would be largely undertaken by drivers who could be reasonably expected to be familiar with local area, given its suburban setting within a Hinterland settlement.

On that basis, whilst two additional driveways have been identified on the layout plan that connect to Church Field, opposite to existing dwellings, this is not considered to be an unacceptable situation; if anything, the formation of two new access points would likely displace on-street parking from that area.

In respect of highway safety, the application is therefore considered favourably and would not conflict with the aims of paragraph 32 of the National Planning Policy Framework, to only prevent development on transport grounds where the residual cumulative impacts are severe.

Impact On Residential Amenity

17. 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.

The application is in outline with the scale/orientation of buildings and layout reserved. The indicative layout demonstrates that there would be sufficient space to ensure residential amenity is safeguarded for existing neighbours and future residents. It illustrates that this can be achieved with clear building lines and adequate separation distances between proposed development and the existing properties in Church Field and adjacent dwellings to the west and east. The proximal distances between properties would not be unexpected in a suburban setting such as this.

Resilience to Climate Change

18. Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. This is echoed in Policy CS15 of the Core Strategy, which states that development should be designed to a high standard in terms of its sustainability.

A key 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 or high energy prices. In this instance the application site is considered to fall within 'Flood Zone 1' and as such there is a very low probability (less than 1 in 1000 annually) of river or sea flooding.

However, due to the scale and nature of the proposal a detailed surface water/flood strategy has been provided by the applicant, and this has been subject to a number of revisions following extensive discussions between officers and the SCC Floods team.

Whilst the use of a pumping station to deal with surface water drainage is not ideal, when having regard for national/local requirements and an hierarchical approach to sustainable drainage options, the applicant has nevertheless adequately demonstrated that all other options and opportunities have been exhausted. Consequently, SCC raise no objection to the development, subject to the imposition of planning conditions.

With regards to building performance, it is considered that whilst the necessary information to meet the requirements of Core Strategy Policy CS13 have not been provided as a part of the application, it would be acceptable to address this via the imposition of a planning condition/information supplied concurrent with Reserved Matters; and there is no reason to believe that such requirements cannot be met.

Biodiversity And Protected Species

19. In assessing this application due regard has been given to, *inter alia*, the provisions of the Natural Environment and Rural Communities Act 2006, and the provisions of Conservation of Habitats and Species Regulations 2010, Conservation of Habitats and Species (Amendment) Regulations 2012, and the Wildlife and Countryside Act 1981 (as amended) in relation to protected species.

Given the likely presence of bats within the school building(s), the Council's ecological consultant has raised concern in respect the level of information provided and the extent of surveys required to adequately, and robustly, identify and mitigate against the impacts of demolition.

Consequently, a holding objection is raised subject to further surveys that can be carried out as the season progresses. In the interests of expediency, Members will note that where this is the only outstanding matter to be resolved, it is recommended that authority for determination be delegated to officers to avoid this being re-presented at a later Committee.

Planning Obligations / Affordable Housing / CIL

20. The development will be assessed for any CIL liability shortly after the date of decision, should planning permission be granted. As the development will comprise affordable dwellings the scheme may claim some relief. This will be determined by the Infrastructure Team at the relevant time.

In addition, Suffolk County Council have outlined the monies that they would be making a bid for in order to mitigate the impact of the development, when the extent of liability has been determined.

Sport England have identified the need to secure a financial contribution of £25,000 towards off-site provision or enhancement to playing field provision in the locality. This is to mitigate against the loss of the playing field attached to the school. The applicant has agreed this contribution.

In addition, a number of areas of public/open space are likely to fall within the site and would not readily fall under the likely management or responsibility of the individual property occupiers. In such an event, and in the interests of proper planning and amenity, it is considered reasonable to secure the ongoing provision and management of those areas; and this can be secured by planning obligation.

Policy CS19 of the Core Strategy seeks to promote inclusive and mixed communities and requires that all residential development provides a provision for affordable housing; ordinarily this would equate to 35% of the total homes to be provided on the site. The applicant has agreed to this and where other obligations are being sought and the scheme is in outline form, this will be secure through the legal agreement.

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

PART FOUR – CONCLUSION

Planning Balance

22. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan (where those applicable policies are considered to be consistent with the NPPF), and other material planning considerations including the NPPF. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development in accordance with paragraph 14 of the NPPF and Policy CS1 of the Core Strategy.

The presumption in favour of sustainable development is further reinforced by advice relating to decision taking in the NPPF. Paragraph 186 of the Framework requires local planning authorities to "*approach decision taking in a positive way to foster the delivery of sustainable development*". Paragraph 187 states that local planning authorities "*should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible*".

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 then presented below.

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

23. When determining planning applications, the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to explain how in dealing with the application they have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In this case it was

necessary to work with the applicant in respect of matters including drainage and ecology. Subsequently the Local Planning Authority was able to reach a decision having had regard for all material planning considerations and statutory duties.

Identification of any Legal Implications of the decision

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

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Crime and Disorder Act 1998

RECOMMENDATION

(1) That the Corporate Manager – Growth and Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-

- 35% Affordable Housing (on site);
- £25k, as required by Sport England;
- Arrangements for ongoing management of public spaces.

(2) That, subject to the completion of the Planning Obligation in Recommendation (1) above, and subject to the adequate resolution of outstanding ecological issues, the Corporate Manager – Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:-

- Stand time limit and Reserved Matters Conditions;
- Approved Plans: SLP and Layout (only in so far as relating to access);
- Quantum of total dwellings fixed to 17 no.;
- Development to accord with agreed ecological details as may be required;
- Levels details;
- Detailed hard/soft landscaping with reserved matters;
- External lighting details with reserved matters;
- Sustainability/energy/emissions details with reserved matters;
- External facing materials samples/details;
- Construction management plan;
- Fire hydrants details;
- As requested by SCC Floods;
- As requested by SCC Highways;
- As requested by SCC Archaeology;
- As requested (and applicable) by Anglian Water;
- Waste management/recycling details;
- Arboricultural method statement/tree protection details.

- (3) That, in the event of the Planning Obligation referred to in Recommendation (1) above not being secured the Corporate Manager – Growth and Sustainable Planning 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 its wider impacts, contrary to Policies CS19 and CS21 of the Core Strategy.
- (4) In the event that, notwithstanding Recommendations (1) and (3) above, ecological matters are not resolved to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, that authority be delegated to him to refuse planning permission, for the following reason (summarised):
- Lack of information and/or measures to mitigate impacts upon protected and/or priority species, contrary to local and national planning policies.

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Agenda Item 8e

Committee Report

Committee Date: 28 April 2017

Item No: 5

Reference: B/17/00214 & B/17/00215

Case Officer: Matthew Harmsworth

Description of Development: The upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form an annexe

Location: Tills Farm, Hadleigh Road, Polstead, SUDBURY, CO10 5JJ

Parish: Polstead

Ward: Lower Brett

Ward Member/s:

Site Area: 0.55

Conservation Area: Not in Conservation Area

Listed Building: Grade 2

Received: 14/02/2017 06:00:36

Expiry Date: 28/04/2017

Application Type: Full Householder Application

Development Type:

Environmental Impact Assessment:

Applicant: Mr Ward

Agent: Optimum Architecture Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports to be considered

Drawing 1053-01-01

Drawing 1053-01-02

Drawing 1053-01-03D

Heritage design and access statement (1053-01-HDAS (Rev. A))

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

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend refusal of this application. The proposed development causes noticeably less than substantial harm to a grade II listed heritage asset and does not provide a public benefit such for the mentioned harm to be considered acceptable.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- This application is reported to committee as the applicant is a District Councillor.

The Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and correctly in accordance with all established procedures and requirements.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

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

B/17/00214	The upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form an annexe	
B/17/00215	Application for Listed Building Consent-The upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form annexe	
B//00/01052	Application for Listed Building Consent - Internal and external alterations including alterations to fenestration	Granted 13/09/2000
B//92/00089	ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSIONS AND GARAGE	Granted 04/03/1992

Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. None

Details of any Pre Application Advice

4. Pre-application advice was provided by the heritage team who commented that the lean-to has some significance and historic interest and more information was required as to how it relates to the development of the house. The lean-to form is traditionally a complete one and the most subservient - it is not usual to find this extended traditionally. Commented that the proposal would be unlikely to be supported in principle and suggested trying to find an alternative location for the accommodation.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations

Polstead Parish Council

- Support the application

County Highway Authority

- No objection subject to conditions

Heritage Team

- Notably less than substantial harm to a designated heritage asset - broadly acceptable subject to minor alterations. Recommends that the quantity be reduced and proportions altered of the proposed conservation grade rooflights to better preserve the existing plain appearance of the lean-to element and reduce visual impact of superfluous inserted features to an otherwise uninterrupted roof slope.

Representations

6. Summary of neighbour and other representations

None Received

The Site and Surroundings

7. The application site is located to the north of Hadleigh Road, Polstead, and the host dwelling is a grade II listed dwelling.

The Proposal

Please note details of the proposed development including plans and application documents can be found online.

8. The application is for the upgrading of the existing single storey rear lean-to extension and erection of single-storey side extension to form an annexe.

NATIONAL PLANNING POLICY FRAMEWORK

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

Paragraph 134 of the NPPF states 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, including securing its optimum viable use.

CORE STRATEGY

10. **Babergh Core Strategy 2014**

- **CS1** - Applying the Presumption in Favour of Sustainable Development in Babergh
- **CS3** – Strategy for Growth and Development
- **CS15** - Implementing Sustainable Development in Babergh

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN

11. None

SAVED POLICIES IN THE LOCAL PLAN

12. **Babergh Local Plan Alteration No.2 (2006)**

- **HS35**- Residential Annexes
- **CN01**- Design Standards
- **CN06**- Listed Buildings

Main Considerations

13. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is

taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

14. The following are identified as the main considerations in assessing this application.

The Principle Of Development

15. Policy HS35 which states that annexes to existing dwellings will be permitted in the form of extensions, which will be considered against policy HS33. In such cases the application should explain the need for the annexe, demonstrate functional and practical linkage, and give an indication of how it will be used if the present need for an annexe ceases to exist.
16. In this set of circumstances it is considered that the principle of an annex in its proposed form can be considered appropriate and acceptable.

Site Access, Parking And Highway Safety Considerations

17. The principle of the annexe is acceptable on the grounds of access, parking and highway safety. The highway authority have recommend that, in the event that planning permission is granted, conditions should be imposed to ensure that a minimum width of 3m for a distance of 5m from the edge of the carriageway should be maintained for the proposed access, and that prior to the proposed annexe being first occupied the access to the highway should be properly surfaced a minimum of 5m from the edge of the highway in accordance with details previously submitted to and approved.

Heritage Issues

18. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the setting of listed buildings.
19. Tills Farm is a Grade II listed building standing to the north of the road (A1071) between Boxford and Hadleigh; not within a Conservation Area. The building is listed as 16th-17th century timber framed, with later brick casings to the front and sides.
20. The lean-to form is traditionally a subservient element and the proposed additions in this application to form an annexe largely maintain the hierarchy.
21. However there is a distinct plain appearance to what is currently a store room and is proposed to be altered to become an annexe. Notably less than substantial harm is caused to the character of the building by virtue of the insertion of a number of roof lights to the store room in facilitating its upgrading to an annexe. An alternative arrangement such as a reduction in the scale and number of roof lights would reduce visual impact of the development enabling better preservation and enhancement of the heritage asset and its setting. This alternative would overcome the 'harm' identified and therefore address the concerns raised, thereby presenting a development which could be supported by officers.

22. The local planning authority discussed alternative fenestration arrangements with the agent and applicant, however no agreement was reached for any scheme that would be found to be acceptable by both the local planning authority and applicant to reduce the scale and number of roof lights proposed.
23. In this case the proposal would not lead to any public benefits, as the scheme would provide benefits for the applicant. Therefore the harm indicated by the Heritage Team is not outweighed and the proposal is considered to conflict with paragraph 134 of the NPPF and policies CN06 from the Local Plan.

Impact On Residential and General Amenity

24. The proposed new use would not materially affect the amenity of any neighbouring property given the rear location of the proposal and due to the scale and design of the proposal.

