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COMMITTEE: **PLANNING COMMITTEE**
VENUE: **Council Chamber, Council Offices, Corks Lane, Hadleigh**
DATE: **Wednesday, 2 August 2017 at 9.30 a.m.**

Members

Sue Ayres
Peter Beer
Sue Burgoyne
David Busby
Derek Davis
Alan Ferguson
Kathryn Grandon

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

Members of the Public and Press attending the meeting are asked to note the following approximate timing below:

Paper PL/17/9 – Consideration of the item in Paper PL/17/9 will not commence before 2pm. Please arrive by 1.45pm and wait in the Reception area.

PART 1

ITEM	BUSINESS	Page(s)
1	<u>SUBSTITUTES AND APOLOGIES</u> Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted. To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS</u> Members to declare any interests as appropriate in respect of items to be considered at this meeting.	
3	<u>TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 30 JUNE AND 5 JULY 2017 (TO FOLLOW)</u>	

ITEM	BUSINESS	<u>Page(s)</u>
4	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	
5	<u>QUESTIONS BY THE PUBLIC</u> To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
6	<u>QUESTIONS BY COUNCILLORS</u> To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
7	<u>SITE INSPECTIONS</u> In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections. The provisional date for any site inspections is Wednesday 9 August 2017.	
8	<u>PL/17/8 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u> An Addendum to Paper PL/17/8 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.	1 - 4
a	<u>B/15/00673 Land North West of Moores Lane, East Bergholt (Pages 5 - 130)</u>	
b	<u>B/15/01678 Land South of Gatton House, Hadleigh Road, East Bergholt (Pages 131 - 178)</u>	
c	<u>B/16/01092 Land East of Constable Country Medical Centre, Heath Road, East Bergholt (Pages 179 - 220)</u>	
9	<u>PL/17/9 PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE</u> An Addendum to Paper PL/17/9 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.	221 - 224

ITEM	BUSINESS
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Page(s)

a B/16/01362 Clements, 3 Church Lane, Copdock (Pages 225 - 244)

Notes:

1. The next meeting is scheduled for Wednesday 30 August 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter for Public Speaking at Planning Committees, a link is provided below:

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

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

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

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

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

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

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

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PL/17/8

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

2 August 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.	5-88 89-130	B/15/00673	EAST BERGHOLT – Land North West of Moores Lane Appendix – summary of representations received	BE	
2.	131-178	B/15/01678	EAST BERGHOLT – Land South of Gatton House, Hadleigh Road	GP	
3.	179-220	B/16/01092	EAST BERGHOLT – Land East of Constable Country Medical Centre, Heath Road	GP	

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: 2 August 2017

Item No: 1

Reference: B/15/00673
Case Officer: Ben Elvin

Description of Development: Erection of 144 dwellings including 360sqm of single storey courtyard development to contain 4 B1 (business) units, public open space, associated landscaping and infrastructure, as amended by The Ecology Consultancy Preliminary Ecology Assessment received 21st September 2015, Stage 1 and 2 Road Safety Audit received 28th September 2015, Fenn Wright Employment Units Marketing Strategy, Soil Report and the email from the agent all received 19th October 2015, Revised Landscape and Visual Impact Assessment received 20th October 2015, The Ecology Consultancy Habitats Regulations Screening Assessment received 23rd October 2015 and plans 46489_PP_SK01D, 46489_PP_SK02B, 46489_PP_SK03C, 46489_PP_SK04C, 46489_PP_SK05D and 46489_PP_SK06A received 27th October 2015. Further amended by Archaeological Evaluation and Metal Detecting Survey and Geophysical Survey received 24th February 2016 and by Assessment against Neighbourhood Plan received 3rd April 2017 and Agents letter dated 4th April 2017.

Location: Land north west of Moores Lane, East Bergholt

Parish: East Bergholt

Ward: Dodnash

Ward Member/s: Cllr John Hinton and Cllr Stephen Williams

Site Area: 6.94

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 22/05/2015

Expiry Date: 31/03/2017

Application Type: Full Planning Application

Development Type: Smallscale Major Dwellings

Environmental Impact Assessment: No.

Applicant: Countryside Properties plc

Agent: Bidwells

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online at <https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZW2DCMPM371>.

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 section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan policies, the National Planning Policy Framework and all other material considerations have therefore been fully considered.

Officers recommend approval of this application. Whilst the proposal is found to be contrary to development plan policies CS2, CS11 and CS15, the authority cannot currently demonstrate a five year housing land supply and the adverse impacts of the development, including those areas of non-conformity with the development plan policies referred to, are not considered to significantly and demonstrably outweigh the benefits of the development.

Furthermore, whilst harm is identified to heritage assets, this is at the low end of the spectrum of less than substantial harm where the public benefits of the proposal outweigh this harm. In this regard, the proposal is not considered to conflict with specific policies in the NPPF and is thereby in accordance with the Framework when taken as a whole. The proposal is therefore considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and 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 of 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. There is no history directly related to the application site which is relevant to the consideration of this application. However, Members may wish to note the following permissions which relate to the developments at Beehive Close, and at High Trees Farm, which are both within the vicinity of the site.

Beehive Close

B/00/01231/RES	Submission of details under outline planning permission B/00/00855/OUT – 6 dwellings.	Granted
B/00/00855/OUT	Erection of 6 dwellings without compliance with conditions 1, 6 and 7 of outline planning permission B/97/00658/OUT	Granted
B/97/00658/OUT	Renewal of outline planning permission B/94/00097/OUT – Residential development	Granted
B/94/00097/OUT	Residential development	Granted

High Trees Farm

B/09/01269/FUL	Erection of 2 no. detached dwellings, alteration and conversion of 2 no. agricultural barns to 2 no. dwellings and extension of barn to form garage. Alterations and realignment of existing vehicular access (modern agricultural building to be demolished)	Granted
B/08/00800/FUL	Erection of 1 no. detached two-storey dwelling. Alterations to existing vehicular access.	Refused, and dismissed on appeal
B/08/00799/FUL	Erection of 1 no. detached two-storey dwelling. Alterations to existing vehicular access.	Refused, and dismissed on appeal
B/08/00223/FUL	Erection of 1 no. detached two-storey dwelling. Alterations to existing vehicular access.	Withdrawn
B/08/00222/FUL	Erection of 1 no. detached two-storey dwelling. Alterations to existing vehicular access.	Withdrawn
B/06/01947/FUL	Conversion and alteration of 2 no. agricultural barns to form 2 no. dwellings. Erection of 2 no. cart lodge garages. Alterations and realignment of existing vehicular access (modern agricultural building to be demolished)	Granted

Details of Previous Committee / Resolutions

2. This application was the subject of consideration by the Planning Committee in March 2016 where Members determined to approve the application subject to the completion of a Section 106.
3. However, subsequent to that meeting the formal decision was not issued whilst outstanding matters pertaining to the Section 106 were under consideration. Negotiations in respect of these matters were such that delayed determination, and the Council determined to return the application to committee following the making of the Neighbourhood Plan in late 2016.
4. Following a legal challenge made in respect of a separate decision made in East Bergholt relating to a development of 10 dwellings, the application was further retained awaiting the outcome of that judicial review. The application is, therefore, returned to the Planning Committee for redetermination.

Details of Member site visit

5. A Panel of Members inspected the site on 16 December 2015.
6. At a recent visit to a site in Heath Road, East Bergholt, the Members of the Planning Committee were taken past this site again.

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

8. The following is a summary of the consultations carried out in respect of this application;

East Bergholt Parish Council

First response received 10 July 2015 which makes the following points (summarised);

Recommends refusal of the application on seven grounds;

- The scale of development is not in proportion to the size of the village
- The availability of services and facilities in relation to the need of its residents and the extra strain that this development would impose

- The cumulative impact that a development of this size in this location would have on the Parish
- The constraints and impacts caused by this location with regard to the views, landscape and highway safety
- Failure to make a positive contribution to the local character, shape and scale of the area
- That the applicant may claim the proposals are not viable and seek an increased level of development
- This Council supports a full archaeological evaluation of the site by the County Archaeologist

The Parish response was also accompanied by a summary and eight additional supporting documents. These documents include;

- Archaeological Assessment
- Design Appraisal by John Lyall RIBA FRSA
- Report into Damage to Heritage Views
- East Bergholt Neighbourhood Plan Housing Sub Group Report (undated)
- Reasons for Refusal
- Road Safety Concerns
- Pre-Submission Community Involvement
- Parish Council Open Day (4 July 2015) Responses.

Further response received 11 September 2015

- The amendment does not alter or affect the refusal recommendation response already submitted.

Further response received 16 November 2015 which makes the following points (summarised):

- At a full and properly convened meeting on 12 November 2015, the Parish Council resolved to formally request that Babergh District Council postpone its decision in this application pending completion of the consultation and adoption procedure for the East Bergholt Neighbourhood Plan (EBNP).
- Requests postponement of the decision on the application for a period of no less than 12 weeks to allow the EBNP consultation to conclude, or preferably until such time as the plan has been fully adopted.
- The PC considers the EBNP to be an important means by which local residents can express their views on how they would like the locality to develop and what its long term housing and amenity needs are.
- Hold the view that allowing the consultation on the plan to conclude is a material requirement to discharging your public duty to properly consult local residents affected by the development proposals.
- The PC considers it would be wrong to come to a final decision on the application without it giving proper consideration to the views of local residents through the EBNP, given the consultation on the EBNP is underway and there is strong local support.
- Believes the plan will be released to Section 16 consultation at the start of December.

- Identifies issues with the three week (re)consultation period following the amendments to the application to be insufficient given the size and scale of the proposal, the extent of the amendments, the impact on the village and the environs and the potential that a decision could undermine the EBNP.
- Technical issues with the Council's website prevented interested parties in downloading some of the amendments, therefore delaying the start of the consultation period.
- Consider that whether or not the EBNP has been finally adopted, the PC have a legitimate expectation that weight should be given to the EBNP.
- The Parish Council has previously brought certain procedural irregularities in regard to the handling of the application to your attention. These irregularities may be mitigated by providing additional time for public consultation of the application and the EBNP.
- There were 300+ original objections to the application and these people have a right to be consulted about development in their locality and the PC considers the EBNP to be the most appropriate vehicle by which this should be done.
- Requests a response to this letter by 5pm on Monday 23 November 2015. If BDC is legally prevented from postponing its decision it should inform the PC by return so that appropriate steps can be taken in the alternative.
- Gives notice that if you do not agree, or are unable, to postpone the decision the Parish Council will take legal advice on alternative measures, including (but not limited to) formally requesting that the Secretary of State for Communities and Local Government call in the application until the EBNP has been adopted.

Further response received 9 December 2016 –

- Recommend refusal This proposed plan does not comply in any way to the EBNP policies and objectives. Bidwell's document only makes partial reference to the contents of EBNP and omits entirely to mention areas with which it is in complete contradiction.
- - Chapter 5 of EBNP, Character assessment says there should be a variety of old and modern properties, substantial gardens and a widely-mixed view. The plan does not comply with this.
- - EBNP EB9, does not demonstrate compliance with EB9's purpose, e.g.: "Any development should protect or enhance the positive elements of the area and respond to the local character". Steeper roof pitches are not typical of EB, and not noticeable along Heath Rd.
- Para 5.3.1.1, bullet 2, private gardens of minimum density are not planned bullet 6, gardens sufficient to allow off street parking are not provided
- Para 5.3.1.2 roofs, d. Variety of roof pitch if a large cluster of properties proposed -30- 35% pitch design brief. The plan departs from this objective
- - Chap 6: 45% of houses do not provide off road parking and therefore is not compliant with EBNP
- - Chap 4 is incorrect reference. Bidwells mean Chap 3.
- EB2 is partially quoted and minimally addressed in Bidwells comments. Bidwells ignore the primary objective of EBNP EB2, which says "housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost housing.....".

- Bidwells make no statement of how this enormous development (x10 of EBNP max) will provide exceptional benefit for local need (core village plus hinterland).
- Bidwells cite the character assessment without regard to Foxhall Fields properties having long gardens as well as wide greensward between house and road, and none of the houses have driveways on to the busy road.
- Bidwells plan is exactly the reverse with frontage and driveways onto the busy road, no wide greensward between the proposed houses and road, resulting in houses five times closer to the road than the Foxhall Fields houses and their houses more visible from the road.
- Bidwells' document claims to provide safe extra footpaths to the village's existing facilities and services. To get to those services you need to cross the busy B1070, and they have not addressed the lack of footpaths down sections of Gaston Street. The road to the high school has a very narrow pavement and the proposed reducing of the width of some of the road used by farm vehicles is a threat to the safety of all road users

Further response received 15 May 2017 –

- Previous objections still stand.

Holton St Mary Parish Council

Objects for the following reasons:

- The development is completely out of keeping, both in size and character, with the village of East Bergholt
- The increase in the number of vehicle movements will affect Holton St Mary. More vehicles will drive through the village as it is the direct route to Hadleigh and even more vehicles will be using the junction on and off the A12 at The Four Sisters. It is acknowledged that this is substandard and the most dangerous junction on the A12.
- Reduced availability of public transport means the predicted number of vehicle movements is severely underestimated.
- The Constable Medical Practice is currently in special measures and incapable of looking after the current level of patients satisfactorily. All Holton St Mary residents have to use this practice.
- New residents not employed locally will add to the already strained commuter service at Manningtree affecting commuters resident in Holton St Mary.
- Although acknowledging the need for growth within the village feel that small developments including affordable housing using brownfield sites or infilling would be more in keeping with Babergh District Council's planning strategy which was made policy after much public consultation.
- The Parish council hopes that a planning application of this magnitude would be discussed by the full planning committee and not under delegated powers.

Further response received 12 May 2017 –

- The development is completely out of keeping, both in size and character, with the village of East Bergholt.

- The increase in the number of vehicle movements will affect Holton St Mary. More vehicles will drive through the village as it is the direct route to Hadleigh and even more vehicles will be using the junction on and off the A12 at The Four Sisters. It is acknowledged that this is substandard and the most dangerous junction on the A12.
- Reduced availability of public transport means the predicted number of vehicle movements is severely underestimated.
- The Constable Medical Practice has had trouble retaining enough Doctors to meet existing needs and this would add greatly to their patient numbers. Holton St Mary residents already wait 2 weeks for planned appointments with Doctors and Nurses. All Holton St Mary residents have to use this practice.
- New residents not employed locally will add to the already strained commuter service at Manningtree affecting commuters resident in Holton St Mary.
- Although acknowledging the need for growth within the village feel that small developments including affordable housing using brownfield sites or infilling would be more in keeping with Babergh District Council's planning strategy which was made policy after much public consultation
- The Parish council hopes that a planning application of this magnitude would be discussed by the full planning committee and not under delegated powers.

Wenham Magna Parish Meeting

- Main concern is the issue of extra traffic at the junction of the A12 and the B1070.
- The current access from the B1070 to the southbound carriageway of the A12 is hazardous because of the extremely short run onto the A12 and the acute angle of approaching traffic.
- The village was unanimous in requesting that any planning permission granted for this development must contain a clause requiring prior improvement to this junction for the safety of all users of the local road network.

Local Highway Authority

Initial response received 9 July 2015 (summarised) –

- The proposed drawings do not scale correctly so we have been unable plot them out at the correct size. Please could you supply hard copies before I provide my final response.
- The trip generation rates provide a reasonable estimation of what movements are likely to occur.
- The TA demonstrates that the existing junctions operate well within capacity. Therefore the additional movements are acceptable from a road/junction capacity perspective.
- The existing junction to the A12/B1070 has a tight radii and short slip road onto and off the A12 and is of concern. There have been a number of 'slight' injury accidents reported in this area.
- Although the predicted additional vehicle movements may seem significant for local people, an additional 100 vehicular movements in the peak hours is not considered significant in highway terms given the road network in this area.

Although the predicted impacts may be noticeable at certain times of the day, it is my opinion that they are not severe in highway terms.

- Have concern that there will be a safety issue for people crossing on the proposed uncontrolled crossing points. It is expected that vehicle approach speeds on the B1070 coming from the west side of the site (i.e. heading towards the village) will be in excess of 30mph, since the approach is rural, straight and not far from the derestricted 60mph section. The TA suggests that existing (85%ile) speeds are close to 40mph. There is little in advance of the crossing locations to encourage a reduction in speeds until you get further into the village. The proposed layout, with a 'green' margin adjacent to the road edge, is similar to the southern side, but does not help this issue.
- It is accepted that the crossing points are an important feature and necessary to link this site, but more needs to be done to ensure that they will be safe crossing facilities. It would be helpful to undertake a further speed survey at the northern location to determine what type of crossing would be suitable, and also what additional mitigation would be required to reduce the approach speeds.
- It is recommended that a new 2.0m wide footway is provided adjacent to the carriageway edge along the whole length of the site frontage. It is noted that a new 2.0m wide footway has been shown along the frontage, but it is set back within the site and this will not be visible to drivers using the B1070. It would be preferable to provide a new footway on both sides of the road.
- It is important that the proposed development is sustainable and encourages people to walk from home to the local amenities within the village. There is a high school within one mile of the site which is perfect distance for children to walk. There is also the medical centre located close to the high school. But there are several sections on the north side of the B1070 where there is no existing footway and it is expected that it will be difficult to provide new footway infill in a couple of areas due to level and land issues.
- The TA has identified some minor improvements to the footway on the southern side of the B1070 as there is already a continuous footway on that side. Although the improvements suggested are acceptable, it is felt that what is proposed does not do enough to provide a safe walking route to the east side of the village. There are sections along that side where the footway width is only 800mm. Therefore it is considered that the proposed measures do not adequately provide a safe pedestrian route from the site to the high school or health centre. It would be desirable to do something about the areas of footway of limited width.
- I have spoken to the Area Highways team and it may be possible with a combination of sluicing the road over and/or reducing the road width (to min 6.5m) to enable the footway to be widened to a desirable minimum of 1.5m, absolute minimum of 1.2m. This would offer a significant improvement for pedestrians and also possibly help reduce vehicle speeds through the village as well.
- It would also be good to consider if there is a need to provide a crossing feature to help children cross from the south to the north side of the B1070 at the high school entrance. These additional mitigation measures will require careful consideration and a Road Safety Audit, but would make the site sustainable and therefore more acceptable in highway terms.

- The proposed new vehicular accesses are shown on drawings 46489/PP/SK01, SK02 & SK03. It would be helpful if the red/blue site boundary lines can be shown on these plans so that I can be certain that the visibility splays proposed are achievable and fall within the applicant's control.
- Although the proposed new site accesses are within the 30mph limit there is concern that actual speeds on site are well in excess of this. As noted above the TA suggests that the 85%ile speed is 39mph in either direction (Para 4.52). The visibility requirement of 70m given the SCC Design Guide is not appropriate and represents one step below the desirable minimum for 30mph given in the DRMB. Based on an approach speed of 39mph, the required visibility in accordance with DMRB would be 100m in either direction.
- There is concern that the large existing (oak?) tree that has been shown to be retained will reduce the visibility splay for the middle access. Given that there will be a significant new planting scheme for this site, it may be better to remove this tree since it will affect the visibility at the junction and the ability to provide a footway along the frontage. Although we don't like to remove well established healthy trees, this would also remove a potential highway maintenance issue and new trees can be planted within the site to compensate for the loss in ecological terms. It is felt that the locations of the proposed accesses may need changing to provide the required visibility splays.
- The proposed layout shows 5.5m wide road widths throughout with 1.8m wide footways on both sides for the 'Principle Avenues'. This arrangement is acceptable and in accordance with Suffolk Design Guide and as such would enable the internal roads to be adopted in due course.
- It is recommended that the shared use streets are limited to the cul-de-sacs and as such recommended that the loop road that accesses the north-east part of the site named as 'Village Lane' includes footways and is in the form of the Principle Avenues shown in grey/brown pallet.
- Although an interesting feature, I am not sure what the benefit is of the large roundabout feature that leads off the Principle Avenue 1. The Green Open Space shown, although a visual benefit, is not that accessible and may be better located elsewhere.
- The TA states that the proposed layout will provide parking in accordance with the Suffolk Parking Guidance. Although this has not been checked on the plans due to the issue of scale noted above, if this is correct this will be acceptable.
- It is not clear from the information submitted how the surface water drainage system will work and who will maintain it. There is an attenuation pond and pumping station shown on the layout plans but no information about where the water will ultimately discharge. Further information is required. Further work is required to make this application acceptable in highways terms. Provided that a suitable package of mitigation can be provided to enhance the safety and sustainability of this site SCC would not recommend a refusal under highway safety grounds.

Second response received 8 December 2015 –

- Further to my comments letter dated 8 July 2015 further information has been provided by the applicant to address a number of our previous concerns.
- In summary I feel that the proposed mitigation resolves the issues previously raised in relation to the site frontage, pedestrian safety and the proposed new vehicle accesses. The highway mitigation measures proposed, including the footway widening scheme, have undergone a Road Safety Audit and although some issues were raised initially, these have been addressed with minor amendments and there are no longer any outstanding safety concerns for the Highway Authority. On balance, it is considered that the mitigation scheme proposed will offer a highway safety improvement for this area.
- Some general comments have previously been provided on the internal layout which has resulted in some changes to the proposed estate road layout. Although there may be need of further amendments which may be required as part of the s38 adoption approval process. Additional technical checking and comments will be provided in due course and this requirement is covered within the proposed planning conditions.
- If the LPA is minded to grant planning approval on the basis of the Highway Authority's advice together with other relevant planning considerations it is recommended that the following conditions are applied:
(The conditions are set out in full within the LHA response, but cover the following matters; details of the access points, the carrying out of footway improvements, parking to be in accordance with adopted standards, visibility splays, means of drainage of surface water and the details, timing and construction of junctions with the B1070. Recommendations are also made as to informative notes to be added regarding Section 38 and 278 agreements, works being carried out in the highway and possible impacts on existing street lighting).
- Although proposed highway mitigation drawings show locations of new bus stops, one on either side of the road, these will need to be agreed with SCC in due course. There is an existing shelter on site which can be relocated but there will be a need for an additional one for the other side. It will be necessary to provide new RTPI screens to enhance the bus service and a power supply will be required to each shelter. The new raised kerbs and bus shelter - £7,000, two new RTPI screens, one for each shelter - £20,000, a total of £27,000.
- The rural location of the site and proximity to the A12 would limit the sustainable options to this site. However there is some sustainable transport options available to the residents of the site and the travel plan should help promote them.
- We do have some issues with the length of the monitoring of the travel plan as the proposed timescale of three years from 50% occupation is insufficient. Further issues of the travel plan could arise if there is a slow build out, where there will be no chance of intervention if the site is not fully completed within three years. Suffolk County's current requirements are to fully implement the travel plan from first occupation, until five years have passed after occupation of the final dwelling. A full travel plan should be provided to address the comments given below.
- In addition we would require the following Section 106 contributions to assist the delivery of the travel plan:

- Travel Plan Evaluation and Support Contribution - £5,000
- Travel Plan Implementation Bond - £136,933 (indicative cost based on proposed travel plan measures)
- I would also require the following Section 106 obligations, or planning conditions:
 - Implementation of the Interim Travel Plan
 - Provision of welcome packs with public transport/cycle voucher to each dwelling on first occupation
 - Provision of a Full Travel Plan within six months of 50% occupation.

Further response received 1 March 2016 -

- Although the Transport Assessment submitted with this application did not specifically include an assessment of the Brantham site, future vehicle trips from this site will already be included as part of the 2020 future vehicle flows within the Transport Assessment which are factored up from the survey data using TEMPro. Since there is currently a planning application being considered for the Brantham site, I have been able to make use of the information from both applications to consider the cumulative impact of both sites as part of my assessment for the site at East Bergholt.
- The location, scale and type of development proposed on the Plan allocated Brantham site is such that a high proportion of generated flows will use the A137 north and southbound and we are looking at ways to help mitigate the adverse effect of this. I have advised that the scale of the Brantham site will have to be reduced to make the impact acceptable from a Highways perspective. The location of the Moores Lane site is such that the majority of peak commuting traffic will use the A12 to either Ipswich or Colchester. Only a minimal proportion (less than 20% from 2011 Census data) of generated journeys are expected to use the A137 and considering this in the context of a total predicted Peak hour flows (of less than 100 vehicles in both the AM and PM) would indicate that less than 20 additional vehicles would join the A137 from East Bergholt at peak times.
- I have taken the view that this would not contribute to a significant worsening of the adverse impact on the A137 given what is likely to occur from the allocated Brantham development. Equally in consideration of the effect from the vehicle trips from the Brantham site which may use the B1070 through East Bergholt to access the A12, currently there is a 5-day average peak hour flow on the B1070 westbound through East Bergholt of 208 and 293 vehicles in the AM and PM peak hours respectively. Due to the Brantham site (plus committed development) there is an estimated increase of 53 and 72 vehicles joining the B1070 at the Cattawade roundabout heading west from Brantham in the AM and PM peak hours respectively.
- Although this represents a potential 25% peak hour increase, I do not consider that it would create a severe impact on the B1070 in terms of capacity or safety.
- I am aware that there are a number of other applications for large sites in Essex located between Colchester and Manningtree, but at this stage apart from the Dale Hall site on Cox's Hill, none of them are 'Committed development' and therefore should not be considered in that way in considering the current applications in Suffolk.

- I am satisfied that the highway infrastructure can accommodate both the Brantham site and the East Bergholt site provided suitable mitigation can be agreed as part of the planning process.

Further response received 16 June 2017 –

- No further comments to make.

Environment Agency

Initial response received 2 July 2015 (summarised) -

- The application site lies in Flood Zone 1, the area of low flood probability, and is more than 1 hectare. As such, you should consult the Suffolk Lead Local Flood Authority (Suffolk County Council).
- Recommend conditions related to sustainable design and construction.
- Support the foul water strategy condition proposed by Anglian Water Services.
- Do not consider the site a priority in terms of land contamination, and therefore will not be providing detailed site-specific advice or comments.
- The applicant should address risks to the water environment from contamination at the site, following the requirements of the NPPF and the Environment Agency Guiding Principles for Land Contamination.

Further response received 30 October 2015 –

- Rely on their position detailed in the letter of 2 July 2015.

Suffolk County Council Rights of Way

Initial response received 18 June 2015 -

- No comments or observations to make.
- As a result of anticipated increased use of the public rights of way in the area, we may be seeking a contribution for improvements to the network. These requirements will be submitted with the Highways Development Management response in due course.

Second response received 6 July 2015 –

- No further comments to make.

Suffolk County Council Flood and Water Management

Initial response received 10 July 2015 –

- Requires the applicant to complete a surface water validation proforma.
- Surface water drainage scheme should also be designed in accordance with SCC Local SuDs Guide.

Second response received 5 August 2015 -

- Recommends conditions regarding the sustainable drainage system for the site, the receipt and approval of the asset register template and the submission of a surface water management plan.

Further response received 26 April 2017 -

- No further comments to make.

Highways England

First response received 21 July 2015 -

- Offers no objections
- With regards to Highways Act Section 175B, this is not relevant as there is no common boundary between the planning site and the Strategic Road Network.

Second response received 3 September 2015 -

- Offers no objections
- With regards to Highways Act Section 175B, this is not relevant as there is no common boundary between the planning site and the Strategic Road Network.

Further response received 17 November 2015 -

- No objections.
- No new issues of concern raised in respect to the Strategic Road Network and in particular the A12.
- Our previous recommendation of 21 July 2015 may therefore remain in place.

Further response received 3 January 2017 –

- No objections.

Natural England

Initial response received 17 July 2015 (summarised) –

- No objection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).
- The application site is within or close to a European designated site and therefore has the potential to affect its interest features.
- The documents submitted do not demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority (i.e. the consultation does not include a Habitats Regulations Assessment).

- Offers advice that the proposal is not necessary for the management of the European site and the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.
- Taking account of the distance of the proposed development from the Stour and Orwell Estuaries SPA, advises that potential impacts to this site as a result of the development alone can be ruled out.
- Notes that on-site green infrastructure (GI) (10.3% of the site) has been provided by the applicant which appears to be in accordance with the policies of the Core Strategy.
- Whilst the provision of high quality on-site GI will, to some extent, minimise the increase in visits made to internationally designated sites through absorbing day-to-day activities such as routine dog walking, it should not be used alone as mitigation for in-combination impacts.
- Advises that your authority ensures that this development is in accordance with the recreational disturbance mitigation in place at the strategic level.
- Raises no objections under the National Parks and Access to the Countryside Act (1949) and The Natural Environment and Rural Communities Act (2006).
- Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the Dedham Vale and Suffolk Coast and Heaths AONBs.
- Would expect the Local Authority to assess and consider the impacts on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species.
- They have not assessed for impacts on protected species, and their Standing Advice should be applied to this application.
- The application provides opportunities to introduce features which are of benefit to wildlife, and the authority should consider securing measures to enhance biodiversity from the applicant if permission is granted, in accordance with para 188 of the NPPF.
- Draws attention to section 40 of the Natural Environment and Rural Communities Act (2006) which requires authorities to have regard to the purpose of conserving biodiversity.
- Consider that the application falls outside the scope of the Development Management Procedure Order consultation arrangements as it does not appear to result in the loss of over 20 ha 'best and most versatile' agricultural land (para 112 of the NPPF).
- Draws attention to their set of mapped indexes for Impact Risk Zones for SSSIs.

Second response received 6 November 2015 –

- Previous comments on this proposal equally apply to this amendment although we made no objection to the original proposal.
- Requests further consultation should the application be amended in a way which significantly affects its impact on the natural environment.

Further response received 1st December 2016 (summarised) –

- Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Stour & Orwell Estuaries (SPA & Ramsar) has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives
- In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Cattawade Marshes and Stour Estuary SSSI's have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to reconsult Natural England.
- The proposed development is for a site within or close to a nationally designated landscape namely Dedham Vale AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.
- The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

- We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.
- If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further response received 3 May 2017 (summarised) -

- No objections to the development. No impact on nature conservation sites. Impact on AONB should be assessed against paragraph 115 of NPPF. Protected species should be assessed against local policies.

Suffolk Fire and Rescue Service

Initial response received 17 June 2015 (summarised) –

- Access to buildings for fire appliances and firefighters must meet the Building Regulations.
- Recommends that fire hydrants be installed within this development, and that consideration be given to the benefits of a sprinkler system.

Second response received 19 November 2015 –

- Previous comments made on 15 June 2015 can remain in place.

Further response received 17 November 2016 -

- Previous comments made on 15 June 2015 can remain in place.

Further response received 21 April 2017 -

- Previous comments made on 15 June 2015 can remain in place.

Suffolk County Council Archaeological Service

Initial response received 17 June 2015 (summarised) -

- The site has high potential for the discovery of hitherto unknown heritage assets of archaeological interest.
- Given the lack of previous investigation and large size of this site, recommends that the applicant should be required to provide for an archaeological investigation of the site before preparing a Development Brief to allow for preservation in situ of any sites of national importance that might be defined prior to determination of the application.
- The proposed development area cannot be assessed or approved until a full archaeological evaluation has been undertaken.
- A geophysical survey should be carried out in the first instance followed by a trial trenched evaluation. The results should inform the development to ensure preservation in situ of any previously unknown nationally important archaeological remains.

Second response received 29 October 2015 -

- Recommends conditions requiring a scheme of archaeological investigation to be secured and completed.

Further response received 1 March 2016 –

- Recommends conditions requiring a scheme of archaeological investigation to be secured and completed.

Further response received 21 April 2017 –

- Disagree that Policy EB10 Preservation of Historic Assets is not relevant to this application due to the fact that the site has only been subject to a low level archaeological survey. Further archaeological survey work is required on site to fully assess the impact followed by appropriate mitigation for any heritage assets identified, and this can be secured by condition.

Corporate Manager – Strategic Planning

Initial response received 27 November 2015 -

- Thank you for consulting the planning policy team with regard to the above application. The Babergh Core Strategy (2014), the relevant saved policies of the Babergh Local Plan Alteration No. 2 (June 2006) and the National Planning Policy Framework (NPPF) provide the framework against which, along with other relevant material considerations, the planning application should be determined. It should be noted that East Bergholt Parish Council are preparing a Neighbourhood Plan and have recently completed a consultation on pre-submission draft. The Council fully supports this process however given that the making of the Neighbourhood Plan is some months away and that there are potentially unresolved issues to relevant policies and matters of consistency within that emerging plan, whilst regard can be given to the Plan, the weight attached is limited in accordance with the national Planning Policy Guidance (Paragraph: 007 Reference ID: 41-007-20140306) and the adopted policy framework is the primary consideration in the determination of the application, unless material considerations indicate otherwise.
- The key policies of the Babergh Core Strategy (2014) relevant to this application are:
 - CS2
 - CS11 (and the supporting Supplementary Planning Guidance)
 - CS15
 - CS17
 - CS18
- A fundamental policy issue is whether a development of this scale is acceptable in East Bergholt and whether the development as submitted is compliant with the criteria set out in the policies referred to above.
- The response does not cover matters of design detail although it is noted that the scheme (at pre submission stage) was subject to consideration of the Suffolk Design Review Panel (16 February 2015) and the scheme was amended to take account of the outcomes of the discussion.