PART FOUR – CONCLUSION

Planning Balance

25. When taken as a whole and as a matter of planning judgement, the proposal is not considered to meet the aims and requirements of the adopted development plan and NPPF and therefore cannot be considered sustainable development. The NPPF states that development that conflicts with an up to date development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations that would justify an approval. The application is therefore recommended for refusal.

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

26. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
27. In this case the local planning authority has worked with the agent and applicant to identify alternative arrangements to the proposal with regard to the roof lights and other fenestration proposed to agree a proposal that would not cause harm to the heritage asset such as a reduction in scale and proportions to the roof lights and other alterations to the fenestration from what is proposed. However no agreement was reached.

Identification of any Legal Implications of the decision

28. It is not considered that there will be any Legal Implications should the decision be approved.

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

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That planning permission and listed building consent be refused for the following reason:-

- The proposal, in particular the use of rooflights as a serial feature on the roof slope of the existing lean-to extension, would cause harm to the character and appearance of a designated Heritage Asset. Whilst that harm may be considered 'less than substantial', the proposed annex is a private facility and the harm is not outweighed by any public benefit.
- As such, the proposal conflicts with the aims and requirements of the National Planning Policy Framework (para. 134), and policies CS15 of the adopted Babergh Core Strategy and saved policies CN01 and CN06 of the adopted Babergh Local Plan, which are consistent with the Framework.

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Agenda Item 9

BABERGH DISTRICT COUNCIL

From: Corporate Manager – Open for Business	Report Number: S135
To: Planning Committee	Date of meeting: 26 April 2017

FOOD ENTERPRISE ZONES – DRAFT LOCAL DEVELOPMENT ORDER FOR THE STEVIN'S SITE WHERSTEAD

1. Purpose of Report

- 1.1 To gain approval for a public consultation on the second Local Development Order in the Orwell Food Enterprise Zone, Wherstead.

2. Recommendation

- 2.1 That the draft Local Development Order (LDO) as contained in Appendix A to this report be adopted for the purposes of public consultation to run for a period of 28 days in relation to the Stevin's Site, The Strand, Wherstead.

3. Financial Implications

- 3.1 None initially - all costs relating to the production of the Local Development Order have been covered by a grant from DEFRA. There will be some loss of income from potential planning application fees relating to the re-development of the site, however the LDO is a critical part of the business support offered by the Food Enterprise Zones, and is required to stimulate business growth in these areas.

4. Legal Implications

- 4.1 None directly associated with the content of this report. Failure to appropriately consult may jeopardise the LDO process and broader FEZ development.

5. Risk Management

- 5.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to progress the LDO, or consult, may impact on the DEFRA grant funding or zone development with consequent implications for growth in the District.	2	2	Progress and consult on the LDO

6. Consultations

- 6.1 Initial consultations have taken place with Suffolk County Council, Suffolk Wildlife Trust, Natural England, Anglia Water, Environment Agency and the Suffolk Food Hall in drawing up the Local Development Order (LDO).

7. Equality Analysis

- 7.1 There are no Equality and Diversity implications arising directly from the content of this report.

8. Shared Service / Partnership Implications

- 8.1 The Council is working closely with DEFRA, Suffolk County Council and New Anglia Local Enterprise Partnership to progress the work necessary to support the zone.

9. Links to Joint Strategic Plan

- 9.1 Theme No 2 - Business Growth and Increased Productivity.

10. Key Information

- 10.1 The designation for two new Food Enterprise Zones (FEZ) in Suffolk were awarded by DEFRA in July 2015, one for Wherstead, the other in Stowmarket. Part of the agreement with DEFRA was to implement Local Development Orders (LDO's) to simplify commercial development in the Zones and stimulate growth in the local Food and Drink sector.
- 10.2 The Orwell Food Enterprise Zone covers most of the Parish of Wherstead and encompasses Jimmy's Farm and the Suffolk Food Hall. An LDO for Jimmy's Farm was adopted by the Council on 3 October 2016. This report is for a second LDO for the re-development of a brownfield site known as Stevin's at the Suffolk Food Hall.
- 10.3 An LDO is required to go out to public consultation for a period of 28 days. In order to commence this process formally Committee is requested to adopt the draft in order that public consultation may start.
- 10.4 It is currently expected that, if the draft LDO is adopted, the Stevin's site LDO consultation will start on Tuesday 2 May and end 30 May 2017. Upon completion of the 28 day period, any representations will be considered and reported to Planning Committee with appropriate recommendations in due course. It is then expected that the LDO may be adopted, if appropriate and with such changes or amendments as may be requisite, by the Council's Planning Committee with a likely timetable of July 2017.
- 10.5 Once the Order is in place, the site may be re-developed. These developments would need to be considered and agreed by your Development Management service to ensure that they meet the LDO criteria under a 'prior notification' procedure within 28 days of receipt in a valid format. It is expected that there will be no application fees for these proposals, which itself would encourage growth through simplifying the planning procedure. If the development is for proposals which fall outside the scope of the LDO, then the normal planning application process will apply.

11. Appendices

Title	Location
A Draft Orwell Food Enterprise Zone, Stevin's Site, Wherstead, Local Development Order	Attached

Authorship:

Name Dawn Easter

Tel. 01449 724635 or 07860 827004

Job Title Economic Development Officer

Email: Dawn.Easter@babberghmidsuffolk.gov.uk

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Orwell Food Enterprise Zone

Stevin's Site, Wherstead

Draft Local Development Order



April 2017

DRAFT



Places4People Planning Consultancy
Places4People@outlook.com

Prepared

Document Created	19 February 2016
Last Saved	13 April 2017

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DRAFT

Consultation Arrangements

Purpose

The purpose of this consultation is to gain views on the Stevin's Site Draft Local Development Order (LDO). Responses are sought on the contents of this document. Consultation is being undertaken in accordance with Section 38 (3) and (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which specifies who must be consulted.

Consultation Period

The consultation runs for the statutory period of 28 days from 2 May **until 30 May 2017**.

Availability of Documents

The draft Local Development Order, Statement of Reasons and associated documents and the public notice are available in the following locations and consultation responses are invited by post or email as detailed below:

Electronically	Please visit: http://www.babergh.gov.uk/business/economic-development/food-enterprise-zones/ where you can view and download the LDO documents. The documents are available to accessibility readers or can be made into a large print format via pdf
Council Offices	Babergh District Council Corks Lane Hadleigh Ipswich IP7 6SJ
By post	9am to 5pm Monday to Friday
By email	To the above address marked for the attention of Dawn Easter Dawn.Easter@babberghmidsuffolk.gov.uk

All responses will be recorded, reviewed and analysed and reported (in summary form) to the Planning Committee for consideration, together with any proposed changes to the LDO in accordance with normal council procedures. In the above ways, consultation responses will be used to help inform the refinement of the LDO in its final form.

Background & Context

- 1.1 Land and buildings on a site of approximately 4.6 hectares off The Strand at Wherstead are currently used for occasional agricultural crop sorting and batching and for other agricultural uses in association with a local farming business. The site was originally established as a compound used by the Dutch company, Stevin Construction B.V. that used the site to manage the construction of the Orwell Bridge between 1979 and 1982.
- 1.2 In March 2015 the Orwell Food Enterprise Zone, centred around Wherstead, was designated by the Department for Food, Environment and Rural Affairs (DEFRA). Such a designation allows local planning authorities the opportunity to consider whether a Local Development Order is appropriate for sites in the Enterprise Zone area, thereby speeding up the planning and development process for designated sites and providing more certainty for investors, developers and the local community.
- 1.3 The Stevin's site, because of its current connection with agricultural uses and the linkages with the adjoining Suffolk Food Hall, has been selected for the preparation of a Local Development Order to encourage businesses, especially those related to food production, to develop in the Enterprise Zone without the need to secure planning permission, if the proposals comply with the conditions of the Order.

Site Description

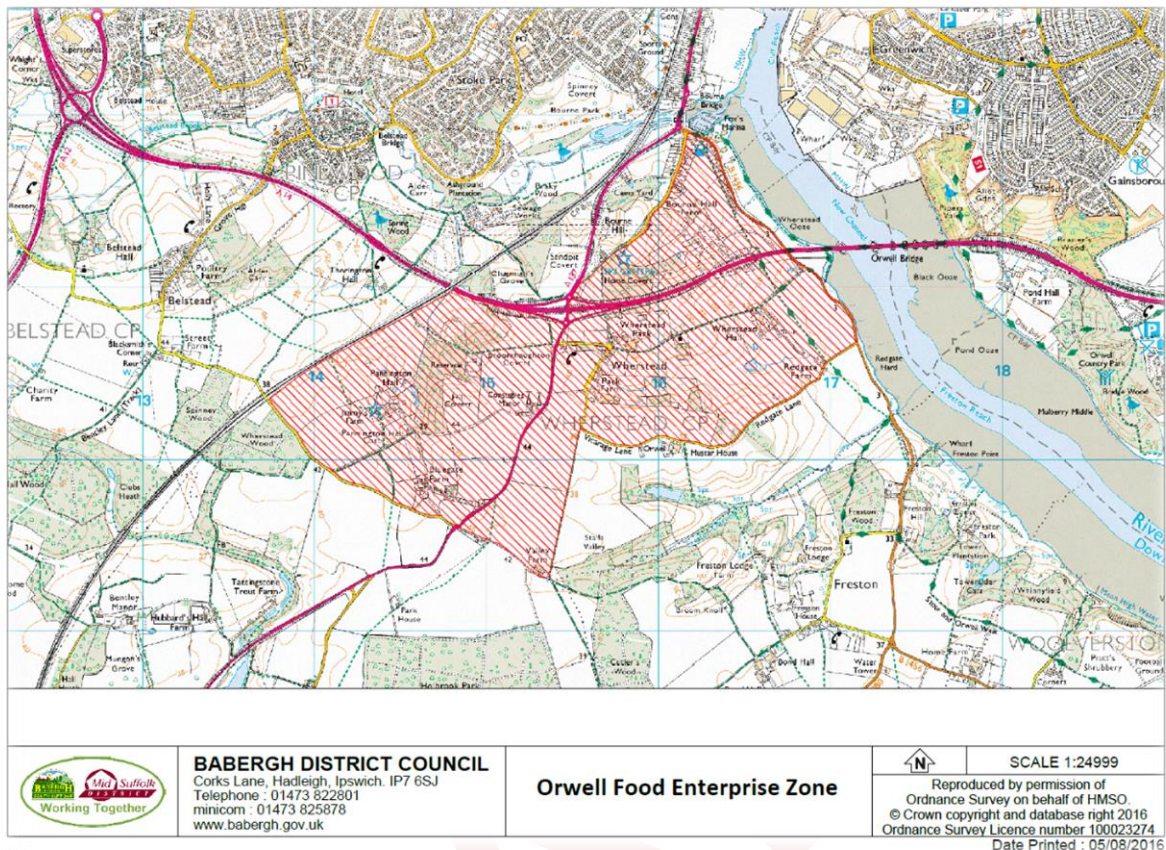
- 2.1 The site to which this Order applies is illustrated in red below. It is a previously developed site located to the west of The Strand (B1456) at Wherstead adjacent to and north of the A14 Orwell Bridge. It has an area of approximately 4.6 hectares and, as a consequence of its original uses, much of the site consists of concrete pads that would have been used for the parking of machinery. Three "Romney" buildings remain on site, albeit in a poor state of repair and access to the site is gained from The Strand via a concrete road and a gateway immediately to the north of the point where the Orwell Bridge crosses the Strand.



- 2.2 The site is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and sits within a hollow that makes it almost invisible from the surrounding area. To the west, grassland rises up towards Bourne Hill with the woodland of Home Covert providing further screening. To the north the site is screened by existing trees and hedgerows from distant housing on Bourne Hill and The Strand. Other than the site entrance, the main part of the site and its existing buildings cannot be seen from The Strand, helped partly by an existing well established hedge. To the south, the high embankment of the A14 provides a screen from further down the Orwell estuary although the site entrance area is visible through the arches of the bridge from the south-east and the Orwell. Beyond the bridge embankment is the Suffolk Food Hall, although it is not visible from the site.