- Policy CS2 sets out the overall settlement policy for the District which directs development sequentially to the towns and urban areas and to the Core and Hinterland Villages. 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.
 - East Bergholt is identified in Policy CS2 as a Core Village. Policy CS2 states that Core Villages will act as a focus for development within their functional cluster.
 - The settlement has 1200 dwellings at present and is the Core Village within the East Bergholt cluster. The proposal for 144 dwellings is representative of 12 % of the overall stock. Based on completions since 2011 there have been 15 completions in the settlement and 15 permitted which have not been completed.
 - A key issue is whether the scale of development proposed is acceptable in East Bergholt. The applicants have submitted an assessment of the services and facilities in all the Core Villages in the District. This indicates that East Bergholt has a range of services and facilities. Paragraph 2.8.5.4 of the Core Strategy states that 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 different level of development being identified as appropriate in different settlements.
 - There are no known physical or social infrastructure capacity issues which cannot be addressed. Suffolk County Council and NHS England have confirmed there is sufficient capacity within the local medical and educational services and there is a commitment to provide financial contributions by way of a S106 agreement to meet additional education places.
 - With regard to traffic congestion the application has demonstrated that that traffic generated from the development will not create congestion and confirms that the local road network has sufficient capacity to accommodate.
 - There are no significant environmental constraints to the development of the site. The AoNB abuts the settlement boundary on the other side of the settlement however, whilst East Bergholt adjoins onto the AoNB, the Landscape and Visual Impact Assessment concludes that the proposal would not affect the setting of any protected features, visitor attractions or designated landscapes.
- In terms of local housing need the application provides evidence that supports the provision of affordable housing. This is discussed further in the context of CS11 and CS18 below.

- With regard to the Neighbourhood Plan which is being prepared, draft policy EB 1 proposes a minimum number of homes(86) to be phased over the 15 year period (36, 30, 20 per 5 year blocks). The scheme as proposed is beyond the minimum proposed in the emerging Neighbourhood Plan. However the applicant has submitted information on the proposed phasing of the delivery of the scheme on an annualised basis and their intention is that the site is delivered within 5 years. Draft policy EB2 proposes that housing requirements will be met through small scale developments of up to 15 homes sets out criteria for assessment. The scheme is significantly larger than the scale proposed in the emerging policy however it should be noted that the restriction of 15 homes is perceived to be incompatible with the objectives of Policy CS15 of the Babergh Core Strategy (see below).
- Policy CS11 sets out the strategy for the development of Core and Hinterland Villages. It states that proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and satisfactorily address the following matters:
 - The landscape, environmental and heritage characteristics of the village
 - The locational context of the village and the proposed development
 - Site location and sequential approach to site selection
 - Locally identified need – housing and employment and specific local needs such as affordable housing
 - Locally identified community needs
 - Cumulative impact of development in the area in respect of social, physical and environmental impacts
- Although the site is outside the Built Up Area Boundary (BUAB) shown on the East Bergholt inset map of the BLP, paragraph 2.8.5.7 of the Core Strategy states that:

“The BUABs defined in the 2006 Local Plan Saved Policies provide a useful starting point when considering the relationship of proposed development in relation to the existing pattern of development for that settlement and for defining the extent of its developed area and a distinction between the built up area and the countryside. Policy CS11 intentionally provides greater flexibility for appropriate development beyond these, for identified Core and Hinterland Villages subject to specified criteria.”
- Therefore 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 and it is considered to be well related to the existing built-up area boundary of the village. Therefore the judgement as to whether or not the site is acceptable should be made on whether the criteria set out in CS11 are met.
- The scheme proposed would provide 144 dwellings, 50 of which would be affordable, contributing to strategic housing need.
- Whilst the settlement contains Conservation Area designations and abuts the AONB, it is considered that the site, located on the far side of the settlement from the AoNB boundary does not impact on any protected feature or designated landscape and it is therefore considered that this proposal is in keeping with the landscape, environmental and heritage characteristics of the village.

- In terms of location although the site is at the edge of the village it is well connected to the settlement and the design and layout of the scheme makes provision for further linkages to be established.
- As an edge of village site, the site is considered to be acceptable in terms of the sequential approach to site selection.
- In overall terms the development of the site will contribute towards the identified strategic and local need for both market and affordable housing. This is further referred to under CS18 below.
- With regard to consideration of cumulative impacts, current planning permissions in East Bergholt that have not been implemented will result in a net increase of 15 dwellings. The proposed scheme represents a 12% increase to the settlement.
- Within the wider cluster there is a current major application at Brantham. The scheme at Brantham is an employment led regeneration proposal that includes 320 dwellings. This application is not yet determined, however cumulative assessment has been given to both schemes on ecology (given the proximity of the Special Protection Area on the Stour Estuary).
- The applicant has also submitted information on the phasing of the development. Assuming the scheme commences in 2017 up to 44 dwellings could be completed that year and a subsequent 50 in 2018 and 50 in 2019. The phased approach to delivery would seek to address concerns expressed on the social impacts from the increase in people into the established community and enable services and facilities to adapt and adjust as necessary.
- Accordingly it is considered that there are no known unacceptable cumulative impacts arising from the proposed development.
- In terms of Policy CS11 the proposal is considered to comply with the criteria.
- Policy CS15 states that all new development within the District will be required to demonstrate the principles of sustainable development and sets out criteria that the proposal should meet where appropriate to the scale and nature of the proposal.
- In general terms it is considered that the proposal is in accordance with the principles of sustainable development. It is within walking distance of a range of village facilities and services.
- The proposal includes 4 B1 (Business) use units (360sqm of employment space). The applicant's market assessment of the demand for the employment use was undertaken Fenn Wright and it was considered that the demand for the type of property as proposed is good, further a commitment has been made by the applicant to draw up a marketing plan in due course. In addition the development will create jobs during its construction and the spending from the occupiers will help to support the local economy.
- Accordingly it is considered that the proposal is compliant with Policy CS15.
- Policy CS17 supports economic growth in the rural economy. As set out above the scheme includes proposals for employment use.
- Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District.
- The development proposes a range and mix of housing. The majority of the units are built to Lifetime Homes requirements. It is therefore considered that the application is compliant with Policy CS18.

- Conclusions - The location of the site is considered to be acceptable in principle being adjacent to the existing BUAB with good access to services and facilities in the village. Nevertheless this is a significant development which will result in a 12% increase in the dwelling stock of East Bergholt. East Bergholt, however, is a Core Village with a good range of services and facilities capable of both supporting and being supported by the development. Strategically the area is accessible, has a range of facilities and has a strategic role in accommodating district wide housing need and employment provision. On balance it is considered that the scale of development is acceptable when judged against the criteria set out in policies CS2 and CS11 and accords with policies CS17 and CS18. In conclusion planning policy supports the proposed development.

Further response received 7 January 2016:

- The Council has had further conversations with the East Bergholt Neighbourhood Plan group which require me to update you on comments previously made.
- The first paragraph of the original response refers to the Neighbourhood Plan (NP) and reports that there were potentially unresolved issues to relevant policies and matters of consistency. Whilst the NP remains in the formative stages prior to any final submission, it is understood that ongoing discussions have been held with the NP group with particular focus upon addressing these issues and matters of consistency. Please be aware that I acknowledge that the latest iterations of the draft NP have reduced the areas of conflict with the Council's objection and consistency issues referred to previously. However, the comments relating to the stage at which the draft NP sits in the production stages still hold true and appropriate weight will need to be had to this in accordance with the national Planning Policy Guidance (Paragraph: 007 Reference ID: 41-007-20140306)
- Finally, I would like to provide you with an update to the conclusions to the original comments where reference is made to the favourable location and circumstances of the site. It should be acknowledged that the aspirations of the community, through the draft NP, is for smaller scale growth. However, on balance it is considered that the scale of development is acceptable when judged against the NPPF paragraph 14 and the criteria set out in policies CS2 and CS11 and accords with policies CS17 and CS18. Planning policy therefore continue to support the application.

Corporate Manager – Strategic Housing

Initial response received 26 June 2015 –

- We would support the proposal to provide 50 affordable homes (35%).
- Our preferred mix would be;
- 9 x 1 bedroom flats
- 2 x 2 bedroom flats
- 33 x 2 bedroom houses
- 8 x 3 bedroom houses

- These properties should be constructed to current HCA standards and Lifetime Homes.
- The properties will be let as Affordable Rent Tenancies (ARTs) or as Low Cost Shared Ownership. The rental properties will be let to applicants within the BDC boundary, through the choice based lettings system.

Further response received 19 November 2015 –

- No further comments to make from our previous submission.

Dedham Vale AONB and Stour Valley Project

First response received 7 July 2015

- The site lies outside the boundary, within 300m of the Dedham Vale Area of Outstanding Natural Beauty (AONB).
- Would expect development within or affecting the AONB to comply with the Dedham Vale AONB and Stour Valley Management Plan.
- Notes that the site is listed as a potentially suitable site for development in the EBNP. Although the plan is still in development, it has undergone public consultation and recommendations as part of the draft EBNP we would hope that these are given full consideration in determining this application.
- The development should seek to avoid adverse impacts of the proposal on the local character of the landscape, visual amenity and dark skies character of the countryside. Some suggested areas for conditions to secure this are outlined below.
- To safeguard the landscape of the AONB, as stated in Babergh's saved policy CR02, any development adjacent to the AONB should be sympathetic to the purposes of the AONBs, i.e. development should contribute to conserve and enhance natural beauty. High quality design and layout should be incorporated into the development.
- The potential for increased traffic through the AONB and facilities for walking and cycling particularly along the B1070 for access to the A12. There is potential for negative impacts on tranquillity, reduced road safety for vulnerable road users and impact on local communities. We would urge measures to be considered to improve road safety at the on and off slip road for the A12. The junction here at the Four Sisters is notoriously difficult to negotiate and a substantial development such as this could reasonably be expected to contribute to the cost of improving this situation.
- We welcome the measures to improve facilities for walkers and cyclists but consider that these should go further, beyond the development itself. Consideration should be given to safeguarding opportunities for pedestrian and cycling links from this development to potential future development sites (ref. Neighbourhood Plan), in particular to the east of the site.
- It is important that the development secures and improves the Public Rights of Way network and we would stress the importance of ensuring that the network provides good connectivity through the development and out into the wider countryside. Where new paths are proposed, opportunities should also be taken to improve ecological networks and enhance local landscape character.

- With increased population, pressures for recreation within the AONB and nearby Stour & Orwell estuary are likely to be increased. It should be noted that the Stour & Orwell estuary is designated for its national and European importance for birds and habitats through the SSSI, SPA and Ramsar designations. A development of this scale within reasonable distance of the protected site could result in residual impacts, such as recreational disturbance which can have a negative impact on the purposes of designation, i.e. birds and protected habitat interest such as inadvertent disturbance.
- The local planning authority will need to be satisfied that the potential increase in use of the estuary as a result of increased residential development has been adequately considered and any mitigation proposals are likely to be effective. It is important that cumulative impacts are considered given other proposed major developments within the hinterland of the Stour estuary currently under consideration (ref. large scale residential development proposed at Brantham, Lawford & Mistley).
- If the Local Planning Authority are minded to approve the application, a number of conditions will of course be required to cover such aspects as access, lighting, associated sustainable urban drainage and structural landscaping, design materials and layout. Pre-commencement conditions will be required to provide a detailed scheme of the proposed planting and soft landscaping details and aftercare.
- The details of the above matters should demonstrably minimise adverse impacts on visual amenity, the dark skies character of the countryside and local landscape and contribute to a high quality of design for the project taking into account local distinctiveness.

Second response received 10 July 2015 -

- I am afraid that there was an inaccuracy in the statement made on 7th July in reference to the EBNP. I would like to rectify this by clarifying that the site in question is not listed as a potentially suitable site for development in the draft EBNP.

Suffolk Wildlife Trust

First response received 7 July 2015 –

- We have read the ecological survey report (The Ecology Consultancy, March 2015) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.
- The ecological survey report recommends that the hedgerow on site is retained within the development. However, from the Site Concept Plan (drawing ref. PA_10_04 A) it is unclear whether the hedgerow is retained within the development. It should be retained, suitably buffered from the built development and subject to suitable sensitive management to maintain its ecological value.

- The layout of the proposed development includes the establishment of new areas of greenspace. The implementation of a long term habitat management plan which maximises the ecological value of these areas should be secured by planning condition, should permission be granted. The detailed design of the site should also include ecological enhancement measures, as identified in the ecological survey report.

Suffolk County Council Planning Obligations

Initial response received 24 June 2015 –

- The local catchment schools are East Bergholt CEVCP School, East Bergholt High School and Suffolk One. There are currently sufficient places available at the catchment primary school and sixth form. However, funding is required for the 23 secondary school places arising from the development.
- We would anticipate up to 14 pre-school pupils arising. However, there are two early years providers in this locality with space for 21 children.
- In terms of transport infrastructure, a contribution is required for a bus shelter by the tree on the other side of 'Principal Avenue 1', a raised kerb for the existing northbound bus shelter and a RTPI screen on the opposite side of the road from the site.
- A contribution will be required towards Library services, which would be spent at Capel St Mary library.
- A capital contribution would be required for waste.
- Would encourage all homes to be built to Lifetime Homes standard and supported housing provision may need to be considered.
- The costs of maintenance of the sustainable drainage system should be included as part of the Section 106 negotiation.
- Direct access from the development to the nearest BT (Broadband) exchange is required.
- SCC will require an undertaking for the reimbursement of its own legal costs, whether or not the matter proceeds to completion.
- The overall contributions are:

Service Requirement	Contribution per dwelling	Capital Contribution
Education – Primary	£0	£0
Education – Secondary	£2931.70	£422,165
Education – Sixth Form	£0	£0
Pre-School Provision	£0	£0
Transport	£118.05	£17,000
Rights of Way	£-	£-
Libraries	£216	£31,104
Waste	£51	£7,344
Total	£3316.75	£477,613.

Second response received 28 November 2016 -

- Early years, education and library contributions will fall under CIL.
- Site specific mitigation will still be dealt with by a section 106 agreement.
- There is a draft obligation in circulation. This should be secured if permission is granted.

Further response received 27 April 2017 -

- I previously provided an updated consultation response by way of letter dated 28 November 2016, which is still relevant. I would be grateful if this letter and previous consultation responses are reported to the decision-taker.

Anglian Water

Initial response received 25 June 2015 -

- Requests that an informative note be added to the decision to identify that Anglian Water has assets close to or crossing the site.
- There is capacity at the East Bergholt Water Recycling Centre for the wastewater from this development.
- Development will lead to an unacceptable risk of flooding downstream and mitigation will be required. The drainage strategy should cover the procurement of the improvement works.
- Request a condition requiring the drainage strategy to be agreed.
- The surface water strategy should be conditioned in the planning approval.

Further response received 4th December 2015 –

- Reiterates advice provided above.

Environmental Protection – Land Contamination Issues

Initial response received 22 June 2015 –

- The land contamination assessments are suitable and do not demonstrate any likely contaminative links of the site and, as such, have no objection.

Second response received 30 October 2015 –

- The land contamination assessments are suitable and do not demonstrate any likely contaminative links of the site and, as such, have no objection.

Further response received 21 April 2017 -

- The land contamination assessments are suitable and do not demonstrate any likely contaminative links of the site and, as such, have no objection.

Environmental Protection – Other Issues

Initial response received 25 June 2015 -

- Has no objections in principle.
- Some concerns over the likelihood of loss of amenity during the demolition and construction phases of the development.

- Recommends a condition be attached requiring a construction management plan to be in place.
- Note the position of a LAP+4 play area in the centre of the development. This has the potential to result in some loss of amenity to surrounding residential properties due to noise. The SPG for the provision of outdoor recreational facilities and open space states that LAP+4 play areas must be located a minimum of 18m from the nearest property. The nearest proposed property is 20m away. Recommends that the applicant provides details of the type of play equipment to be installed.
- Recommends a condition that no burning takes place on site.

Second response received 30 October 2015 –

- No further comments to make.

Further response received 8 May 2017 -

- Whilst I have no objection in principle to this application, I do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the demolition and construction phases of the development. I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority.

Environmental Protection – Sustainability Issues

Initial response received 24 June 2015 -

- Have no comments to make as considers that our requirements for 10% uplift and Building For Life 12 certification can no longer be requested following the Housing Standards Review.

Second response received 24 June 2015 –

- Believes that the local authority policy relating to provision of renewable energy generation on site is still permitted under Section 1(a) of the Planning and Energy Act, and as such our policy of requiring 10% onsite renewable energy remains valid.
- The applicant has submitted an Energy Statement which outlines that it can achieve over 10% reduction through the installation of Solar PV to the plots outlined in Table 6 of the Energy Statement, however, none of the detailed elevations include the required PV.
- In light of this, I would recommend a condition be imposed that ensures that the PV installation rollout occurs and are registered for Feed in Tariffs prior to first occupation.

Further response received 21 April 2017 -

- The additional information does not include sustainability issues and so we have no comments to make.

Corporate Manager – Public Realm

- Open space and landscaping maintenance should be taken on by a management company or others.
- Main open space fits well in the development; funding should be obtained for play equipment, however, this should not be installed until the units are occupied and a consultation with those residents has taken place.
- Wherever possible, large trees/landscaping should be included within the boundaries of each property rather than as open space to be maintained by others.
- Management of the central open space, children's play area, low-lying area, hedge and tree boundary, and retained field drain should all be locally managed, either by a management company or the parish council.
- If not proposed to be part of the highway, the green verge running parallel to the B1070 should be included in local management of public spaces or under private ownership.
- Positioning, style and model of litter bins should be decided by the public space managers once the development is established.
- Generally lay out for open space is good – central area especially. Not sure that the “landscaped” roundabout is such a good idea – not usable as public open space and a maintenance issue.
- The water course running through the middle would need careful planning as to how that would be landscaped to avoid future possible problems from overgrowth.
- The ecological appraisal appears suitably detailed given the site and the nature of the development. The existing hedgerows should be protected and any gaps filled with species appropriate to the hedges in this area. The proposed species indicated appear suitable.
- Whilst it is not possible to see the detail for the proposed maintenance of the central public open space area, I would like to see some areas of longer grass left adjacent to the hedgerow and ditch line to provide a buffer between any short mown grass and the ditch.

Corporate Manager – Heritage

Initial response received 24 June 2015 -

- Peripheral village development, looking to attain a high standard of design but with no Heritage implications on Conservation Area or Listed Buildings.

Further response received 10 July 2017 -

- The Heritage Team considers that the proposal would cause a *very low magnitude* impact on the scale of 'less than substantial harm' to the various designated heritage assets in proximity to the site, by virtue of their proximity and the scale of development which lies between them and the new site.

BDC Arboricultural Officer

Initial response received 12 June 2015 -

- No objection subject to it being undertaken in accordance with the protection measures outlined in the arboricultural report. An appropriate condition should be used for this purpose.
- Due to the agricultural nature of the land involved there are few trees present. All of these are scheduled for retention and no significant detriment should occur if the recommended methods are adopted.

Economic Development

Initial response received 18 November 2016 –

- We would welcome the provision of B1 business units as part of this development, increasing the opportunities for businesses and individuals to work within our rural district. The B1 use should fit well in a mixed residential and commercial site providing a sustainable future for the businesses that locate there. We would like to understand the phasing of this part of the development and would very much welcome the availability of these being aligned with first occupation on site.

Further response received 10 May 2017 -

Would welcome an early phasing of the business units as it is evident that there is already interest in the units.

Representations

9. The summary of all representations made on this application are attached as Appendix 1 to this report.

The Site and Surroundings

10. The application site measures 8.46ha (18.8 acres) and comprises a parcel of agricultural land located to the north side of the village of East Bergholt. The land is classified as Grade 2 agricultural land.

11. The southern boundary of the site lies adjacent to Moore's Lane, a single track private road which serves a small number of properties to the south east of the application site. Recently constructed detached properties, located on Beehive Close, back onto Moore's Lane and a section of the eastern boundary, located to the north eastern corner, is in use as paddocks and an open arable field.
12. The western boundary abuts the B1070, being the principal access into the village from the north, where access to the A12 exists via a short slipped junction towards Ipswich, or via a similar connection towards Colchester.
13. The northern boundary is not currently defined, with the existing linear fields continuing northwards a further 250m before they are truncated by a field boundary ditch and hedgerow and trees. Between the northern boundary of the site and the existing field boundary to the north, the land falls sharply downwards. The northern most part of the eastern boundary abuts a small field.
14. There are no national or local landscape designations which affect the site. The site is, however, close to the Stour and Orwell Estuaries, a European designated Special Protection Area (SPA), where consideration will need to be given to the impacts of the development on the SPA.

The Proposal

15. The proposal is a full application for planning permission for development of 144 dwellings (including 50 affordable housing units), 360sqm of single storey courtyard development to contain 4 no. B1 use business units, 8750sqm of open space (including children's play space) and associated landscaping and infrastructure.
16. In terms of the residential element of the proposal, The 144 dwellings across this site equates to a density of 17 units per hectare. A mix of houses and bungalows is proposed which can be broken down as follows;

Market Homes

- 2 x 1 bedroom apartments
- 3 x 2 bedroom apartments
- 20 x 2 bedroom houses
- 2 x 2 bedroom bungalows
- 37 x 3 bedroom houses
- 3 x 3 bedroom bungalows
- 22 x 4 bedroom houses
- 5 x 5 bedroom houses

Total – 94.

Affordable Homes

- 7 x 1 bedroom apartments
- 2 x 2 bedroom apartments
- 31 x 2 bedroom houses
- 2 x 3 bedroom bungalows
- 8 x 3 bedroom houses

Total - 50.

17. The affordable homes would consist of both affordable rent and low cost shared ownership properties.
18. The development consists of a range of house types and a mix of single-storey, two-storey and two-and-a-half storey properties. The majority of the units would be built to Lifetime Homes requirements.
19. In terms of the proposed business units, this would be accommodated in 360sqm of single storey courtyard development, and would provide four B1 (business) units.
20. Access into the development would be from three 'Principal Avenues', being located to the north, centre and south of the site boundary with the B1070. A centrally located open space would be supplemented by a retention pond (to the north east corner of the site) and a feature green space set within Principal Avenue 1, towards the south eastern corner end of site. The communal open space includes a play area and green space for resident's amenity and the landscaped areas will contain the Sustainable Urban Drainage System (SuDS), which have been designed and landscaped to provide amenity value in addition to fulfilling the role of managing surface water run off.
21. A network of 'Village Streets', each being 5.5m wide, would provide linkage within and across the development. Parking spaces are provided within a combination of on-plot space and designated parking areas. A total of 306 car parking spaces are provided within the development, and a total of 288 cycle storage spaces are also made available (on plot, in gardens or in storage areas).
22. The proposals include a range of energy efficiency measures, including photovoltaic panels, which the applicant identifies demonstrates the sustainable nature of the proposed development.
23. The application was initially accompanied by the following information:
 - Arboricultural Report;
 - Archaeological assessment
 - Design and Access Statement
 - Energy Statement
 - Flood Risk Assessment and drainage;
 - Full suite of Plans and drawings

- Landscape Strategy
 - Landscape and Visual Impact Assessment
 - Phase One Geo-environmental Report
 - Planning Statement;
 - Preliminary Ecology Assessment;
 - Statement of Community Involvement.
 - Transport Assessment and Interim Travel Plan;
 - Utilities Assessment;
 - Statement of Community Involvement.
24. During the course of the application, a number of additional documents have been provided, including:
- Habitats Regulations Assessment Screening
 - Stage 1 & 2 Road Safety Audit
 - Soil Report
 - Letter from Fenn Wright Estate Agents in respect of the employment units delivery
 - Archaeological Evaluation and Metal Detecting Survey
 - Geophysical Survey
 - Assessment Against Neighbourhood Plan
 - Five Year Housing Land Supply Assessment
 - East Bergholt Housing Needs Assessment
 - Revised Application Form Identifying Countryside Properties PLc as the applicants.
25. The application documents can be viewed on line via the planning pages on the District Council's website.

NATIONAL PLANNING POLICY FRAMEWORK

26. 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.
27. 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.

CORE STRATEGY

- **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
- **CS14** - Green Infrastructure
- **CS15** - Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes
- **CS21** - Infrastructure Provision

SAVED POLICIES IN THE LOCAL PLAN

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

- **CN01** - Design Standards
- **HS31** - Public Open Space (Sites of 1.5ha and above)
- **TP15** - Parking Standards
- **CR07** - Landscaping Schemes

THE EAST BERGHOLT NEIGHBOURHOOD PLAN

- **EB1** - Housing Numbers
- **EB2** - Development Size and Location
- **EB3** - Village Heart
- **EB4** - Housing Type, Tenure and Sizes
- **EB5** - Increasing the Choice of Housing Options for Older People
- **EB6** - Landscape and Views
- **EB7** - Local Green Space
- **EB8** - Biodiversity
- **EB9** - Housing and Non-Residential Design
- **EB10** - Preservation of Non-Designated Heritage Assets
- **EB12** - New Developments, Parking
- **EB13** - New Developments, Walking and Cycling
- **EB14** - New Developments, Footpaths, Cycleways and Bridleways
- **EB18** - New Development and Farm Vehicles Access
- **EB22** - Electric Cars
- **EB23** - Sustainable Drainage Systems

SUPPLEMENTARY PLANNING DOCUMENTS

29. The following documents are also considered as material for the purposes of determining planning applications and are applicable to this proposal:

- Rural Development and Core Strategy Policy CS11 SPD
- Babergh District Council - Affordable Housing, Supplementary Planning Document (2014).
- Cobe at Design Council - Building for Life 12 (3rd Edition, 2015).
- Department for Transport - Manual for Streets (2014).

- Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015.
30. On the 6 March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online Planning Practice Guidance (PPG). The guidance provided is advice as to the interpretation and application of national planning policy and has been taken into account in reaching the recommendation made on this application.
 31. The PPG is an online reference and is available via the following link: www.planningguidance.planningportal.gov.uk.
 32. The relevant policies that have been referenced can be viewed online. Please see the notes attached to the schedule.

Main Considerations

33. On 30 July 2015, the Case Officer conducted a walking tour of the village accompanied by the Ward Members. The purpose of this walking tour was to enable the key features of the village to be identified, in terms of the accessibility of the site to facilities and services, to further appreciate the built form and heritage of the village and to also take in varying viewpoints of the site.
34. Having carried out this tour, and from an assessment of relevant planning policies, the site history, representations and other material planning considerations, the main considerations in respect of this application are considered in more detail under the following headings of this report.

The Principle Of Development

35. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
36. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).

37. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
38. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
39. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
40. A summary of the Babergh 5 year land supply position is:
- Core Strategy based supply for 2017 to 2022 = 4.1 years
 - SHMA based supply for 2017 to 2022 = 3.1 years
41. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.

42. The NPPF requires that development should be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. This has been discussed above. 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."

43. In the light of all of the above, this report will consider the proposal against the policies of the development plan, including the East Bergholt Neighbourhood Plan, to determine whether the proposal is in accordance with the development plan as a whole. If it is not, and there are policy conflicts, they will need to be weighed against other material considerations to see whether a decision which does not accord with the development plan is warranted, in the light of the presumption in favour of sustainable development, and in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

44. As detailed at paragraph 22 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
45. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

46. Policy CS2 (Settlement Pattern Policy) identifies East Bergholt as a Core Village, which will act as a focus for development within its functional cluster. Sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2. 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).

47. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that

"Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:

- i) Existing commitments as identified in the trajectory;*
- ii) Allowing for a windfall figure of 1,640 dwellings;*
- iii) Making provision for 2,500 new dwellings to be built in the following locations:*

.....
Core & Hinterland Villages 1,050

.....
The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required".

48. 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.*

49. 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. However, as the High Court has clarified in the Judicial Review discussed below, this flexibility has to operate within the limits of Policy CS2 so that sites outside of the BUAB need to satisfy the tests in Policy CS2 as well as the criteria in Policy CS11.
50. 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, and means that it is a material consideration when planning applications are determined.
51. 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).
52. 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

53. Policy EB6 of the EBNP states that;

“Development proposals shall demonstrate that they:

- 1. Comply with the policies and guidance relating to the Dedham Vale AONB and its setting;*
- 2. Where appropriate, satisfy the development tests set out in paragraph 116 of the National Planning Policy Framework;*
- 3. Respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting;*
- 4. Have taken full account of the capacity assessment set out in the Landscape Sensitivity and Capacity Assessment (Map 11) ; and*
- 5. Would not have an unacceptable adverse impact on the landscape setting of the village demonstrated through a Landscape and Visual Impact Assessment”.*

54. Criteria 1-3 of policy EB6 relate specifically to impacts on the Dedham Vale AONB. The site is outside of, and some distance from the AONB. Natural England have assessed this application and consulted with the AONB Partnership. They have concluded that this development would not impact significantly on the purposes of designation of the Dedham Vale and Suffolk Coasts and Heaths AONB. In this regard, the proposal complies with criteria 1-3 of policy EB6.
55. The site is a 'Greenfield' site on the edge of the village. It is inevitable that developing the field for housing would have some adverse impact on the openness and character of the site. However, Policy CS11, along with policy EB2, envisage that there will be some development in the countryside and, as such, the key consideration is whether the development respects the landscape (including landscape features, streetscape/townscape, heritage assets, important spaces and historic views).
56. The Landscape and Visual Impact Assessment (LVIA) submitted with the application was revised in October 2015 following the publication of the Joint Babergh and Mid Suffolk Landscape Guidance, which was published in August 2015. The LVIA includes a description of the existing baseline conditions, an assessment of the potential landscape and visual effects resulting from the proposed development; and a description of the outline mitigation measures proposed to offset or reduce any adverse impacts.
57. The LVIA identifies that landscaping plays a fundamental role in the integration of the new build residential dwellings into the local area and the surrounding pastoral landscape. The existing open field contains a hedgerow alongside the street and a historic field boundary through the centre of the site. There is only a slight fall in topography across the site from south to north.
58. It sets out that the aims of the landscape design is to;
- Preserve and strengthen existing natural features.
 - Enhance the setting of new dwellings
 - Create a site which contributes to the character of East Bergholt.
 - Structure views into and out from the site.
59. It is apparent from the representations received by residents that there is a strong feeling that this is a distinctive landscape that requires protection from development of this nature. Whilst this is not a formally designated landscape, the character of the site is clearly rural and the land is arable farmed. As part of the EBNP process, a character assessment of the village was commissioned. One of the character areas considered is entitled '*B1070 from Hadleigh Road to Carriers Arms, including Foxhall Fields, Moores Lane and Beehive Close*'. It considers the spaces, buildings, views, greenery and landscape features, light/dark, noise/smells and sense of place.
60. The approach to the village features heavily in this assessment, as would be expected. In terms of views, it states that "*The view approaching or leaving the village via this route is across open agricultural land with trees and hedges particularly to the south west. Coming into the village, the wide green verges approaching Foxhall Fields and Foxhall Close keep this open aspect*". In respect of the spirit of place, it identifies it as "*A busy thorough route which nonetheless manages to appear green and at least in parts open*".

61. Map 11 in the EBNP, which is referred to in policy EB6, identifies this parcel of land as being of 'Low to Medium Landscape Capacity'. It is clear that the landscape would be affected by the proposed development. As previously identified, some change is always likely to occur where edge of village development is proposed, and it is the extent to which this change detracts from the character of the area, or integrates into its surroundings, that needs to be considered. The approach taken to landscaping does not seek to screen the development in its entirety, and to do so would be likely to create a sense of enclosure that can give rise to isolation. Instead, the landscape approach proposed is to permit permeability into and out of the scheme, incorporating landscaping to break up views rather than screen them. In this respect, the approach taken is not dissimilar to that which exists to the edge of Beehive Close. Here there are maintained hedges along the boundary which are supplemented by trees at intervals along the boundary. Properties are visible but not dominating.
62. To the B1070 frontage, the existing hedge and trees which runs along the majority of the frontage will be removed. An approach to provide a verge and footway along the roadside edge, with hedging and tree planting to the inner edge, is proposed. On travelling into the village from the north, this hedge is not replicate of the other field boundaries which, on this side of the road, are predominantly shallow verges allowing views across the land. As such, whilst the loss of this hedge is undesirable, it is not, on balance, considered to be so fundamentally objectionable as to warrant refusal of the application. The proposed replacement planting will be appreciated as a more open approach to the village, notwithstanding the visibility of dwellings proposed to the site frontage. This approach is considered to be consistent with the sense of place set out within the EBNP character assessment.
63. Furthermore, the green space to the opposite side of the B1070 is designated as Local Green Space within the EBNP. Policy EB7 identifies that these areas shall be protected as Local Green Space. Development that would result in the loss of, or adversely affect the function or appearance of, a Local Green Space will only be permitted in very special circumstances.
64. This Local Green Space consists of an area of maintained verge supplemented with some low level planting and a number of mature trees sporadically positioned along its length. It is apparent that this space plays an important part in presenting an attractive entrance to the village, but also in providing some screening to the rear elevations and gardens of adjacent properties. In this respect, in considering the extent to which the proposed development would affect the function or appearance of this space, it is considered the proposal would comply with policy EB7 as the proposal would neither affect the function of this space, nor its appearance, other than in terms of the overall appreciation of this area generally as you approach the village.
65. In November 2015, the Action East Bergholt group commissioned a review of the revised LVIA. This was submitted to the Council as part of their representation received 1st December 2015. This document raises a number of concerns with regards to the LVIA, which can be summarised as follows:
 - That the descriptions and assessments in the LVIA are brief and gave insufficient detail.
 - Requires confirmation exactly what vegetation will be removed to accommodate the new development.