Food Enterprise Zones

- 3.1 Food Enterprise Zones (FEZ) are a government initiative run by the Department for Food, Environment and Rural Affairs (DEFRA). The aim is to:
- a) enhance rural development through the growth of food businesses in a particular location, be it producers, processors, retailers and/or manufacturers;
 - b) encourage greater collaboration between food and farming businesses, and even encourage links to research and education institutions, in order to develop the domestic food and farming sector;
 - c) allow local decision making, particularly for planning and development issues involving food and farming businesses; and
 - d) attract inward investment
- 3.2 An initial round of Food Enterprise Zones was awarded in February 2015 immediately followed by an invitation by DEFRA for submissions for a second tranche of designations. Babergh District Council, supported by the New Anglia Local Enterprise Partnership, submitted a proposal to create the Orwell FEZ in an area based around three existing businesses in Wherstead – The Suffolk Food Hall, Wherstead Park (the headquarters of the East of England Co-operative Society) and Jimmy’s Farm. The area is illustrated on the map below. The submission was successful and the FEZ was designated in March 2015.



3.3 As part of the Food Enterprise Zone programme, the Department for the Environment, Fisheries and Food (DEFRA) has provided nominal financial support to develop and implement LDOs for the FEZ area. The designation of a FEZ has no additional benefits attached, unlike the wider national programme of Enterprise Zones, where support for Business Rates relief and potential enhanced Capital Allowances are available. The DEFRA engagement and the network of Food Enterprise Zones is looking to learn from the process of developing the potential for an LDO and will continue to monitor activity in the future to determine the wider business and economic benefits which may arise.

Local Development Orders

- 4.1 LDOs were introduced through the Planning and Compulsory Purchase Act 2004 with a purpose of allowing local planning authorities to extend permitted development rights for certain specified forms of development. In other words, subject to compliance with certain conditions, development could take place without going through the formal planning application process.
- 4.2 The National Planning Practice Guidance outlines the process governing the preparation and the implementation of Local Development Orders and can be viewed here: <http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-types-of-area-wide-local-planning-permission-are-there/>
- 4.3 The powers in the 2004 Act were amended by the commencement of section 188 of the Planning Act 2008 in June 2009 and more detailed legal provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 34 and 37 of the Town and Country Planning (Development

Management Procedure) (England) Order 2010, as amended (the 'DMPO'). The DMPO came into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.

- 4.4 The Regulations require that if a local planning authority proposes to make a LDO they must first prepare:
- (a) A draft of the Order; and
 - (b) A statement of their reasons for making the order.

The statement of reasons must contain:

- (a) A description of the development which the order would permit; and
- (b) A plan or statement identifying the land to which the order would relate.

4.5 An LDO has to be consulted on in the same way as if it were a planning application. Following the review of the results of the consultation, the LDO can be approved by the Local Planning Authority. The Secretary of State has to be notified of its approval via the National Planning Casework Unit, as soon as practicable after adoption.

- 4.6 The LDO, once formally adopted by the local planning authority, therefore provides:
- Certainty for investors, developers, neighbours and occupiers because they know what types of development will be acceptable in planning terms;
 - Cost savings for businesses through reducing the need for statements and studies supporting planning applications and the time taken to get a decision on whether the development is acceptable; and
 - Businesses the ability to react quicker to change, thereby reducing costs by allowing businesses to remain competitive.

Purpose

- 5.1 This LDO comprises:
1. Statement of Reasons for granting planning permission and conditions;
 2. The Local Development Order setting out the terms of the planning permission granted, including a prior notification requirement, planning conditions and exceptions; and
 3. Process and Procedures under the LDO which will be followed by Babergh District Council as the local planning authority and by applicants.
- 5.2 The LDO and the terms within it will be active for a period of 5 years following the day of its adoption and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of this order.
- 5.3 Babergh District Council proposes to review progress with the LDO on the third anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the third anniversary and at the end of the review the Council will determine whether to:
- a. Retain the LDO as it stands for the remaining 2 years of its life;

- b. Retain but revise some elements; or
 - c. Revoke and Cancel the LDO.
- 5.4 Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5-year period; provided it still complies with the established conditions and criteria for development.

Statement of Reasons

- 6.1 This Local Development Order has been prepared to help streamline the planning process and enable specified development to take place within the site identified on Appendix I without requiring planning permission as long as the conditions attached to the LDO are complied with. Where a development proposal does not conform to the Order or cannot satisfy the conditions attached to the Order, planning permission will need to be sought in the usual way.

Objectives

- 6.2 The Food Enterprise Zone seeks to bring more local produce to the market, particularly artisan foods, and to promote food-related tourism in the local area. This will be achieved through:
- Stimulating the creation of additional jobs in the wider food sector supporting the Food Enterprise Zone;
 - Supporting new entrants to the market through facilitating food related business start-ups and high growth enterprise;
 - Enabling existing food related businesses to consolidate and expand;
 - Introduce innovation and up-skilling opportunities at every step, especially through strengthening links with science and education via local Higher and Further Education establishments;
 - Highlighting the importance of the local food-related economy to the wider area;
 - Growing a network around this important sector;
 - Providing access to faster broadband;
 - Offering access to additional support and grants as available from Babergh District Council, New Anglia Local Enterprise Partnership and other partners; and
 - Attracting inward investment into the area and growing the size of the agri-food sector overall.

Justification for Creating an LDO

- 6.3 The District Council is committed to enabling opportunities for the delivery of both environmentally and economically sustainable growth. Priority I for Babergh in the Babergh and Mid Suffolk Joint Strategic Plan Refresh 2016-2020 is to: “*Shape, influence and provide the leadership to enable growth while protecting and enhancing our environment.*” The work on Food Enterprise Zones comes under the *Business Growth & Productivity* programme.

- 6.4 The production, processing and selling of locally sourced food is an important part of the local economy, recognised through the designation by the government of the area based around three existing businesses in Wherstead as the Orwell Food Enterprise Zone in 2015.
- 6.5 The New Anglia Strategic Economic Plan identifies agriculture, food & drink as one of the 4 largest underpinning sectors that are the largest employers in the New Anglia economy. The LEP (and partners) will continue to support these in order to improve their productivity and competitiveness. The Suffolk Growth Strategy seeks to build on Suffolk's distinctive competitive economic and environmental advantages. It acknowledges that there is particular potential for growth in the specialist food and drink offer driven by national demand for high quality locally sourced food. The size of the food & drink and agriculture sectors in Babergh is significantly larger than the Suffolk average, highlighting its importance to the local economy.
- 6.6 The Strategy identifies 9 growth sectors, one of which is food drink and agriculture. With key outcomes to:
- strengthen skills;
 - attract inward investment and promote enterprise;
 - focus growth in principal economic growth locations; and
 - improve transport, digital communications and other infrastructure.
- 6.7 A site development framework has been prepared for the site and adopted alongside this LDO that sets out how the site can be satisfactorily developed without having a detrimental impact on its surroundings. This LDO will provide a means of delivering that prescribed development, as long as it conforms with the conditions attached to it.

Benefits

- 6.8 The LDO will:
- Make bringing forward defined development easier for the landowners / developers by outlining all of the development that is permitted without the need for planning permission, which will improve investor and occupier clarity, certainty and confidence;
 - Ensure, through the application of the conditions attached to the LDO, that the amenity of residents and international habitats in the vicinity of the LDO site are protected so that they do not suffer from adverse impacts arising from inappropriate development; and
 - Allow economic development to occur in a timely manner in response to business opportunities for growth and expansion;

Planning Policy Context

National Planning Policy

- 7.1 The National Planning Policy Framework (NPPF), published in March 2012, sets out the government's economic, environmental and social planning policies. Local Authorities must take its contents into account when preparing Local Plans and also when making decisions

on planning applications. Paragraph 215 of the NPPF indicates that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

- 7.2 The key principle of the NPPF is the presumption in favour of sustainable development, taking into account the economic, social and environmental benefits that development can bring. It states that the planning system should be used to play an active role in guiding development to sustainable solutions through building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport and requiring good design.
- 7.3 Paragraph 19 states that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."
- 7.4 The NPPF also requires that investment in business should not be over-burdened by the combined requirements of planning policy expectations and that local planning authorities should consider using Local Development Orders to relax planning controls where impacts are acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise (Paragraph 199).

Babergh Planning Policy

- 7.5 Core Strategy: The Core Strategy was adopted in February 2014. Policy CS3 of the Core Strategy (2014) states that proposals for employment uses that will contribute to the local economy will be supported where they are appropriate in scale, character and nature to their locality. The policy also supports the re-use of existing land and premises and proposals that contribute to farm diversification.
- 7.6 Policy CS15 sets out how the Council will implement sustainable development in the District. This includes;
- the protection and creation of jobs to strengthen and diversify the local economy;
 - protecting and enhancing biodiversity;
 - prioritising the use of brownfield land for development; and
 - encourages the production of development briefs where proposals warrant such an approach owing to the scale, location or mix of uses.
- 7.7 Policy CS17 promotes sustainable and environmentally acceptable economic growth in the rural area through a number of measures including;
- farm diversification;
 - the re-use of redundant rural buildings;
 - sustainable tourism and leisure based businesses (including those offering a diverse range of visitor accommodation, activities or experiences);
 - rural 'business parks', and workshops, rural and community business 'hubs' that share facilities and other innovative rural enterprises, and innovative business practices such as co-operatives or micro-businesses based on shared facilities / services; and
 - where appropriate, farm shops and farmers' markets;

7.8 **Babergh Local Plan Alteration No.2:** The Local Plan was adopted by the Council on 1st June 2006 and sets out the detailed policies and proposals for the control of development across the district. Subsequent to its adoption, some policies have been replaced by the Babergh Core Strategy. Work has recently commenced on the preparation of a joint local plan document that will replace the remaining policies in Alteration No.2. However, until the “Joint Local Plan Babergh and Mid Suffolk” is adopted, the saved policies of the Local Plan (2006) remain, where appropriate, material in the consideration of planning proposals.

7.9 Policy RE11 allocates land between the A137, the A14 and The Strand for recreational uses. The policy has not been replaced by the Core Strategy and states:

Policy RE11

Land between A137, A14 and The Strand, Wherstead

(A) A site off The Strand (B1456), Wherstead, is allocated for the provision of an hotel. Access for this development is to be served from The Strand (B1456). An indicative site area has been identified but the exact location and extent of the site will be determined by agreement with the landowners and/or applicant(s). As a general requirement, development proposals will be expected to make the best use of previously developed land.

(B) Approximately 30 hectares of land between the A137, Bourne Hill, The Strand (B1456) and the A14, Wherstead, are allocated for the provision of a country park. It is anticipated that various different parcels of land will be used for this purpose, as identified by the landowners. The delivery of these various parcels for this purpose is likely to be phased over time according to the availability of suitable funding opportunities. New non-road links between these land parcels will be required for continuity of access.

7.10 The paragraph that supports part (A) of the policy states:

“an area of previously developed and unsightly land off The Strand has been identified as suitable for a hotel development. The site lies in a partly natural bowl in the landscape. This would have the advantages of easy access off the A14 and is well located in relation to Ipswich town centre for high levels of demand for business tourism in the local area. This location would also benefit from the above-mentioned country park, which could largely surround the hotel. The provision of conference facilities at this location appears beneficial and the location is very well placed for views across the River Orwell and for tourism and recreation in its riverside areas, as well as the wider Shotley peninsula. Any hotel proposals for this location will need to satisfy the requirements and tests of PPS6: Planning for Town Centres.”

7.11 Neither the country park nor the hotel proposals have been implemented and the policy will be reviewed as part of the preparation of the Joint Local Plan. However, any development on the site that is the subject of this LDO that does not conform to the adopted local plan policy has to justify the change.

Development Framework

7.12 The Development Framework forms an Appendix to this Local Development Order and is a material consideration in assessing proposals for development under the LDO. Developers preparing schemes for approval under this LDO should therefore have regard

to the content of the Framework and demonstrate how their proposal satisfies its objectives.

Site constraints

- 8.1 The Development Framework identifies several constraints that will need to be taken into account when preparing development proposals for the site. These constraints are not repeated here but the conditions attached to the LDO reflect their existence and what needs to be done to mitigate any impact of the LDO development on them.

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Permitted Development and Uses in the LDO Area

- 9.1 Within the area outlined in yellow on the plan on page 18 in Appendix A the erection or construction of buildings within the following defined uses is permitted, subject to compliance with the conditions of this LDO and.