- Considers that the methodology for assessment is not fully compliant with the recommendations set out in the most recent Guidelines for Landscape and Visual Impact Assessment.
 - Identifies that it would be reasonable to assume that effects in the range of Substantial to Very Substantial could be considered 'Significant' whether beneficial, adverse or neutral (i.e. these are the effects that should be given the greatest consideration when determining a planning application).
 - Considers that significant effects would occur to the following receptors; local landscape character (the introduction of extensive built form, local landscape character, visual receptors on the B1070 and visual receptors in Moore's Lane.
 - That the proposed mitigation measures that would accompany the scheme are illustrative in nature, there is no surety that they can be delivered or that they have client backing.
 - As this is a full application, assurance is required that the scheme is deliverable, not just in built form but also with regards to landscape proposals. Such surety is not provided with this application.
66. Furthermore, in light of the making of the Neighbourhood Plan in September 2016, the applicant submitted an addendum to the LVIA, which was again the subject of a review submitted by the East Bergholt Parish Council. The scope of that review is defined as *"to review any amendments that the Applicant proposed to make to their LVIA having regard to the adoption of the Neighbourhood Plan, and provide commentary on the appropriateness of judgements made or reasoning as to why the findings of the LVIA may or may not need to be amended"*.
67. The review identifies a number of areas of disagreement between the comments/positions set out in the LVIA and those found upon reviewing that document. In considering this response, there are some matters within the review which require consideration, with the fundamental issue being whether the local planning authority has sufficient information before them, and is thereby able to fully understand the implications upon both the landscape and receptors, when reaching a decision.
68. Some elements of the review submitted appear to arise solely because the scope of the review was limited. For example, there is no doubt as to what vegetation will be removed along the B1070, which would be apparent if the review had considered more than just the LVIA. Furthermore, the review also makes clear that the Guidelines for LVIA Assessment is best practice, and thereby should be considered accordingly.
69. The issue of whether there is certainty around the landscaping proposals is one which also needs to be considered. This is a full application for planning permission, and the LVIA is supported by a Landscape Strategy which sets out the principles as to how landscaping would be carried out. The layout plan shows the areas where planting would occur and where trees are to be retained.

70. It is not unusual for the specific details of landscaping to be dealt with as a condition of planning permission, and it is not necessary for the precise specification of trees, in terms of species, their size and how they would be planted, to be identified at this stage. The layout plan clearly identifies areas where hedging and trees would be located and there is nothing within the submitted documentation which evidences that this would not be achievable. In this respect, it is considered that the details provided are sufficient to enable the LPA to understand the extent of the landscape impacts and reach an informed decision on the application.
71. Whilst the LPA has not commissioned an independent study of the LVIA following receipt of the review, the assessment of the application can be made taking account of the position established within the review, which identifies areas of the assessment where it is considered the impacts would be more significant than have been identified within the LVIA. The following assessment therefore considers these points in more detail.
72. It is understood that there are differences of opinion in respect of the impacts that this development would have, but when considering these impacts, it is apparent that these impacts are not particularly difficult to understand or consider. For example, the site is relatively open in its current form, and it is therefore possible to view the site from the adjacent roads (B1070 and A12) with some clarity, and thereby appreciate that this development would be prominent in the landscape.
73. It has also been clarified above that the landscaping proposals would not seek to completely screen the development, but would seek to integrate the development into its contextual setting. In this regard, in terms of the longer views of the development, the proposed housing would be seen against the backdrop of existing development and/or landscaping. It would not, therefore, be seen from many of those views in isolation. It would thereby affect and alter those views rather than replace them.
74. Furthermore, whilst the inference from the LVIA review is that some of the impacts have been 'played down' and that a number of the receptors would suffer significant residual effects, this does not, in itself, identify that the proposed development is unacceptable. Members, in making a decision on this proposal, must be clear that they have considered the impacts of the development on the landscape, with particular regard to policy EB6.
75. As set out above, criteria 1-3 of EB6 relate to the AONB, and have been found to be complied with. Criteria 4 and 5 require that:
- "4. Have taken full account of the capacity assessment set out in the Landscape Sensitivity and Capacity Assessment (Map 11) ; and*
- 5. Would not have an unacceptable adverse impact on the landscape setting of the village demonstrated through a Landscape and Visual Impact Assessment".*

76. It is the view of Officers that the proposal does not strictly comply with the requirements of criteria 4 and 5 of policy EB6. Whilst it is not clear precisely what the applicant would be required to do to “have taken full account” of the capacity assessment, the review of the LVIA does lead to concerns as to the robustness of certain aspects of the LVIA. However, it is apparent from the assessment carried out by Officers, taking account of both the LVIA and the content of the reviews, that the landscape impacts of the development are not such that would result in unacceptable adverse impacts which would thereby conflict with the overall aims of criterion 5 of policy EB6.
77. For all of these reasons, it is considered that the proposal does not strictly accord with policy EB6. However, Officers consider that these areas of non-conformity are not such that weigh heavily against the proposal, being matters of technical compliance rather than significant residual effects associated with the development’s impacts.

Impact on Heritage

78. Both the NPPF and Core Strategy place significant emphasis on safeguarding heritage as an important component of sustainable development.
79. With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general duties under sections 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*”.
80. Recent case law on the application of the statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the Local Planning Authority is required to give any such harm considerable importance and weight. However, where special regard to the desirability of preserving heritage assets has been paid and no harm is considered to be posed, the ‘balancing’ of harm (which should be given considerable weight as above) against public benefits as required by the NPPF, is not engaged.
81. As noted, the assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA’s own planning judgement. In this case, the issues to be considered are two fold, being;
- The impact on any Heritage Assets, including listed buildings.
 - The impact on the Conservation Area.
82. In respect of the impacts of the work on the setting of the various listed buildings (or assets), the areas of focus include Woodgates Farmhouse to the north east, and four listed buildings to the south, including High Trees Farmhouse, The Linnets, Blacksmiths Cottage and the Smithy, all listed at Grade II. There are several others including Quintons Cottage, Quintons House and The Hermitage which are disassociated from the site and are obscured by various built forms, and so have been considered *not* to be affected by the proposed development – and consequently there is not considered to be harm to these particular properties.

83. The setting of Woodgates Farm extends well into the north eastern part of the development site. As such, its setting will be affected to a *moderate* level by the new development on the scale of 'less than substantial' harm. The level of harm is mitigated both by the distance of the nearest properties to the building, and by the proposed landscaping.
84. The setting of the other assets to the south is also affected, though in a very limited way. On approaching the village from the north the land gave way to the string of development which backed onto Quintons Road. Until the creation of Moores Lane and the dwellings associated with it, and the properties in the cul de sac known as Beehive Close, the settings of these properties extended uninterrupted into this agricultural land.
85. Since the construction of these roads and dwellings it is fair to conclude the settings of the buildings have been compromised – but not necessarily reduced in area. However, the proposed development cannot help but further incrementally impinge upon their current settings, though the existing buildings will experience a *very low magnitude* effect, in terms of 'less than substantial harm', because of the contribution of the current settings to the significance of the buildings, the distance between the site and the new dwellings and business units, and the level of additional interruption caused.
86. In conclusion therefore the public benefit must be weighed against this degree of impact on the assets.
87. In respect of the impact on the Conservation Area, the Conservation Area lies to the southern end of the village which, at its northern end, lies to the south of Chaplin Road. 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*". In relation to the impacts upon the Conservation Area, these are considered to be limited to the potential increase in the amount of vehicles in the locality, thereby affecting the appreciation of the Conservation Area, and a potential increase in people accessing the area. In this regard, the proposal is considered to cause less than significant harm, albeit to an extremely low extent, whereby the public benefits of the proposal will need to be balanced against the less than substantial harm.
88. Policy EB10 of the EBNP deals with non-designated heritage assets. In this instance, there are not considered to be any non-designated heritage assets affected by the proposal and, therefore, the proposal would accord with policy EB10.
89. Whilst related to the issue of Heritage, the archaeological investigation of the site has been the subject of particular interest and therefore warrants consideration in its own right.
90. The initial submission made with the application included an archaeological report which was considered by the Archaeological Service at Suffolk County Council. The Archaeological Service did not agree with the conclusions reached in the report, namely that the report identified that the value of the archaeological resource is considered to be low and the impact to be moderate, resulting in a slight adverse effect. The Archaeological Service thereby set out their requirements for a geophysical survey to be carried out initially, followed by areas of trial trenching on the land.

91. The additional geophysical survey was carried out in October 2015 once the crop had been harvested from the land (an initial one had been carried out in July 2015, but this was not sufficient to satisfy the Archaeological Service and therefore this further survey was required). The survey concludes that, whilst Suffolk County Council considered the potential for archaeology as 'high' prior to the fieldwork, no anomalies that can be considered archaeological were detected and, therefore, the archaeological potential for this site is considered to be low.
92. The survey was supported by trial trenching carried out on agreed areas of the site as well as a metal detecting survey of the land. A report detailing the findings of these works was received by the Council on 24 February 2016, and were the subject of a reconsultation with the Archaeological Service and interested parties. The Archaeological Service have considered the findings and have concluded that 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 NPPF (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.
93. Subsequent to this position, requests have been made by local parties that a field walk be undertaken whilst the field is in a ploughed state to seek to identify whether any further archaeological deposits can be located. Whilst such an approach may be desirable, it does not form part of the Archaeological Service's established approaches to archaeological investigation and they have responded directly as such. In light of this, whilst a request has also been made for this to be a condition of any planning permission granted, it is not considered that this would be in accordance with the conditions 'tests', as it fails the test of being necessary. As such, it would not be appropriate for such a condition to be imposed.
94. In light of the above, conditions are recommended in line with the Archaeological Service's requirements.

Conclusion (Impact on Heritage)

95. 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. Therefore, taking all of these factors into account, it is necessary to consider the specific benefits of this proposal against the harm to heritage assets that has been identified. The balancing assessment is carried out in the 'Planning Balance' section of this report.

The locational context of the village and the proposed development

96. 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.

97. 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"*

98. Furthermore, policy EB2 of the EBNP relates specifically to the size and location of development. This policy provides that:

"Housing development will be supported within or immediately adjacent to the village Built Up Area Boundaries provided that the development:

- 1. Would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty (Map 9), Local Green Spaces or sites of biodiversity and geodiversity importance;*
- 2. Conserves, enhances and respects the Conservation Area (Map 18), heritage assets and built character of the local area, respecting the density, rhythm, pattern, proportions and height of existing development in the street scene;*
- 3. Would not have an unacceptable adverse impact on the local highway network;*
- 4. Would be of an acceptable size and scale that contributes to the character of the village and the "Sense of Place"; and*
- 5. Is within 800 metres of the Village Heart or Focal Points (Map 4).*

Housing development on sites not adjacent to the Built Up Boundaries or outside the 800 metres zones will be supported where they satisfy the special circumstances set out in paragraph 55 of the National Planning Policy Framework.

Rural Exceptions Affordable Housing will be encouraged on sites adjacent to or well related to the Built Up Area Boundaries (Maps 5 & 6) in accordance with Local Plan Policy CS20.

Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people".

99. Some of the aspects of policy EB2 relate to individual matters that fall within separate sections of this report, such as the impacts on the AONB, impacts on heritage assets, highways impacts and biodiversity. However, elements of policy EB2 relating to the size and scale of the development are relevant to the consideration of this element of CS11 and are, therefore, considered in more detail below.
100. Map 4 within the EBNP shows the areas defined as the Village Heart and the Focal Points. The criterion within EB2 requires that development be located within 800m of the Village Heart or Focal Points. The site lies within the 800m radius of the Focal Point associated with the doctors surgery and the school, and thereby complies with this element of policy EB2.
101. However, such a basic assessment does not provide sufficient consideration of the connectivity of the site and its relationship to the village. The Council's Rural Development and Core Strategy Policy CS11 Supplementary Planning Document (SPD) identifies (paragraph 15) that the availability of, and access to, local services and facilities is a key consideration in determining whether a proposal is sustainable. East Bergholt is defined as a Core Village, which policy CS2 sets out should act as a focus for development. The range of services and facilities available is also important as this will have a bearing on the size and scale of development that can be accepted i.e. a village with a wide range of services and facilities is more sustainable and can potentially accommodate a greater amount of development.
102. The SPD also identifies that the availability and frequency of public transport is also an important consideration, and references walking distances set out in the Department for Transport Local Transport Note 1/04, which recommends:
- Desirable - 400 metres
 - Acceptable - 800 metres
 - Preferred Maximum - 1200 metres
103. It notes that these distances should be considered in respect of the inclines experienced, and should be measured along the route taken rather than a straight line. The quality of the footpath connection is also important, where continuous footpath connections should be available.
104. Policy EB13 requires new developments to provide an adequate and safe footpath layout within the development and good pedestrian links to pedestrian routes to the village and nearby countryside. It seeks that schemes should demonstrate cycle friendly road layout and safe connections to the highway. Policy EB14 looks to achieve, where possible, new development to take advantage of any opportunity to enhance and protect existing footpath, cycleway and bridleway networks, create new networks and improve connections between existing and proposed networks. They should also aim to reduce recreational pressure on Stour & Orwell Special Protection Areas.

105. The Manual for Streets identifies that *“Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas, which residents may access comfortably on foot”*. The application includes an assessment of the distances to the facilities and services in the village, and the Planning Statement concludes that *“the proposal is well connected to facilities being within an 800m walk of most everyday facilities”*.
106. This position is contended by a number of local residents and was part of the considerations when undertaking the walking tour of the village. That tour enabled the likely routes that would be taken to be walked and timed, and it was concluded that a number of the facilities are not within the 800m (10 minute) walking distance, particularly the shop and doctors surgery. This conflicts with the basic assessment carried out in the EBNP, which shows the site being within the 800m radius of the doctors surgery focal point. However, the SPD provides for a preferred maximum of 1200 metres, which would have (pro rata) an approximate 15 minutes walking time. With this provision, more of the facilities would be within a walkable distance, however, the distances are clearly significantly less desirable than those set out within Manual for Streets.
107. Notwithstanding this, the development is no more poorly related than a number of the existing properties in the locality and can be considered in the light of Department of Transport statistics taken from the National Travel Survey (2013) which identifies average trip lengths in England depending on their purpose. These figures provide that the average trip lengths for shopping, for example, is 4.3 miles, and for commuting is 8.8 miles. General walking distances are in the region of 1.2 miles. Therefore, Officers consider that there is a need to balance the competing evidence/policy requirements and draw a reasoned conclusion.
108. It is also necessary to consider sustainability in the wider context than simply walkable distances. The site would give easy access to existing bus stops along the B1070 and SCC are seeking to secure contributions through the section 106 agreement that would enable a new shelter to be provided, and to provide RTPI screens and new kerbs.
109. Furthermore, were permission to be granted, SCC are also requiring contributions and obligations relating to the delivery of a travel plan, including the provision of welcome packs which would provide for public transport/cycle vouchers for each dwelling. This is considered to comply with paragraph 36 of the NPPF, which identifies a Travel Plan as a key tool to facilitate the promotion of sustainable transport methods.
110. Therefore, in considering the connectivity of the site to the village and looking to come to a reasoned conclusion, the site sits within the 800m threshold set within policy EB2, and offers the opportunity for alternative methods of transport to the car. The provision of a new footpath to the front edge of the site, linking to existing footpaths, provide opportunities for walking, albeit the distances from the site to the main facilities in the village are at the edge of, or beyond, the preferred tolerances for walking. In this respect, notwithstanding the identified compliance with policy EB2, the proposal cannot be said to comply with this element of policy CS11.

111. However, the extent to which this non-compliance weighs against the proposal is considered to be extremely limited, given compliance with the more up-to-date EBNP policy, the potential to use alternative methods of transport and the extent of the distances to facilities and services remaining within a tolerance that would not make walking or cycling entirely unviable.
112. Concerns have been raised that East Bergholt provides insufficient employment opportunities for the level of growth proposed. There is no requirement within Policy CS11 that housing development should be linked to, and limited by, the availability of local jobs. There is also no requirement in Policy CS11 for development to be mixed use (including employment and housing). East Bergholt does however, provide everyday services and is reasonably well located and connected by road to larger service centres such as Hadleigh, Ipswich and Colchester for employment. Some employment opportunities are also available within the village, including service business such as at public houses and at other facilities such as the school and doctors surgery and it should be noted that the development proposal includes B1 units which will, in themselves, offer employment opportunities for both existing and new residents. It is therefore a more 'sustainable' settlement for development than others in the district. This is recognised by the village's designation as a Core Village within the Core Strategy.
113. In terms of spatial connection, the site can be read as a natural extension of the village abutting the village envelope with a modern housing estate to the west and the Beehive Close development to the south. It would project into open countryside by virtue of this being a currently undeveloped parcel of agricultural land, but contextually would be seen against the backdrop of the existing village when viewed on the approach to the village or from the A12.
114. Whilst this element of the proposal is found to be acceptable, for the reasons set out above, the proposal cannot be said to comply with this element of policy CS11 when considered in the round.

Site location and sequential approach to site selection

115. 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 East Bergholt.
116. The applicant has not undertaken an assessment to identify if there are any sequentially preferable sites. There are no sequentially preferable allocated sites within East Bergholt and the Neighbourhood Plan does not contain any site allocations.
117. 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. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

118. 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.
119. 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.
120. 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.
121. 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 East Bergholt and the functional cluster of smaller rural settlements which it serves.
122. 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).
123. 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.

124. 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.
125. 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 above, the local housing needs of the Village must be construed as the needs of the Village itself and the needs of the functional cluster of smaller rural settlements it serves.
126. In this case, the Applicant has submitted a local housing needs assessment and this should be considered in light of the evidence contained within the EBNP as to the needs within the Neighbourhood Plan area. As such, the following assessment will consider the evidence submitted by the applicant and that within the Neighbourhood Plan, and consider the extent to which the proposal meets the identified need.
127. The applicant's housing needs evidence is submitted across two documents, the first being the Planning Statement which was within the suite of documents submitted with the application, and the second is the Local Housing Needs Assessment submitted in March 2017. The following sets out the information provided by the applicants across those documents.
128. The applicant's Planning Statement predates the making of the Neighbourhood Plan and the Judicial Review judgement, and must therefore be considered in that context as not being up-to-date in respect of the position set out in the preceding paragraphs of this section of this report. However, it includes an Affordable Housing Market Assessment and a Local Market Housing Assessment and is therefore considered further here.
129. In respect of the Affordable Housing Market Assessment contained in the Planning Statement, it is part of the evidence submitted by the applicant and should be considered as such. It identifies that:
- The applicants entered into pre-application discussion with the Council's Strategic Housing Team.
 - The Choice Based Lettings register identifies 39 applicants who have a connection to the East Bergholt parish area.
 - There are 46 people registered on the Help to Buy website who wish to move to the Babergh area.
 - There are 30 people who live in the Babergh area who wish to move into Shared Ownership accommodation.
130. The proposal is policy compliant in terms of the provision of 35% affordable housing and, as such, irrespective of the local needs elements of policy CS11, the proposal complies with development plan policies CS19 and EB4 which relate specifically to affordable housing.

131. Turning to the market housing element of the proposal, the applicant's Planning Statement identifies that East Bergholt has been identified as a sought after location for several reasons. These include:

- its extensive mix of housing styles;
- its proximity to Ipswich, the A12 and London;
- its facilities and services.

132. The housing evidence that has been analysed within the Planning Statement suggests there is slightly conflicting information about the exact type of market housing that is needed for East Bergholt. Therefore, a range of different housing types should be provided as a solution. The Statement provides an analysis of the evidence sources against the proposed development, as follows:

Housing Type	Housing Needs Survey 2008 (all tenures)	SHMA 2012 (Census 2001 + est) (District Wide)	Census 2001 of East Bergholt	Original Proposed Housing Mix	Proposed Market Housing Mix	Proposed Affordable Housing Mix	New Proposed Housing Mix (all tenures)
1 Bedroom (1/2 bed apart's)	6.9%	7%	2.7%	12.5%	5%	9	10%
2 Bedroom	31.7%	16%	20.5%	29.2%	23%	33	38%
3 Bedroom	42.5%	43%	42%	29.2%	43%	8	33%
4 Bedroom	16.7%	28% (4+beds)	26%	15.9%	24%	0	15%
5 Bedroom (5 or more)	2.2%	See above	8.8%	13.2%	5%	0	4%
Total	100%	100%	100%	100%	100%	50	100%

133. As can be seen from this table, the proposed housing mix has been amended to reflect the feedback received at pre-application stage, both from the local community and the Council's Strategic Housing team. In this respect, the following demonstrates the current mix of dwelling sizes and types and how this has evolved since the pre-application submission:

Housing Type	Mix Proposed at Pre-application Stage	Proposed Market Housing Mix	Proposed Affordable Housing Mix	Proposed Housing Mix (all tenures)
1 Bedroom (1/2 bedroom apartments)	12.5%	5%	9	10%
2 Bedroom	29.2%	23%	33	38%
3 Bedroom	29.2%	43%	8	33%
4 Bedroom	15.9%	24%	-	15%

Housing Type	Mix Proposed at Pre-application Stage	Proposed Market Housing Mix	Proposed Affordable Housing Mix	Proposed Housing Mix (all tenures)
5 Bedroom (or more)	13.2%	5%	-	4%
Total	100%	100%	50	100%

134. The scheme has evolved to significantly reduce the amount of larger properties (4 and 5 bedroom) from a total of 29% to 19%, with an increase in the smaller to mid range (2 and 3 bedroom) properties from 58% to 71%. The provision of four and five bedroom properties contribute to the mix of dwellings (as required by Policy CS18) and, at a total of 19% of the overall development, are provided at a level that the local planning authority considers is appropriate to balance the delivery of a significantly larger proportion of small-medium size properties within the development.
135. Whilst the above information is useful in assessing general data available regarding the housing need in East Bergholt, it can be given only limited weight in terms of this element of policy CS11, having been provided prior to the making of the Neighbourhood Plan (and the housing needs information it contains) and the judgement in R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016.
136. As such, the more recent Local Needs Housing Assessment (LHNA) submitted by the applicant, and prepared by Lichfields, is considered to be more robust in light of its focus on East Bergholt and the functional cluster. This LHNA models six different scenarios, being:
1. Natural Change (Nil Migration). In this scenario, all migration is constrained to zero. This allows for the assessment of housing need associated solely with the local population who are currently living in the area. Although this is not a realistic scenario given it is impossible to constrain the movement of people in and out of the settlement, it does provide an indication of the level of household growth which will occur in the future based solely on the current population living in East Bergholt and its functional cluster.
 2. Zero Net Migration. This is different to the 'natural change' scenario where migration is set to zero, given that there are differences in the profile of in- and out-migrants which creates churn within the population, producing a different age profile and housing need over time.
 3. Share of District Migration. This scenario models on the basis that in the future a 'fair share' of migrants is accommodated, based on the size of the population relative to the District.
 4. Share of District Growth. This scenario models the share of projected population growth for the Babergh District and applies the 11.32% share of the District's population that resides in the modelled area.
 5. Maintain Labour Force/ Local Jobs. - This scenario models the number of dwellings required in the MSOA to maintain the labour force at 4,9454 people (those aged over 16 and who are economically active). Assuming there is no change to the commuting ratio this maintains the number of jobs in the MSOA.

6. Share of Remaining Plan Requirement. – This applies a percentage share of the residual requirement within the Local Plan, applying a proportionate approach based on population.

137. Having tested each of these scenarios, the LHMA concludes that:

- Modelling based on the number of dwellings needed to accommodate needs with the current resident population identifies a limited number of young people currently living in East Bergholt and its functional cluster who would form a new household over the modelling period. In addition, the population of East Bergholt sharply decreases to 2031 under both of the modelled scenarios (No's 1 and 2).
- There is need for development in East Bergholt in order to help maintain the population and stem ageing, helping to offset some of the negative implications associated with this including reduced spending and viability of local services. Without further development, there would be a decline in younger age groups, as well as a decline in the overall size of the population. The other likely outcomes of such a scenario would be increase in house prices (since there is a demand for housing in the area) and worsening affordability, forcing younger/lower paid people out of the local housing market.
- Furthermore, the population of Babergh District is projected to increase by 6,155 people from 2014 to 2031 (ONS 2014-based SNPP) and it is therefore not reasonable for East Bergholt to plan for zero or very few new homes, as to do so would place a disproportionately greater pressure on other settlements to meet more than what may be considered their 'fair share' of needs in order to meet District-wide targets.
- East Bergholt would need to deliver up to 362 homes to meet its share (based on population size) of the District's projected migration intake to 2031 (scenario 3). This increases to up to 453 dwellings if East Bergholt takes its share of the District's projected population growth from the 2014 based SNPP to 2031.
- Another way of considering the need for housing in the local area is to maintain the existing labour force and therefore the number of jobs. To maintain the current numbers of economically active people in East Bergholt and (assuming current commuting patterns remain constant) the current number of jobs, up to 435 dwellings would need to be delivered to accommodate the in migrants required to sustain this economic position (scenario 5).
- On the basis of the outcomes of the 'demand based' scenarios, a minimum of 337 to 362 dwellings are needed for East Bergholt to meet its appropriate share of the District's projected migration intake to 2031. A higher level of growth would be needed to help maintain the labour force and help to stem ageing of the population profile, therefore an appropriate level of need for East Bergholt is considered to be in the range of **c.360-460** dwellings over the remainder of the plan period.
- It is reasonably clear that delivering below the figure of 360 dwellings is unlikely to offset any problems of affordability, or improve the ability of younger/lower paid people to access housing locally. More crucially, simply to maintain the current number of jobs and maintain economic stability in the functional cluster there is a need for 435 dwellings (including a market signals uplift), meeting the functional clusters fair share of the District's projected population increase from the SNPP (including a market signals uplift) is higher still at circa 460 dwellings.

Although our assessment shows East Bergholt's need is between 337 and 427 (362 and 453 with partial catch up headship rates) dwellings to 2031, the importance of maintaining job levels and meeting a fair share of the projected population growth for the District places pressure on delivering a quantity of housing at the upper end of this range.

- On this basis, Lichfields considers that the housing need figure for East Bergholt and its functional cluster could credibly be no lower than 360 dwellings, with our recommendation being between **430 and 460 dwellings** as the appropriate figure based on the other scenarios presented.
138. As set out above, the housing needs of the village are also considered within the EBNP. Appendix D4 and D5 of the Neighbourhood Plan provide the Executive Summary of the Community Action Suffolk Housing Needs Survey and the Housing Options paper respectively. These papers lead to the conclusions reached within the Housing chapter of the EBNP, most notably around policies EB1-EB5 and the supporting text.
139. Policy EB1 of the EBNP identifies that there shall be a minimum of 86 new homes developed over the Plan Period. In this respect, it is noted that there is an evidenced need to provide a minimum of 86 new homes within the Plan Period and that this is the expectation of the community through its adopted plan. There can be no doubt that this development exceeds this expectation and that there is strong feeling within the community that this proposal provides a quantum of development that is unnecessary, in excess of evidenced need and harmful to the village in terms of the integration of new residents and their effects on the current community.
140. It is noted that there are significant differences between both the approaches taken to assessing need in the applicant's submissions and that in the EBNP. Some of the local representations made in respect of this application have identified that the neighbourhood plan provides the only evidence of established needs, and that there is not an objectively assessed need for this development. It is perhaps not, therefore, surprising that the results of the two assessments are significantly different. The assessment will, therefore, consider the extent of the proposal in light of these conflicting views and the relevant development plan policies.
141. The EBNP Housing Needs Survey identifies that it is important for new housing to provide an appropriate mix of housing size, type and tenure, where there is potential on the site. This is mirrored in policy CS18, which requires that residential development that provides for the needs of the District's population, particularly the needs of older people will be supported where such local needs exist, and at a scale appropriate to the size of the development. The mix, type and size of the housing development will be expected to reflect established needs in the Babergh district (see also Policy CS15).
142. Policy EB2 states that "*Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people*". Policy CS19 of the Core Strategy requires affordable housing to be provided at 35%.

143. Policy EB4 of the EBNP seeks that at least 40% of new housing should be one or two bedroomed properties. As can be seen from this table, the scheme provides 48% of the development as one or two bedroom properties, and thereby complies with policy EB4 of the EBNP.
144. Policy EB5 of the EBNP also seeks upto one third of new housing to be designed to meet the needs of older people.
145. The development proposed is in accordance with Core Strategy Policy CS19 and makes provision for 35% of homes to be affordable equating to 50 affordable dwellings in this scheme. Furthermore, a number of one bedroom properties and bungalows, which would assist in providing properties for those groups of people identified in policies EB2 and EB5, are provided. Therefore, the proposal is considered to accord with policies CS18, EB4 and EB5.
146. However, it is apparent that the development would deliver housing above and beyond the locally identified need set out within the EBNP. It is considered that, in light of the EBNP having recently been examined relative to the Council's own development plan documents and subsequently becoming part of the development plan, this should be given significant weight in reaching a conclusion on this particular matter. However, the LHMA submitted by the applicant looks to provide evidence based on the need throughout both East Bergholt and the functional cluster, as required by policy CS11. In this respect, it can also be given significant weighting in the consideration of this matter.
147. In this situation, it is considered that the two sets of data give varying results due to their differing bases and scope. Whilst the applicant's LHNA sets differing need values across the Plan period and provides a detailed and up-to-date assessment based on a number of relevant factors, the Neighbourhood Plan forms part of the Development Plan and it is therefore considered that this should have primacy in this issue.
148. In this respect, whilst the proposal is supported by a local housing needs assessment, it is considered that the evidence set out within the EBNP identifies that the proposal provides development that is in excess of the locally identified need. Therefore, it is considered that the development has not demonstrated that there is a locally identified need for development of this scale in East Bergholt. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally identified community needs

149. 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.
150. 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).

151. 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. The Planning Statement submitted with the application includes, at Appendix 1, an audit of the Facilities and Services within the village. This includes an assessment of community groups, community facilities and public open spaces.
152. The village is generally well served by community facilities, already accommodating the Village Hall, a sports centre and a social club. The village also hosts a number of public houses, the post office and shop.
153. In this respect, there does not appear to be a demand for community facilities, and it is noted that the EBNP does not identify any particular requirement for new community facilities or any deficiency in the existing facilities available. As such, the proposal complies with this element of policy CS11.

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

154. 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"*.
155. Concerns have been raised that East Bergholt would suffer cumulative impacts – on the school, traffic congestion and the character of the settlement overall from too much rapid growth. This relates not only to the proposed development as a stand-alone matter, but also through the cumulative effect of the situation relative to other proposals in the village. The impact on the school is not considered a problem if mitigation, as set out in the responses from SCC, is provided. The LHA has raised no objection in terms of congestion and traffic generated from the development is not considered to have an adverse cumulative impact, even when taken into account with the other proposals within the village.
156. The character of the village being changed by extensive incremental growth is an important issue. The historic level of growth is similar to some other Core Villages and the Strategic Planning Team have concluded that the growth is not disproportionate given the villages status as a Core Village. 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.

157. Therefore, whilst, concerns have also been raised that there has already been a high level of development in the village historically, there is no specified cap on the size of development that can come forward under Policy CS11, especially in Core Villages such as East Bergholt, which are to act as a focus for development in the functional cluster. Therefore, the scale of development in itself cannot be objectionable per se; it is only whether the scale proposed has any adverse impacts.
158. There are no known physical or social infrastructure capacity issues which cannot be addressed. Suffolk County Council and NHS England have confirmed there is sufficient capacity within the local medical and educational services and they would be able to make bids for CIL funding to address infrastructure issues in the local area. Notwithstanding this, the amount of growth is in excess of what the Neighbourhood Plan expects to be provided over the Plan Period, albeit this is set as a minimum in terms of policy EB1 and it is, therefore, understood that there is a tension between the expectations of the community in terms of the level of development proposed and the cumulative impacts of development generally on the villages infrastructure.
159. This leaves the issue of the cumulative impact on other nearby villages and neighbouring authority areas. There is an allocation at Brantham (within the East Bergholt functional cluster) which is the subject of a grant of planning permission, and the cumulative impacts upon the village of Brantham resulting from both this development and that on the aforementioned allocated site have been considered in terms of the traffic implications (see 'Highway Safety' section below) and the impacts upon the SPA. The result of these considerations is that there would not be severe highway impacts on the A137 from traffic resulting from this and committed development, and that the possible impacts on the SPA from occupants of the proposed development can be mitigated subject to securing a contribution which will enable such mitigation to be carried out. A more detailed assessment of these positions is set out within the relevant sections of this report.
160. 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. The proposal therefore complies with this element of policy CS11.
161. As such, the cumulative impacts of the proposal are considered to be in accordance with the requirements of policy CS11.

Summary of Assessment Against Policy CS11

162. The individual elements of CS11, in relation to Core Villages, have been assessed above. Notwithstanding the balancing exercise required in respect of heritage assets and public benefits, which will be carried out later in this report, the proposal cannot be said to fully comply with policy CS11. The proposal does not demonstrate that the development meets local needs, nor that it is policy compliant in terms of the distance of the site to the facilities and services in the village heart, or in a strict application of policy EB6.

Consideration Against Other Development Plan Policies

163. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
164. 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. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider the provisions of the EBNP and other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
165. Policy CS2 requires that sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
166. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
167. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.

168. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF's objective of promoting sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
169. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points. Where those issues relate directly to development plan policies, including those in the EBNP, they will be referenced directly also.
170. As a Core Village, East Bergholt 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. These facilities include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butchers and a bakery and a tea room.
171. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. East Bergholt 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 to Colchester and Ipswich. East Bergholt 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 East Bergholt 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.

172. It is acknowledged, however, that there will be a high proportion of car travel from East Bergholt, as people travel out of the village to work, however it is also important to take into consideration both the provision of and accessibility of public transport in East Bergholt as discussed, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation (criterion xviii of CS15). Policies EB13 and EB14 are particularly relevant to this consideration requiring (respectively) that *“New developments should provide an adequate and safe footpath layout within the development and good pedestrian links to pedestrian routes to the village and nearby countryside. Schemes should demonstrate cycle friendly road layout and safe connections to the highway”* and that *“Where possible, new development should take advantage of any opportunity to enhance and protect existing footpath, cycleway and bridleway networks, create new networks and improve connections between existing and proposed networks. They should also aim to reduce recreational pressure on Stour & Orwell Special Protection Areas”*.
173. These matters have been considered in some detail within the earlier assessment of the proposal against policy CS11, where it has been concluded that the proposal complies with policy EB2 in terms of its proximity to the Focal Point identified in the EBNP, but is not compliant with the walkable distances set out in Manual for Streets and in the CS11 SPD. Notwithstanding this, the proposal includes proposals to improve and upgrade existing substandard footpaths and the LHA have not raised objection to the road layouts, connections to the village or the potential for cycling as an alternative method of transport. In this respect, the proposal is considered, on balance, to comply with iv of policy CS15, through ensuring an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development.
174. The socio-economic profile of East Bergholt highlights the village’s important role as an economic asset for the Babergh District. It is an attractive place to a variety of people, and plays an important role in the tourism and heritage of the local area. However, there is a need to balance housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
175. 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 East Bergholt, underpinning social capacity, providing affordable housing and widening the housing mix overall.
176. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services (criteria xviii and iv of CS15) and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).

- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposal includes the provision of B1 units. This will generate employment and thereby strengthen the local economy (criterion iii of CS15) and ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development (criterion iv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
177. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), renewable energy and reduction of carbon (criteria viii and xv of CS15) the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Highway Safety and Sustainable Transport

178. It is apparent from the representations received that there are a number of concerns regarding the highway safety aspects of this proposal. These can primarily be attributed to three specific elements of the proposal, being:
- The A12 junctions;
 - The proposed accesses onto the B1070, and;
 - The mitigation proposed outside of the site.
179. Furthermore, there has also been some correspondence regarding the cumulative impacts of the proposed development and committed sites elsewhere in the locality, most notably the strategic allocation at Brantham.
180. Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all, and that transport networks should be improved in a cost effective way to limit any significant impact of the development on the surrounding area. Paragraph 32 also makes it clear that proposals must only be refused where residual cumulative impacts on highway safety would be 'severe'².
181. The key policies to consider from the development plan are Policies CS14 and CS15 of the Babergh Core Strategy, along with saved 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.

² There is no definition of 'severe' in the NPPF. However, in appeal decisions, Inspectors have concluded that it is not necessary to judge whether there is some impact on the network, but whether that impact is severe. That test is 'a high test', deliberately set so as to get development moving forward.

182. Turning to the issues highlighted above, the A12 is part of the primary route network that falls under the responsibility of Highways England. In response to consultations with Highways England, they have, on three occasions, raised no objections to the proposals. It is apparent that there are a number of residents and interested parties who expected a more detailed assessment of the junctions, their capacity and their safety to be set out in those responses, and have approached Highways England seeking further clarification. However, at the time of writing this report, no further commentary has been provided.
183. The issue raised through representations in respect of these junctions is primarily one of safety. It is evident that there are concerns regarding the length of the junctions in both directions on the A12, and that the extent to which the development will exacerbate that safety issue is that which residents are identifying as being a major factor against the development proceeding. In this regard, the absence of objection from Highways England is a consideration, and must be put in the context of the test of severity set out at paragraph 32 of the NPPF.
184. The Transport Assessment submitted with the application considers, at Table 6.6, the outward and inward distribution of trips from/to the development from each of the four possible routes (the four routes are; 1) onto/from the A12 Ipswich direction, 2) onto/from the A12 Colchester direction, 3) onto/from the B1070 Hadleigh direction and 4) onto/from the B1070 Manningtree direction (including trips within Dodnash)).
185. In respect of the trips onto the A12 from the development, approximately three quarters of the AM peak hour trips made out of the development would head towards the A12 (in one or other direction). Inbound, around 56% of the AM peak hour trips would come from the A12, in either direction. The figures would be reversed for the PM peak hour distributions. As such, of the 60 predicted outward trips during the AM peak hour (1 each minute), 45 of these would head towards the A12 in one or other direction. Using the dispersal rates identified, of these 45 trips, 25 would head towards and 20 towards Colchester. Across the hour period, this would equate to less than 1 extra vehicle every two minutes heading towards Ipswich, and 1 extra vehicle every three minutes heading towards Colchester. There would be little variance from these ratios in the PM peak hour rates.
186. Whilst it is appreciated that the extent to which the traffic would disperse would be extremely unlikely to be consistent across the hour period (i.e. the gaps between traffic arriving at the junction would not consistently align with a two/three minute ratio), it is acknowledged that adding any traffic to a situation that is perceived to already be substandard will have an impact. However, this impact is not considered to be severe in terms of the requirements of paragraph 32 of the NPPF. As such, it is not considered that the harm arising from the development in this regard is such that would weigh heavily against the proposal.
187. Turning to the accesses onto the B1070, the proposal identifies three principal access points into the development, referred to as 'Principal Avenues'. These three principal avenues would all adjoin the B1070, where a further five separate accesses are also proposed to serve 8 dwellings which directly front the B1070. As such, a total of eight new accesses would be provided onto the B1070.

188. Members who attended the site visit will recall that the approximate locations of these accesses were demarcated by residents who attended the site visit through a series of 'post and tape' lengths along the B1070 boundary. At the time of the site visit, some Members raised concern over the accuracy of the layout plan submitted in relation to the perceived bend in the B1070 which exists to the north of the site. This has been checked and the road layout depicted on the plan accords with the Ordnance survey base plan. As such, the plan is considered to represent an accurate representation of the road.
189. Throughout the course of the application, revisions have been made to elements of the scheme that had initially raised concerns from the LHA. In their response dated 8 December 2015, the LHA have concluded that the proposed mitigation resolves the issues previously raised in relation to the site frontage, pedestrian safety and the proposed new vehicle accesses. In their most recent consultation response, they have confirmed that this remains their position.
190. With regards to the B1070 frontage, the proposed works include a footway behind a 2 metre verge along the frontage. Landscaping would be provided behind the back edge of the footway. This has been designed in accordance with the SCC design guide for a local distributor road, and the applicant identifies that this is more in keeping with the other side of the road where there is a wide verge to the rear of the Foxhall Fields properties.
191. There is an existing tree within the hedge along the B1070 frontage which Members were asked to note at the site visit. With regards to the provision of adequate visibility splays from the northern and central access points ('Principal Avenues 2 and 3'), these cannot be accommodated without removal of this tree and, therefore, the tree is proposed for removal. The Arboricultural Statement submitted with the application identifies this as a 'Category B' tree where it is described as "*Roadside tree. Overall good condition with some dieback of roadside branches. Epicormic growth to main stem may signify tree under stress. Highway construction within 1.5m of main stem*". It is apparent, therefore, that whilst this tree may be of some historic and amenity value, it is of moderate value overall. The proposed scheme shows new planting, including sporadic tree planting set further back into the land than the current hedgerow, which is also identified to be removed.
192. A new footpath would be provided to the eastern side of the B1070 towards the northern end of the site, which would link to that which runs along the southern edge of Hadleigh Road. This would be accessed by an uncontrolled crossing located slightly to the south of Principal Access 3, allowing access directly from the development to the footway along Hadleigh Road. It should be noted that the footway on Hadleigh Road currently terminates at the edge of the B1070.
193. The proposal also includes a revised entry treatment to the speed limit involving edge markings, speed roundel and coloured surfacing. A gateway feature is also proposed to assist in identifying to road users that they are entering a village which is considered to encourage a reduction in speed on the approach to the village.

194. At the southern end, two further uncontrolled crossings are proposed to the north and south of Principal Avenue 1, which serve, respectively, to the north, the bus stop on the western side of the B1070 along with access into the Foxhall Fields development, and, to the south, links into a new element of footway which adjoins that which currently exists leading to the junction with Fiddlers Lane.
195. The proposed works have undergone a Road Safety Audit and the LHA confirm that there are now no outstanding road safety concerns. Indeed, they advise that the mitigation scheme proposed will offer a highway safety improvement for the area. These mitigation works include works at the junction of the B1070 and Fiddlers Lane, at the junction of Gaston Street and along Gaston End where it is proposed to reduce the road width to 6 metre and increase the width of the footpath adjacent to 1 metre. Paragraph 32 of the NPPF identifies, inter alia, that decisions should take account of whether: improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. In this regard, the proposed mitigation is considered to be such a cost effective solution.
196. Notwithstanding the specific matters considered above, Members should nonetheless also consider carefully the potential cumulative highway impacts when juxtaposed with those other developments that have recently been brought forward in the vicinity and whether such impacts would be 'severe' as outlined by the NPPF. In this respect, whilst the Transport Assessment (TA) submitted with the application did not specifically include an assessment of the allocated site at Brantham, the local highway authority have been able to consider the cumulative impacts by considering the two respective sets of data within the individual Transport Assessments submitted for each site.
197. The LHA identify that future vehicle trips from Brantham will already be included as part of the 2020 future vehicle flows within the TA, which are factored up from the survey data using TEMPro. They also consider that the location, scale and type of development proposed on the allocated Brantham site is such that a high proportion of generated flows will use the A137 north and southbound, and that they are looking at ways to help mitigate the adverse effect of this. It is understood that the LHA have advised that the scale of the Brantham site will have to be reduced to make the impact acceptable from a Highways perspective.
198. As set out in preceding paragraphs, the location of the Moore's Lane site is such that the majority of peak commuting traffic will use the A12 to either Ipswich or Colchester. Only a minimal proportion (less than 20% from 2011 Census data) of generated journeys are expected to use the A137 and the LHA therefore consider that this in the context of a total predicted Peak hour flows (of less than 100 vehicles in both the AM and PM) would indicate that less than 20 additional vehicles would join the A137 from East Bergholt at peak times. The LHA have, therefore, taken the view that this would not contribute to a significant worsening of the adverse impact on the A137 given what is likely to occur from the allocated Brantham development.

199. It has also been necessary to consider the effect from the vehicle trips from the Brantham site which may use the B1070 through East Bergholt to access the A12. The LHA identify that there is a 5-day average peak hour flow on the B1070 westbound through East Bergholt of 208 and 293 vehicles in the AM and PM peak hours respectively. Due to the Brantham site (plus other committed and proposed development) there is an estimated increase of 53 and 72 vehicles joining the B1017 at the Cattawade roundabout heading west from Brantham in the AM and PM peak hours respectively. Although this represents a potential 25% peak hour increase, the LHA do not consider that it would create a severe impact on the B1070 in terms of capacity or safety.
200. Representations have also highlighted the possible impacts of applications for additional development in Essex located between Colchester and Manningtree, and the LHA were asked to consider the impacts of these in terms of cumulative impact. They have identified that, at this stage, apart from the Dale Hall site on Cox's Hill, none of them are 'Committed development' and therefore should not be considered in that way in considering the current applications in Suffolk. The LHA confirm that they are satisfied that the highway infrastructure can accommodate both the Brantham site and the East Bergholt site provided suitable mitigation can be agreed as part of the planning process.
201. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of policy EB12 of the EBNP and saved policy TP15.
202. The Local Highway Authority are satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

Resilience to Climate Change (including Flood Risk and Building Performance)

203. The NPPF gives great weight to 'sustainable development', which is considered to be a 'golden thread' running through the planning system. Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. This is echoed in the Core Strategy, primarily through Policies CS1, CS12 and CS15, which require that development should be designed to a high sustainable development standard.
204. The sustainability of the proposal and its resilience to climate change can be broken down into a number of key issues, such as the accessibility of the proposed development (discussed above), the developments resilience to climate and social change and the buildings performance. Other important aspects of sustainable development, such as quality design, ecology, open space provision and safeguarding heritage, are discussed elsewhere in this report.

205. A key issue when considering 'resilience' is whether the development has been designed to adapt to climate change such as an increased risk of flooding from heavy rain or high energy prices. To this end the applicants have prepared a drainage strategy for the site to deal with flood risk, surface water drainage and foul water drainage.
206. The report demonstrates that the proposed site is at a low risk of flooding from all sources, is not subject to the sequential and exception tests during the planning process, proposes a suitable surface water drainage strategy (based on the site layout) to drain the site and reduce flood risk overall based on the SuDS principles, and proposes a suitable foul water drainage strategy to drain the site, where there is sufficient capacity in the existing public sewers.
207. Policy EB23 of the East Bergholt Neighbourhood Plan requires new residential development of ten or more units or on development sites of 0.5 or more of a hectare (where it is not known whether the number of residential units will be ten or more) or for non-residential development with a floor space of 1000 square metres or more or a site area of 1 hectare or more will be expected to provide sustainable drainage systems for the management of run-off. In this case, sustainable drainage methods are being employed within the scheme, and it is therefore considered appropriate from a flood risk and drainage perspective subject to the implementation of the recommended mitigation measures put forward as part of the report. The proposal thereby complies with policy EB23.
208. The application is also supported by an Energy Statement, which sets out the way in which the energy demands resulting from the development will be met. Section 8 of the Energy Statement relates directly to Renewables, and provides a detailed table of the plots within the development that would be provided with Solar PV, including the number of panels that would be provided. Appendix A identifies where within the proposed layout such technology would be provided.
209. It can be seen from this proposed layout that the properties along the frontage to the B1070 have, other than the B1 business units which would each have Solar PV provision, not been provided with such renewable technology. This has, it appears, been a deliberate decision to ensure that a mixture of properties have been selected but that the prominent frontage properties would not have such technology in visible locations.
210. The Council's Environmental Protection Team have commented on the Energy Statement submitted with the application, and identify that the applicant has demonstrated that the proposal can achieve over 10% reduction in predicted carbon dioxide emissions through the installation of Solar PV to these plots. As such, the renewable energy requirements upon the development, set within Policy CS13 of the Core Strategy, have been demonstrated to have been met and the proposal also accords with criteria viii) and xv) of policy CS15.

211. Furthermore, Policy EB23 of the East Bergholt Neighbourhood Plan requires new development to provide electric charging points for cars and other domestic vehicles. The applicant has confirmed that they are willing to provide some electric charging points in the car park for the commercial units and in parking courts within the residential scheme in order to comply with the requirements of policy EB23. This is proposed to be secured by a condition should planning permission be granted.

Design and Layout

212. Delivering quality urban design is a core aim of the NPPF stating, in Paragraph 56, that good design is a key aspect of sustainable development and indivisible from good planning and, in Paragraph 64, 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. The NPPF also encourages the use of local Design Review.
213. A Design Review was undertaken by the RIBA Suffolk Design Review Panel (DRP) at the pre-application stage on 16 February 2015. Whilst this related to a scheme that mirrored the number of dwellings and business units now proposed, the scheme had some fundamental differences at the pre-application stage, the most notable of which was a single point of access from the B1070.
214. In considering the pre-application proposal, the DRP concluded that;
- The aspirations of the scheme were considered generally good however the hierarchy of routes and the strategy of single access road and dead ends were considered unsuccessful. Two routes in and a circuit around would produce clarity of layout and greater legibility. Furthermore the difficulty of phasing the development with only one access was thought significant.
 - The site layout strategy also generates a layout whereby several units have multiple exposed frontages, undermining privacy and giving rise to expensive and unnecessary screening.
 - The B1 business units were considered favourably but thought optimistic in terms of size and could have negative impact if too big. The position is good but the form could become more logical if layout were simplified.
 - Permeability of the north west boundary and the relationship with open fields could be improved. Measures should be taken to develop landscape design and increase space for footpaths and border areas.
 - Vehicle parking would be more successful if individual off street parking places and street parking were adopted rather than grouped parking courts.
 - Encouragement was given to reconsider the layout strategy in order to achieve better legibility and greater clarity.
 - The general consensus was that the design aspiration for the dwellings was commendable.
 - The panel thought that the development could be a great addition to the village and encouraged the applicant to bring the proposal back to the panel again for review once further advanced.

215. It is apparent from these comments that the DRP considered that, whilst there were a number of elements within the scheme which required amendment, there was not a fundamental issue with the principle of the development or the design approach taken. Indeed, the DRP considered that the design aspiration for the dwellings was commendable and that the development would be a *'great addition to the village'*.
216. This view is not shared by a significant number of the residents of the village. The design of the scheme has been the subject of a considerable number of comments and objections regarding the landscape impacts and the overall design and appearance of the dwellings and spaces within the proposal. It is, therefore, necessary to balance the comments of the DRP against those of local residents, and consider the extent to which the design (both as a whole and in terms of specific elements) respects the location and the village.
217. It is acknowledged that design is a subjective matter and that it is an important element of the consideration of this proposal, as identified within the NPPF. The application is supported by a Design and Access Statement and a Landscape and Visual Impact Assessment (LVIA) which consider, inter alia, the way in which the design of the development has been approached, how it has evolved and what the resultant landscape and visual impacts would be. In contrast, the Action East Bergholt group have commissioned an independent landscape report to consider the details submitted with the application. Accompanying this, but not part of the landscape report, are a set of computer generated images which seek to demonstrate how the development would appear once completed. For the purposes of the assessment carried out in this section of the report, the issue of design and layout does not relate directly to landscape impact, which is considered in the subsequent section of this report.
218. The EBNP contains a chapter on Design, Character and Heritage and the plan process included a variety of studies to articulate the special character of the village. The Plan includes local design guidance for buildings, which is embedded in Policy EB9, which requires that this design guidance is followed, that proposals must respond to local character and reflect the surroundings and that proposals must submit a statement demonstrating regard for the findings of the Character Assessment and where relevant compliance with the Local Design Guidance.
219. The applicant subsequently submitted such a statement, as required by policy EB9. It is the applicant's contention, in response to the requirements of policy EB9 and saved policy CN01, that;
- The housing forms are traditional and draw on examples within East Bergholt and also from the recognised 'Suffolk styled' houses and buildings from the wider area.
 - Steeper roof pitches are a traditional form in the 'Suffolk' style and are a feature of the proposed houses.
 - A pallet of materials proposed is drawn directly from the village of East Bergholt and reflect the character of the village, including a combination of face brick (with local blends), render, weather-boards, Slate and Clay roof tiles with a variety of colours. This is in line with the EBNP list of preferred materials.
 - Functional chimneys have been introduced to bring a familiarity to the skyline that matches that of the existing traditional streetscapes.

- The overall design approach is to introduce new houses that are traditional and familiar in form to the local landscape with a blend of materials that provide interest. To introduce a contemporary element to the design to reflect modern trends, the windows are larger format than traditional and composed in a nonsymmetrical layout.
 - The site plan demonstrates a low-density development of 17 dwellings per hectare, appropriate and in keeping with its position on the edge of the village and to respect the density of the adjacent existing residential developments to the southwest and southeast.
220. Furthermore, in response to the comments made by the DRP, the applicants did not look to return the matter to the DRP for consideration at the application stage. There is no legislative requirement for them to do so, and, therefore, such a decision is not material in the consideration of this application. Indeed, instead of returning the matter to the DRP, a number of amendments were made to the submission that forms the basis of this application. Most notably, the proposal now benefits from three principal accesses into the development, albeit that there are some individual/shared accesses serving a total of eight dwellings that sit separately to these main access points.
221. The provision of these three access points enable a link to be provided through the development, being conjoined by virtue of a link to the west of the open space and a village street that wraps around the open space to the south and north serving the most westerly element of the development. It is considered, therefore, that the circulation and linkage within the development has been adequately addressed and it is apparent that the applicant has taken on board the DRP comments in this regard.
222. The house designs have been the subject of much comment by local residents, with many considering that these are not reflective of the local vernacular, and identifying them as inappropriate and with little relationship to development in the village. The design principles which the applicant has worked from can be categorised as;
- Being generally reflective of the two-storey nature of housing in East Bergholt.
 - Roofs will match the traditional Suffolk pitch of 50°.
 - The use of slate and plain tiles to roofs.
 - The introduction of complimentary materials on the apartment blocks between the first and second floors.
 - The provision of a range of house types of varying scales, ridge heights and frontage widths.
 - Larger buildings are located at junctions and intersections to define the individual cells of development.
 - The form of individual houses reflecting the Suffolk vernacular but with contemporary treatment of barge boards, eaves details and dormer windows.
 - Creation of a low (overall) density of development (circa 17 dwellings per hectare), but with a higher density proposed along the main routes into the site to reinforce these routes.

223. The low density of the development at approximately 17 dwelling per hectare (dph) is considered appropriate for this edge of village location. This low density allows space for landscaping and open space; it also ensures that the development will not have a cramped appearance. This allows 'garden suburb' principles to be followed, as encouraged in Paragraph 52 of the NPPF and considered appropriate in this edge of village location. The density/quantum of development also enables the proposals to be of a size which can assimilate into the settlement, and would thereby be in general accordance with the local design guidance set out within the EBNP (policy EB9 as well as saved policy CN01).
224. Concern has been raised as to the location of the bungalows within the layout of the site, particularly with regards to their location being predominantly towards the eastern edge, away from the access and seemingly furthest from the facilities in the village. The applicant identifies that the majority of bungalows have been located at this side of the site in order to help minimise the impact of the proposed development on the adjacent countryside. There is, therefore, a balance to be made in respect of the design and layout of the scheme relative to the distance to facilities and services. It is not considered that the siting of the bungalows further back into the site would, in itself, lead to occupiers taking a decision not to walk to services in the village. Indeed, there are bus services in close proximity which would provide a more likely transportation method in any event.
225. The form and style of housing within the development is also the subject of particular comment from residents. The house types accommodate a variety of materials and design details, and provide a sense of character that would give the development a sense of identity. The properties would not appear as traditional replicas of Suffolk properties, nor do they have the uniformity and regularity of many of the standardised house types that are provided by developers of more significant housing projects. In this regard, the applicant has taken a more bold approach to the design, where the surrounding character does not, in itself, lead to any specific design solution being readily identifiable.
226. For example, to the opposite side of the B1070 are properties in Foxhall Fields which have a rear elevation facing onto the road. This has led to the roadside edges of these properties consisting of a variety of boundary treatments, outbuildings and in a particular circumstance, an access has been formed onto the road. The properties here are 'of their time' and, whilst they are relatively unimposing due to their set back position, are of little architectural interest. This approach to layout and design would not provide a strong frontage to the development as that which is proposed here.
227. The location of the business units to the frontage of the site is also considered to be a positive element to the design, enabling users to access the development easily and without requiring the occupiers to travel through the development itself. The design of this building would complement the adjacent barn located at the south western end of Moore's Lane, bringing some correlation between the existing and proposed development types.

228. Overall, the proposed development is considered to be an appropriate solution to the site, retaining the ditch and trees towards that run through the site and utilising them well within the design and providing appropriate edges to the development to provide permeability and definition. As such, the proposal is considered to be in accordance with policy EB9 and policy CN01, and to accord with criterion ii) of policy CS15.

Delivery of the Employment Units

229. There has been some criticism from local representations of the manner in which the proposed business units would be developed, with particular regard to a lack of demand for such premises and also the impacts on existing employment in the village.
230. The applicant sought advice from local marketing agents, Fenn Wright, on the marketing and delivery prospects for the employment element of the scheme. They consider that there is demand for accommodation of this type within the local area and that this particular scheme has the advantage of an excellent location, a reasonable profile and an appropriate form and scale and is expected to be well received in the market. The applicant identifies that a marketing plan will be drawn up in due course to ensure that these prospects have the best chance of being realised. A copy of the letter from Fenn Wright setting out the above commentary on the scheme has been provided to the Council and was the subject of a reconsultation with all interested parties.
231. Furthermore, the design of the buildings, being an interpretation of a Suffolk Barn, would have a relationship with the Beehive Close development to the south. It is considered that this character, coupled with the position identified by Fenn Wright, would further encourage uptake of this element of the development.
232. It is, therefore, considered that the proposal has good potential to provide local employment opportunities, in accordance with paragraph 28 of the NPPF which looks to support a prosperous rural economy through supporting sustainable growth and expansion of all types of businesses in rural areas, including through the provision of new buildings, and policy EB15 of the EBNP which provides support for new businesses provided that they would not have an adverse impact on nearby residential amenity, would not impact negatively on the local highway network, provide adequate parking space and do not affect the AONB or Conservation Area.
233. Furthermore, the proposal complies with strands iii), iv) and v) of policy CS15, which seek to protect or create jobs and sites to 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, ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development and retain, protect or enhance local services and facilities and rural communities.

Crime and Disorder

234. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues. The detailed design includes good observation of paths and private parking courts, where the development has taken some opportunities to design out crime using natural surveillance.

Ecology

235. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15, in particular, requires new development to safeguard ecology.
236. Policy EB8 of the EBNP requires that developments should protect and enhance biodiversity and geodiversity to reflect the requirements of paragraphs 109, 117 and 118 of the National Planning Policy Framework. It sets out particular criteria that should be complied with, including protecting and enhancing internationally, nationally and locally designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodlands, preserving ecological networks, and the migration or transit of flora and fauna; and promoting the preservation, restoration and re-creation of wildlife priority habitats and the protection and recovery of priority species.
237. The application is supported by a Preliminary Ecology Assessment. This was assessed by Suffolk Wildlife Trust (SWT) who have identified that they are satisfied with the findings of the consultants. The mitigation recommended within the assessment should be implemented and, therefore, a condition is recommended as part of any approval that may be granted.
238. SWT have questioned whether the hedgerow is to be retained within the development, and have identified that it should be retained and buffered from the built development with sensitive management put in place to maintain its ecological value. The comments of SWT were made prior to the receipt of the amended layout plan which identifies the removal of the boundary hedgerow. Whilst a further response was requested from SWT in order that their position with regards to this issue is made clear, no further response has been received.
239. SWT have also referred to the new areas of greenspace to be provided within the development, and have recommended a planning condition to secure the implementation of a long term habitat management plan which maximises the ecological value of these areas.
240. A Habitats Regulations Screening Report was submitted to the Council from the applicant in October 2015. On 6 January 2016, the Council issued a Habitats Regulations Assessment (HRA) Screening Report in relation to the potential impacts resulting from the development on the Stour and Orwell Estuaries Ramsar Site and SPA, which is located approximately 2.7km from the site.

241. The HRA Screening Report identifies a package of mitigation measures that would be necessary to avoid a likely significant effect on the Stour and Orwell Estuaries SPA. These measures include;
- Supplying a user-friendly SPA Information Pack to all new residents.
 - All new residents to be offered an opportunity to receiving mailings from Suffolk Coast & Heaths AONB.
 - Signage by the footpath entrances to the SPA is needed. Discs will be fitted to footpath waymarking signs to advise entry to the SPA. This is to increase people's awareness of the need to protect the important habitats within the SPA, the need to keep dogs under control and prevent disturbance to the important wintering bird populations.
 - Monitoring of visitor disturbance to the SPA is required by Babergh District Council under their Core Strategy. The data will be used to decide how best to approach protection of the SPA in the following year, and in the future. This report will be used to inform Natural England and Babergh District Council and all relevant stakeholders of any changes that may be necessary to protect the SPA in future years. Monitoring must be undertaken over a three-year period and include a review of its effectiveness.
242. Securing this mitigation would need to form part of the Section 106 agreement and, in this regard, a contribution of £10,750 is sought. The Senior Ecologist at SCC has confirmed that this would make the development acceptable in planning terms, and that the mitigation would avoid a likely significant effect on the Stour and Orwell Estuaries SPA.
243. As such, it has therefore been demonstrated that compliance with the Conservation of Habitats and Species Regulations 2010 would be achieved.
244. In terms of policy EB8, the proposal does not meet all of the criteria listed within the policy. However, the application has provided sufficient detail in support of the ecological elements of the proposal and includes enhancements (as set out within the conclusion to the Ecological Assessment) which are to be secured by condition. As such, whilst the proposal does not accord fully with policy EB8, the application makes sufficient provision for ecology on the site so as to be able to be supported in this regard.

Land Contamination

245. The applicant has submitted an assessment of the potential contamination risks on this site, which has been assessed by the Council's Contaminated Land Officer. It is considered that the assessment made is sufficient to identify that there would be no unacceptable risks from contamination.
246. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Residential Amenity

247. The site is bordered to the north and east by open fields, where properties in these areas of the site would have aspects across those fields.
248. Properties along the south-western part of the site would have rear elevations facing onto Moores Lane. Given that these properties would have their gardens, a landscape buffer, the lane itself and the boundary treatment of properties on Beehive Close between them and the application site, there is not considered to be any significant loss of amenity that would arise.
249. Furthermore, properties facing onto the B1070 would be located to the opposite side of the road to the nearest residential properties. Those properties opposite are buffered from the road by a significant green swathe which would ensure that the separation distance between properties are such that would not result in a loss of amenity to those properties by virtue of overlooking.

Loss of Agricultural Land

250. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
251. Policy EB17 of the EBNP identifies that "*new development not connected with agriculture should avoid the loss of best and most versatile agricultural land*". Whilst not inconsistent with the NPPF, this policy is phrased slightly differently and provides a differing level of protection to the best and most versatile agricultural land.
252. Natural England advises that the best and most versatile agricultural land should be protected, and the agricultural land within the application site is classified as such due to the Agricultural Land Classification (ALC) data. East Bergholt is surrounded by best and most versatile agricultural land so any development here, particularly outside the built-up area of the village, which is in principle permitted by policy EB2, would erode this natural resource.
253. A Soil Report has been undertaken to address the loss of the Grade 2 agricultural land on this site to development. The report concludes that the permanent loss of agricultural land as a result of a development across the application site would represent a loss of only 0.0014% of the total area of agricultural land in Suffolk, and 0.0084% of the agricultural land in Babergh District. Furthermore, the permanent loss of agricultural land as a result of a development across the application site would represent a loss of only 0.0051% of the total area of Grade 2 land in Suffolk, and 0.0203% of the Grade 2 land in Babergh District.

254. The Core Strategy makes no direct reference to the loss of agricultural land, so the application must be primarily assessed against the test in the NPPF and that in the EBNP. In the context of the test set out within the NPPF, the development is not considered to be 'significant'³ so the test is not enacted. With regards to the EBNP, policy EB17 must be read in conjunction with policy EB2, which does not preclude development outside the built-up area of the village where there would, in nearly every case, be a loss of best and most versatile agricultural land. In such an instance, where there is conflict between policies, it is pertinent to rely on the test set out in the NPPF in considering this issue.
255. As such, this issue does not weigh against the development.

Summary of Assessment Against Policy CS15

256. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations and CIL

257. At the time that the scheme was previously referred to Planning Committee, the Council had not adopted its CIL charging scheme. The resolution at that time, therefore, was to secure the relevant obligations through a Section 106 agreement if such an agreement could be secured prior to the Council adopting CIL on 10th April, or to secure these through a combination of Section 106 and CIL if after 10th April 2016.
258. As the Section 106 agreement was not secured prior to 10th April, the application is liable for CIL and therefore Suffolk County Council have outlined that they would be making a bid for CIL money to mitigate the impact of the development on education and libraries.
259. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, the SPA mitigation, delivery of the travel plan and the footway widening scheme. That agreement has now reached a stage where it is capable of conclusion quickly should permission be given at this time.

³ The definition of 'significant' was considered at the Tattingstone solar farm public inquiry. 'Significant' is not defined; it is down to the decision maker to consider what is significant. The Inspector in this appeal considered the development would need to be 'large scale' to be 'significant'. Large scale in this context being more than 5MW. The NPPF test is therefore not enacted for the loss of all agricultural land, just where the development/loss would be significant/large scale. As a matter of fact and degree, the loss is not considered significant/large scale in this case being 8.46ha of land.

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

260. 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

261. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

262. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

263. The development plan includes the Babergh Core Strategy (2014), saved policies in the Babergh Local Plan (2006) and East Bergholt has recently completed a Neighbourhood Plan (made on 20th September 2016) which also forms part of the development plan. As such, the policies contained within the Neighbourhood Plan must be given due weight in making a decision on this application. It is, therefore, one of the main considerations in determining any planning applications submitted in East Bergholt, unless material considerations indicate otherwise.

264. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

265. Paragraph 14 of the NPPF states;

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

For decision-taking this means:

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

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

266. As such, the effect of paragraphs 47, 49 and 14 are that:

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

267. As set out at paragraph 38 above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

268. Officers acknowledge that applying the requirements of paragraphs 14 and 49 of the NPPF is likely to cause tension with regards to the recently made Neighbourhood Plan. In this respect, the Planning Practice Guidance, which provides up-to-date direction on the proper interpretation and application of national planning policy, provides clarification around this point. In relation to the weighting to be applied to policies within a neighbourhood plan relevant to the supply of housing where a Council cannot demonstrate that it has a 5-year land supply, para. 83 states the following:

“In such instances paragraph 49 of the Framework is clear that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

.....

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”.

269. It is considered that policy CS3, along with policies EB1 and EB2 of the EBNP, are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
270. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.
271. 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. As set out in the judgement on Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on Barnwell Manor Wind Energy Ltd v East Northants DC [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
272. The NPPF (para. 134) states that *‘where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use’*. Whilst the harm identified to heritage assets is at the extreme of the lower end of the spectrum of ‘less than substantial harm’, it is apparent that there is harm caused to heritage assets and, therefore, the balancing exercise required by paragraph 134 needs to be undertaken.
273. In this instance, the public benefits of the proposal can be summarised as including the following:-
- Through the delivery of 144 dwellings of an appropriate housing mix, including the delivery of 50 affordable homes, the proposal would have inherent social and economic benefits and would meet housing needs and delivery of growth;
 - The provision of new business units, and the associated economic benefits.
 - The carrying out of improvements to existing footpaths and road junctions.
274. In consideration of the contribution towards the Council’s housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic and infrastructure benefits which arise from the development, it is considered that these material considerations would outweigh the less than significant harm to the heritage asset.

275. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act, and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight.
276. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134.
277. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged. It should be noted that the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting in respect of how the Council balanced the issues of the impact on the AONB and the impacts on heritage assets was that the claims made against the manner in which the Council had balanced these issues failed. This is a matter of planning judgement.
278. 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, CS11, CS15, EB1 and EB2. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving “exceptional circumstances” or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
279. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report, even where policies in the Neighbourhood Plan are given greater weight due to their recent examination and development by the community. Furthermore, 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.
280. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the ‘tilted balance’ and the presumption in favour of sustainable development are engaged.

Identification of any Legal Implications of the decision

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

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

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

282. 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.

RECOMMENDATION

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

- Delivery of 50 Affordable dwellings;
- Travel Plan Evaluation and Support Contribution - £5,000
- Travel Plan Implementation Bond - £136,933 (indicative cost based on proposed travel plan measures)
- Delivery and implementation of the Travel Plan
- HRA mitigation - £10,750
- Delivery of the footway widening scheme.