The erection or construction of a building within:

- (a) Class B1 (Business) of the Schedule to the Use Classes Order

Interpretation: Class B1 (Business) includes offices (not falling within A2), research and development, light industry (industrial processes that can be carried out in any residential area without causing detriment to the amenity of the area)

- (b) Class B2 (General Industry) of the Schedule to the Use Classes Order

Interpretation: Class B2 consists of use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).

- (c) Class B8 (Storage and Distribution)

Interpretation: Class B8 consists of storage and distribution, including open air storage.

- (d) Class D1 (Non-residential Institutions)

Interpretation: Class D1 consists of Clinics, health centres, crèches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts

- (e) Class D2 (Assembly and Leisure)

Interpretation: Class D2 consists of Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gymnasiums, other areas for indoor and outdoor sports or recreations not involving motorised vehicles or firearms

Conditions

10.1 LOCAL DEVELOPMENT ORDER TIME LIMIT

The LDO expires on DD Month YYYY (5 years after adoption). This means that all development which takes advantage of this LDO provision must have commenced by this date. Any developments commenced within the area after this date will require the submission of a formal planning application. Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5-year period; provided it still complies with the established conditions and criteria for development set out within other conditions in this LDO.

Reason: In order that the implications of the LDO can be reviewed and that development meeting the conditions of this LDO can be completed.

10.2 LDO PROCEDURES

No development permitted by this LDO shall be commenced until:

1. Full details of the proposed development have been submitted to the Local Planning Authority by way of the completion of their LDO Confirmation of Compliance Application Form together with all other supporting documents as required by the LDO Checklist.
2. The Local Planning Authority has sent written acknowledgment to the applicant confirming:
 - a) the receipt of a valid LDO Confirmation of Compliance Application; and
 - b) the start and expiry date of the 28 day LDO Compliance Assessment Period.
3. Following the written acknowledgement described in 2, either:
 - a) The 28 day LDO Compliance Assessment Period has elapsed and the Local Planning Authority has neither certified that the proposal is compliant or noncompliant with the terms of the LDO; or
 - b) Within the 28 day LDO Compliance Assessment Period, the Local Planning Authority issues written confirmation of compliance expressly stating that the proposed development accords with the planning permission granted by the LDO, subject to compliance with other pre-commencement conditions.

For the purposes of calculating the 28 day LDO Compliance Assessment Period, any Bank Holiday and any day between and inclusive of Christmas Eve and New Years Day each year shall not be taken into account.

The subsequent development should be carried out strictly in accordance with the LDO Confirmation of Compliance Application and in accordance with the time limits set out within Condition I above.

Reason: To ensure that the development is in conformity with the LDO and to ensure that LDO development can be monitored over the lifetime of the LDO.

Note: Developers, agents and landowners should refer to the LDO Confirmation of Compliance Protocol.

10.3 **DEVELOPMENT APPROVED**

The development hereby approved shall be carried out in accordance with the Development Framework dated xxxxx 2017 and adopted by Babergh District Council as part of this LDO.

10.4 **DESIGN MATERIALS AND LAYOUT**

All materials and layout shall be in accordance with the Development Framework. Details of design and materials shall be submitted to the Local Planning Authority, including colour, materials, finishes, signage, parking, boundary treatments (including the details of walls and fences for individual buildings), lighting, outdoor spaces, security principles and waste bin storage arrangements. Details of the facing and roofing materials to be used in the development shall also be provided. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to minimise the adverse impacts of the proposal on the character of the development with regards to the landscape and local visual amenity having particular regard for Saved Policies CN01 and CR02 of the Babergh Local Plan Alteration No.2 (2006) and policyCS15 of the Babergh Core Strategy and Policies 2014.

10.5 **PERMITTED USES: RESTRICTION ON CHANGES OF USE**

The use of the land hereby permitted by the LDO shall fall within Class B1, B2, B8, D1, D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification) and no other use except pursuant to the grant of planning permission on an application made in that regard. Except as provided for within Class I, notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), there shall be no change to the approved use(s) except pursuant to the grant of planning permission on an application made in that regard.

Reason – To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

Note - The hereby permitted uses are restricted to Classes B1, B2, B8, D1 and D2 of the Schedule to the Town and Country Planning Act 1987 (or in any provision equivalent to that Class in any statutory instrument and re-enacting that Order with or without modification) except pursuant to the grant of planning permission on an application made in that regard

10.6 CONSTRUCTION WORKING TIME AND NOISE RESTRICTION

The construction working hours for the hereby permitted development, including deliveries, shall be limited to 0800 and 1800 Mondays to Fridays and 0700 and 1300 Saturdays with no works to take place on Sundays or Bank Holidays. During these construction working hours noise levels shall not exceed 65dB LAeq 3 hour as measured 1m from the facade of the nearest noise sensitive premises. In the event that working outside these times is necessary for a particular element of works (e.g. a concrete pour), 14 days advance notice must be given in writing to the Local Planning Authority along with contact details in the event of complaint.

Any construction working taking place in such circumstances must not exceed 55dB LA eq (1 hour) between 1900 and 2300 and 45dB LA eq (20 minutes) between 2300 and 0700 as measured 1m from the facade of the nearest noise sensitive premises.

Reason – To protect neighbouring noise sensitive premises from adverse impacts of noise and construction working.

10.7 TIMES OF OPERATION TO BE AGREED

Prior to the first use of any part or phase of development, details of opening times, operation/working times and delivery times shall be submitted to and agreed in writing by the Local Planning Authority. The times for each building, or part thereof, shall be implemented as agreed unless otherwise subsequently agreed in writing.

Reason – To enable the Local Planning Authority to retain control over the development in the interests of amenity.

10.8 NOISE FROM FIXED PLANT AND EQUIPMENT RESTRICTION

The noise from fixed plant and equipment on site shall not exceed a rating level of 48dBA (07:00 to 23:00) and 44dBA (23:00 to 07:00). Levels shall be determined in accordance with the provisions of BS4142:2014 1m from the facade of the nearest noise sensitive premises.

Reason: To protect neighbouring noise sensitive premises from adverse impacts of noise.

10.9 NOISE MITIGATION

The noise from fixed plant and equipment on site shall not exceed a rating level of 48dBA (07:00 to 23:00) and 44dBA (23:00 to 07:00). Levels shall be determined in accordance with the provisions of BS4142:2014 1.0 metre from the facade of the nearest residential property.

Reason: To protect neighbouring noise sensitive premises from adverse impacts of noise.

10.10 NOISE RESTRICTIONS

The site as a whole shall not result in noise levels greater than LAeq1hr = 45dB (23:00 to 07:00) at the first-floor levels 1.0m from the nearest facade of the nearest noise sensitive premises determined by way of calculation.

Reason: To protect neighbouring noise sensitive premises from adverse impacts of noise.

CONDITIONS REQUIRING DETAILS TO BE SUBMITTED

10.11 CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of each part or phase of the development a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall include the following details, as proportionate and relevant:

- a) A description of the development;
- b) Key contractor and site management details;
- c) Details of works to minimise risk to construction workers, occupiers of the site and local residents from construction works including noise and emissions;
- d) A scheme for construction lighting;
- e) A scheme for waste including minimisation, litter management, re-use and recycling;
- f) A scheme for minimisation and monitoring of noise, and specifically any piling works.
- g) A scheme for the minimisation of dust
- h) Reporting and monitoring scheme;
- i) Details of compliance with the considerate contractor scheme;
- j) Vehicle parking and manoeuvring for both site operatives and visitors, loading and unloading
- k) Details of the storage of construction materials on site, including details of compounds, storage areas, siting and maximum storage height. No construction plant or materials shall be situated within the floodplain area.
- l) Details of the siting of any on site compounds and portaloos, including details for the removal of waste

- m) Boundary treatments
- n) Details of operating hours

The approved construction plan shall be fully implemented and adhered to during the construction of the relevant parts or phase(s) of development, unless otherwise approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development.

This condition is required to be agreed prior to the commencement of phases of development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

10.12 **ARCHAEOLOGICAL INVESTIGATION**

No development shall take place 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.

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. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to archaeological and historic assets.

10.13 **ARCHAEOLOGICAL RECORDING**

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 condition 10.12 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.

10.14 **FOUL WATER DRAINAGE SCHEME**

No development shall take place above slab level until a foul water drainage scheme has been submitted to, and approved in writing, by the Local Planning Authority in consultation with Anglian Water and the Environment Agency. The scheme shall require foul water drainage to be provided, in the first instance, by connection to the Anglian Water sewer network, or subject to it being demonstrated in terms of the water supply, wastewater and water quality section of the Planning Practice Guidance that such connection is not feasible, a non-mains drainage scheme in the form of a package treatment plant shall be installed that includes the following specific mitigation measures:

- i). Soakaways to be constructed to BS6297:2007
- ii). No connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any such ditch or watercourse.
- iii). No siting of the package treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.

Reason - To ensure a satisfactory method of foul water drainage. The Anglian river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote the recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower class and/or prevent the recovery of and/or cause deterioration of a protected area.

10.15 **SURFACE WATER DRAINAGE DETAILS**

No development shall commence above slab level until full details of surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall be thereafter maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding.

10.16 CONTAMINATED LAND

No development shall take place until;

- (i) A strategy for investigating any contamination present on site has been submitted for approval by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
- (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.
- (iii) A written report shall be submitted detailing the findings of the investigation referred to in (ii) above, and an assessment of the risk posed to receptors by the contamination, for approval in writing by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme and timetable of the scheme for agreement in writing by the Local Planning Authority if the authority considers it is required.
- (iv) Any remediation work as may be agreed shall be carried out in its entirety in accordance with the approved Remediation Scheme and its timetable.

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 prior to the first use/occupation of the development. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

10.17 SURFACE WATER DRAINAGE SYSTEMS

No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

- 10.18 No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been 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 on-going operation and maintenance of the disposal of surface water drainage.

- 10.19 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

- 10.20 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.

- 10.21 Bypass type petrol interceptors shall be installed on the drainage systems serving the access road, areas for the parking of commercial vehicles and areas of hard-standing associated with commercial areas, to remove suspended oil and petrol unless otherwise agreed in writing, including as part of the drainage details scheme to be agreed. Where bypass type petrol interceptors are not installed paved areas and adopted roads will drain via trapped gullies to minimise the passage of silt, unless otherwise agreed in writing, including as part of the drainage details scheme to be agreed.

Reason - To protect water quality, the site in part forming a flood zone and adjacent to a watercourse.

10.22 SURFACE WATER DRAINAGE

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3 v.1.1, 2013) position statements G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

10.23 FIRE HYDRANTS AND HARDSTANDING FOR FIRE VEHICLES

Prior to the first occupation of a part or phase of development a scheme for the provision of fire hydrants and hardstanding areas to provide appropriate carrying capacity for pumping/high reach appliances of 15/26 tonnes respectively shall be agreed in writing with the Local Planning Authority and installed and retained in accordance with the agreed details.

Reason - To ensure adequate provision of water infrastructure and fire fighting capacity is made.

10.24 GREEN ENERGY MEASURES, WATER, ENERGY AND RESOURCE EFFICIENCY

A scheme for resource efficiency including:

- A scheme of green energy measures and technology for all new buildings to demonstrate the steps taken to comply with the requirements of paragraphs 5.2.1 to 5.2.10 of the Development Framework.
- A scheme for the provision of water, energy and resource efficiency measures, during both construction and occupational phases.
- A clear timetable for the implementation of these measures during both construction and occupation;

shall be submitted to and agreed in writing with the Local Planning Authority.

The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason – To enhance the sustainability of the development through better use of resources.

10.25 SCHEME FOR RAINWATER HARVESTING

Prior to the commencement of each part or phase of the development, a scheme, proportionate to the scale of development, for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

*Reason -To enhance the sustainability of the development through efficient use of water resources.
Note: Any submitted scheme should include detailed information (capacities, consumption rates, etc) on proposed water saving measures. Where rainwater recycling or greywater recycling is proposed, this should be indicated on site plans. Applicants are also advised to refer to the following for further guidance: <http://www.environment-agency.gov.uk/homeandleisure/drought/38527.aspx>; <http://www.water-efficient-buildings.org.uk/>; and <http://www.savewatersavemoney.co.uk/>*

10.26 EXTERNAL LIGHTING

No external lighting shall be provided unless details have first been submitted to and approved in writing by the Local Planning Authority (and the Highways Authority as appropriate). The scheme of lighting shall show how and where lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided) types, angle and position of luminaires, hours of operation and a polar luminance diagram based on vertical luminance at the site boundary or at the nearest residential property if this will be affected, so that it can be clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls and LED.