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

- Commencement within 3 years;
- Development to be implemented in accordance with submitted details;
- As recommended by the LHA
- As recommended by SCC Archaeology
- Submission of a foul water strategy
- 10% reduction in predicted carbon to be achieved with details to be approved
- All external lighting, including any street lighting, to be approved;
- Hard and soft landscaping to be submitted and agreed

- Tree and hedgerow protection fencing to be installed with details to be approved;
- Ecological enhancement strategy to be approved;
- No burning to take place on the site
- Construction Management Plan
- Details of play equipment to be installed to be agreed
- Provision of open space
- Maintenance of open space
- Rainwater harvesting
- SUDS details to be agreed
- SUDS to be completed
- Surface water management plan
- Details of the footway widening scheme
- Electric charging points

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Appendix 1

The following is a summary of the letters of representation received in respect of this matter:

- The whole village has been built in and around over the last 50 years, desecrating the village.
- More cars will be trying to park around the village, as no one walks anywhere.
- The proposed development is only one of many 'ear marked'.
- The increase of traffic on the B1070, approaching the most dangerous junction on the A12.
- Small infills are all that is required in the village.
- The application pre-empts the Local Neighbourhood Plan
- Our wildlife is being driven out by all the building in the village.
- Our garden pond has great crested newts in it.
- This is completely against the Neighbourhood Plan that the residents of the village completed.
- East Bergholt Surgery cannot cope with the numbers of people in and around the village now. An extra 300 residents will mean the surgery cannot cope.
- One has to presume that there could also be another 300 more cars on the village's roads.
- Parking is already a problem around the shop/post office and the immediate core area of the village. Further vehicles will exacerbate this situation.
- New residents would take advantage of the facilities in the village but would find them too far to walk so would use their car.
- That many more people and cars is not viable for the safety of road users and pedestrians.
- There are areas of public highway between the site and the village core which don't have pavements. This will lead to more accidents.
- Remember that it is a village.
- It would be overpowering.
- The slip road onto the A12 northbound and the two slip roads on the A12 southbound have poor visibility and a very short run-in onto the A12 and are some of the most dangerous entries onto an A-road that I have ever experienced. This development will exacerbate their use and make the likelihood of an accident even worse.
- It is completely out of proportion to the size of the village.
- There is no need/demand for business premises in East Bergholt. The Gattinetts has plenty of vacant units if someone needed one.
- There is no village need for the amount of housing proposed.
- Arable farmland is a strategic resource and should be protected. The loss of hundreds of tons of food for housing that is not needed is frankly criminal.
- East Bergholt is a successful community, why spoil it?
- Roads within the village are grossly inadequate.
- The dangerous access to the proposed site is will cause traffic delays/jams that is already overused as a through road. This is especially the case when the A12 is blocked.
- The village facilities are at breaking point and totally inadequate to handle a 500+ influx.
- The loss of habitat for barn owls and bats should be protected, not destroyed.
- At the local presentation we were assured by the developer that the A12/B1070 junction would be made more safe for an application to proceed. However, now due to some spurious opinion by some not fit to hold office, this is now not so.
- Has witnessed accidents and also had a near miss on the poor A12 junctions.

- An 18% increase in the population of our village is totally unacceptable and disproportionate in size.
- This would be a ruination of outstanding views in an Area of Outstanding Natural Beauty.
- The core of the village is not within the recognised walking distance of the village centre facilities, as per planning policies.
- The doctors surgery is already under special measures, and has no capacity. You can't get an appointment as it is.
- The need for housing in the village is based on out of date data and no local information was sought by the developers.
- As a now extinct Roman Road passes through the village, it will be necessary to have an archaeological survey carried out.
- East Bergholt is a truly beautiful village. Development of this size is completely out of place.
- East Bergholt is not the right location for such a large number of affordable homes.
- Building 144 houses over such a short period will have a negative impact on the life of the village.
- Supports the proposals in the Neighbourhood Plan for small developments of upto 15 dwellings.
- A 20% increase of cars in the centre of the village will have a negative impact.
- East Bergholt is a heritage village. We are proud of our historical links and welcome tourism which is an integral part of our sustainability as a village. Driving past the proposed urban development can only detract from the tourist experience.
- I am appalled to see that some of the drives of the proposed houses are right onto the B1070. Some vehicles will inevitably want to reverse onto the road causing further dangers.
- Would not wish to see this idyllic village become a much unwanted town.
- Many of the villagers chose East Bergholt as their ideal place to enjoy their retirement years. They probably hated having to live and work in an overgrown township.
- It is often difficult to join the B1070 from Foxhall Fields, more cars would lead to needless queuing to exit Foxhall Fields. What next? Traffic lights?
- The people of East Bergholt are absolutely united in expressing their abhorrence at this attempt to disfigure our gloriously landscaped village.
- Are not against development in the village if it is moderate growth.
- Accessing the B1070 from the proposed development would be very dangerous.
- The visibility along this stretch of road would be negatively affected by new bus stops and would increase the risk of accidents.
- It is wrong to assume that a low level of employment exists in this area and there is certainly no need for the new development to increase that level of employment.
- The impact on local shops and transport would be vast.
- Wildlife surveys will be required.
- There are no cycle paths in the village.
- Knights/Bidwells should have to pay for the reconstruction of the A12 junction as a condition of the build. The large cost should not be the responsibility of the local ratepayers.
- Development must not be dumped in one spot. A number of developments could be spread around the village with far less impact than this proposed mass housing site.

- If mass building is needed then this should be sited a mile north of East Bergholt on the east side of the A12 opposite Capel St Mary. This area has already been swamped and spoiled on the west side by mass housing, and access to the A12 would be much safer.
- If Knights/Bidwells were made to pay for the A12 junction reconstruction then they might choose to move their development to Capel St Mary where the infrastructure is already in place.
- John Constable made the village famous, as local planners it should be your duty to protect us from this type of ill-considered mass housing development.
- Even if the planning committee are minded to approve the application, the design is flawed and should be reworked.
- The village is unique in that it successfully combines a vibrant community with a traditional heritage that attracts large numbers of tourists. The sustainability of the community is threatened by a development that is disproportionate to the core village, badly located and with an inappropriate design, all of which threatens the community and future employment in the village.
- Support the view that ongoing development in the village is not only inevitable but positive. There have been several new homes built since I have been in the village.
- The speed at which the development would occur would not allow residents to integrate into the community and they will inevitably develop a new community on the estate.
- The residents in Beehive Close drive to the village centre as it is too far to walk.
- The archaeologists on site were not aware of aerial photographs and local finds.
- The Heritage England Record (HER) for Suffolk is very out of date. As a result, any report which relies on the HER as a source must be viewed with great suspicion. It lacks hundreds of prehistoric finds which I have reported to the Archaeological Unit over the last several years as well as other local reported finds.
- I have field walked and metal detected on land adjacent this site and have found solid evidence of prehistoric settlement.
- The northern boundary of the site is a paleo river, clearly visible on aerial photography. There is no reason to believe that prehistoric activity is confined to the northern boundary.
- The aerial photographs show some very interesting crop marks on the Moores Lane fields.
- The local farmer showed me evidence of a fabulous Mesolithic tranchet axe, possibly 12,000 years old, which was found several years ago on the Moores Lane site. This is a ritual object, carefully placed in a sacred place.
- These finds would not have been in Rachel Abrahams report when she sent it to you.
- It is essential that further exploration trenching is carried out in the area to the north of the Hadleigh Road line before any decision is made on the planning application. If prehistoric evidence is found, the development should be modified to protect it.
- Planting trees to the north would be dreadful from an archaeological point of view – tree root damage can cause as much damage as digging foundations.
- Dated prehistoric, or possible prehistoric, finds were found from top to bottom of the eastern of the two development fields, plus on trench on the west field.
- Metal detecting was done past the Hadleigh Road line, but this has not been reported. Questions what was found there? That area is potentially very sensitive.
- The manner in which the trenching was carried out would have meant they would have missed any non-metallic finds, including more prehistoric pottery.

- The fragment of Bronze Age metal work found is very interesting. The trenching had a 90% chance of missing a hoard.
- The report has not, in any way, ruled out prehistoric settlement on the site. Considers that there is an excellent chance that the investigation missed important evidence of a settlement.
- The process is not designed to pick up traces of prehistoric settlement, which are very hard to find.
- Does not have confidence that the investigation has ruled out the discovery of an important prehistoric settlement.
- Does not believe that the various amendments made to the scheme have improved the proposed development in any significant way or made it more acceptable.
- Hopes that the Council will listen to the people of the village and reject the application.
- The B1070 and Gaston Street junction is undoubtedly the most dangerous junction in the village.
- Babergh's own data shows the high average speeds on this road, and with planned housing developments in and around the village, these problems can only worsen. And now 8 new accesses are proposed, Babergh would be irresponsible approving this application.
- The development would be phased over 5 years, meaning this would be an ongoing development site and would clearly blight the entrance to this conservation village centre for an unacceptable period.
- The Neighbourhood Plan has received the wholehearted support of a significant majority of villagers, and approval of the subject planning application would prevent the needs to the villagers being implemented.
- It is hoped the advanced stage of the NDP will encourage the Planning Committee to recognise the support our plan is receiving and allow sustainable development to proceed in the manner prescribed. To do otherwise would be a dereliction of the Council's public responsibility to "localism" and would most certainly lead to a successful appeal.
- In light of the recent flooding at Hemsby, where there was no river overflowing to cause the flood, may I ask how Anglian Water propose to prevent this happening again? Not only in East Bergholt, but in any area where mass housing is proposed.
- The fields next to Moores Lane are already saturated, may I ask how water is going to be drained away please? This is just one small point to be addressed before plans are passed.
- In reference to the proposed highway improvement plans, particularly the section of the B1070 between Gaston Street and Quintons Road, the developer has shown a section of road that is reduced to 6.0m to provide an increased footway of 1.0m. HS2 Rural Road Design Criteria states that minimum widths for rural roads where buses and HGVs are likely to pass should be 6.8m. There are 56 school bus movements a day along this section of road when schoolchildren are also using the footway as well as other buses. Notwithstanding this, in his initial response, Mr Pearce has requested 6.5m, as well as a footway of 1.5m.
- The developer is unable to achieve the criteria established by HS2 or Suffolk Highways.
- The developer has not shown how he can use any safe cycling route to Manningtree Station without significant off site work, and has so far ignored this problem.
- The High School have discouraged children from cycling because of the dangers of the B1070.

- The existing and proposed position of bus stops is clearly contrary to the Government “Bus Stop Design Guide” and has traffic safety implications which will be exacerbated by introducing a new access to housing and business area. Pedestrians standing at or near the bus stop will obstruct visibility.
- The Road Safety Audit has not addressed the location of the junction, pedestrian crossing and bus stops, and should be considered before planning is granted.
- Mr Pearce requires a pre-commencement condition relating to the footway improvement schemes, but the developer cannot achieve this using the criteria established by Mr Pearce or HS2. On this basis this development should not receive planning approval.
- The development is in the wrong place and is disproportionate unless it can overcome the serious safety issues posed which it has so far failed to do.
- The reduction of the road to 6m will not allow buses or agricultural machinery to pass safely.
- The High Street is an accident waiting to happen already, without further influx of cars by this massive estate.
- The standard of the architecture is well below standard and the RIBA should be further consulted on this.
- There is another application in Hadleigh Road for 10 dwellings which I shall support as it follows the recommendations of our Neighbourhood Plan where residents asked for smaller sites of 10-15 properties.
- Provides photographs of a tractor driving past the school and taking up more than one carriageway on the corner where the plan is to narrow the road.
- Provides details of an exchange of communication they have had directly with SCC Archaeological Service regarding the prehistoric interest in the site and the HER.
- The additional information does not change the fact the application should be rejected as it does not meet the requirements set out in the relevant rules and regulations issued by Babergh DC. In fact, the road changes would make an already dangerous situation worse.
- The additional information fails to address any of the many deficits/errors and gaps in the application. In particular, it fails to deal with the question of local need as clarified in policy CS11.
- The SPD clearly requires that the local needs statements should be prepared using evidence from a variety of sources; the applicant has used none.
- The new LVIA does not give any detail to allow any assessment of the suggested measures.
- The applicant could have revised the layout plans showing the plot boundaries after changing the location of the hedging which is to be removed.
- The Landscape Strategy is nothing other than some high-level suggestions and ideas but nothing conclusive as it was designed for an outline application only. This is unacceptable for an application for full planning permission and of this size and impact.
- The LVIA changes the significance from ‘insignificant’ to ‘Medium to Low’ which is a significant change, which justifies a refusal of permission as all other documents reference the old LVIA.
- The only conclusion which can be drawn is that the applicant does not intend to change the plot boundaries which in effect means that these will become a matter for each individual owner and cannot ensure long term viability of any planting or ensuring that planting meets the local environment.
- This means that effective screening will not exist and the development will be ‘in your face’ from all directions and detrimental.

- The development still does not meet the criteria in policy CS11 and other core strategies.
- The shape of the proposed development does not fit in with the curvature of the village boundary created by Hadleigh Road – the north east corner sticks out like a sore thumb.
- The applicant could have carried out a local needs assessment but has not. I have heard that a survey was carried out on their behalf but this doesn't appear in the documentation. This did not capture all residents as many I have spoken to were not contacted. Can only surmise the findings were the same as those in the Neighbourhood Plan.
- Section 22 of CS11 confirms that the Council will give weight to the findings of Neighbourhood Plans where they have been through a robust process of community engagement. The P34 report supports this.
- The survey carried out in support of the NP are clear that 87% of the village support smaller size developments only.
- The Soil report is a desktop analysis with no local relevance, and incorrectly states the application site area.
- Questions a number of areas of the soil report, including the yield calculations, and disagrees that this is a small area, being that this represents an increase of 20%. The report is flawed as the base information is wrong.
- There will not be any of the promised employment as the units will never be built.
- There will be pressure around the development from staff cars, vans or visiting customers due to parking only being just adequate.
- The application should be refused as no local needs have been demonstrated.
- The failure to put the application before the RIBA panel is a glaring omission.
- A multi-million project demands more care and attention from an allegedly 'competent developer' but at least an applicant should comply with the applicable rules and this one hasn't.
- The Road Safety Audit is inadequate and full of gaps, it was undertaken outside rush hour and ignores the five additional accesses onto the B1070. It does not address the proximity of Foxhall Fields, Moores Lane, Beehive Close, the uncontrolled crossing and bus stops.
- The narrower roads will not aid the situation, particularly when the big developments proposed at Brantham and Manningtree/Lawford are completed.
- The applicant has ignored the recommendation of the safety expert in respect of the Gaston End/Gaston Street junction, and proposed a cheaper solution. The visibility here will not be improved and safety is reduced.
- The scope of the RSA was too narrow and should have looked at all roads in and out of the village and connected to the application site, the lack of pavements and the blight from higher traffic volumes.
- The applicant should commit to building a cycle track to Manningtree.
- The failure to properly address all significant road safety issues is sufficient to justify refusal of the application. Ignoring these would be nothing short of gross negligence.
- The house we live in was built by Knight Developments and is not of a high standard and it took them longer than 12 months to build 6 houses in Beehive Close or 4 at High Trees Farm. Questions how they will manage to build 44 or 50 in a year, which can only be achieved by cutting corners.
- The houses will not be sustainable as they will not last as long as some of the houses in the village.
- The application is contradictory as it states the speed of building will be dictated by demand. What is it to be?

- The mitigation measures are non-committal.
- It is unlikely that the landscape integration will improve over time.
- The applicant should be asked if there is a change in control which would create a risk that a different strategy would be pursued and mitigation measures will no longer be relevant.
- There is no comprehensive or conclusive flood risk assessment or mitigation. The proposed swamp is not the answer.
- The applicant uses information from the Neighbourhood Plan and hence they accept the methodologies in it. Consequently all results need to be taken into account and this means refusal as there is no need for 144 dwellings in East Bergholt.
- Permission should be refused now more than ever on grounds of prematurity.
- There is no detail whatsoever dealing with light pollution emanating from the development.
- The improvements proposed should all be part of the conditions (s106) should the Council still believe that the application is approvable, and paid for by the applicant. They stand to make millions from the scheme.
- Disappointed that the applicant has not taken the chance to reduce the scale of the development.
- The application fails to satisfy Para 4 of the SPD, in that it does not evidence compliance with all the criteria set out in Policy CS11.
- The LVIA contains an aerial photograph that is still some years out of date.
- Questions the extent to which there has been ongoing dialogue between the applicant's agent and the Council.
- Disappointing that no detailed landscaping proposal has been submitted to help judge the extent to which the external visual detractors might be minimised. The applicant admits at para. 6.1 that it is not possible to predict the impact on the landscape and the views from nearby receptors.
- The LVIA fails to identify the location of two nearby ponds in close proximity to the site. We have expressed our concern about potential groundwater drainage into our pond but have seen no comments from GEMCO or anyone else.
- The LVIA incorrectly details how many properties are served off Moores Lane.
- The LVIA is totally biased and not fit for purpose, it claims that the impact from the A12 would be insignificant when 144 dwellings and commercial buildings would be prominent in the landscape.
- The LVIA totally ignores the impact from the A12.
- There is no mention of when the landscape planting would be carried out. If permission is granted this should be conditional that planting is put in at the outset and not in five years time.
- Fenn Wright are hardly likely to portray the business units as anything other than positive, as they stand to benefit from marketing them in due course. They state n that demand for this type of accommodation is only reasonable and that 14 car parking spaces is only just adequate.
- Fenn Wright refer to schemes at Holton Park and Dedham where units are vacant, but fail to mention two other competing schemes in East Bergholt at The Gattinets and at Wheelers Yard. Perhaps they have failed to mention these because they have vacant units indicating there is no demand.
- A prominent advertising board will be displayed during the forecast 12 months marketing period, which would be most unwelcome. The frontage would undoubtedly also be festooned with advertising hoardings for up to five years, not exactly in keeping with Constable Country.

- Instead of commercial space, this space would be better utilised left open to give depth to the suggested village green concept which otherwise is nothing more than a linear verge.
- The removal of the grassed island at the junction with Gaston Street is objectionable, as it is part of the rural village environment.
- It has become obvious that the application is an exercise designed to enhance the asset value of the land for ruthless commercial gain. The national housing shortage and financial rewards appear to be the means to try and persuade your Planning Committee to approve an application that up until two years ago would have stood no chance of success.
- The decision to refuse permission would bring no discredit to the Council's reputation and desire to contribute to the national demand for new housing given the large scale of other major windfall developments materialising in the district in recent months.
- The High School, Medical Centre and garage have considerable traffic from visiting vehicles.
- The speed and volume of traffic on the B1070 has already turned this road into a race track, added to by the commuter traffic from Hadleigh.
- The road improvements will improve safety for some and increase danger for others.
- Believes that this will become an accident blackspot.
- Believes that the applicant should withdraw the application and submit a new one due to the amount of superseded and replacement information. This would be clearer and consistent.
- The admirable attempts to overcome a major safety issue would not be necessary if we were considering a small scale development.
- I have yet to hear a favourable comment for this scheme.
- A quick appraisal of the village indicates that it is ribbon development, both within the village and in East End.
- The erection of 144 dwellings is both inappropriate and detrimental for the continuing development of the community.
- I trust the strength of public opinion is clearly comprehended by the officers of the Council, as well as the members of the Committee and the Council as a whole. If local opinion is ignored, it will result in a serious breach of trust in the elected members.
- Acknowledges that there is a need to provide additional housing within and for those who wish to live here, but an increase in 17% in a single development will fundamentally change the nature and expectations of the inhabitants.
- Any proposal which undermines the basic principle, that the key features of village life is the need to provide a framework for all people to engage in as many interests that can be provided by both the Parish Council as well as churches and other organisations. will be a disaster for all concerned.
- This development would change the approach to the village from looking like a country village to looking like a suburb next to a dual carriageway.
- The applicant has appointed very capable professionals to argue his case and they have made the very best of a dauntingly weak case. However, the manner in which representations from objectors are displayed on the website reduces their impact. Consequently, the impression is given that the objectors are a bunch of illiterate idiots in comparison. It is unacceptable for the Council to promote such bias.
- The green rural entry into our village will be destroyed, the hedge removed and the substantial oak to be removed is vandalism on a grand scale.
- Thanks to Suffolk Highways intervention, we shall have entry into the village that would be appropriate for a small town.

- Please ensure that, if passed, there is sufficient land available to create a landscape scheme that will restore and enhance our green entry to the village.
- Would East Bergholt remain as a village as most people want?
- We do not need any more shops.
- We are not happy with the removal of trees to improve visibility for cars and a path on Foxhall Fields side would be problematic due to ditch and trees.
- We do not want the village to end up like Capel which is just a series of large housing estates.
- The hedgerow is to be removed, but the response from Public Realm says the hedgerows should be protected. Another discrepancy contributing to the long list of reasons why this should be refused.
- It cannot be argued that the loss of hedgerow and mature Oak tree is consistent with a requirement that any development is in keeping with and sensitive to its setting. The revised plans do not suggest that the hedgerow and/or trees will be resited further away from the B1070 which is unacceptable. It will result in the loss of a wildlife corridor and an important visual amenity.
- The proposed traffic calming measures do not effectively reduce speed of traffic entering the village along the B1070. It is hard to envisage that a stretch of coloured roadway and/or the addition of a white picket fence will achieve that effect on a road which has the feel of a wide, main road through the village.
- No evidence has been submitted that these measures will be effective.
- Questions whether a white picket fence is the appropriate material for such a gateway. This will urbanise the approach to the village and materially detract from the rural entrance to the village.
- Who will be responsible for the upkeep of the picket fence? Residents?
- The speed limit should be reduced to 20mph throughout the village.
- This is a quasi urban development being imposed on a rural landscape.
- The proposal to use valuable agricultural for low cost housing, far from the centre of the village, will create a separate community for those on lower incomes.
- Older residents need to be close to the centre of the village but only large expensive houses have been built close to these. These luxurious homes have multiple garages.
- The rules concerning visibility splays state that any obstruction must be less than 1.005m in height. This means that almost 200 metres to the frontage of the proposed disproportionate development will be forever open and unsightly.
- The bus stop position is dangerous and unsafe and will build up traffic back to the dangerous A12 slip road.
- We live in rural Suffolk not some twee Disneyfield environment.
- The one shop/post office carries a minimal amount of stock and is not within walking distance.
- The design of this estate is to provide affordable housing for local people but once again we see large houses included.
- The design resembles a rabbit warren, the layout is abysmal with little consideration for access for emergency vehicles.
- With the loss of green belt implicit in this proposal comes loss of habitat, mature trees and hedgerow threatening many wildlife inhabitants of the area.
- No wildlife survey has been carried out.
- Aesthetically out of character with a rural Suffolk identity such a development presents us with visually clouded landscapes.
- Objects to the canvassing activities being undertaken by the applicant or others acting on their behalf. The motives behind this are suspect, especially if the data is used by the applicant to counter the numerous objections.

- Granting permission would undermine the Neighbourhood Plan process and be contrary to the NPPF, where the first core principle says that planning should be genuinely plan-led, empowering local people to shape their surroundings.
- Conflicts with the NPPG in respect of prematurity and should therefore be refused.
- The responses of residents to the NP are clearly a material consideration to which the Council should place considerable weight in determining this application.
- The proposed development is unsustainable because of the conflict with the emerging NP and the unacceptable impact of the scheme. These factors significantly and demonstrably outweigh any benefits in terms of its contribution to providing housing in the area, even if a need were established.
- The new development is a stretch too far.
- The schools are pretty much full and new schools built will take up more land and resources.
- I totally agree with all the objections in the Action East Bergholt pamphlet.
- The development of this size does not increase any employment in the area.
- There is clearly more suitable land for this size of development in north Essex.
- The proposed development does not take into account developments on other sites earmarked in the SHLAA.
- The only people that would gain from this would be the developers and everyone who loves the village, lives there and visitors would be the losers.
- Over their lifetime in the village (86 years) they have seen the development of Foxhall Fields, Chaplins Road, Richardsons Road, Collingwood Fields, Whitesfield, Aldous Close and Notcutts.
- The transport infrastructure cannot support the additional people it would generate.
- There are already no seats available on trains from Manningtree to Liverpool Street. What assurances does the committee have from Abellio that there will be extra capacity?
- The approach roads from the A12 should be improved before any further development is considered.
- The pavements to the High School are narrow and children walking will have to cross a busy main road.
- Good farming land will be taken, depriving this country of much needed crop growing land.
- The application fails to meet policy CS11, failing the most basic tests on landscape, proportionality, sustainability, social cohesion and heritage.
- There is no evidence to support the need for 50 affordable homes in the village. The figure is merely the percentage figure your Council requires, applied to the number of houses the developer wants to build.
- Housing need has been established by an independent source collecting evidence for the NP and is half the figure in the application over the next 15 years.
- It is hard to believe that much consultation has been carried out with Tendring District Council as the developments in Brantham, Manningtree, Mistely and Lawford will swamp a tight area with approximately 1500 to 2000 houses.
- The high pitched roofs will enable 3 bedroomed houses to be expanded into 5 bedrooms, of which the village is not short.
- A cursory look at the village will show that this is not some kind of village vernacular.

- Babergh is a delightful part of rural Suffolk, never heard of by the British public. Constable Country on the other hand has been close to the minds and hearts of the British people for two hundred years.
- Babergh is lucky to have two of the most famous artists England has ever produced. Let's not spoil it for future generations.
- Having experienced a 15% increase to a village in Cambridgeshire, it completely changed its aesthetic from a small and intimate country village to that of a small town.
- The developers have not approached the village occupants to ascertain local housing requirements.
- Are not aware of any substantial employment or business benefit to the village from the proposal.
- Already unable to get appointments at the doctors now.
- The traffic counters were located in the wrong location.
- John Constable would be turning in his grave to see what you are doing.
- Large developments at Foxhall Fields, Richardsons Road and Elm Estate have significantly increased the size of the village. In addition, developments at Notcutts, Quintons Corner, Flatford Lane, Heath Road, Elm Road, Aldous Close, Coillingwood Fields, Hop Meadow, Beehive Close, Carriers Close, Heath Close and many other infill sites have all added to the size of the village. The growth has taken place without significant increase in the services available within the village.
- The road infrastructure has not been improved for many years.
- The connections to the East are nothing more than country lanes and at times dangerous.
- The water supply/waste drainage system has not been enlarged for a considerable amount of time and would need expansion to cope.
- Where will the funding for these improvements come from?
- As parents with young children we are extremely concerned that our child's welfare will be negatively influenced by the development due to potential overcrowding over local schools, local facilities, traffic, noise, and pollution.
- The houses would increase the impact on Manningtree Station and increase the problems of parking there.
- This would exacerbate the situation on Touchey's Hill and make that situation even more dangerous, with cars overtaking cyclists on blind bends.
- There are sites in Ipswich, Colchester, on brownfield sites, that would be much more suitable. Why an area of natural beauty is on the list is beyond my comprehension and ought to be reconsidered.
- The village has the beauty of St Mary's Church and its floor-bound bell cage.
- It is impossible to add such a high number of buildings and not expect the tourist attractions to fall in visitation numbers.
- There seems to be little or no correlation to the existing village context, just simply dumped on some available land without thought for the environment, dwellers or wildlife.
- Proposes a development of 20-30 homes on this site.
- Develop – yes, over-develop – no.
- Given the historic nature of the village have the conservation officers in Babergh got any view on the harm caused by the proposed development and do the developers have any reasonable justification cited for the harm?
- The proposed design and colour of the houses is also completely out of line with those in the village.
- The bridge/tunnel near Manningtree Station is already a nightmare.

- Before any development is approved in the village there needs to be improvements to the railway crossing in Manningtree first.
- Why not use the fields off Slough Lane instead? The houses could be accommodated there with the options of Manningtree and Brantham Co-op to service newcomers.
- As a visitor I think I would be unlikely to want to continue to visit, it is the age, charm, pace of life that is so attractive.
- Who are these homes for? Will they be for local residents or expensive buy to lets? As a Council you can't afford to get this decision wrong.
- We will need more shops, doctors and schools.
- This plan would have an adverse effect on the village's aim to preserve historic features and to promote high standards of planning.
- The 2008 Housing Needs Survey is quoted but this was followed by the survey carried out by Community Action Suffolk which identified that East Bergholt had a need for 25-30 dwellings.
- Both District and County Councils should wish to maintain this unique village in its current size and form to continue to attract the lucrative tourist trade.
- Once developed we will never get it back.
- I am not convinced that there is the need to build the vast amount of homes in England, let alone East Bergholt, that is reported in the media.
- The designs are out of balance with the Grade II or Grade I listed buildings in the village.
- Existing undeveloped sites such as the Vacant EDME buildings in Mistley should be developed first. These would provide the 'affordable' housing whilst maintaining buildings of heritage and interest.
- Will the sewage output be met by existing services off Flatford Lane or will these processing plants need to be expanded, yet more concrete and loss of trees?
- We have an ageing population and many people will be wanting to downsize along with youngsters wishing to get their first property and I think more consideration needs to be given to a proportionate amount of housing to meet these needs.
- There should be more housing for retired couples who do not need such large homes. They could then move into smaller properties and release larger homes for others.
- The pavement widths mean that wheelchair users, people pushing buggies and other users are already at risk.
- There is very little employment in the village and the chance of attracting more is nil. Paying lip service to your 'employment led housing policy' by putting further units in the application is an insult and will not address the needs of people living in the development.
- The bus service is insufficient to get to Ipswich or Colchester during normal working hours.
- The proposed travel plan will never work, and would need to be in place when the first residents moved in and stay in place for some time after all houses are occupied. This means this plan will have to be maintained for at least 6 years, who funds this effort?
- How would the travel plan process continue when residents change?
- The two industrial parks in East Bergholt experience a high turnover and difficulty in letting vacant units.
- The developer has not submitted any visualisations of the development from the A12.

- The Energy Statement is incomplete as it ignores the effects carbon sequestration due to loss of agricultural land and carbon generated by commuting.
- The Statement of Community Involvement is very misleading. A separate exit poll showed that 98% did not support this application. A greater number of people responded to this poll than Bidwells questionnaire, giving a more representative data set.
- Roads within the development do not have footpaths.
- None of the three roads that could be used to reach the shop have continuous footpaths. This does not meet the Core Strategy requirement.
- Statements have been issued by Babergh that there are 50 people on the social needs register who have expressed a desire to live in East Bergholt, the evidence suggests that this is a gross exaggeration. In practice, there were no people who applied to live in the recently built affordable homes in Fiddlers Lane. It took many months to find residents.
- The views of residents in the NP survey was that on road parking should be avoided.
- The development is designed around two recreational areas and is “inward looking”. This will discourage people living in the proposed estate to travel the distances necessary to join in the community activities, encouraging the development of a separate ‘ghetto’ outside the village.
- Shows a carbon audit for a household in East Bergholt with two people working, where commuting contributes nearly 1/3 of the carbon emissions.
- Suffolk is supposed to be working towards being the ‘Greenest County’. How can it be environmentally responsible to build on green fields, miles from where the employment is located.
- The houses will not even fit with landscape as they will be modern and will look completely out of place.
- There is no indication as to when the development will stop. You may as well build on every bit of grass there is if you want more housing.
- Existing class sizes at the school are already too large, as some are reaching over 30.
- More students means more distractions and this will not enable the students to do their work.
- A large proportion of the secondary school children are children who do not live in the catchment area and live in towns, this will only get worse.
- It will cause overpopulation.
- It will turn the village into a permanent traffic jam like Colchester.
- As Fellows of the RSPB we are not convinced that the impact of the development would adversely affect the diverse birdlife and other wildlife which is so rich in the village.
- I would fully endorse the objections made by the East Bergholt Society and Action East Bergholt.
- The development will only attract people from outside the village who will then commute.
- There are no serious traffic calming measures in the village and the 30mph limit is ineffectual and abused.
- Parking in the village centre and on Hadleigh Road and Elm Road is chaotic now and the village car park is little used, so what will it be like with 300 extra cars accessing it.
- Any District Council that sanctioned such a monstrous idea would only prove how ‘out of touch’ it is with the electorate.
- Both hedgehogs and stag beetles are present here.

- The number of placards demonstrate that there is a very strong body of objection.
- People are in a village for a reason, we pay for that privilege through house prices and our council tax.
- The application is described as a full application but there is reference in the documentation to the application being an outline.
- The Planning Statement contains a number of inaccuracies, obfuscating formulations and aspirational words rather than actual commitments. It also relies heavily on desktop analysis rather than proper investigations.
- The application will create immediate and long term costs implications for the community which will have to be met by the villagers.
- The pelican crossings will cause traffic disruption.
- There are no facilities in the development that would encourage existing villagers to enter, therefore the development would not integrate.
- The village is dark due to the lack of street lighting, which makes walking after dark dangerous.
- Irrespective of the walking distances involved, crossing the B1070 on foot is already very difficult.
- Consideration must be had to the financial and environmental cost of putting dwellings where people will need to travel for work.
- The buildings design takes it lead from buildings in the Netherlands. How can this be in keeping with the character of the village?
- Visitors and residents of the development would give rise to disturbance to existing properties in the locality.
- If the business units are to remain, then the hours of operation should be limited.
- Details a list of conditions that should be imposed if permission is granted, including hours of working, limitation on noise and dust levels, lighting should be limited and not affect adjoining properties, rubbish removal from the site, no burning of rubbish from the site, no access from Moore's Lane during or after the construction phase and limitation of storage heights.
- Our village shop recently withdrew a planning application for an extension so must be assumed to have capacity problems serving the community.
- The village facilities have been overstated in the proposals and there are glaring inaccuracies when studied with any local knowledge.
- Conflicting comments from Environment and Highways make the delivery of the proposals in a safe way impossible.
- Given the poor quality of the A12 junctions, traffic will use Hughes Lane as many already do, which is a poor quality road.
- The submitted plans are significantly different to those which were shown to the community.
- In fifteen years time, this 'Legoland' approach will be considered an architectural assault on the sense in a rural setting.
- Insufficient parking arrangements will lead to cars parked out the front of house on windy roads creating an eye sore and frustrating place to live.
- Any councillor that likes the ideas of these estates should move to Colchester and try living in one for 6 months.
- The price that these houses will attract, due to being in East Bergholt, will not make them affordable and Brantham, Manningtree and Lawford service the need for more affordable housing.
- The public has a right to expect that any development has low environmental impact and positively enhances the landscape and nature conservation value of the locality.

- Babergh has a duty to have regard to biodiversity conservation under the Natural Environment and Rural Communities Act 2006, and to the two AONBs nearby.
- The planting to be carried out should be of native species.
- All planting/seeding should be of UK and, wherever possible, local provenance.
- Monoculture hedging should be avoided.
- A long term maintenance agreement should be secured by planning condition.
- Surface water runoff should be either be subject to local attenuation or fed into the proposed attenuation area before being allowed to flow into the watercourse.
- The Core Strategy is jobs-led, but there is limited opportunity in East Bergholt.
- The development is contrary to policy CS02 which seeks to safeguard the landscape, being adjacent to the AONB.
- The development is similar to one on Colchester Rugby Club site, and is more suited to the outskirts of a town.
- The application has no independent traffic analysis.
- The Council has a duty of care to protect green belt from development.
- The applicants failed to liaise with the community.
- The developers are set on forestalling our Neighbourhood Plan.
- There could be far more than 300 homes at Brantham, and the Inspector at the Core Strategy had his arm up his back and had to agree to a green field site next to it at the time the Strategy was prepared.
- The proposed increase of 1200 homes at Lawford/Manningtree./Mistely will have massive traffic effects.
- Can you justify Babergh District Council £144,000 kick back from this development v the immeasurable damage it will do to this area and tourism. If Babergh DC needs £144,000 then we will try and raise this in the village.
- I understand that the Planning Committee is heavily weighted by officers from other areas, doubtless quite happy to see building in East Bergholt rather than on their own doorsteps.
- The developer has clearly been emboldened by Babergh's reported support of the proposal and encouragement to proceed to the planning application stage. This pre-emptive action to frustrate implementation of the Neighbourhood Plan is not welcomed.
- Why is there no LVIA with the submission? Could it be that this would reinforce the point that the development is inappropriate?
- A modern housing estate so close to the historic core will have a profound impact on the landscape, environmental and heritage characteristics of the village.
- Babergh has a pretty mixed record over the last 50 years, with some poor developments allowed. It would be a tragedy to repeat this mistake.
- I object that there doesn't appear to be a large enough percentage of affordable housing for the younger members of East Bergholt, having had children who have had to move away to get on the property ladder. This does not appear to have been taken into consideration.
- The village was some time ago voted the 9th best village in the UK.
- The development should be sited in Raydon/Holton St Mary so that they can establish their own facilities and business premises.
- The affordable housing for most people living in East Bergholt should be smaller, sensitively built properties for professional people getting on the property ladder.
- Horse riding through the village has become very dangerous. This would make it worse.

- The positioning of fences, sheds, conservatories, greenhouses and other garden structures along the Moore's Lane boundary will result in urbanisation and detriment to the rural area and wildlife.
- Even if planting was achieved along this boundary, it would take many years to mature.
- Seek assurances that construction traffic will not use Moore's Lane.
- Whilst Knight Developments may stand scrutiny based on their past achievements, it seems common knowledge that they are currently winding down, liquidating or selling the company. This may be hearsay, but there is a risk that the site may be undeveloped and contribute nothing to the housing needs of the area or Babergh's finances.
- The development may pass to national builders with far less interest in our local environment, they may make an application to up the density or downgrade what is proposed to make profits.
- Question whether sufficient research has been carried out to determine the natural drainage capability of the existing ditches and piped culvert systems.
- Land adjacent to the medical centre is much better for development.
- There is no justification to say there is an undersupply of open space in the village.
- Are astonished that an Environmental Impact Assessment is not required.
- Is there more development to come after this?
- There is nothing in the Core Strategy that says all this development should happen at once.
- The field at the end of Elm Road would be ideal for development of smaller homes that people in the village could one day afford.
- The internet in the village has gone from bad to abysmal in the last 2 to 3 years. As a business in the village that is dependent on this, we would be directly affected by 144 more internet connections. This would take our communications back ten years.
- There are no plans to upgrade the telephone exchange.
- The development does not comply with SC11 and common sense should dictate that this application is not only ridiculous but illegal.
- The height of some of the buildings is nearly 11m. The sharp 'steep' pitches are out of keeping with a country location.
- I support the application. The questionnaire that appeared in the village was written in a biased fashion so that it appeared there was no support.
- I own a business in the village and admit it will be beneficial for the application to be approved. However, my daughter has had to move out of the village as there is nothing in the lower price range in the village, so affordable housing would be a great asset.
- As long as the development is done tastefully I do not feel the village would suffer as a whole to any great extent. I am aware of many others who feel the same way but there does not seem to be a platform for us to support it on. I therefore say yes to 144.
- Growth should depend on the size and character and the location of the development in relation to the relevant Core/Hinterland village.
- One could drive in South Essex and see exactly the same design in a low cost residential area.
- The application incorrectly lists that land as not the best and most versatile, when the NPPF identifies that it is as it is Grade 2 land.
- As planners you will be aware of how many villages were destroyed in the 1960s by mass development, therefore why is this being considered in 2015.

- Raises concerns over the Council's website and not being able to access some of the documents.
- The government is encouraging the building of more houses but this means where they are needed, where they best fit and of the type required.
- Having recently moved to the village, there are no school places available and have to travel to another village to find a primary place.
- The amount of development should be spread in smaller numbers across a number of villages.
- Fiddlers Lane will be used as a rat run to get from the heart of the village back to Moore's Lane.
- The chemist is unable to cope.
- The amount of land proposed to be used has greatly increased from the original plans.
- The village envelope should not be breached.
- I fully support this proposal as it is the only way starter homes and small family homes will be built which this village urgently needs.
- The current policy of only allowing small developments results in 4 bedroom executive housing.
- There will be a long term problem in the area involving water shortages.
- The Transport Plan indicates 90+ vehicle movements for each peak period. The Census Data 2011 indicates an average car ownership of 1.49 cars per household in Babergh. This would equate to an 214 vehicles, I question the validity of the data used.
- We are a happy band of people who like our village as it is. Please leave us alone to enjoy it.
- By removing a large area of arable land, it will remove an employment site.
- By increasing the population without the provision of sufficient jobs, the overall number of opportunities per resident will be reduced.
- The proposal does not include innovative measures to reduce the carbon footprint.
- Without additional pumping stations, I expect the water pressure to be further impacted.
- The houses are simply too big, too close together and turn their backs on the village.
- Appreciate that refusing the application would deny Babergh DC a windfall New Homes Bonus payment. However, section 70(4) of the Town and Country Planning Act says it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.
- Granting permission for this scheme would set a precedent that would see the whole of the open ground between the present settlement boundary and the A12 smothered in housing.
- The new development would shift the centre of gravity of the village. Many of the facilities centred around the church are not within the 800m walking limit. The new dwellings would dilute the central focus of the village community.
- Raises concerns that the radius of consultation with residents was not the same size as the site, and that only 3 residents were consulted. Why was I not consulted as I live close by and my neighbours got letters?
- A few years ago those fields had a very large pipe buried along their boundary. What was that pipe for? It may well be utility ducting bringing services that run along the side of the A12. That would show pre-knowledge of the aforementioned plans along with pre-acceptance of the plans.

- If permission is given then a s106 agreement should secure a larger village hall or community hall, better sports facilities and playgrounds, a library and safe cycle route to Manningtree.
- The Council should refuse the application and work with the Parish Council and community to introduce the new Neighbourhood Plan and agree the East Bergholt housing targets over the next 5, 10 and 15 years.
- Why has my online comment been recorded as 'Neutral' when I ticked the 'Object' box?
- This is without doubt a matter of convenience for the local district council, in attempting to use existing facilities without increasing local infrastructure.
- A planning development of this size should involve strategic planning.
- The developer appears to have taken some of my initial comments on board. The proposals now include short terraces of smaller units.
- I am impressed that over 80 percent of the gross units proposed are three bedroom or smaller, and that the elevations are avoiding the clichés of mock barns and faux Tudor houses, reflecting the village vernacular but with a modern take.
- The proposal no longer includes a public building which I had hoped would help the new estate gel into a semi self-contained hamlet.
- I genuinely believe that the decision to identify East Bergholt as 'core' was erroneous and the Council's consideration of this application should reconsider that decision.
- Ipswich has hundreds of unfinished dwellings partially built and Babergh would do well to devise a plan to finish these off as they have been shelved since 2010.
- Recommends refusal on the basis of policy CN01 of the Babergh Local Plan Alteration No.2 (2006) and paragraph 56 of the NPPF, both of which require good design.
- The house styles and mix proposed are almost certain not to reflect the actual needs going forward over the next fifteen years. The proposal runs the risk that houses built now will not be appropriate nor integrated with the rest of the village.
- We consider that the development should not be considered in isolation but from the Committee's wider responsibilities and judged from that point of view.
- It is not democratic to go against the will of the village.
- The core of East Bergholt is actually closer to 800 households, with 184 being located at East where they are closer to Brantham. This affects the percentage to which the village will be increased.
- The boundary hedge is anywhere between 5 and 6 hundred years old and contains a mixture of native species. One cannot emphasise enough the loss of nesting sites for our hedgerow birds.
- The village has developed organically over the years, and this should continue to be so.
- East Bergholt values and celebrates its green spaces.
- The comments made are not NIMBY ones, as the P survey showed that most people accept the need for future housing in the village.
- East Bergholt has been designated a low light pollution area, there should be no more streetlights.
- The village lacks facilities for younger people, especially teenagers and lack of public transport in the evenings to get to larger centres for entertainment.
- The comments from Environmental Protection has highlighted the loss of amenity to surrounding properties during the construction phase. As this will last until 2031, this cannot be controlled by a condition.

- The logic that no CIL is required is flawed, as it is assumed that available spaces across the various year groups will match demand, whereas in fact a number of year groups have very few spaces available. This would require significant capital spend to address.
- The fact that previous Councils and Governments have mismanaged the housing stock should not be taken out on the current inhabitants of the village. There are plenty of existing properties to cater for the needs of the poor and unfortunate villagers who cannot afford their own property.
- The new proposal would give rise to trouble, and questions how long there would not be graffiti on the bus shelter.
- What is the need for five bedroom properties in the development?
- That NHS England think there is sufficient capacity at the medical practice is a surprise, as you have to queue up outside to get an appointment.
- Apparently the B1070 is to be straightened; this will only make traffic go faster.
- What this village needs is a development for older people, with bungalows, single or double apartments and a care home.
- This can only be seen as creating another East End, but in one big collection of houses.
- Many of the visitors to this area are from abroad and they specifically come to Bergholt because of its beauty, rural setting and heritage.
- East Bergholt is a village not a town.
- Refers to the Local Plan which aims to steer development to those areas which have the services and employment opportunities to support it, and focusses development on market towns that have access to good quality public transport.
- The proposed density is far too high, whatever the calculations used the density on the ground will match some sort of standard for medium density that has an urban area in mind. Hop Meadow would provide a reasonable benchmark, though not all dwellings should be as big as those in Hop Meadow.
- A development of half the number of houses, released in equal instalments over a period of 5 to seven years would seem a sensible and significant contribution.
- Trusts that officers will rise above the pressures of having to fill quotas and reaching targets, and thereby emphasise quality and suitability of any development rather than just quantity.
- Submits evidence from the Core Strategy and the Inspectors report to support the position that the development does not comply with policies.
- The condensed building period of three years would maximise disruption from builders and their vehicles.
- There is significant congestion around the schools at the beginning and start of the day.
- One can't help wondering if there has been a conspiracy to actively divert 100s of cars and lorries through East Bergholt over the last 14 weeks (allegedly due to A12 road works) in order to acclimatise us all to the Moore's Lane estate.
- The bakery has been given an eviction notice so that the landlord can capitalise on the profit from the Moore's Lane development.
- Construction vehicles will deposit mud on the roads. Will the Council compensate anyone who is injured as a result?
- How will East Bergholt cope with extra lorries on the road?
- The application pre-empts the Local Site Allocation Plan and any decision on development should be deferred until the plan is published.
- The car park behind the Red Lion pub would not be adequate for the extra vehicles, exacerbating the on street parking problems.

- Suffolk Wildlife Trust need to present their survey to protect the wildlife we have.
- The village survey identified that people wanted all new houses to have a decent front garden, keeping the living space away from the road. The new development has a lot of properties with no front gardens and no parking, making for a claustrophobic and crowded area.
- Requests extensions of time to make comments due to the documents not being visible on the website for some time after the letter was received about the application.
- I will find it very difficult to enjoy my garden during the summer months due to extra traffic, noise and pollution.
- Driving into the village will get increasingly difficult.
- My son is keen to get a job in agriculture but building on Grade 2 land will not improve his chances.
- The gardens are so small that even our business, which is a nursery, will not benefit. Our takings are going down not up and our staff turnover is decreasing, despite weekly requests for jobs.
- I would stress that other developments within Babergh have been proposed at Hadleigh, Pinewood, Shotley, Holbrook and Brantham, all of which will add extra drain on the Police, Ambulance and Fire Service as well as the Council services which have had to make significant cuts. They are unable to cope fully now, this will make the cover dangerously low.
- Simple suggestions made to the developer at the public meeting to improve the development have not been taken up.
- Raises concerns over the impact on bees, which forage on the land and would be subjected to further environmental stresses.
- There are other developments happening in the village which are gradual and do not provide severe shock such as would result from this development.
- The land is needed for food security as part of a national requirement, an important point.
- In 2014, the CPRE estimated that more than 1,000,000 new homes could be accommodated on land that has been previously developed, and that more brownfield sites are becoming available. The Government is also releasing land from its surplus. These two avenues should be explored first.
- The decision should be passed up the chain so that this heavy responsibility may fall on shoulders of men and women to who betrayal of the public and questionable morality are part of their everyday calling. Not the District Council, who I believe are still served by people of integrity who take their democratic duties as a sacred trust.
- A much larger proportion of the two bedroom homes should be open market properties available for young, working, local people to buy.
- I understand Knights may be selling the site.
- The A12 slip roads require improvement whether or not the development takes place.
- Fully endorse the aims of the Neighbourhood Plan to provide smaller developments of up to 10-15 dwellings spread across a number of sites. This is the result of the village survey and should be agreeable.
- The village is not adverse to growth, but this needs to be sustainable and given proper consideration.
- I suspect there is a high water table there which is good for crops but not for buildings.
- Should wait for a national standardised approach to calculating supply of housing

- What evidence has provided and what basis of need has been provided?
- No request has gone out to request to supply of land
- The justification given in the interim statement is that the review was a consequence of the successful Judicial Review of East Bergholt against a decision of Planning Committee. This is just plain wrong. The Judicial Review ruled that 'local need' had to be interpreted more narrowly than had been done. This is nothing to do with the delivery in urban or rural areas.
- BDC has accepted desk top studies from developers, increased requirements and reduced supply and rewritten history.
- Lichfield Report is based on desk top study. Does not analyse where the growth in the past has taken place. Or where real developments targets or growth areas are.
- Policies CS2, CS11 and the EBNP should still apply in the decision making process.
- This was confirmed by the Supreme Court in Suffolk Coastal DC v Hopkins and Richborough Estates V Cheshire East BC.
- Committee needs to assess the development against sections 58, 70 and 71 and well as chapters 11 and 12.
- Material weight must be given to the ministerial statement dated 12 December 2016 which requires due consideration given to Neighbourhood Plans less than 2 years old.
- No analysis on what sustainable means. The development is the opposite of sustainable.
- Housing must be jobs led. Jobs will not move to East Bergholt if new houses are built. Inhabitants will commute.
- Who are Countryside Properties? What is their status in the process?
- The identity of the applicant is a fundamental requirement and consultees and interested parties should have a 21 day consultation period to consider the same. The current process is flawed and could be challenged.
- No interest in preserving the beauty of East Bergholt.
- Development goes against the Neighbourhood Plan.
- If people want to own a home they must work for it. It is not a God-given right. People can not always live where they want.
- Traffic is at a point where riding a bike can be dangerous. Too much traffic on the road.
- This site is too big and in the wrong place. Medical services in the village and hospitals are in melt-down. Roads and highways are unsafe. Bus service will not service its needs. Duty to protect the AONB is under scrutiny.
- Convinced that Council has purposely manipulated the land supply numbers in the Interim Report to distort the situation from 5.7 years to 3 years and have connived with developers to bring forward this and other applications.
- Did you lie to the Government in previous AMR's?
- Another 144 houses in this area is impossible
- Lack of footpaths
- Roads already congested.
- A12 will experience severe congestion
- BDC has failed to monitor the fundamental pillars of the Core Strategy. Housing should be jobs led. No need for such a development.
- Wish the village to grow in smaller clusters
- Village Plan was very clear in how residents want the village to develop.
- We need fields to feed our growing population.
- Need to build on brownfield sites. We need to build for the poor and the young.

- At least 144 people will be commuting out of the village.
- Parking around the shops is already horrendous.
- Not standing in the way of new homes. Not nimbies. Just want the right form of development.
- Schools are currently oversubscribed.
- Will lead to more accidents at the main junctions.
- The development does not comply with Policies EB1, EB2, EB6, EB9, EB14 and EB16 of the Neighbourhood Plan.
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- Not standing in the way of new homes. Not nimbies. Just want the right form of development.
- Schools are currently oversubscribed.
- Will lead to more accidents at the main junctions.
- The development does not comply with Policies EB1, EB2, EB6, EB9, EB14 and EB16 of the Neighbourhood Plan.
- I am disabled and park my car on Gaston Street when I go to the shops. If there are more cars and I can't park then I won't be able to do this.
- The local community must be protected against the power developers who do not have the same historical, emotional or economic commitment to the village nor have to live here but are driven by the goal of maximising their investment.
- All these proposed developments are against the Neighbourhood Plan which was voted for and accepted by Babergh but for some reason Babergh /Mid Suffolk seem determined to build some units in East Bergholt even though these are not wanted now and never will be.

Action East Bergholt

Initial response received 31 July 2015 –

The submission made takes the form of a 43 page “Statement of Objections” which includes the following summary;

- **Action East Bergholt** objects strongly to the planning application for 144 dwellings for the following reasons:-
 - (i) the proposed development is disproportionate in terms of its size and out of scale with its location. The proposed development would result in an increase in dwellings in East Bergholt core village of approximately 15% without taking into account developments that might come forward on other sites within and adjoining the built-up area. This scale of increase is considered to be disproportionate with adverse consequences for the landscape, the setting of the village and the capacity of local services and infrastructure to absorb such a short-term level of growth.
 - (ii) the recently conducted village survey carried out on behalf of the Neighbourhood Plan resulted in a 47% household response. It revealed that the majority of respondents (87%) supported moderate growth of the village over the next 20yrs, in the range of 5% - 10%, with individual developments of no more than 6 – 15 homes. The information was available to the Applicant and has clearly been ignored;

(iii) the cumulative impact of development given the scale of this proposal, other options on the edge of East Bergholt and within the Functional Cluster centred on East Bergholt.

(iv) the landscape on this edge to the village is very open and with long distance views from as far off as the A12. As such a development of this size cannot be accommodated without causing serious and unacceptable harm to the landscape and the countryside setting to the village – see report by The Landscape Partnership (this was appended as their Appendix 1).

(v) the change to this main gateway to East Bergholt, leading to the heart of Constable Country, will have a negative impact on how tourist experience their visit to the village and its associated attractions.

(vi) serious issues with the design of the development see review by John Lyall (this was appended to the statement as their Appendix 2). The review by the RIBA Suffolk Design Review Panel (this was appended to the statement as their Appendix 3) highlighted significant deficiencies when it reviewed a previous design and recommended that a revised proposal should be brought back to the panel, which did not occur.

(vii) the distance between the site and the key facilities in the village combined with inadequate pedestrian links means that most residents are likely to use their cars so compounding the problems of congestion.

(viii) highway/pedestrian safety issues arising from the poor standard of the slip roads on to the A12, the addition of 8 accesses on to the B1070, the unsafe pedestrian crossings and the lack of safe pedestrian links to local amenities and services.

(ix) the absence of a convenient bus service for anyone having to use public transport to commute between either Ipswich or Colchester.

(x) The lack of employment opportunities in the village means that the majority of working people are likely to commute to locations outside the village.

(xi) concerns about the potential impact on heritage assets in the form of any significant archaeological finds given the lack of proper investigation.

(xii) the total absence of a proven local need for the number of proposed dwellings as clearly demonstrated by the results of the surveys carried out to inform the preparation of the Neighbourhood Plan.

(xiii) the unjustified use of best and most versatile (Grade 2) agricultural land;.

(xiv) based upon local knowledge AEB see very little requirement for 'Business Units' as there are several unoccupied both within the village and its hinterland and this is stated in the application that they will only be built if pre-let;

(xv) AEB see no proven need to provide 144 dwellings on this site especially when:-

a) there are 300 vacant homes within Babergh – 200 up to 2 years old and an additional 100 between 2-5yrs (response to Freedom of Information Request dated 16th July 2015); and

b) they understand that as of April 2015 there are 800 homes within the District that have obtained planning permission, but have yet to be started.

Second response received 8 September 2015 –

- These changes appear to result in the total eradication of the existing hedge bordering the B1070 and a mature Oak tree which the applicant has previously thought fit to retain.
- As such, the adverse and unacceptable impact of the development on the local environment that was detailed in my original submission is exacerbated by these changes to an extent that is not counter balanced by the changes.
- The traffic calming measures will only serve to compound the suburbanising effect of the development at this important entry to the village.

Further response received 15 November 2015 -

- The revised plans address the sight line issues raised by SCC Highways and some of the main footpath issues and widths in the immediate locality of the site local area, but stop short at the Quinton Road junction. Consequently, they completely fail to address the difficulties with the footpaths beyond this junction, crucially leading to both the School and Doctors' Surgery, and where wheel chairs / pushchairs and children are forced into the main road.
- The absence of an uninterrupted pedestrian link from Fiddlers Lane to Hadleigh Road, thereby giving a continuous walkway to the A12 without the necessity to make two unsafe crossings of the B1070 is unacceptable.
- Whatever else improvements might be proposed they do not deal with the dangers created for pedestrians using Gaston Street where there is no provision for any footpath between Gaston End (Carriers Arms PH) corner and Chaplins Road, a key link to the village centre (see comments below on the Road Safety Audit).
- On the north side of B1070 there would be 3 new road junctions in addition to the junctions with Moores Lane and Beehive Close, plus the 5 new private driveways. This factor, combined with the 2 re-sited bus stop shelters, the 3 new uncontrolled pedestrian crossings, the entrances to Foxhall Fields and Fiddlers Lane and the driveways to properties on the south side of the road will make this a very hazardous stretch of road for drivers, cyclists and pedestrians.
- The removal of the roadside hedges and significant oak tree will improve visibility, but opening up the road frontage is likely to increase motorists' disregard for the speed limit on a stretch of road that will only become busier and more hazardous as a result of the changes outlined above and new developments at Mistley, Lawford, Manningtree and Brantham.
- The stated amendments clearly add to the resulting problems in so far as the 'shrinking' road width caused by the increased width of pathways, the road width requirements are for a min of 7m and not as now stated. The resultant road width will have a serious impact on agricultural vehicles which require to use this road on a regular basis & require to negotiate the Gaston End/Gaston Street junction.
It is unfortunate that the road safety audit site visit was done between 1030/1130 hrs and not 0830/0930 when traffic and pedestrians are at maximum.
- The audit refers to the new pathways and safe walking to Local Schools and Facilities - but fails to address the obvious B1070 pathway problems from Gaston End to the High School and Doctors' Surgery.

- Whilst the audit discusses the Gaston Road Junction it fails to take into account the absence of footpaths in Gaston Street which is the main bus route and pedestrian route leading to the centre of the village, where the main facilities are located, i.e. shops / post office, chemist / churches etc.
- It also fails to address the 5 new car accesses to proposed houses or the 3 new uncontrolled pedestrian road crossings.
- Their additional absence of comment on the Four Sisters Junction especially South Bound entry onto the A12 and a failure to comment on the cyclists serious safety issues up/down Touchy Hill demonstrates avoidance of key safety issues raised relating to this development application
- In addition Fenn Wright's comments clearly state that the business units planned parking provision as "Only just adequate"..... this demonstrates a firm indication of the potential 'over-spillage' of related cars and vans etc onto the poorly designed 144 estate roadways, but more important onto main B1070 road at the most hazardous point.

East Bergholt Society

Initial response received 10 July 2015 -

- I am writing this letter of objection on behalf of the East Bergholt Society, the local amenity society formed in 1972 the aims of which include securing the preservation and protection of features of historic and/or public interest and the promotion of high standards of planning and architecture: upon which the above application would have great impact.
- The application fails to comply with numerous policies set out in NPPF and Babergh's Core Strategy, particularly CS11, CS11 Supplementary Planning Document July 2014, and CS15.
 1. It does **not** meet locally identified need.
 2. It does **not** respect the local context and character of the village.
 3. It does **not** respect the historic assets.
 4. It does **not** make a positive contribution to the local character, shape and scale of the area.
- **Point 1.1** The applicant cites Babergh District's 2008 Housing Needs Survey. This is superceded by the Housing Needs Survey conducted in June 2015 by Community Action Suffolk at the suggestion of Babergh District Council and as part of the evidence base for the East Bergholt Neighbourhood Plan. The result of that survey indicates a need for 25 – 30 dwellings in East Bergholt.
- This is further supported by the Neighbourhood Plan's Questionnaire. Housing for the elderly is clearly identified as in demand and many respondents made the point that filling this demand would free up family homes. This proposed development is not a proportionate addition to the 1,200 existing dwellings (some 900 in the main village and the remainder at East End), nor does it address these needs in terms of numbers or types of dwellings: 50 affordable and 94 market value dwellings.
- **Point 1.2** The applicant states that the East Bergholt Neighbourhood Plan is "not at an advanced stage". The East Bergholt Neighbourhood Plan **IS** at an advanced stage.
- Both the Questionnaire analysis and the Housing Needs Survey summary are available on the village website for public inspection.

- **Points 2, 3 and 4** - The applicant states that the application “*attaches great importance to design*” but gives no evidence to support the statement. Saying it does not make it so. In what way has this scheme been designed to respect the local context and character of the village? How does it respect the historic assets? How does it make a positive contribution to the local character, shape and scale of the area?
- It is in reality an “identikit” estate development such as could be bolted onto any conurbation. It could be on the edge of Colchester, Ipswich or Chelmsford. The houses are too tall and too cramped. They largely look inwards towards the central “roundabout”. The roads and driveways would be littered with parked cars. The proposal would be more appropriate in a suburban location, not on the edge of a village where development should retain a greater spatial quality as a soft edge to the village.
- The nature of the existing village is that it has grown piecemeal but certain features are constant. Roofs are generally of lower pitch and houses sit comfortably in gardens and within the street scene. The substantial post war and 1970s estates are built on discreet sites so that it is possible to pass through the village without seeing them at all: a happy situation for residents and visitors alike. This development would be all too obvious.
- The sheer size of the development, so many houses built all at once and on the one site, make it wholly inappropriate. It would irrevocably destroy the view on the major approach to the village which at present is still a “long view” across open fields. The rise of the land means the too tall buildings would be even more obvious and out of place obliterating the existing softer edge to the village. The density of the site in comparison to the neighbouring properties is shown very clearly in the applicant’s own site plan and it should also be pointed out that many of the properties on the south side of the B1070 are of single storey.
- The non residential buildings would be a particularly inappropriate addition to the street scene. There is nothing that can be said in favour of them, their design nor their proposed siting in an otherwise completely residential area. Contrary to NPPF, there is no indication that a sequential approach to choosing this site has been followed nor any evidence to support the applicant’s claim that no other sites are available, particularly sites that are NOT on grade 2 agricultural land.
- The applicant’s assertion that the RIBA Suffolk Design Review Panel view that the development “*could be a “great addition” to the village of East Bergholt*” is disingenuous, taken out of context of the five pages of criticism and omitting the caveat that the Panel “encouraged the applicant to bring the proposal back to the panel again for review”.
- We trust the Committee will visit the site, but at the very least could take a virtual tour via Google. It is still possible to drive along the A12 and feel that you are in Constable’s Country, the landscape identified anywhere in the world as the quintessential English countryside. Turning off the A12 and approaching via the B1070, the main access point for the majority of visitors and residents alike, you would today still be able to identify it as the same landscape as that in John Constable’s sketchbooks and paintings.
- To further remind oneself of the similarity without the trouble of visiting a gallery simply putting “John Constable Cottage at East Bergholt” into Google provides an excellent example. At the V&A’s recent sell-out exhibition “John Constable – the Making of a Master” the first exhibit the visitor encountered was life size, modern day, projected images of the village of his birth: East Bergholt.

- Martin Roth, V&A Director, in his introduction to the exhibition and its catalogue stated: *By 1893 “A Visit to Constable’s Country” was already on the list of tours organised by Thomas Cook & Son. For many people, John Constable remains a painter synonymous with the British countryside. While some of the scenes he painted have been transformed by development, **others have altered remarkably little since the nineteenth century.**”*
- If for no other reason than pure economics, this application should be refused because it jeopardises the £46,000,000 tourism revenue in the Babergh District in favour of a one off New Homes Bonus and profits to the developer and the landowner.
- To reiterate: East Bergholt is the birthplace of John Constable and site of many of his most famous paintings. It should be the centre of focus for his heritage. We should respect and cherish the legacy that has survived two centuries and ensure it survives for generations to come and we therefore most strongly urge that the application is refused.

Second response received 26 August 2015 (summarised) -

- We object strongly to the proposals to remove mature trees and hedgerows.
- The provision of ‘entry treatment’ with white picket fence, 30mph roundel, dragons teeth and coloured surfacing, further ‘uncontrolled crossing point’, street lighting columns and bus shelter cannot be regarded in any way as improvements and would be suburbanisation of the village.

Further response received 18 November 2015 (summarised) –

- The application should be refused.
- This is a particularly sensitive landscape area. Do not wish to overuse the phrase “Constable’s Country” but feel it important to reiterate that this is not a mythical location.
- This is the landscape that inspired Constable, and where he was born and grew up.
- Object most strongly to the proposal.
- Find no evidence amongst the various revisions recently received that any of their concerns raised in their previous letters, nor those of the Parish Council, have been addressed.
- There are numerous references within the documents to policies which state developments must respect/shape/enhance/conserv e local character/built/natural environment, and respect the scale of communities/character and quality of the landscape, should be well designed in relation to protected areas and most sensitive landscapes, be appropriate to and well integrated into the settlement, be of a high quality and design which respects the local environment in which it is located, particularly the historic context and character.
- These policies are applicable to this site, but cannot see evidence that these have been respected.
- The application is still for a significant suburban estate development which looks like it could be bolted onto the fringes of Ipswich or Colchester.
- The proposal in no way respects, protects, enhances nor conserves the local character, built or natural and historic environment.
- It is not well located and not designed in relation to the landscape. It is an ‘off the shelf’ design.

- Note that the Landscape and Visual Impact Assessment (LVIA) refers to the site as being included in the Babergh Strategic Housing Land Availability Assessment (SHLAA).
- Quotes a letter from the Council's Planning Policy Manager to the Society from 13th December 2010 which states that *"the SHLAA is a technical research document required by Government to demonstrate a 15 year supply of housing land, it is not a policy document, it neither sets policy nor makes any choices. It is not the way the Council puts forward sites for future development"*.
- Points out, therefore, that the inclusion of the site in the SHLAA does not therefore mean that this is a potential site for future development.
- The LVIA does not demonstrate the impacts of the development on the significant views (e.g. superimposed houses) without which it is impossible to judge the impact. It ignores the long view currently enjoyed on the approach to the village.
- No night time "darkness" survey has been undertaken in this largely unlit village.
- Reminds that the EBNP is now at a very advanced stage and due weight must be given to it. The Society is not against all development, but is against this proposed large development on this site, on agricultural land, outside the Built UP Area Boundary.
- Notes that the BDC website could not be accessed on 15 November.

Further response received 22nd June 2017 -

- Would be grateful for assurances that all comments and objections will be taken into account when determining the applications. Still object to the scheme. If the applications 'on hold' were approved then the 5 year housing supply would be on target. Any shortfall is not sufficient justification to overrule the EBNP.
- 5 year land supply - It appears this issue has arisen out of the assertion contained in a report commissioned by two large scale developers into Babergh's 5 year land supply. On the basis of this report, achieved in under two months and with data obtained presumably from Babergh officers as we can find no data which reconciles to the information available on Babergh websites. Babergh's officers appear willing to accept that the Core Strategy 2011-2031, which took years to achieve at considerable expense and is less than one third through its plan period life, is defunct. Babergh's 5 Year Land Supply Interim Statement of April 2017 does not include the fourteen applications regarded as being on hold.
- We could find no reference to the three East Bergholt applications which you are about to be asked to reconsider. If these applications are to be reconsidered they are live and do not contribute to the shortfall in land supply. If these three alone are removed from the shortfall, the suggested shortfall diminishes by 229. If all fourteen held or "disappeared" applications are restored, as they surely must be if you are looking at them, the shortfall is reduced by 674 dwellings. It would appear this would mean the 5 year land supply is on target and would substantially remove the buffering requirement.
- These "disappeared" applications cannot be both taken out of the 5 year land supply whilst, as Lichfield's report for Countryside Properties and Hopkins Homes suggests, being considered for approval because there is a shortfall in the 5 year land supply! We are surprised your legal department would find this an appropriate course of action.