Any external lighting should be positioned so that light intensity at the windows of any sensitive occupier (residential accommodation) is no greater than 1.0 Lux (Vertical illuminance) between the hours of 23:00 and sunrise and 2.0 Lux (Vertical illuminance) at all other times. For a definition of vertical illuminance and best practice for compliance the applicant is advised to refer to 'Guidance Notes for the Reduction of Light Pollution' published by the Institute of Lighting Engineers.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be maintained thereafter in accordance with the scheme.

Reason: In order to minimise the adverse impacts of the proposal on the character of the landscape, the current use of the site and local visual amenity.

10.27 **SOFT LANDSCAPING**

No development shall commence within a development area or phase, until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for that development area/phase, drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, and any tree works to be undertaken during the course of the development along with a schedule of timing for the implementation. The scheme shall be implemented as agreed unless otherwise subsequently agreed in writing by the Local Planning Authority.

Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: in order to minimise the adverse impacts of the proposal on the character of the landscape, local visual amenity and the character of the countryside.

10.28 **HARD LANDSCAPING**

No development shall commence within a development area or phase, until full details of a hard landscaping scheme for that area/phase has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features) along with a schedule of timing for the implementation.

The scheme shall be implemented as agreed unless subsequently agreed in writing with the Local Planning Authority.

Reason: in order to minimise the adverse impacts of the proposal on the character of the landscape, local visual amenity and the dark skies character of the countryside having particular regard for Policy CS5 and saved policy CR02.

10.29 TREE PROTECTION

Any trees, shrub or hedgerows within, or at the boundary of, a development area or phase that are to be retained, (including those previously planted as part of the strategic landscaping scheme or in an earlier phase of the development), shall be protected in accordance with a scheme of tree protection, (BS5837:2012), to be agreed in writing with the Local Planning Authority prior to commencement of the development of that area or phase. The Local Planning Authority shall be advised in writing that the protective measures/fencing within a development area/phase have been provided before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from that development area/phase. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

10.30 BIODIVERSITY

The measures for mitigation of impacts on biodiversity as set out in part 9 of the Environmental Statement and within Section 4 of the Phase 2 Protected Species survey shall be implemented in full, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to safeguard and mitigate the impacts of the proposal on biodiversity.

10.31 ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: SURFACE WATER DRAINAGE ONTO HIGHWAY

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.

10.32 ACCESS LAYOUT – DETAILS TO BE APPROVED

No part of the development shall be commenced until details of improvements to the access (including carriageway widening, 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 [a) any other part of the development taking place, or b) the occupation of the property] as shall be agreed by the Local Planning Authority. It shall be retained thereafter 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.

Note: it may be acceptable to just provide improved visibility for construction purposes but road widening may be needed for the full operation of the site.

10.33 DEVELOPMENT COMPRISING OF A COMMERCIAL KITCHEN/PLANT & MACHINERY

Prior to the commencement of any development comprising a commercial kitchen (to include canteens), full details of the kitchen exhaust system, including outlet height and type, and diagram showing odour abatement shall be submitted to the local planning authority for their approval in writing. The equipment shall comply with the specification for the relevant risk rating in the Defra document 'Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

Reason: To prevent loss of amenity due to odour and/or noise.

Notes to Conditions:

11.1 Ground Conditions

Babergh District Council Environmental Health Department shall be contacted in the event of unexpected ground conditions being encountered during construction.

11.2 Safe Development

Babergh District Council Environmental Health Department request that the developer is made aware that the responsibility for the safe development of the site lies with them.

11.3 Dewatering

Dewatering the proposed excavation may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources and other water features. The applicant should locate all these and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features. The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. However, these provisions of the Water Act 2003 are being implemented in several phases. Although dewatering activities do not yet require an abstraction licence, the applicant should contact the National Permitting Service (NPS) before the commencement of any dewatering to confirm the legal requirements at the time. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

11.4 Sustainable Drainage Systems (SuDS) informative

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.

2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.

3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.

4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).

6. SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011).

For further information on our requirements with regard to SuDS see our Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

11.5 Drainage

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

The Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution

11.6 Highways Note 1

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 Central Area Manager should be contacted at Phoenix House, 3 Goddard Road, Ipswich IP1 5NP. Telephone 01473 341588.

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.

11.7 Highways Note 2

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.

- 11.8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 11.9 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

Process and Procedures

Developers are required to submit a limited amount of information in order that the local planning authority can determine whether the terms of Stevin's Site LDO are met such that planning permission is granted for the proposal under its provisions.

A period of 28 days from receipt of this information is considered a realistic timescale within which the local planning authority should be able to assess compliance and respond without causing undue delay to applicants. Should the local planning authority respond positively or fail to respond within this 28 day period then planning permission is granted for the proposal by this LDO.

Exceptionally the need for an extension of time for a specified period beyond the 28 days may be necessary where particularly complex proposals are advanced and where further consultation is necessary.

In such instances Babergh District Council will contact the developer to agree an extension of time in which to consider whether, for example, additional information should be submitted to satisfy the requirements of a statutory consultee

Proposed development which falls outside the scope of the LDO will require the submission of a planning application or other appropriate application. For the avoidance of doubt, an LDO does not exclude applicants from applying for planning permission for developments that are not permitted by the Order. Neither does an LDO supersede the requirements for development to comply with all other relevant legislation, for example, Building Regulations, Environmental Health, Hazardous Substances Consent and licences or permits from other bodies such as the Environment Agency.

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The Orwell Food Enterprise Zone

Stevin's Site Development Framework

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March 2017

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I. Introduction

1.1 The Stevin's site off The Strand in Wherstead is located within the Orwell Food Enterprise Zone (FEZ) and has been identified as having the potential to be developed for food related business activities as part of the FEZ initiative.

1.2 This Development Framework has been prepared to provide planning guidance for the development of the site for business uses in order to inform future planning decisions. The key objectives of this Development Framework are to:

1. Develop a vision for the sustainable development of the site that is well integrated with its surroundings;
2. Define the broad principles for the mix of uses, layout, built form, conceptual appearance, landscape, access and operations; and
3. Provide guidance for the content of the Local Development Order for the site.

2. Consultation

2.1 The Draft Framework will be subject to consultation that seeks to engage those organisations and individuals that are likely to be impacted by the development of the site. Following consultation, any necessary modifications will be made to the Framework before it is approved as part of the associated Local Development Order by Babergh District Council to inform the consideration of development proposals on the site.

3. Site Description

3.1 The area which is the subject of this Development Framework is located off The Strand (B1456) at Wherstead adjacent to the A14 Orwell Bridge. It has an area of approximately 4.6 hectares and comprises the former site compound used by the Dutch company, Stevin Construction B.V. to manage the construction of the Orwell Bridge between 1979 and 1982. As a consequence of its original use, much of the site consists of concrete pads at two distinct levels that would have been used for the parking of machinery. The southern concrete pad is approximately three metres higher than those in the northern part of the site. Three Romney buildings remain on the northern part of the site, albeit in a poor state of repair and are used for occasional agricultural crop sorting and batching and when maintenance work is undertaken on the adjacent A14. The approximate total floor area of these buildings in total is 900 square metres and they have a maximum height of approximately 5.8 metres.

3.2 Access to the site is from The Strand, at a gateway immediately to the north of the point where the Orwell Bridge crosses the Strand.

3.3 The site sits within a hollow that makes it almost invisible from the surrounding area. To the west, grassland rises up towards Bourne Hill with the woodland of Home Covert providing further screening. To the north, the site is screened by existing trees and hedgerows from distant housing on Bourne Hill and The Strand. Other than the site entrance, the main part of the site and its existing buildings cannot be seen from the immediate east, helped partly by an existing well established hedge. However, the buildings are partially visible from the upper slopes of the eastern banks of the Orwell,

albeit that it is a distant of view of some 2 kilometres. To the south, the high embankment of the A14 provides a screen from further down the Orwell estuary although the site entrance area is visible through the arches of the bridge from the south-east and the Orwell. Beyond the bridge embankment is the



Suffolk Food Hall, although it is not visible from the site.





4. Planning History

- 4.1 In January 1986 a planning application (B-85-01022) was approved for the retention of three “Romney” huts, concrete roads and areas and access from The Strand for agricultural purposes.
- 4.2 The site therefore currently has an established use for the processing of crops in association with the adjoining farm business. The use is seasonal but the current buildings and facilities on the site are not conducive to an economically viable food processing business.

5. Planning Policy

- 5.1 When considering development proposals for the site, relevant national and local planning policies must be taken into account.

National Planning Policy Framework (NPPF)

- 5.2 The NPPF sets out the government’s national planning policies that must be taken into account in the preparation of planning policies and the consideration of planning applications. It has, as a basic premise, a presumption in favour of “sustainable development”.
- 5.3 Paragraph 17 contains the Core Planning Principles which include:
- supporting sustainable economic development;
 - seeking high quality design;
 - recognising the intrinsic character and beauty of the countryside;
 - conserving and enhancing the natural environment; and
 - encouraging the reuse of previously developed land.

- 5.4 Paragraph 20 refers to the need to plan proactively to meet the development needs of business.

- 5.5 Paragraph 28 states that local plans should “*promote the development and diversification of agricultural and other land-based businesses.*”

- 5.6 Paragraph 115 requires great weight to be afforded to conserving landscape and scenic beauty in Area of Outstanding Natural Beauty

- 5.7 Paragraph 116 states that major development proposals in an AONB should be refused except in exceptional circumstances, providing three tests to be used when assessing a proposal:

1. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
2. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
3. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Local Development Plan

- 5.8 The Babergh Local Plan Alteration No.2 was adopted by the Council on 1st June 2006. It sets out the detailed policies and proposals for the control of development across the district up to the year 2016. Subsequent to its adoption, some policies have been replaced by the Babergh Core Strategy (adopted 25 February 2014). Work has recently commenced on the

preparation of a joint local plan document that will replace the remaining policies in Alteration No.2. However, until the “Joint Local Plan Babergh and Mid Suffolk” is adopted, the saved policies of the Local Plan (2006) remain, where appropriate, material in the consideration of planning proposals.

- 5.9 The Local Plan (2006) allocates, in Policy RE11, land between the A137, the A14 and The Strand for recreational uses. The policy has not been replaced by the Core Strategy and states:

Policy RE11: Land between A137, A14 and The Strand, Wherstead

(A) A site off The Strand (BI456), Wherstead, is allocated for the provision of an hotel. Access for this development is to be served from The Strand (BI456). An indicative site area has been identified but the exact location and extent of the site will be determined by agreement with the landowners and/or applicant(s). As a general requirement, development proposals will be expected to make the best use of previously developed land.

(B) Approximately 30 hectares of land between the A137, Bourne Hill, The Strand (BI456) and the A14, Wherstead, are allocated for the provision of a country park. It is anticipated that various different parcels of land will be used for this purpose, as identified by the landowners. The delivery of these various parcels for this purpose is likely to be phased over time according to the availability of suitable funding opportunities. New non-road links between these land parcels will be required for continuity of access.

- 5.10 The paragraph that supports part (A) of the policy states:

“an area of previously developed and unsightly land off The Strand has been identified as suitable for a hotel development. The site lies in a partly natural bowl in the landscape. This would have the advantages of easy access off the A14 and is well located in relation to Ipswich town centre for high levels of demand for business tourism in the local area. This location would also benefit from the above-mentioned country park, which could largely surround the hotel. The provision of conference facilities at this location appears beneficial and the location is very well placed for views across the River Orwell and for tourism and recreation in its riverside areas, as well as the wider Shotley peninsula. Any hotel proposals for this location will need to satisfy the requirements and tests of PPS6: Planning for Town Centres.”

- 5.11 Neither the country park nor the hotel proposals have been implemented and the policy will be reviewed as part of the preparation of the Joint Local Plan. However, any development on the site that is the subject of this development Framework that does not conform to the adopted local plan policy has to justify the change.