- The 5 Year Land Supply Interim Statement makes reference to the White Paper "Fixing our Broken Housing Market" (February 2017) and uses this as part of the reasoning for reducing the land supply numbers but fails to quote "2.10 The Government also wishes to provide more certainty for those neighbourhoods that have produced plans but are at risk of speculative development because the local planning authority has failed to maintain a five year land supply. Through a Written Ministerial Statement of 12 December 2016, we made clear that where communities plan for housing through a neighbourhood plan, these plans should not be deemed out-of-date unless there is a significant lack of land supply for housing in the wider local authority area."
- It goes on to say "2.11 THE REVISED PLAN WILL ASK NEIGHBOURHOODS TO DEMONSTRATE THAT THEIR SITE ALLOCATIONS AND HOUSING POLICIES WILL MEET THEIR SHARE OF HOUSING NEEDS" and concludes by saying THAT NPs WILL BE PROTECTED UNLESS THE LOCAL AUTHORITY FAILS TO DELIVER 25% OF ITS TARGETS IN 2018, 45% IN 2019 and 65% IN 2020. EAST BERGHOLT IS COMMITTED TO PROVIDING ITS SHARE OF NEED AND HAS POLICIES AND PLANS IN PLACE TO ACHIEVE THIS. (See Brantham comments below) IT IS CLEAR THE MINISTER'S INTENTION, REGARDLESS OF LAND SUPPLY, IS TO PROTECT THE INTEGRITY OF NEIGHBOURHOOD PLANS.
- It is therefore our contention that a) there is not a shortfall and b) if there were, it would not be a reason to overrule the EBNP. Local need/objectively assessed need (OAN) Likewise the report commissioned by Countryside assesses need at an unfathomable number FOUR to FIVE times greater than that carried out by Community Action Suffolk, the body recommended to East Bergholt Parish Council by BDC for the EBNP as part of the evidence base of the EBNP. We are entitled to be cynical.
- Lichfield's are employed by developers whose business is to develop. It would be odd if they did not demonstrate a need for more development. However, we are entitled to believe that our result was achieved without bias and the requirements could not have risen by more than four times in the space of two years. Furthermore, Rebecca Rejzek states on page 2 of her letter re para 119 (of the EBNP and relating to the housing needs survey) "these figures relate just to East Bergholt village and exclude the other 7 villages." This is factually completely INACCURATE.
- The 25-30 affordable units over the EBNP 2011-2031 plan period (see EBNP Appendix D4) were based on a number of scenarios, extrapolated UPWARDS and considering the needs of the functional cluster. In the interests of accuracy, however, with the agreement of Babergh officers, the affordable needs of Brantham, the closest of our hinterland villages (a mere 50 yards from East End) were excluded as substantial development was expected but at a then undetermined time. In addition windfall within the East Bergholt functional cluster was discounted.
- Since the EBNP was made, we would remind you that 333 HOMES IN BRANTHAM NOW HAVE FULL PLANNING PERMISSION and are included in the 5 Year Land Supply Interim Statement as shown on the Housing Trajectory table. However inconvenient for Lichfield's and their report for Countryside, Brantham is part of the East Bergholt functional cluster and these developments in Brantham provide for the affordable needs of the whole cluster. These numbers being into sharp relief the comment in the April Interim 5 Year housing land supply statement which admits there has been an emphasis on rural rather than urban development. It appears that some 70% of the 1050 2011-31 rural housing target has been met or planning granted whilst the urban figure is less than 10%.

- Whilst Brantham has 333 permissions granted, Hadleigh, the home of Babergh, has only 11. We would remind you of the NPPF's sustainability and sequential requirements, which make this rural imbalance a doubtful strategy at best and unsound at worst. Whilst dealing with the assertions of Ms Rezbek, she cites the successful delivery record of Countryside Properties, viz:
 - 1. A new District for the City of Chelmsford (3,700 homes)
 - 2. Mile End, Colchester (1,600)
 - 3. Mariam Park, Bury St Edmund's (1,000)
 - 4. London Road, Braintree (213)
- We would draw your attention to the fact that these are all TOWNS. We, the East Bergholt Parish Council, Action East Bergholt and numerous individual objectors have been pointing out since these applications first surfaced that East Bergholt is NOT A TOWN. It is a VILLAGE.
- These sorts of large scale developments are not appropriate to rural settings. Hills Building Group's application also remains at a size well outside the expressed desires of our community and the Gatton House proposal still fails the tests set by EBNP, Babergh and the NPPF for protecting AONBs.
- With reference to Sharon Smith's addendum of March 28, 2017 para 2 states "The Council is, as acknowledged by the Council, substantially below the 5 Year Land Supply".
- For the reasons already given above, we challenge this assumption, we challenge the numbers which exclude these and the other applications which are actually under consideration, we challenge the complete disregard for the WMS that states Neighbourhood Plans should not be overruled and we challenge all three applications for failing to comply with the NPPF as per our original objections.

Dedham Vale Society

Initial response received 8 July 2015 -

- I write on behalf of the Society to register the strongest possible formal objection to this application.
- Although the precise site of this proposed development lies outside the Dedham Vale AONB it is immediately adjacent to it and, in the considered opinion of the Society, would have a seriously deleterious effect on East Bergholt, one of the most important and historic villages in the AONB. This addition of a large modern Housing Estate (however dressed up that is what it is) would alter the whole balance and ethos of the village. Two passages from the Design and Access Statement we find particularly difficult to accept. At Section 4.0. 5. it is said that *"The large site offers the chance to revitalise an edge of the village with contemporary dwellings of high quality organised in a coherent fashion. The development will provide an improved visible entrance to the village and create spaces reflective and expressive of the historic countryside"* (our italics). From where does the idea that this edge of the village needs "revitalising" come from? Half the charm of many of the villages in the AONB is that they are not "organised in a coherent fashion". We do not accept that a very large Housing Estate dumped on the edge of the village will provide an "improved visible entrance to it". The idea that the development will create spaces reflective and expressive of the historic countryside borders on the preposterous.

At Section 4.2. it is said that “the desire is to create a development which respects the rural sentiment embodied in Constable’s paintings and promotes the character of the village which is picturesque and integrated within his countryside”. We do not accept that this desire is in any way realised by the creation of a large housing estate on a greenfield site on the outskirts of the village of his birth.

- We are also disappointed to find (in the Planning Statement 4.8) that your Council has concluded that “...the proposed development is unlikely to potentially have a significant effect on the environment...” This conclusion does, of course, depend on what you mean by “significant” and “the environment” but we would contend that by any measure the effect on the environment of East Bergholt will be exceptionally significant.
- Our fundamental objection is to the very large size of the proposal. It projects 144 dwellings with 389 bedrooms; allowing for double occupancy of one bedroom in the great majority this would result in an increase of at least 500 in the population of the village, almost 20%. It also projects at least 500 extra vehicles debouching onto the already heavily loaded B1070. While East Bergholt is a “core village” and has a substantial range of services we are somewhat surprised to learn that both the Health and Education authorities consider that this very large influx of new residents can be absorbed within existing provision. Particularly in the case of the Health Centre, already under acute pressure, this seems unrealistic.
- While we understand the pressures on your Council to provide large numbers of new dwellings within the District there is no explanation in the application as to what, if any, other sites were considered before a proposal for so large a number was accepted, even encouraged (there appears to have been extensive consultation with your officers) on a completely agricultural site on the edge of this village. Were brownfield sites eg at Brantham considered?
- The Planning Statement cites the terms of your Core Strategy 11 several times in its support (eg at 8.4. 8.5.) and at 9.2 says “..developments for Core Villages, such as that proposed, will be approved ...if the criteria in Policy CS11 are adhered to”. We contend that the proposal remains seriously contrary to both the spirit and the letter of your own recently issued Supplementary Planning Document (SPD) – Rural Development and Core Strategy 11 and to your Core Strategy 15.
- For example the SPD states (at para 12) “The size and scale of the development should be proportionate to the settlement in which it is located” (it can not reasonably be so described).
- “Proposals will need to demonstrate that the development can be accommodated without adversely affecting the character of the Village” (it can not).
- At para 14 it is stated: “...proposals should meet locally identified need” (no evidence is advanced of any local need for an addition of this size).
- Core Strategy 15 states inter alia: proposals “must/should respect the local context and character of the village” (it does not). Further it states: “the scale and nature of the proposal should:
 - Respect the historic assets
 - Make a positive contribution to the local character, shape and scale of the area
 - It will do neither of these things, indeed rather the reverse.
- We are therefore of the strong opinion that the conclusion at 11.10 of the Planning Statement that the application is “consistent with (inter alia) CS11 and CS15” is entirely incorrect.

- While we accept that the statement at 9.76 of the Planning Statement that the “effect on the Dedham Vale AONB is considered negligible” is correct in purely visual terms it is not so in terms of tranquillity or in the effect it would have on East Bergholt, a most important village within the AONB.
- We most strongly urge your Council to reject this ill-conceived proposal so clearly contrary to your own criteria.

Second response received 9 November 2015 –

- The Dedham Vale Society has now studied this additional material but finds nothing therein which would cause us to change our strong objection registered in our letter of 8 July 2015.
- It remains our view that the proposed development is out of all proportion to the village.
- It would fundamentally and detrimentally alter the nature of this very important settlement within the Dedham Vale AONB.
- It continues to be entirely contrary to your own guidelines as set out in your SPD – Rural Development and Core Strategy 11 and to the terms of Core Strategy 15.

Further response received 25 November 2016 -

- The Society has considered the additional Design Statement dated October 2016 and the Update to the Landscape and Visual Impact Statement referred to in your letter of 17th November 2016. While we were intrigued by the attempt by the Developer to argue that his proposals comply with the East Bergholt Neighbourhood Plan (EBNP) we are entirely unconvinced. His highly selective use of extracts from the plan while predictable does not stand up to a less biased consideration of the whole plan.
- For example he makes no mention of para 4. of EB2 which states in Chapter 3: “Housing Development will be supported..... provided that the development: 4. would be of an acceptable size and scale that contributes to the character of the village.....”
- As we have argued elsewhere it will, if anything, destroy the character of the village rather than contribute to it.
- Arguably the proposal also fails to meet the criteria set out in paras 2. and 5. of EB2. In Chapter 4 of the EBNP Policy EB6 states: “Development proposals shall demonstrate that they: 5. would not have an unacceptable impact on the landscape setting of the village as demonstrated through a Landscape and Visual Impact Assessment.” This is presumably what the Update to the Landscape and Visual Assessment attempts to address. It, however, seems to have ignored paras 135, 136 and 138 of the EBNP which state as follows: “135. It is notable that in consultation in the course of preparation of this plan the characteristic of East Bergholt as “a village not a town” was widely identified as a defining and cherished characteristic. 136. Accordingly whilst appropriate and sustainable development should be encouraged it should not be permitted where it would adversely affect this distinctive character. 138. It should also be noted that there is a significant distance and a clear separation between the northern boundary of the Built Up Area of the village and the A12. This is a contributing factor towards the sense of East Bergholt being a village set apart from urban areas and other infrastructure in a wide agricultural landscape.”

- The Update concludes that the imposition of a large modern housing estate on the land to north west of Moores Lane would have no serious impact on the centre of the village. While this is probably true from the very narrow perspective of the visual landscape it entirely misses the fundamental point that the imposition of so large a number of extra houses on this most important village in the Dedham Vale AONB will alter irretrievably for ever the historic centre.
- The Society was deeply disappointed that your Council decided by a substantial majority to approve this proposal (which remains blatantly contrary to your own criteria set out in your CS11 and the supplementary planning document issued in amplification of that policy) earlier in the year. Noting that formal approval of this decision has not so far been promulgated, we can only hope that this further circulation indicates at least a glimmer of hope that the earlier decision could be revisited before irretrievable damage is done to the village.
- The Society continues to object to the proposal.

Further response received 15 May 2017 -

- Development within the AONB which sets a very dangerous precedent for other applications which seek to nibble away at the AONB on the edge of other villages in the Vale. The Society continues to object to this proposal.

Suffolk Preservation Society

- Represents unsustainable development due to the edge of settlement location on a greenfield site which is highly graded agricultural land.
- Consider that 144 dwellings is disproportionate to the village and the proposed layout includes a number of unsatisfactory design decisions which demonstrate a lack of understanding of the sensitivities and rural context of this site.
- The Society advocates the use of brownfield sites for new housing in advance of greenfield land in line with paras 17 and 111 of the NPPF.
- The Society considers that national planning policy requires that vacant brownfield sites within East Bergholt and its cluster group to be considered for housing development in advance of greenfield sites.
- Policy CS11 requires a sequential approach to site selection. The planning statement justifies the site selection on the basis that there are no brownfield sites within or abutting the village that could accommodate development of this size. The Society suggests that this is not justification to build 144 dwellings, business and community buildings, on the application site, but leads to the conclusion that a number of smaller developments elsewhere within the cluster of villages would be preferable.
- At 144 dwellings, this development will constitute a significant increase in the number of households in East Bergholt (which includes East End). The application does not demonstrate a need for this number of houses.
- For the village to grow sustainably it would be preferable for smaller developments to be added incrementally over the Plan period to allow the existing services and infrastructure to absorb the increased demand. The Society considers that one large development on a peripheral site, as proposed, is too large a development to be successfully incorporated into the village community and would urge small incremental schemes to allow for sustainable growth.

- The site consists of 8.4 hectares of grade 2 agricultural land. The planning statement erroneously states that grade 2 land does not constitute best and most versatile agricultural land, whereas it is.
- Good quality agricultural land is a finite resource and this site is open, relatively level and part of a larger holding. It is therefore suitable for cultivation in its own right and as part of a larger parcel.
- The planning statement fails to demonstrate that land of poorer quality is not available for development within Babergh, contrary to para 112 of the NPPF.
- It would have been more appropriate to set the development line back from the highway and incorporate a wider planting belt in order to provide a softer edge to the built up area, in line with that opposite.
- The application lacks consideration of character areas and how these respond to individual characteristics of the site. The proposed layout seems largely uniform in its approach.
- The three 'avenues' lack the design sensitivities of a rural development and fail to include street tree planting which is a key element of an avenue.
- There is a lack of thought given to the streetscape layout, and no clear public realm strategy.
- The general approach to highway design fails to provide any consideration for controlling vehicle speeds.
- Many of the frontages are arranged in awkward fashion.
- On street parking spaces dominate the streetscene to an unacceptable level in numerous locations, compromising the open space and suggesting the site is overdeveloped.
- Car parking has been designed without consideration for the end users or the functionality of the development. The design of the parking courts makes them unattractive to use, without passive surveillance and very limited in space.
- The proposals fail to adequately mitigate against the negative impact the development will have on the rural location.
- Landscaping along the northern boundary is sparse, which is a vitally important boundary to screen views into the site.
- Landscaping along the north eastern boundary is within private gardens, removing any control the local authority has over it.
- The Society expects that due weight will be given to the EBNP.

James Cartlidge MP

Letter received 21 July 2015 (summarised) –

- Does not intend to comment on applications as standard.
- It is worth noting that I have already expressed my opinion in public prior to the election at a public meeting at the Lambe School in East Bergholt, and that I will express an opinion where I think a matter of policy is at stake.
- In this case, is concerned about one key area of policy – CS11 – and the matter of 'proportionate' development.
- Understands why the policy would not want to prescribe mathematical values for proportionality, this is about judgement.
- The word character (within the policy) is also clearly subject to interpretation rather than exact definition.
- There are question marks about many of the services in East Bergholt and how they would cope, the substandard A12 junctions, a surgery in special measures etc).

- The real question is over the word 'character'. CS11 is a policy designed to add flexibility in rural development, so that more development can come forward rather than none at all, but that the intention is nevertheless to preserve as far as possible the character of our villages and avoid singularly large numbers of houses to be added in a short period.
- Has recently visited East Bergholt's primary and secondary schools and its medical practice, and discussed the A12 junctions at length with Highways England.
- Every time has paused at the site to consider the vista at Moores Lane, I cannot believe that the addition of 144 homes in one singular estate is in keeping with a policy that supports proportionate development defined as being in character with the existing settlement.
- If 144 dwellings was felt to be proportionate, I can see nothing in the policy that would prevent the landowner immediately applying to add further houses up to a similar scale which by definition would therefore be proportionate (in relation to the newly enlarged settlement).
- The only protection against this seems to be ensuring that the development itself is of a number that can be absorbed into the village without a singular large scale addition of new homes. Suggests that there may be a policy weakness here that merits further long-term consideration.
- This is not to suggest for one minute that East Bergholt does not need some new housing. I have noted there are very few properties for sale and what is would be well out of affordability reach of most younger families based in the area and wanting to buy their first home or trade up.
- I detect widespread realism that some new housing is required to support the long-term viability of the village, but that overwhelmingly the feeling is that this should be proportionate.
- This is the view that I share and I believe is the principle underpinning CS11 – to bring forward sustainable growth of housing in villages, not singular impositions of disproportionately large estates.
- It may be argued that some of the strategic sites on the edge of our towns (Sudbury, Cornard, Ipswich/Pinewood etc) are adding a similar percentage of homes to that in East Bergholt, but there is a strong argument those developments would not change the character of the towns.
- A similar percentage in a village can have a far more dramatic effect.
- Ultimately South Suffolk is a predominantly rural constituency and even its towns take much of their character from their harmony with the surrounding rurality.
- We could see a sharp increase in development in our villages that changes the character of the constituency to a more urban feel – this is my primary policy concern and I believe that the development should be rejected on grounds of disproportionality, notwithstanding other concerns which may or may not come forward.

Ward Member Response – Cllr Hinton

- I liken the application for this development to a colander. It is full of holes and is mainly comprised of miss quotes from policy documents, and inaccurate information ranging across all aspects of the application.

- During the course of this letter of objection I will highlight the main points and how I feel they relate to planning policy and I will not try to identify ALL the “holes” as this would take too much time. It was Richard Watson the former Head of Planning at Babergh who said that “a few good reasons are better than a multitude of less important ones”!
- Furthermore it does not demonstrate that it complies with or has made any allowance for the content of the Localism Act or will enable the Planning Authority to comply with the Duty to Co- Operate provisions.
- Planning Statement: The statement is full of errors and contains the repeated presumption that the Babergh Core Strategy says that all development should be in the core villages as they have demonstrated their ability to provide the services for sustainable living. The policy within the Core Strategy highlights the “cluster” nature of the rural areas and in my opinion is worded to insure even distribution of development and not to exclude any village from the potential need for housing. This is why it stated that development in the cluster villages should bear a direct connection to the facilities in the core villages, not that it could only be in the core villages. If we assume that the “need” stated in the proposal is accurate and not 5 years out of date and recording a “desire” rather than actual need, then to put all the homes in the Core Village would deny the evidence base for the hinterland villages to have any development at all and effectively condemn them to die.
- This proposal is therefore contrary to CS11 on all the six subsections to the policy.
- The NPPF underpins the presumption of development approval unless it is contrary to its precepts. The policy is based upon sustainable development that is work related and appropriately located and avoids the use of prime agricultural land.
- The proposed site is quoted as grade 2 agricultural lands, some of the most productive and therefore it should be protected. The developer argues that as there is no brownfield land and other sites, (possibly on less productive land) have not been offered, so the retention of productive agricultural land should be set aside. The developer further states that the “business units” four B1 units totalling 360sq.m should be pre-let prior to construction, so essentially this proposal has no job creation / long term employment element at all, but is purely houses, necessitating commuting, situated on productive agricultural land in the countryside! Another sound reason for refusal, as the proposals fails to meet the requirements of NPPF and Babergh policies. Just because there have been no alternatives offered, does not mean that policies should be set aside. They should look for alternative sites elsewhere, which will not run contrary to the policies.
- The planning statement quotes the identified need for dwellings suitable for older residents to be able to downsize and therefore remain in the village as their health and mobility fade. This was identified from the community consultation, but other more significant points, concerning location size and proportionality have been ignored. There has been selective and token notice paid to “community consultation”.
- Presumably that is why the “bungalows” are situated at the far northern fringe of the proposed development making them the furthest from village facilities of any of the proposed homes.
- Layout and mix of housing is incompatible with any perceived or actual housing need and therefore is a reason for refusal.

- I am sure that the eminent design members of the Suffolk Design Panel live in Holland which is why the design of the individual properties mirrors those found in Holland rather than a Suffolk village! Refusal on in appropriate design is therefore appropriate. The comments by a renowned architect concentrate on the high roofs a characteristic of most Dutch dwellings. Yes there are some high roof dwellings in the village, but to extract a selection of the variety of dwellings and styles that have evolved across the village over hundreds of years is not a sound way of justifying inappropriate and haphazard design for the development.
- Local knowledge and awareness of the community and how it operates is crucial to the sympathetic and appropriate scale of development that is so widely required across the country. The applicant I am sure knows where his site is, but does not appreciate the character and layout of the village. Distances to facilities have been stated that are in excess of the NPPF guidelines for foot traffic thus encouraging unsustainable car use, street lights are proposed but under CS11 they are not required on footways and the original assumption was to give communities without street lights the option of not having them installed on new proposals. Streetlights are often a requirement of the County Council as the Highways Authority, to facilitate adoption of new developments, but there is a conflict of standards when County Councils are also seeking to turn off lights to save on funding! To require them or propose to add them to an already “dark” village seems incompatible with many other policies!
- Community services are over stated in the proposals. There are NO facilities for teenagers whereas the proposals talk about a church group! The Doctors / Medical practice is in “special measures” with the CQC and was close to closure, but there are no alternatives as surrounding practices have refused to take any more East Bergholt transfers. There is a separate chemist shop which provides an excellent service, but not one in the surgery as quoted in the Planning statement! Schools are quoted as having capacity especially the Primary school, but local residents already have children in alternative locations as there was not sufficient space when they requested it! The local shop requested a planning approval for an extension to facilities, later withdrawn. In summary facilities are available, but they are currently near the limit of their capacity and this is not reflected in the proposals. CIL in theory should fund facilities, but is likely to be accumulated for use in urban areas as the funds locally will be deemed too small.
- Para 5.10 to 5.12 are flawed in that they talk of growth, jobs and prosperity. This proposal has no jobs, will grow commuter traffic, only further stretching the already overloaded infrastructure, and by making the national economy even more reliant on imported foodstuffs, (we currently import more than 50% of our essential foodstuffs for the first time ever, government figures) because of the loss of agricultural land and will create an unsustainable wart on the approaches to a nationally recognised village in an area that already contributes extensively to the tourism budget of the UK.
- Justification for the affordable / social homes has been mentioned in para 7.3 but what it ignores is the fact that the Ipswich Housing Market area is influenced by the Ipswich Policy Area and this does not include East Bergholt! If we are to extend the area of involvement we should perhaps include the Greater Haven Housing Area which is covered by the choice based letting system and thus place these houses somewhere in North Essex perhaps in the area where neighbouring councils are planning 51,500 new homes in the A120 corridor, 1050 of which are already identified some 2 miles away just across the border. Where is the “need” when they are built?

- Babergh District Councils own 2008 Housing needs survey is quoted, but in relation to the total migration though “desire” rather than “need” to live in the Councils area.
- The latest Suffolk wide Housing “needs” Survey, having only achieved a 5% return on all homes is deemed as not robust enough to judge the evidence for “need” in East Bergholt. There is therefore no identified evidence to support the proposal within the submitted documents, but the local Neighbourhood Plan research shows no “need” on this scale, but a “desire” for development on a modest scale over the course of the District Councils Local Plan period.
- Comparing proportions of rented accommodation in villages to towns assumes there is a similar level of employment which is not the case. This is therefore a flawed assessment and can be set aside. The recent completion of 4 “affordable” bungalows for “local needs” occupancy had difficulty in complying with the planning constraints, thus there is not a proven “need” to fill 50 affordable homes!
- Para 9.4 means nothing so an explanation of what is actually meant would be useful!
- This proposal is contrary to both local and National planning policy on several grounds and is inaccurate in many respects and the proposal should be refused. The detailed responses of both the Parish Council and the Action group clearly state the planning reasons for refusal. To continue to pick apart this flawed proposal would only potentially confuse the issue and is in my opinion unnecessary.
- Attached are example of errors inaccuracies and potential misinterpretations and representations within the proposals.

Dedham Vale Society – Development within the AONB which sets a very dangerous precedent for other applications which seek to nibble away at the AONB on the edge of other villages in the Vale. The Society continues to object to this proposal.

East Bergholt Society – Would be grateful for assurances that all comments and objections will be taken into account when determining the applications. Still object to the scheme. If the applications ‘on hold’ were approved then the 5 year housing supply would be on target. Any shortfall is not sufficient justification to overrule the EBNP.




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Application No: B/15/00673/FUL




Parish: East Bergholt



Location: Land north west of, Moores Lane

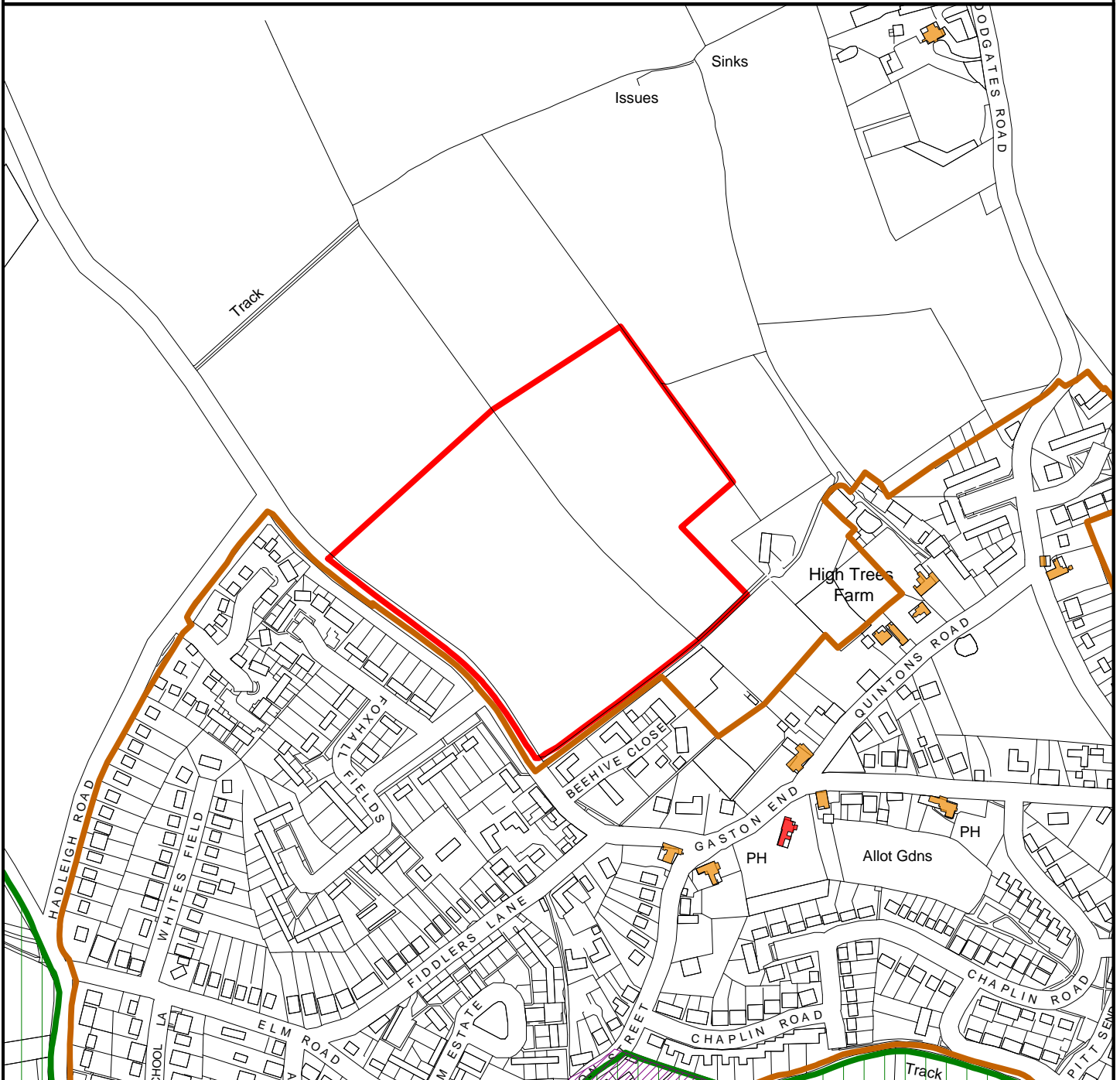
Legend

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

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 8b

Committee Report

Committee Date: 2 August 2017

Item No: 2

Reference: B/15/01678/FUL
Case Officer: Gemma Pannell

Description of Development: Erection of 10 single-storey dwellings for the over 55s, along with refuse, bicycle/gardeners store buildings and associated landscaping works.

Location: Land South of Gatton House, Hadleigh Road

Parish: East Bergholt

Ward: Dodnash

Ward Member/s: Cllr John Hinton and Cllr Stephen Williams

Site Area: 0.87ha

Conservation Area: Not in Conservation Area

Listed Building: The adjacent property, Gatton House, is Grade II listed.

Received: 08/12/2015

Expiry Date: 31/03/2016

Application Type: Full Planning Permission

Development Type: Smallscale Major Residential Dwellings

Environmental Impact Assessment: EIA not required

Applicant: Mr and Mrs Aggett

Agent: Roger Balmer Design

SUMMARY

The proposal has been assessed with regard to section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan policies, the National Planning Policy Framework and all other material considerations have therefore been fully considered.

Officers recommend approval of this application. As explained in this report, the proposed development is considered not to be in accordance with development plan policies CS2, CS11 and CS15, and less than significant harm would arise to the adjacent heritage asset from the proposal. However, the harm to the heritage asset has been weighed against the public benefits brought about by the proposal, and it is considered that those benefits outweigh the harm.

Furthermore, the Council does not now have a five year housing land supply and the adverse impacts of the development, including areas of non-conformity with the development plan policies referred to, are not considered to significantly and demonstrably outweigh the benefits of the development.

The proposed development is considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and 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:

- **This application is referred to Planning Committee at the request of Councillor Williams.**

PART TWO – APPLICATION BACKGROUND

1. 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

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

B/89/00914/OUT - Outline – erection of a detached dwelling and garage.
Refused.

Details of Previous Committee / Resolutions

3. This application was previously reported to Planning Committee in March 2016.
4. Whilst the Planning Committee resolved to grant planning permission, and permission was subsequently issued on 29th March 2016, the decision was the subject of Judicial Review. The decision on the Judicial Review was issued on 9th December 2016 and the decision quashed the planning permission.
5. The application is, therefore, returned to the Planning Committee for redetermination.

Details of Member site visit

6. Members undertook a visit of the site on 20th March 2016.

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

8. *An initial consultation was carried out 16 December 2015 and the following responses were received:*

East Bergholt Parish Council: Recommend refusal on the significant harm to the AONB plus area is identified as valued green space for protection in emerging neighbourhood plan (submitted to Babergh for section 16 consultation).

LHA – No objection subject to conditions.

County Archaeologist – The proposed development is in an area of archaeological potential recorded on the County Historic Environment Record. The proposed development is located just outside of the historic settlement core (EBG044) and to the south east of a Roman cremation cemetery (EBG009). As a result, there is high potential for encountering early occupation deposits at this location. Therefore, standard archaeology conditions are recommended to enable recording and understanding of the significance of any heritage asset before it is damaged or destroyed.

Historic England – *(Full comments used within assessment below)*
Recommendation: We have concerns that the proposed development would cause less than substantial harm in terms of paragraph 134 of the NPPF to the significance of the conservation area by inappropriately positioned development in its setting, altering a key access route into the historic core. The setting of the grade II* listed building would be similarly affected, although we would not consider it amounts to more than a degree of harm. We suggest that the council weighs the public benefit that could be delivered by the scheme against this harm in accordance with paragraph 134 of the NPPF. If the council does find clear and convincing justification for the proposals, we would not wish to comment on the design of the scheme which has merit in its own right.

Natural England – The proposal will not affect any statutorily protected sites.

Suffolk Wildlife Trust – We have read the ecological survey reports (Richard Kilshaw Ecological Services, Nov 2015 and Essex Mammal Surveys, Nov 2015) and we note the conclusions of the consultants. We request that the recommendations made within the reports are implemented in full.

The reptile survey identified as required should be undertaken prior to the determination of this application in order to ensure that the decision is made based on all relevant material considerations, in accordance with the requirements of ODPM Circular 06/2005. However, based on the level of risk it would appear that the mitigation they have described would be appropriate if reptiles were found on site.

The requirements for survey and implementation of the necessary mitigation measures (ahead of any works, including clearance, on site) can be secured by a pre-commencement condition. In addition to the reptile survey, the other recommendations made within the survey reports should be implemented in full, via a condition of planning consent, should permission be granted.

Suffolk Fire and Rescue Service: The Fire Authority request that adequate provision is made for fire hydrants via the imposition of a condition.

Suffolk County Council – Landscape: (*Detailed comments are incorporated into assessment below*). The proposal is acceptable in landscape terms subject to conditions.

SCC Infrastructure: In view of the dwellings being for occupation for people over the age of 55 there will be no requirement for education contributions.

Corporate Manager – Community Planning, Heritage & Design: Concerns about the density of development and the impact of the wide access point and views into and out of the conservation area. The gap provided by the site is significant in terms of establishing the rural character and setting of the two listed buildings that it separates. Less than substantial harm would result to the setting of both. The visual separation provided by the conifer belt between the site and The Gabel will not last so the visual impact of the development on this will be greater than it would be if this was retained. The tranquillity of the cemetery and views across the open area would be impacted by the development. If balancing harm against public benefit, then need to be sure that the development was desirable in terms of providing housing for the over 55s and achieved that aim. There appears to be a compromise on provision of ancillary outbuildings and garden space in order to achieve both the numbers of units and to achieve design aesthetic. The use of the inward looking courtyard for parking does seem rather a wasted opportunity and will compromise the setting of the development.

Arboricultural Officer - No objection subject to development being undertaken in accordance with the principles outlined in the accompanied arboricultural report, an appropriate condition should be used for this purpose. Although a number of trees are proposed for removal these are either of limited amenity value and/or poor conditions and all important (category A) trees are scheduled for retention. A detailed tree protection and arboricultural method statement, will be required.