6. Planning Constraints

Landscape

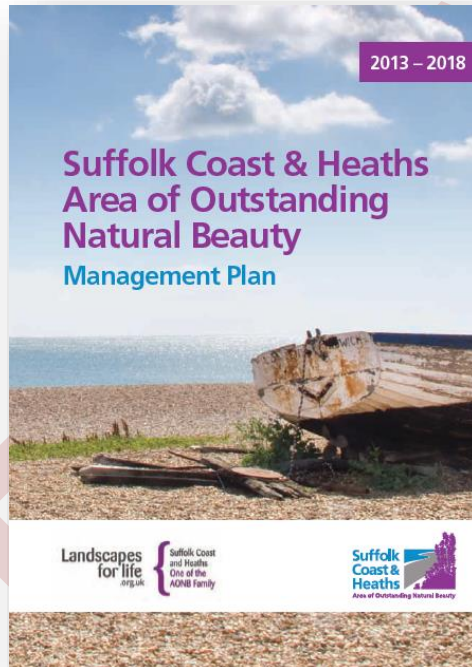
- 6.1 The site is located in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The AONB was designated in 1970, before the Orwell Bridge was constructed and now sits within an isolated part of the AONB between The Strand, Bourn Hill and the A14. The area is illustrated in green on the plan to the right. The AONB is a national designation, the primary purpose of which is to conserve and enhance natural beauty (National Parks and Access to the Countryside Act (1949). There is a duty of regard for the purpose of the designation

placed upon all relevant authorities under section 85 of the Countryside and Rights of Way Act 2000.

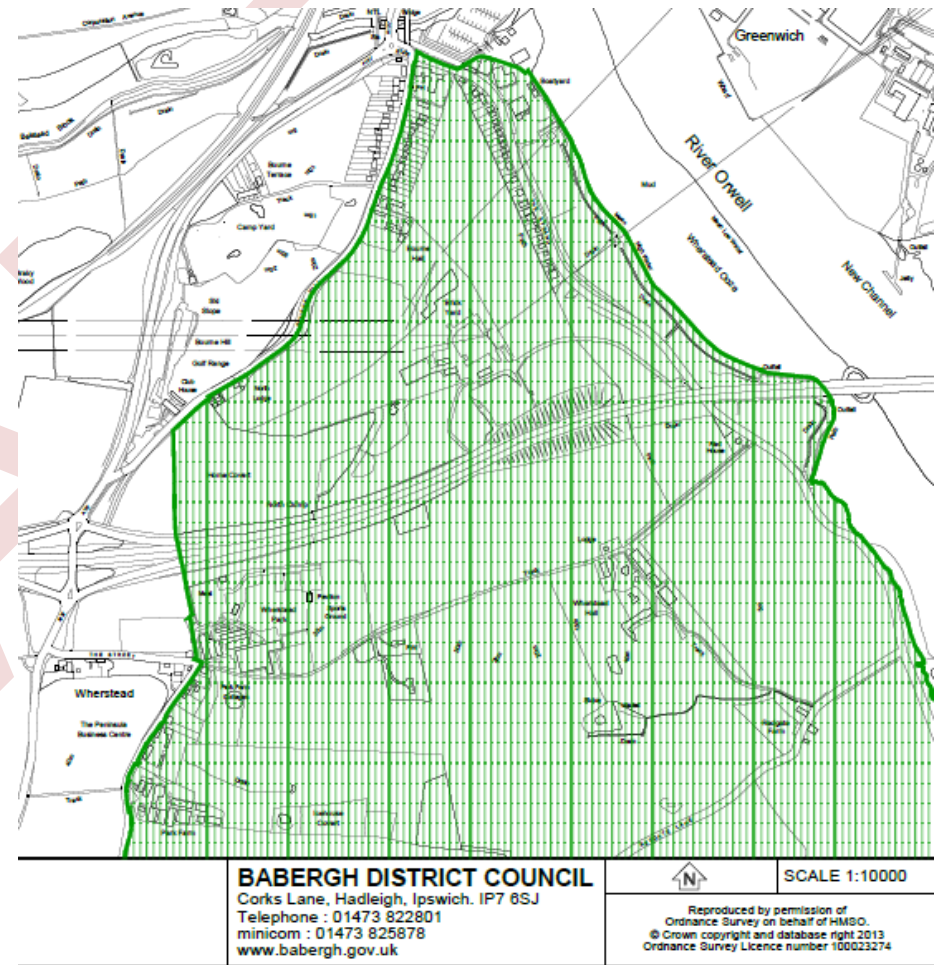
6.2 As noted above, the NPPF requires proposals to give close regard to conserving the landscape and scenic beauty of an AONB. A Management Plan was published in 2013 covering the period to 2018. Action 2.7.3 of the Management Plan states:

“Assess visual impacts of developments on landscape and seascape character and scenic beauty, either through LVIA as part of EIA or through less formal visualisations (photographs etc) of minor developments where visual impacts are unclear, both within and adjacent to the AONB.”

6.3 Because of the potential landscape sensitivity in the vicinity of the site, a Landscape Visual Impact Assessment has been prepared and forms an appendix to the Development Framework. The Assessment was undertaken in accordance with published methodology and identified that, although the site is in a secluded position and that the existing buildings are difficult to see from The Strand,



longer range views from the Orwell eastern banks and Orwell Country Park do include the existing buildings.



6.4 As such, the LVIA found that:
“the host landscape for the proposed LDO is, overall, moderately sensitive. It is a landscape of cultural and heritage value with a supporting role in strategic green infrastructure and, potentially, ecological resources (for which further study is recommended). The

Stevin's site and its immediate surroundings play a particular role in providing a setting for the Orwell Bridge and contributing to the coherence of the landscape setting of the Orwell Estuary. The value attached to the landscape would be greater had the Stevin's site been cleared and remediated following completion of the bridge construction and had the overhead high voltage power cables been undergrounded. Nevertheless it is recommended that, in making a LDO, careful attention is given to avoid further degrading of the landscape setting of the bridge and the estuary."

- 6.5 This Development Framework has taken account of these conclusions and has set a requirement that any proposals on the site should make a positive contribution to the landscape of the AONB. This is referred to in more detail in the Site Concept section of this Framework.

Orwell Site of Special Scientific Interest and Impact Zone

- 6.6 The Orwell estuary is a designated Site of Special Scientific Interest (SSSI) because of its national importance in supporting both breeding and non-breeding birds, in particular due to the presence of the inter-tidal mudflats. Associated with the SSSI is a wider Impact Risk Zone, within which Natural England will need to be notified for proposals for certain types of development in order to assess potential impact on the SSSI. The proposals in this Development Framework have been considered by Natural England and required conditions are included in the LDO to ensure that there is no detrimental impact on the SSSI.

Ramsar Site

- 6.7 The River Orwell to the east of the site is also part of the wider Orwell and Stour Estuaries Ramsar site. A Ramsar site is the land listed as a Wetland of International Importance

under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention) 1973. As with the SSSI designation, Natural England have advised on the potential impact of proposals in the LDO and required conditions to be imposed accordingly.

Special Protection Area

- 6.8 The Orwell and Stour Estuary is also a *Special Protection Area* (SPA) designated under the European Union Directive on the Conservation of Wild Birds. As a consequence, the Habitats Regulations Assessment (HRA) requirements protect European sites from plans and projects, such as developments and other activities, which may harm them directly or indirectly requiring that any plan or project which may have a "likely significant effect" on a site (either individually or in combination with other plans or projects) must be made subject to an "appropriate assessment" of its implications for the site in view of the site's conservation objectives. While the Stevin's site is not located within the SPA, a HRA has been undertaken and has determined that the proposals in this Framework will not have a significant detrimental effect as long as conditions included in the LDO are met.

Ecological Surveys

- 6.9 A Preliminary Ecological Appraisal of the site was undertaken in February 2016 which highlighted the need for additional surveys. Phase 2 species surveys, as well as a more detailed plant identification, were undertaken during the summer and autumn of 2016. The proposals in this Development Framework have taken full account of the outcomes of these surveys and the LDO conditions also reflect the findings of the surveys.

Heritage conservation – listed buildings

- 6.10 The site is not located in a designated Conservation Area and there are no Listed Buildings in the immediate vicinity. It is likely that the site was originally part of Wherstead Park and the land to the west still contains woodland and individual trees reminiscent of a parkland setting.

Tree Preservation Orders

- 6.11 Although there are some significant trees within the site that were probably originally planted within the parklands of Wherstead Hall, they are not protected by Tree Preservation Orders. However, they do help to provide screening to the current buildings on the site and their loss could have a detrimental effect on the landscape. Conditions will be attached to the LDO to ensure that existing trees are retained and protected during any construction works.

Flood Risk

- 6.12 The site is not located within an area identified by the Environment Agency as likely to flood. However, given that there is a risk of surface water flooding on The Strand (BI456) it will be necessary to minimise water run-off from the site in order not to add to the likelihood and severity of that flooding. Conditions are attached to the LDO to ensure this is the case.

Access

- 6.13 The site has an established vehicular access onto the BI456. While the width of the access road at the junction with the BI456 meets the highways authority standards, some

improvements will be required to visibility on the northern side of the access. The site entrance gates will also need relocating back into the site to allow lorries to pull off the



Existing site access from BI456, The Strand

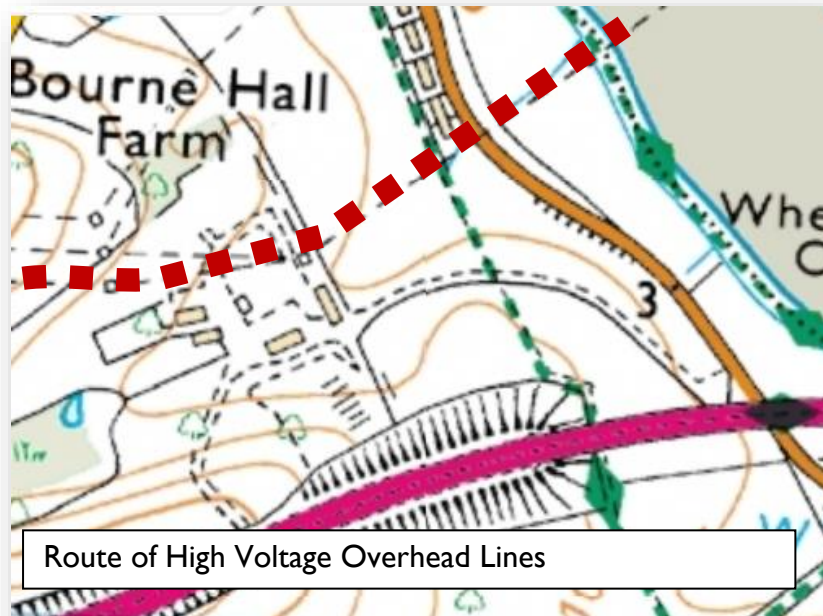
highway should they arrive when the gates are closed. A bus stop is located at the entrance to the Suffolk Food Hall, approximately 175 metres to the south of the site entrance.

Public Right of Way

- 6.14 A public footpath crosses the access road from north to south to the east of the bulk of the site, as illustrated below. As such, it will be necessary to ensure that the access road does not restrict usage and enjoyment of the path or the safety of users.

Overhead high voltage electricity lines

- 6.15 The northern edge of the site is crossed by high voltage overhead electricity lines and pylons are located near the eastern and northern boundaries. This places restrictions on what development and activities can take place within the vicinity of the equipment that will need to be taken account of in devising proposals for the site



Nearby uses

- 6.16 The site is located in a relatively isolated position with the nearest dwellings, in The Strand, some 150 metres from the eastern boundary of the site. This boundary already has established hedgerows and trees that provide screening and there is also a well-established hedgerow running along the

rear of the properties on The Strand which provides further screening from the site. To the west, the nearest residence is on Bourne Hill some 350 metres from the site while Bourne Hall Farm is some nearly 300 metres to the north but is screened by the hill.

- 6.17 It is almost impossible to see the site from passing vehicles on the A14 immediately to the south, although the traffic does generate a level of ambient background noise that will need to be considered in the design of any working premises on this site.



7. Site Concept

7.1 The preparation of this Framework has acknowledged the significant environmental constraints that exist in the vicinity of the Stevin's site and the fact that it's located within the AONB. It has also had regard to the outcomes of the Ecological Surveys undertaken during 2016. Consequently, an environmental capacity led approach has been adopted to determine the appropriate mass and quantum of development that might be acceptable on the site. The consideration has also taken account of the local plan allocation to the west of the site for a country park, albeit it seems unlikely that such a proposal is likely to come forward and may not progress through to the emerging new local plan. Although it is a brownfield site, new buildings and uses proposed in the Framework are being accommodated as an exception and the mitigation measures will have to acknowledge both the exceptional circumstances as well as the significance of the environmental setting of the site. The development will therefore need to deliver higher standards of sustainability and design quality than would normally be accepted within an urban setting.

7.2 With this in mind, the objective for development on this site is:

To develop employment and associated uses in high quality buildings, located within a landscape setting without detrimental impact on the amenity of local residents and the national and international designations in the vicinity.

Developable Areas

7.3 In order to inform the amount of development that can be accepted on the site, the outcome of the Landscape Visual

Impact Assessment in particular has been used to inform the form and location of any new buildings. The site has two distinct areas differentiated by ground levels as is illustrated on the map below. Area B is an area of existing concrete closest to the Orwell Bridge and is higher and potentially more exposed to visibility from the Orwell than the area occupied by the existing buildings on the northern part of the site. This area (Area B), as has been demonstrated by the Landscape Visual Impact Assessment, is largely screened from viewpoints in the AONB. In response to these topographic differences, new buildings will only be allowed on the northern part of the site (Area A) as illustrated below.

7.4 The area identified for potential buildings (Area A) is restricted by the presence of the high voltage overhead lines over the northern part of the site. It is neither practical nor viable to underground these cables and, for safety and maintenance reasons, no buildings will be allowed under the cables or in the immediate vicinity of them



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7.5 However, in considering the amount of development that can take place in Area A, regard has been had to their size and potential impact on the local environment. Regard has also been had to the potential number of people that could be employed on the site and the consequent trips generated to and from it. A large number of trips could have a detrimental impact on the amenity of local residents, the highway network and the natural environment.

7.6 Accordingly, parameters are set out in this Development Framework that will be used to guide and determine the acceptance of development proposals that come forward either in accordance with the LDO process or as separate planning applications.

Landscape Setting

7.7 As noted above, the site is already well screened within the local landscape. However, as has been demonstrated by the assessment of landscape setting, there is the potential for buildings to impact on views across the Orwell Estuary unless due regard is had to screening and the setting and design of buildings and other operations on the site. In order to mitigate any potential visual impact of development, the existing planting on the eastern and northern boundaries of the site will be retained and, where appropriate, reinforced. In addition, existing hedgerows and trees within the site will also be protected and retained. These are identified on the Concept Layout below.

Uses

7.8 The uses proposed on the site and permitted by the LDO will fall within the following classes and limitations:

Use Class B1(a)

Use Class B1(b)

Use Class B2

Use Class B8

Use Class D1

Use Class D2

Not more than 25% of the total floorspace on the site shall fall within Use Class B1(a) in order to limit the potential number of people working on the site and the consequential trips to and from the site. Proposals for more than 25% of B1(a) floorspace will need to be the subject of a planning application outside the LDO process.

Concept Layout

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-  New Planting
-  Existing Planting
-  Indicative Building Block
-  New Fence
-  Off-site access



NOT TO SCALE

Site Layout

- 7.9 New buildings will only be allowed on the northern part of the site, as illustrated on the Indicative Concept Layout, where they can more easily be assimilated into the existing landscape. A maximum of 3,000 square metres of total gross floorspace will be allowed on the site, with individual buildings having a footprint of no more than 1,000 square metres gross. The illustrative footprint of each building is illustrated, each being no greater than that of the existing Suffolk Food Hall to the south of the site. Spaces around each of the buildings should be such to reduce the visual impact of the built development on the site, with the use of existing trees and hedgerows supplemented, as indicated, by new planting. External storage will not be allowed in the areas accessed by visitors, should be sited where it can be screened from external views and should not detract from the high quality environment. Car parking will not be permitted within this area, with the exception of visitors parking and parking for the disabled.

Building Height

- 7.10 The height of any new buildings on the site will a significant factor in how the development can be accommodated within the landscape. As noted above, there is the potential for the development to impact on views across the River Orwell. The sloping nature of the site allows taller buildings to be accommodated on the eastern side of the site without compromising the views in the AONB provided that careful consideration is given to the building design and materials used. Because of these sensitivities, a cap of 7.00 metres maximum height to ridge line is set for building number 1 identified on the Concept Layout. This would be the same height as the nearby Suffolk Cookhouse illustrated below. For any other

buildings, the maximum ridge height shall not exceed 5.9 metres.



Access and Circulation

- 7.11 The main access track from The Strand will continue to provide vehicular access to the site. The access will need to be improved to meet the highway visibility standards, which may require the trimming or replanting of the hedge on the northern side of the access. Any security gateway to the site should be no closer than 20 metres from the edge of the highway in order to allow lorries to leave the highway safely and wait for the gateway to open. Vehicles will not be permitted to queue on the highway.

- 7.12 Turning and circulation areas will be required within the area occupied by the buildings for lorries to be able to gain access for loading and unloading. In addition, it will be necessary to retain access to external parts of the site, especially for maintenance of the high voltage overhead lines to the north. Within the site, the southern, raised area is the only location where car parking will be allowed, other than for the provision of disabled and visitor car parking bays in the vicinity of buildings. The amount of car parking to be provided should be in accordance with the Suffolk County Council Technical Guidance and meet the requirements for B1 or B2 uses. Electric vehicle charging points should also be provided.
- 7.13 The parking area can also be designed to provide a facility for lorries to wait for a temporary period before loading or unloading takes place. However, regard should be had to the need to segregate the movement and turning of lorries and those of cars. Should any of the buildings be used for the processing of crops, then crop storage can also take place in the area identified for car parking as long as the car parking requirements for the overall site can be met in the area.
- 7.14 Existing steps between parking area and buildings should be enhanced to provide a route for pedestrians between the car park and the business units.
- 7.15 Secure cycle and motorcycle parking will be provided on the site in accordance with the Suffolk County Council advisory standards and business premises are encouraged to provide showers and locker facilities for those cycling to the site.

Building Design

- 7.16 All new buildings will be constructed of high quality materials and techniques to meet stringent environmental targets in line with BREEAM “Excellent” standard. Given the association with the Suffolk Food Hall to the south of the site and the Food Enterprise Zone designation, new buildings should reflect a rural character in nature. Colours and materials will reflect this and, given the sites location in the AONB, buildings should also be designed around principles of high sustainability using orientation, high insulation, good day lighting and air tightness to reduce their environmental impact.

Renewable / Low Carbon Energy

- 7.17 The Core Strategy states, In Policy CS13, that “*All new development will be required to minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change through adopting a sustainable approach to energy use.*” Detailed proposals for buildings on the site should therefore include an appropriate scale of on-site low and zero carbon technologies.

Materials

- 7.18 A carefully selected and limited range of materials has been chosen in order to ensure both a high quality environment in buildings that will reflect the local character of the Orwell Peninsula and ensuring the minimal impact on the AONB. In addition, the materials should reflect the high sustainability requirements of the BREEAM “Excellent” standard.

The reference for the choice of materials has been taken from those used at the Suffolk Food Hall site to the south and can include:

- timber cladding panels
- flat metal panel cladding in a non-reflective finish
- profiled metal cladding in a non-reflective finish
- curtain walling and aluminium framed glazing systems

- structural glazing systems
- brick plinths
- red/orange pantiles
- metal profiled roofing



- 7.19 A schedule of materials, to be in accordance with the above guidance, shall be submitted for final approval under the terms of the LDO.

Colours

- 7.20 Although the position and size of the buildings has been carefully considered to minimise visual impact on the AONB, the choice of colours used for building materials could have a significant impact. The buildings at the Suffolk Food Hall and many other commercial buildings in this area are characterised by the use of dark or black colours. The Suffolk Food Hall buildings in particular have reduced their impact on the setting of the Orwell estuary through the use of dark colours set within an existing woodland background. In addition, the storage building at the rear of the site has used brown profiled metal cladding that also has a minimal visual impact on the local landscape. Buildings constructed as part of this development will respect this approach and will use dark browns or blacks for walls and dark orange/red for roofing.

Drainage

- 7.21 Given that much of the site is already covered in non-permeable concrete, surface water run-off will already be accommodated within the surrounding landscape. However, since the original compound was constructed the regulations concerning surface water run-off and the potential for both pollution and flooding have changed considerably.
- 7.22 Given the especially sensitive nature of the Orwell Estuary and the increase in the amount of hard surface on the site, the design and construction of the surface water drainage system will require strict control to ensure that:

- it does not increase the risk of surface water flooding on The Strand;
- there is no potential for pollution of watercourses from inappropriately located and/ or designed infiltration sustainable drainage systems such as soakaways, unsealed porous paving, roads or parking areas or infiltration basins; and
- there is no increase in run-off from the site

- 7.23 Detailed development proposals will include details of a Sustainable Urban Drainage system to capture surface water and, if appropriate, rainwater harvesting to provide water for functions on the site. The scheme, which shall be in accordance with DEFRA's Non-Statutory Technical Standards for SUDS (March 2015) and CIRIA Guidance C753 shall include a Management Plan making provision for ongoing maintenance. The SUDS Scheme and Management Plan shall be submitted and approved by the Local Planning Authority in accordance with government requirements

Lighting

7.24 Despite the site being well screened from the Orwell Estuary and properties on The Strand, inappropriate lighting could have a significant detrimental impact on this largely countryside setting. Across the whole site, pole mounted floodlighting will not be permitted. In Area A lights should be mounted on the buildings and angled to point down towards the ground. In Area B, the car parking area, low level lighting, perhaps included in posts and bollards should be provided. Similarly, street lighting will not be permitted along the access road from The Strand.



7.25 Before development commences a scheme of lighting shall be submitted and approved and shall be in accordance with the Institute for Lighting Engineers Guidance for the Reduction of Obtrusive Light Zone E2 (Area A) and Zone E1 (Area B). Lighting shall not be permitted outside of the normal hours of operation when no personnel are on site. Lighting shall be designed so that they can be dimmed or switched off in defined working areas should operational conditions allow. In addition to the fixed exterior lighting, local adjustable lighting shall usually be provided at docking gates within buildings. This shall be operated locally and shall be switched off once the docking gate has been vacated.

Hard Landscaping and Fencing

7.26 New Surfaces shall be of concrete, tarmacadam or block paving. Where it is necessary to demarcate areas, such as parking bays, this shall be done with physical markers or a change of surfacing. Paint or thermoplastic shall not be used.

7.27 Fencing: where required perimeter security fencing shall be a maximum of 2.4m above ground level and shall typically be in accordance with BS1722-14 Open Mesh Steel Panel Fencing Category 1 (General Purpose) and Category 2 (Security) Fencing Posts and struts for all fences shall be manufactured from black RAL9005 powder coated galvanized steel. All fixings and straining devices shall be zinc coated.

7.28 Other demarcation barriers throughout the development shall be a maximum of 1m high and shall be constructed in timber.

Soft Landscaping

7.29 Before development commences a scheme of soft landscaping shall be submitted and approved. This scheme shall show existing trees and shrubs to be retained and a methodology for their protection during the development and operation of the site together with new planting and seeding. The aims of the scheme shall be:

- to integrate the site within its landscape setting
- to provide screening and softening to areas of development including storage, operational and parking areas.

- to optimise wildlife benefit and potential for habitat creation and contribute positively towards a BREEAM Assessment
- to facilitate a Sustainable Urban Drainage Scheme that meets the requirements of the relevant guidance to provide for water quality, amenity and biodiversity as well as flood water attenuation

water shall incorporate slopes that do not exceed 1: 5 to facilitate egress.

7.30 The scheme of landscaping shall comprise native tree planting and native and ornamental shrub/herbaceous planting and seeding.

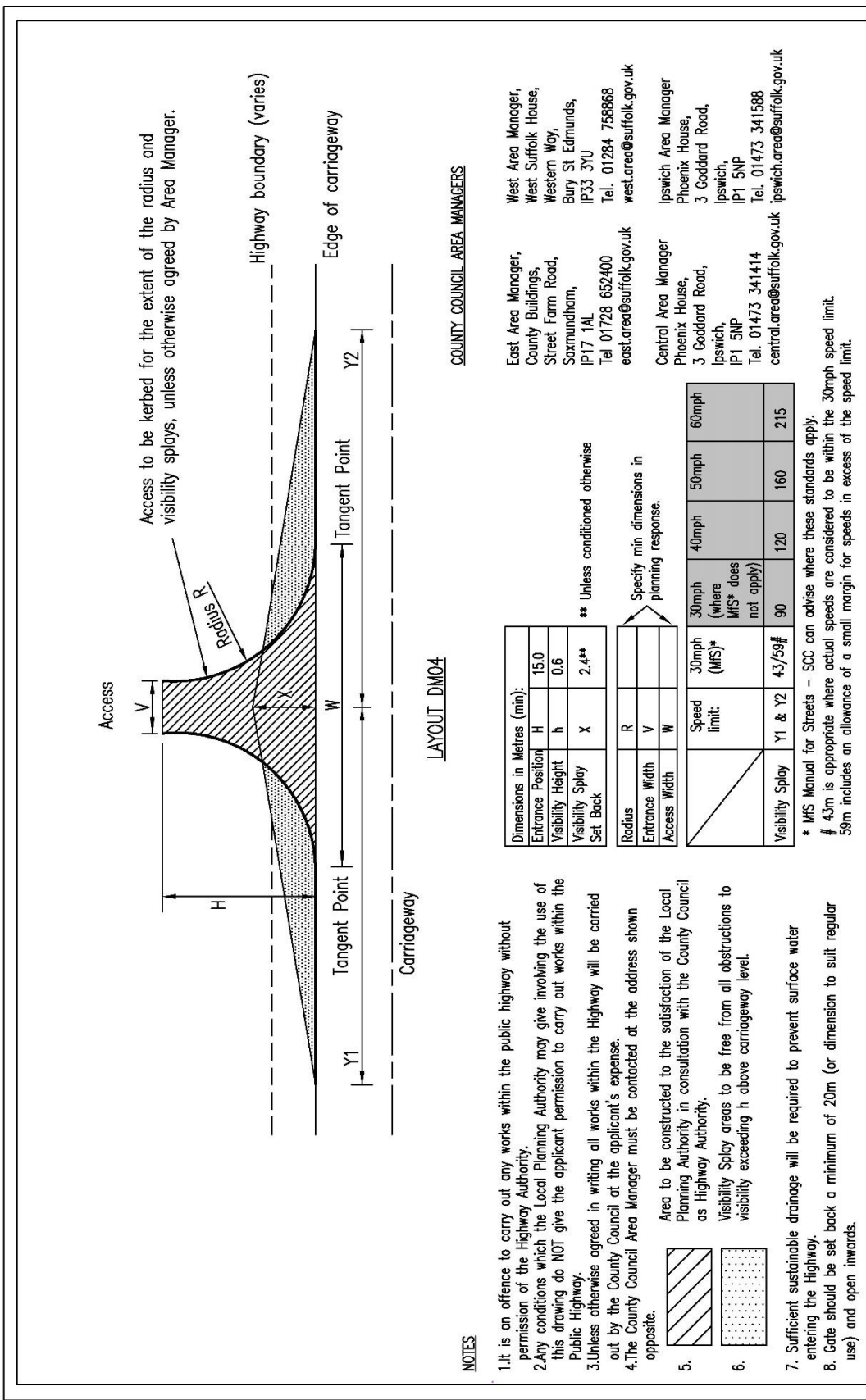
7.31 The scheme of soft landscaping shall be implemented within the first growing season following completion or occupation of any building whichever is the sooner. The size and density of planting shall be such as to achieve early maturity / ground cover and as required by the Local Planning Authority.

7.32 Landscape Management Plan: A scheme for the ongoing management and maintenance of the landscaping scheme shall be submitted and approved at the same time as the Scheme for Landscaping. The Management Plan shall detail the operations to be carried out in the first 5 years following implementation in order to ensure successful establishment of new vegetation.



Ground Modelling

7.33 Where required in order to achieve a change in level, enhance screening or the creation of a drainage feature new slopes shall not exceed 1: 3 or a maximum of 1: 2 if the slope is to be covered in new shrub planting. Areas for the retention of

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NOTES

1. It is an offence to carry out any works within the public highway without permission of the Highway Authority.
2. Any conditions which the Local Planning Authority may give involving the use of this drawing do NOT give the applicant permission to carry out works within the Public Highway.
3. Unless otherwise agreed in writing all works within the Highway will be carried out by the County Council at the applicant's expense.
4. The County Council Area Manager must be contacted at the address shown opposite.
5.  Area to be constructed to the satisfaction of the Local Planning Authority in consultation with the County Council as Highway Authority.
6.  Visibility Splay areas to be free from all obstructions to visibility exceeding h above carriageway level.
7. Sufficient sustainable drainage will be required to prevent surface water entering the Highway.
8. Gate should be set back a minimum of 20m (or dimension to suit regular use) and open inwards.

Dimensions in Metres (min):	
Entrance Position	H 15.0
Visibility Height	h 0.6
Visibility Splay	X 2.4**
Set Back	

Radius	
Entrance Width	R
Access Width	V
	W

Speed limit:	30mph (M/S)*	30mph (where M/S* does not apply)	40mph	50mph	60mph
Visibility Splay	Y1 & Y2	43/59#	90	120	160
					215

* M/S Manual for Streets - SCC can advise where these standards apply.
 # 43m is appropriate where actual speeds are considered to be within the 30mph speed limit.
 59m includes an allowance of a small margin for speeds in excess of the speed limit.

LAYOUT_DM04

COUNTY COUNCIL AREA MANAGERS

- East Area Manager,
County Buildings,
Street Farm Road,
Saxmundham,
IP17 1AL
Tel. 01728 652400
east.area@suffolk.gov.uk
- West Area Manager,
West Suffolk House,
Western Way,
Bury St Edmunds,
IP33 3YU
Tel. 01284 758688
west.area@suffolk.gov.uk
- Central Area Manager
Phoenix House,
3 Goddard Road,
Ipswich,
IP1 5NP
Tel. 01473 341414
central.area@suffolk.gov.uk
- Ipswich Area Manager
Phoenix House,
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ipswich.area@suffolk.gov.uk

Plot date 19/02/2015

INIT.	DATE	PROJECT TITLE
REH	08/12	DEVELOPMENT MANAGEMENT
CHEK	JIN	08/12
DES	IGNER	08/12
REVIEWER	CAG	08/12

REV.	DESCRIPTION	CHECKED	DATE
A	Drawing Revision	SDB	10/14

ORIGINATOR	SCALE	DATE
JIN	1:1 to Scale	Sept 2012

INDUSTRIAL AND FARM ACCESS LAYOUT



Director of Economy, Skills & Environment,
Suffolk County Council
Endeavour House
8 Russell Road
Ipswich
Suffolk IP1 2BX

ORIGINAL SIZE: A4

PUBLIC SPEAKING ARRANGEMENTS AT BABERGH DISTRICT COUNCIL'S PLANNING COMMITTEE

- 1.1 If an application is to be decided by Planning Committee, members of the public who are affected by that planning application along with local ward members who are not members of the Committee and county council division members are allowed to speak at the Committee as set out in paragraph 1.3 below.

Do I have to speak at planning committee to put my view across?

- 1.2 Not normally. If you have written expressing a view, whether in support of or objection to an application, then this will be recognised in the Committee papers on the day. The points made in your correspondence will be summarised and fully taken into account in the Officer's report to Committee. Any late representations will also be made available to the Committee members **prior** to the meeting. In the interests of data protection correspondence may be redacted on the planning application file.

Who is allowed to speak?

- 1.3 The following parties, in the order in which they appear below, are allowed to speak at Planning Committee
- 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
- 1.4 You should not expect to speak unless you have registered your interest in writing with Governance Services following the publication of the Committee's agenda. This can be done by way of email addressed to:
committee.services@baberghmidsuffolk.gov.uk.

If you do not have access to email, you may register by calling Committee Services on: 01473 826652

- 1.5 You must register your interest to speak no later than **two clear working days before the Committee meeting**. You must state which planning application you wish to speak about (application number and address) and provide your name, address and contact number and indicate the capacity in which you wish to speak. By registering your interest you agree to the personal data you provide being used by the Council to facilitate the public speaking arrangements.
- 1.6 All public speakers will be allocated a maximum of **3 minutes** in which to speak, save that Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes**. Speeches are timed and the Chairman will indicate when your time is up.
- 1.7 For persons other than ward / division members, only one person in each capacity is allowed to speak about each application. Where the Council is notified that more than one person wishes to speak in each category a list will be drawn up to indicate the order in which persons registered their interest. Committee Services will contact the registered parties and indicate where in the list each person is and will share information about other registered speakers. Where more than one person is registered to speak in a particular category it would be helpful for speakers to agree a spokesman amongst themselves to present all of the relevant views. Where this is not possible then the time will be divided equally amongst all speakers in a particular category. In such circumstances speakers will be expected to co-operate with each other and avoid duplication in their presentations.
- 1.8 The Chairman of the meeting has the discretion to allow representatives from more than one Parish Council to speak if he/she considers it would help clarify the application for Committee members and there would be a clear planning impact upon more than one Parish even though it is beyond the application site. Such arrangements only extend to Parish Councils whose area is immediately adjacent to the area in which the site is located.
- 1.9 The Chairman of the meeting also has the discretion to enable more than one person to speak in other capacities if he / she considers that it would help to clarify the relevant planning issues pertaining to an application and will not lead to a duplication of presentations.
- 1.10 The Chairman's decision on the exercise of his / her discretion is final and may not be questioned in any meeting.

How are applications considered at Planning Committee?

- 1.11 Applications are listed on the agenda for each meeting. It is usual that the order in which items are heard will be re-arranged by the Chairman on the day of the meeting to suit public interest in the applications being heard but taking account of Members commitments.

- 1.12 The planning case officer will make a presentation of the key points of an application making reference to appropriate plans, photographs and other information. Photographs will usually have been taken by the officer and it is understood that there can be differing views about what is needed to reasonably inform Members when they decide the application. Officers may be asked questions to clarify relevant information.
- 1.13 At the end of the officer presentation, the public speaking will take place. After members of the public have been heard, the Members who make up the Committee will debate the application and may request further information or advice from the Planning Officer, before coming to a decision.

I will be speaking at Planning Committee, what should I remember and expect?

- 1.14 If you are speaking at Planning Committee, then:
- Remember to arrive in Council Chamber in good time for the meeting and make yourself known to Officers.
 - Remember that you will not be able to speak if you are not present at the start of the meeting or at the expected start time (where a different time is noted on the agenda) or if you have not pre-registered your interest in speaking.
 - Remember that applications may be heard in a different order to that listed in the agenda depending on public interest in the items and Member commitments
 - Remember that consideration of the application will not be deferred if you do not attend.
 - Be ready to answer questions from Councillors on the Committee about what you have said.
 - Remember that you do not have the right to respond further during the debate, or challenge another speaker following your contribution.
 - Act in a way which is orderly and maintains the polite conduct of the meeting.
 - Remember to respect other speakers' right to express their views without interruption.
 - Be ready to co-operate with other people wishing to speak in the same capacity as you and bear in mind the need for balance in time allowed.
 - Remember to keep your presentation to no more than 3 minutes and that the Chairman will ask you to draw to a close if you are at risk of speaking beyond your public speaking time.
 - Remember not say anything defamatory, insulting or make personal comments about other people or parties involved in the application.
 - Remember that you are not allowed to circulate your own photographs, drawings, letters, leaflets or other written material to Members at the meeting.
 - Remember not to speak about planning matters which are not on the agenda. The Committee will not normally be able to take these into account and it may waste your public speaking time

What can I speak about?

1.15 You can speak on any application reported to Committee (e.g. applications for planning permission, listed building consent, advertisement consent) provided that what you say is relevant to the application.

- Remember to speak about relevant material planning considerations such as:-
 - Previous decisions of the Council on the same site or similar;
 - Design, appearance, layout;
 - Effects on amenity, loss of light, overshadowing, loss of privacy, noise or smell nuisance;
 - Impact on trees;
 - Listed buildings and heritage matters;
 - Highway safety or parking;
 - Planning policy;
 - Case law

- Remember that certain things are not material planning considerations and cannot be taken into account such as:-
 - Effect on property values;
 - Loss of view;
 - Covenants or other private property rights;
 - Motivation behind an application;
 - Matters covered by other legislation