Corporate Manager - Development (Housing and Regeneration) – No objection:

The proposed development proposes 'Almshouse' type single storey units for the over 55's. Taking into account the planning circumstances this appears to be an appropriate use of the site and will meet the needs of older people wishing to down size from larger family housing to smaller more manageable accommodation, within the open market sector.

The most recent information from the Council's Housing Register shows 23 applicants registered for housing stating a local connection with East Bergholt of 6 of these are 55 years and over.

The provision of three units for affordable housing on site would help meet the need for affordable housing within East Bergholt for older people and will meet current affordable housing planning policy requirements.

Corporate Manager – Sustainable Environment (Land Contamination):

The Phase 1 desk study by MM-EC Geoenvironmental in support of the application adequately demonstrates that the likely risk from contamination to end users of the development is likely to be low and as such I have no in principle objections to the development.

Corporate Manager – Sustainable Environment: If the Council wishes to grant planning permission prior to the approval of the overall energy/sustainability statement, then this can be dealt with by condition to ensure that the required standards/accreditations are secured at the post-construction stage.

Suffolk County Council Flood & Water Team (inc. Drainage) – No comments to make.

Dedham Vale Society: Objection in Principle – substantial development within the Dedham Vale AONB which we would argue is contrary to paras 115 & 116 of the NPPF where it is stated that such application should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. To allow such a development in these circumstances would set a most unfortunate precedent for future attempts to intrude on the landscape of the AONB. We also note that the area in question does not feature as a potential site for development in the emerging Neighbourhood Plan and believe that great weight should be attached to this document, prepared by the local community who are best suited to know what is best for East Bergholt.

We object to the design of the development in relation to its treatment of the vehicle traffic it would create which we consider the applicant has completely misjudged. We do not consider that sufficient notice has been taken of the additional traffic that would use the already busy Hadleigh Road, encumbered with the Primary School almost opposite. Furthermore, the layout of the development providing a car park in the middle courtyard, seems peculiarly insensitive giving all ten properties an unappealing view from their front doors.

Following the receipt of amended plans, an additional consultation was carried out on 5th February 2016 and the following responses have been received:

Corporate Manager – Community Planning & Heritage: The Heritage Team considers that the proposal would cause less than substantial harm to the setting of Gatton House, The Gables and that of the conservation area. The dense courtyard development would result in loss of openness of the site and sense of countryside filtering in through the village. The wide access point would affect the closed views along the west side of Hadleigh Road between Gaston Street and Gatton House. The Heritage Team recommends that this harm is weighed against the public benefits of the proposals as required by paragraph 134 of the National Planning Policy Framework

Dedham Vale and Stour Valley Project: The site is within the nationally designated Area of Outstanding Natural Beauty and as such, the proposal should seek to protect and enhance the landscape and special qualities of the area.

The suitability or otherwise of the site for development will be determined by the relevant national and local planning policy, and therefore we offer the following comments in relation to the potential landscape impact only.

Given the location of the site in the context of the village of East Bergholt, it is important that the scheme takes into account its setting within a nationally protected landscape and in particular, the conservation of the character of this historic village setting.

The site is currently screened from the road by an over-mature coniferous hedge. This in itself is a dominant feature in the street scene and is not part of the local landscape character. Removal of the hedge along the road frontage and the boundary with The Gables would inevitably open up the views of the site and therefore make the development more visible, however, it is considered that this is best addressed with a detailed scheme of replacement planting. The replacement planting should seek to enhance the street scene and boundary treatment of the site with the introduction of locally appropriate planting which respects the local landscape character and effectively screens the development.

Longer range views from further afield within the AONB are not considered to be available and therefore the proposed landscape mitigation needs to address the immediate visual impact, such as from the road frontage and the cemetery at the rear. If the local planning authority approve the application, we would recommend a condition to ensure that a detailed scheme of planting and maintenance (at least 10 years), is submitted and approved prior to commencement of any work. The maintenance plan also needs to address how the areas of planting outside of the individual domestic gardens will be maintained in the long term as, for the mitigation to be effective, the success of the planting is crucial.

The areas of planting between the cemetery and the development should seek to provide a gentle transition of planting rather than an abrupt solid boundary for example.

In addition to a suitably detailed and appropriate landscape scheme and maintenance proposal, we would recommend that a condition is required to ensure that external lighting is minimised to that which is required for safety. Any lighting, signage etc. along the access road etc. will need careful consideration and conditioning.

Historic England: The proposed amendments have reduced the visual prominence of the proposed buildings, but for reasons set out in our advice of 6th January 2016, we consider the development could still result in harm to the significance of East Bergholt Conservation Area and the Grade II* listed The Gables. The Council should therefore weight the public benefit that could be delivered by the scheme against this harm in accordance with paragraph 134 of the NPPF.

Natural England: The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Dedham Vale Society: The Society has now studied the plans and is pleased to note the revised approach to the car parking provision. This is an improvement but has only been achieved at the expense of a larger use of green belt land within the Dedham Vale AONB. The Society therefore maintains its objection in principle to this intrusion into the AONB. We consider granting permission for this proposed development as setting a dangerous precedent for further attempts to nibble away at the AONB on site adjacent to other villages in the Vale.

East Bergholt Parish Council: Recommend refusal on the significant harm to the AONB plus area is identified as valued green space for protection in emerging neighbourhood plan.

Representations

9. 37 representation(s) objecting to the original application have been received and the comments are summarised as follows:-

- Speculative application – to gain profit from the land sale;
- No clear delivery plan or named or committed developer;
- Ridge heights are typical of a two storey development – potential for rooms in the roof;
- Significant built footprint;
- Potentially development will accommodate 26 people;
- Car park for 22 cars and 55m access road is punched into the AONB;
- Additional traffic generation;
- Access Road resembles an airport runway;
- Landscaping will take many years to mature;
- Destruction of frontage to Hadleigh Road;
- Visually intrusive;
- Destroy amenity and rural character of the village;
- Loss of one of the few remaining open meadows located within this part of the historic village;
- The timescale and level of impact is not acceptable;
- Conflict with the Neighbourhood Plan (disregard for the Landscape Partnership's Study);
- Need to minimise impact from lighting;
- Previous selective enforcement activity in recent years – will conditions be enforced;
- No practical means of ensuring housing is restricted to over 55 years;
- Loss of site to development will outweigh limited economic and housing benefits that can be expected to arise through the development;
- Outside of the BUAB;
- Within the Dedham Vale AONB;
- Defined as an important open space which should be protected from development (as per the Neighbourhood Plan);
- Neighbourhood Plan should be given weight in planning decisions and therefore is a material consideration;
- Identified in the SHLAA as site not appropriate for development;
- Identified in an independent landscape study to support the neighbourhood plan as one of the few sites in the Parish whose landscape has the lowest capacity for development;
- Need to conserve and enhance the historic environment;
- Development is at odds with national government policy;
- Alternative sites are available;
- Initial support from the LPA is premature and potentially prejudicial to a fair and considered period of consultation;
- Conflict with the EBE NP; significant weight of argument and policy context against the granting of planning permission;
- Refuse this application;
- Increased traffic;
- Excessive parking provision;
- Substantial new settlement;
- Age limit should be higher;
- Appearance of the development is dense and urban;
- Decorative chimneys – intrusive in terms of visual impact;

- Mature specimens should be planted;
- Development in the AONB shouldn't be allowed;
- Cumulative impact would be destructive of the tranquillity of the AONB;
- No evidence that this is in the public interest;
- Detrimental impact on the landscape and the wildlife;
- NP recommends 86 new homes up to 2030, this implies less than 6 per annum. Therefore larger developments should only have to be permitted in exceptional circumstances;
- Adverse impact on the landscape, character and tranquillity of the village;
- Site is contiguous with the open fields belonging to the cemetery;
- Out of character with the relatively small number of existing single houses in open gardens on that side of the road;
- NP designates this as an important open space;
- Short and long term injury to many aspects of the character and amenity value of this historic part of the village through disproportional scale and development density;
- Should be defined as 65yrs+;
- Over development;
- Valuable and unique asset within the AONB;
- NP must feature strongly in the considerations of this application;
- Provision for visitor parking;
- Development is not wheelchair accessible;
- Negligible storage space, no utility rooms are proposed;
- Site was historically used for grazing, which is in keeping with a country village;
- Development is too dense;
- Rooflines are too steep and ridge lines too high;
- Clock lantern is inappropriate;
- Lack of garages;
- Should be a 21st Century development;
- Phoney representation of alms houses;
- Erosion of the AONB would not benefit the village or visitors from further afield who contribute to the tourist industry that the area attracts;
- Road and pedestrian safety;
- Should be for 8 retirement 2 bedrooomed bungalows;
- No thought for the requirements of the elderly;
- How will the site be managed for the elderly;
- EB is already a large village with multiple applications for further development. Not enough infrastructure to cope with any more. Road access onto the A12 is dreadful;
- Doctors surgery is already full, as is the school;
- Meadow is crucial to maintaining the rural nature of this historic village;
- Do not want to become a town;
- Already a parking problem;
- Increasing population density on this site will change the character of the village;
- Destruction of the historic core;
- The site is likely to be included within the Conservation Area in the future;
- Statistics taken from the neighbourhood plan show development here is unacceptable;
- Wall should be constructed along the boundary of Gatton House;
- Disturbance of the peace and tranquillity of the cemetery for those visiting loved ones;

- Smaller scale development should be considered;
 - Contractors vehicles will need to park on the site;
 - Object to any further infill development.
10. Five representation(s) objecting to the amended application have been received and the comments are summarised as follows:-
- Proposal results in greater impact to The Gables (Grade II*) as a result of the removal of the conifer trees along the boundary;
 - Amended ridge heights are still greater than many bungalows in East Bergholt;
 - Buildings will protrude some 3.36m above the boundary wall height;
 - Insufficient space to plan adequately sized and tall hedging or evergreen trees;
 - Adequate screening should be implemented prior to the commencement of development and maintained for the life of the development;
 - PD Rights should be removed for alterations to the roof – to prevent loft spaces being used for accommodation;
 - 10 dwellings is too dense. Inadequate space for proper screening and little space between the proposed buildings and boundaries with The Gables and Gatton House;
 - Reduction in numbers of dwellings would result in less traffic;
 - Lighting should be controlled by condition;
 - Unjustified development in an AONB;
 - No identified need for the development;
 - No affordable housing is provided on site;
 - Open market dwellings will be out of reach for local people due to the high quality build;
 - Discrimination against people under 55;
 - Will not free up dwellings in the village as may be purchased by those outside the area;
 - No guarantee that the AH contribution will be spent in East Bergholt;
 - All public comments should be available to view online;
 - Inappropriate nature of single bulky building;
 - Garaging is needed – especially for over 55s;
 - Viability and profitability should not be a planning consideration;
 - Access arrangements are harmful to the street scene as a result of wide visibility splays;
 - Enforcement of over 55's restriction;
 - A 10 year timescale for the landscaping condition highlights the scale of expected detrimental impact of this scheme on the character and amenity of the local area.
11. One representation(s) supporting the amended application has been received and the comments are summarised as follows:-
- The applicant has responded positively to many initial comments made;
 - The amended plan represents high quality development. Much needed in East Bergholt;
 - The proposed scheme is not considered detrimental to the street scene or AONB;
 - This development is in stark contrast to B/15/00673.
12. The following organisations and public representatives have made representations on the application and their comments are summarised as follows:-

The East Bergholt Society: Refuse – because of the location in the AONB. We applied the tests for development in the AONB as set out in the National Trust “AONBs and Development”:-

- The development does not conserve or enhance the AONB;
- The central car parking would dominate the view from the street with no possibility of screening by planting;
- Haven't taken into account the fundamental principle of conservation and enhancement;
- Not in compliance with NPPF para 115;
- Consider that this is “major” development which is a significant number in a sensitive area in a village setting;
- Permission should be refused unless there are exceptional circumstances to justify permission and that the development is in the public interest. We cannot support that there are neither exceptional circumstances nor public interest;
- If it were genuine sheltered accommodation, guaranteed to be occupied by those older people identified as having a need locally, a case could be made;
- The LPAs development plan is up to date and was strengthened by the Inspector with regard to its heritage landscape;
- Lack of consideration for development in the AONB.

The following representations have been received following the consultation period during March 2017:

East Bergholt Parish Council - No further comments received

East Bergholt Society – Fundamental objections remain unaltered but in addition dispute the calculations for the 5 yr housing land supply and the impact of this on the Neighbourhood Plan. All three applications being considered in East Bergholt fail to comply with the NPPF as per the Society's original objection

Dedham Vale Society -The society continues to object to this application.

Seven further letters have been received raising the following objections:

- Harm to existing and future users of Hadleigh Road
- Increasing fast and dangerous traffic passing and using two nursery schools
- Parking of cars along Hadleigh Road has hampered use of driveways
- Existing problems will be exacerbated during construction and occupation of any extra building in Hadleigh Road
- Harm to natural habitat of this sensitive and vulnerable site
- Great need for protection and management of natural environment for the well being of future generations
- Building in the countryside will not enhance the Stour Valley and its AONB.
- Objections raised through the judicial review have not been addressed
- Further legal action will result if council pretends housing assessment need and the 5 year plan are not valid
- If the Council has been negligent in its production of its plan – consideration will be given to the liability of individual Councillors
- The plan should be rejected because of its adverse impact on the village in a sensitive location.
- Ludicrous retro design and overdevelopment are further reasons for refusal

- Development remains the same and therefore I continue to objection
- Councillors are obliged to listen to the voice of the people they represent and to manage the budget of those that pay their local taxes
- The only people that will benefit from this scheme would be those located outside of Babergh (i.e. the applicant and potential residents) at the cost of people living in the village.
- 99% of the people of East Bergholt don't want to develop in the AONB and yet the local council approved such a concept.
- Disrespect and lack of understanding of village planning has cost us all and councillors are not elected to waste funds.
- If permission is granted for this development a number of conditions should be imposed, that all occupiers must be over 55; properties should not be allowed to extend, including TV/satellite aerials and restrictions on construction noise and traffic pollution during the build.
- The Addendum statement and new site/block plan fails to make any substantive points that give weight to the case for this development which remains contrary to policy and the wishes of East Bergholt and detrimental to amenity, conservation, heritage and landscape characteristics of the site and its surroundings.
- A decision here is premature to the updated neighbourhood plan and the objective audit of the 5 yr housing land supply. Any decision would be open to question.
- BDSC Planning Committee is the decision maker having responsibility for implementing the NPPF to achieve sustainable development.
- The context of the site and the recently made EBNP and East Bergholt Development Partnership (Community Land Trust) which is planning its own development for the benefit of the community should be taken in to account.
- The decision should be transparent and be based on actual benefit that relates to the application.
- The buildings will be permanent and the loss of a lovely meadow protected by the AONB will be permanent to the detriment of the setting of the village and the loss of enjoyment of the green wedge off Hadleigh Road.
- Further investigations should be undertaken with regard to the 5YHLS, otherwise an incorrect weight might be given to relevant policies.
- Consideration of the application should be deferred until matters of housing land supply, heritage evaluation and any possible revision of the EBNP.
- The introduction of a supposed community benefit by allocating an area of the site to become a so called tranquil area for reflection and contemplation for those visiting the cemetery is not welcomed – this could become an area for noisy unsocial behaviour ranging from general nuisance to criminal activity.
- The elderly retired require safety and security. Potential residents will need to weigh the risks of disturbance, vandalism, theft and damage to property, their person and their vehicles before deciding to buy.

The Site and Surroundings

13. The application site comprises 0.87ha of land located outside of, but immediately adjacent to, the built up area boundary of East Bergholt, which is identified as a core village in policy CS2 of the Core Strategy. The application site is also within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and abuts the Conservation Area boundary. The neighbouring properties are listed buildings (Gatton House and The Gables).
14. The application site comprises meadow land that previously formed part of Gatton House and has now been severed from Gatton House, having been sold as a separate entity.

15. The application site fronts onto Hadleigh Road and comprises a five bar gate and a row of mature conifer trees, which also extend beyond the application site along the boundary with Gatton House. The application site contains a number of semi mature trees, some of which are to be retained as part of the development. The side boundary of the site alongside Gatton House, runs beside the tennis court and swimming pool, and the other side adjacent to The Gables, is adjacent to their tennis court. The rear boundary abuts the parish cemetery.

The Proposal

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

16. Planning permission is sought for the erection of 10 single storey linked dwellings with a central courtyard. The dwellings are proposed to be limited to occupation by persons over 55 and have been designed as small properties, which may give the opportunity to downsize.
17. The application has been amended since original submission, as a result of ongoing discussions and as a result of concerns raised by both statutory consultees and interested parties.
18. The amendments that have been undertaken are as follows:-
- Removal of conifers trees along the SE boundary – due to their limited lifespan;
 - Reduction in width of access road from 5.5m to 4.25m;
 - Removal of footpath on the NW side of the access. This helps to lessen the overall visual impact of the access and a footpath on the east side remains;
 - Car parking has been relocated from the central courtyard to areas on each side of the site. This minimises views of parked cars from the access to the site and improves the outlook for the proposed dwellings;
 - Redesign of bin store and cycle storage;
 - Reduction in roof pitch and ridge heights and lowering of chimneys;
 - Removal of crow stepped parapet gables;
 - Simplification of central clock tower;
 - Central courtyard now landscaped feature to provide garden area whilst allowing access and turning for larger delivery vehicles and emergency vehicles;
 - A 2.1m high soft red brick wall along part of the boundary with Gatton House.
19. Members are advised that these alterations were made prior to the matter being reported to Planning Committee in March 2016. However, the applicant's agent submitted a further supporting statement in March 2017 (following the judicial review) which has been subject of further consultation.

This includes an updated masterplan with an area of publicly accessible land to the rear of the site.

NATIONAL PLANNING POLICY FRAMEWORK

20. 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.
21. 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

22. The Development Plan, so far as relevant to this application, comprises the Babergh Core Strategy 2014, saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006 and the policies set out in the East Bergholt Neighbourhood Plan. 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 or Hinterland Villages
- **CS15** - Implementing Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes

SAVED POLICIES IN THE LOCAL PLAN

- **HS32** - Public Open Space (New Dwellings and Sites up to 1.5ha)
- **CR02** - AONB Landscape
- **CR07** - Landscaping Schemes
- **CN01** - Design Standards
- **CN06** - Listed Buildings
- **CN08** - Development In or Near Conservation Areas
- **TP15** - Parking Standards – New Development

THE EAST BERGHOLT NEIGHBOURHOOD PLAN

- **EB1** - Housing Numbers
- **EB2** - Development Size and Location
- **EB3** – Village Heart
- **EB4** – Housing Type, Tenure and Sizes
- **EB5** – Increasing the Choice of Housing Options for Older People
- **EB6** – Landscape and Views
- **EB7** – Local Green Space
- **EB8** - Biodiversity

- **EB9** – Housing and Non-Residential Design
- **EB10** – Preservation of Non-Designated Heritage Assets
- **EB12** – New Developments, Parking
- **EB13** – New Developments, Walking and Cycling
- **EB14** – New Developments, Footpaths, Cycleways and Bridleways
- **EB18** – New Development and Farm Vehicles Access
- **EB22** – Electric Cars
- **EB23** – Sustainable Drainage Systems

SUPPLEMENTARY PLANNING DOCUMENTS

23. The following documents are also considered as material for the purposes of determining planning applications and are applicable to this proposal:-

- Rural Development and Core Strategy Policy CS11 SPD
- Babergh District Council - Affordable Housing, Supplementary Planning Document (2014).
- Cabe at Design Council - Building for Life 12 (3rd Edition, 2015).
- Department for Transport - Manual for Streets (2014).
- Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015.

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

25. The PPG is an online reference and is available via the following link:
www.planningguidance.planningportal.gov.uk.

26. The relevant policies that have been referenced can be viewed online. Please see the notes attached to the schedule.

Main Considerations

27. 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

28. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.

29. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
30. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
31. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light...Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
32. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
33. A summary of the Babergh 5 year land supply position is:
- Core Strategy based supply for 2017 to 2022 = 4.1 years
 - SHMA based supply for 2017 to 2022 = 3.1 years

34. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.
35. The NPPF requires that development should be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. This has been discussed above. 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."*
36. In the light of all of the above, this report will consider the proposal against the policies of the development plan, including the East Bergholt Neighbourhood Plan, to determine whether the proposal is in accordance with the development plan as a whole. If it is not, and there are policy conflicts, they will need to be weighed against other material considerations to see whether a decision which does not accord with the development plan is warranted, in the light of the presumption in favour of sustainable development, and in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

37. As detailed at paragraph 22 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

38. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.
39. Policy CS2 (Settlement Pattern Policy) identifies East Bergholt as a Core Village, which will act as a focus for development within its functional cluster. Sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2. 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).
40. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that
"Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:
- i) Existing commitments as identified in the trajectory;*
 - ii) Allowing for a windfall figure of 1,640 dwellings;*
 - iii) Making provision for 2,500 new dwellings to be built in the following locations:*
-*
Core & Hinterland Villages 1,050
.....
- The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required".*
41. 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.*

42. 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. However, as the High Court has clarified in the Judicial Review discussed below, this flexibility has to operate within the limits of Policy CS2 so that sites outside of the BUAB need to satisfy the tests in Policy CS2 as well as the criteria in Policy CS11.
43. 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, and means that it is a material consideration when planning applications are determined.
44. 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).
45. 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

46. Policy EB6 of the EBNP states that;
- “Development proposals shall demonstrate that they:*
- 1. Comply with the policies and guidance relating to the Dedham Vale AONB and its setting;*
 - 2. Where appropriate, satisfy the development tests set out in paragraph 116 of the National Planning Policy Framework;*
 - 3. Respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting;*
 - 4. Have taken full account of the capacity assessment set out in the Landscape Sensitivity and Capacity Assessment (Map 11) ; and*
 - 5. Would not have an unacceptable adverse impact on the landscape setting of the village demonstrated through a Landscape and Visual Impact Assessment”.*
47. In respect of criteria 1-3 of policy EB6, the impact on the AONB is considered in the following sub-section of this report.

48. Map 11 within the EBNP sets out the Landscape Sensitivity and Capacity Assessment. It identifies this area has having Low Landscape Capacity, where the overall findings of the assessment were “...*the countryside within and surrounding the main built-up area of the village comprises rural, intact, high quality landscapes. The majority of the identified parcels of land in the countryside surrounding East Bergholt were found to have only a Low to Medium capacity to accommodate development, based on the assumptions set out in the report. Five parcels were found to have a Medium capacity to accommodate development on that basis and none were found to have a Medium to High or High capacity*”.
49. Policy EB6 requires that developments take full account of the Landscape Sensitivity and Capacity Assessment (criterion 4) and that an LVIA should demonstrate that there would not be an unacceptable adverse impact on the landscape setting of the village (criterion 5). Whilst these are separate issues, the fundamental matters at hand are the impacts of development on the landscape, the sensitivity of the landscape to such impacts and the overarching impacts on the AONB. These are therefore considered below. However, it should be noted that the Examiner did not accept that this site should be classified as Local Green Space, and removed this proposed designation from the site in the Examination of the Neighbourhood Plan. As such, policy EB7 is not applicable to this scheme.
50. The site is in a parcel of land adjacent to Gatton House and bounded by the cemetery to the west, the neighbouring property known as *The Gables* to the south. The site consists of grassland with scattered trees and is bounded on two sides (eastern and southern) by mature and very tall leylandii conifers. The boundary with the cemetery consists of semi-mature scattered trees and clear views into the site from the cemetery are available. Therefore, these views and the proposal site contribute to the setting and character of the cemetery. Opposite the site on the eastern side of Hadleigh Road is a mix of relatively new and late 20th century development creating a street scene that appears to retain some of the earlier boundary hedging and trees which pre-date this development. The leylandii hedge on the western side of the road has ceased to be robustly managed at some point after 2009, and now creates something of an oppressive outlook for some of the properties at the front of Hop Meadow.
51. The site itself does not appear to be significantly visible in the wider landscape and is difficult to locate from the highest point on Dead Lane, which is about 650m to the west of the site. The wider countryside to the west of the site consists of a wooded undulating grassland and arable landscape in which the only significant detractor the character and condition of the AONB is the rumble of traffic on the A12.
52. A proposed landscaping scheme has been submitted. This identifies the road frontage conifers for removal as well as those along the boundary wall of *The Gables*. The applicant has identified that the trees along the boundary with *The Gables* will need to be removed in the next 10 years.
53. The trees along the boundary with *The Gables* have no long term future and will be difficult to extract following construction of the site. Therefore, since the application was originally submitted it has been decided that these trees should be removed and replaced as part of this proposed development. This will create the opportunity to provide an effective landscaping treatment in the long term, included as part of the development and therefore controlled by the LPA. These changes will also remove planting which detracts from both the character and condition of the site, and its surroundings including the Conservation Area.

54. Given the sensitive nature of the site and importance that good landscaping will play in its acceptability it is suggested that the period for the landscaping condition should be at least 10 years.
55. Given the need however to ensure effective control of mitigation in this sensitive location, it may be appropriate for the LPA to control planting and aftercare for a longer period. This is to be achieved by incorporating landscaping and maintenance into a s106 agreement.
56. The most significant landscape impact of the proposal will be the change in land cover on the site from grassland and scattered trees to a built development. It does not appear that any other locally characteristic landscape features will be lost. The expected changes to the Hadleigh Road frontage appear to be broadly consistent with the developing streetscape.
57. There will be significant changes to the street frontage and views of the site from Hadleigh Road as well as to views from the cemetery. The proposed development is also likely to change the outlook for the cemetery and it is important the agreed landscape scheme is appropriate to the particular sensitivities of this area. The submitted landscape proposal, whilst not providing species details, is considered to deal with this matter satisfactorily.
58. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA concludes that;
 - the proposed development site has limited/localised capacity for some small scale development consisting of 10 dwellings. Development could be accommodated here without significant adverse effect. The effects of this proposed development are localised and slight adverse in magnitude in year one become slight beneficial in the longer term. This is because the proposed development is small in scale and relates well to adjacent character and development and does not alter the character and special qualities of the AONB. Nor does it have an adverse effect on the character and appearance of the conservation area and would in time make a positive contribution to the approach to the village and gateway into the conservation area.
 - The site is not noted as a visually important gap in the street scene in relation to Policy CN03.
 - The site is not visible from public rights of way within the wider AONB to the west and northwest.
 - The proposed scheme is in accordance with the management priorities identified in the 'Managing a Masterpiece' assessment for the AONB.
 - The site's location means it has a close connection to the existing settlement edge and could be considered to form a natural extension of the village's development.
 - The site has an existing strong vegetative framework, comprising hedges, blocks of woodland and scrub and public views are limited to those along Hadleigh Road and from the Cemetery.
 - The strong vegetation framework along with proposed landscaping would enable the new development to be integrated into the landscape with limited adverse effects on surrounding receptors.
 - The small scale of the site and proposed planting would be in keeping with the immediate context of the site.
 - The cultural associations so valued as part of the natural beauty of the AONB would be unharmed.

59. In this regard, it is considered that the proposed development has fully assessed the capacity of the landscape to accommodate the development. Furthermore, whilst the proposal would give rise to some impacts on the landscape, it is considered that it has been demonstrated that the proposal would not cause an unacceptable adverse impact on the landscape setting of the village. The proposal is therefore considered to accord with criterion 4 and 5 of policy EB6. The assessment will, therefore, turn to the impact on the AONB.

Impact on the Area of Outstanding Natural Beauty

60. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that *'in exercising or performing any functions in relation to, or so as to affect, land in ... Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'*. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.
61. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in areas of outstanding natural beauty, which have the highest status of protection in relation to landscape and scenic beauty. In *Bayliss v SSCLG* [2014] 1 P & CR 22, the Court of Appeal addressed the significance of the words *"great weight"* in paragraph 115. Recognising that the actual impact of a particular proposal on an AONB may vary from trivial or substantial to major, the Court of Appeal stated (at paragraph 18) that:-
- a. *"...The decision maker is entitled to attach different weights to this factor depending on the degree of harmful impact anticipated. Indeed, in my view, it could be irrational to do otherwise. The adjective 'great' in the term 'great weight', therefore, does not take one very far. Here the inspector found that the impact on the adjacent parts, and I stress the fact that this was the adjacent part, of the AONB would be limited."*
62. Paragraph 116 of the NPPF and the PPG states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration must include an assessment of the need for the development, the cost of and scope for development elsewhere outside the designated area and any detrimental effect on the environment and landscape and the extent to which it can be moderated.
63. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.
64. As set out above, policy EB6 of the EBNP requires that;
- "Development proposals shall demonstrate that they:*

1. *Comply with the policies and guidance relating to the Dedham Vale AONB and its setting;*
 2. *Where appropriate, satisfy the development tests set out in paragraph 116 of the National Planning Policy Framework;*
 3. *Respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting”.*
65. Saved policy CR02 of the Babergh Local Plan brings about similar requirements, and states;
- “The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies”.*
66. Officers have considered the size and scale of the development proposed and do not consider that the development should be treated as major development, to which the policy in paragraph 116 of the NPPF would apply, even though it is so categorised for the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO). In *Aston v SSCLG* [2013] EWHC 1936 (Admin) the High Court rejected an argument to the effect that 'major development' should be given the same meaning wherever it appeared in regulations or planning policy documents, and, specifically rejected the contention that it should be interpreted in accordance with the definition of *“major development”* set out in Article 2 of DMPO.
67. On this basis paragraph 116 is not engaged in this application circumstance. As such, consideration turns to the provisions of paragraph 115 and the development plan policies CR02 and EB6, as follows.
68. Paragraph 115, Policy CR02 and Policy EB6 bring about different tests in respect of the consideration of development in the AONB. Paragraph 115 provides that great weight should be given to *“conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty”* whilst policy CR02 requires that *“there is an overriding national need for developments that have a significant impact in the particular location and that there are no alternative sites available”*. Policy EB6 sets out three separate criteria, the first of which seeks compliance with the policies and guidance relating to the Dedham Vale AONB, and the third of which seeks that development proposals *“Respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting”*. The second criteria in policy EB6 requires satisfaction of the tests in paragraph 116 of the NPPF, wherever appropriate. For reasons already set out, paragraph 116 is not engaged in this instance.
69. Whilst the requirements set out within the policies are different, it is apparent that the aims of these policies are to conserve the landscape and scenic beauty of the AONB (paragraph 115), ensure that in instances where there is a significant impact that there is a demonstrable national need and that no alternative sites are available (CR02) and that developments respond positively to the special qualities and scenic beauty of the AONB (EB6). As such, the developments impact on the AONB will now be considered against these provisions.

70. Given the location of the site in the context of the village of East Bergholt, it is important that the scheme takes into account its setting within a nationally protected landscape and in particular, the conservation of the character of this historic village setting.
71. The site is currently screened from the road by an over-mature coniferous hedge. This in itself is a dominant feature in the street scene and is not part of the local landscape character. Removal of the hedge along the road frontage and the boundary with The Gables would inevitably open up views of the site and, therefore, make the development more visible. However, it is considered that this is best addressed with a detailed scheme of appropriate replacement planting. The replacement planting should seek to enhance the street scene and boundary treatment of the site with the introduction of locally appropriate planting which respects the local landscape character and effectively screens the development. Subject to this planting being secured, the proposal is not considered to give rise to significant impacts (and thereby in the terms of policy CR02 it is not necessary to consider whether there is a national need or alternative sites available).
72. Longer range views from further afield within the AONB are not considered to be available and, therefore, the proposed landscape mitigation needs to address the immediate visual impact, such as from the road frontage and the cemetery at the rear. It is considered that this can be achieved through a condition of any permission granted and, therefore, the landscape and scenic beauty of the site would be conserved in the terms required by paragraph 115 of the NPPF.
73. Furthermore, it is considered that the public benefits accruing from the proposal comprise significant landscape enhancement through the loss of the non-native conifers which are mature and have a limited life remaining. The replacement of these trees with well-considered landscaping positively contributes to the street scene setting and the wider AONB, in accordance with the requirements of policy EB6.
74. Whilst the proposal is within the AONB boundary it is considered that having reviewed the findings of the submitted LVIA in this regard, the proposal does not, because of the location and the limited scale of the development, have a significant adverse impact, (in either landscape or visual terms), and would result in some enhancement to this nationally designated landscape. As such, for the reasons already set out, the proposal complies with paragraph 109 and 115 of the NPPF, and with development plan policies CR02 (Babergh Local Plan) and EB6 (EBNP).

Impact on Heritage Assets

75. 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'*.
76. Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).

77. The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). Good design is a key part of sustainable development, and the Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm and that proposals which make a positive contribution to the asset should be treated favourably (paragraph 137). In making this assessment the decision maker should not apply the 'tilted balance' of paragraph 14 of the NPPF (even if it is otherwise applicable) but should place the priority on conserving the heritage asset free from harm, by refusing harmful proposals, unless there is sufficient public benefit to outweigh that harm.
78. Saved policy CN06 of Babergh Local Plan Alteration No. 2 (2006) requires inter alia that alterations to any part of a listed building are: justified in terms of preserving the special character of the building; would make use of appropriate materials; and would cause the minimum possible impact to the heritage asset. Policy EB9 of the EBNP is also relevant, requiring that;
- “Developments in the Conservation Area (Map 18) should preserve or enhance the character and appearance of the Conservation Area (Map 18), whilst developments within the setting of a listed building should not result in harm to that building’s significance”.*
79. In accordance with the NPPF, due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. Policy CN06 of the Local Plan is considered to be consistent with the NPPF and so should be accorded full weight in the determination of the application.
80. The application site is a parcel of land abutting the East Bergholt Conservation Area and built up area of the village. It is located between two listed buildings: Gatton House (grade II); and The Gables (grade II*). Although there is evidence that the land may have been planted as gardens to Gatton house in the early 20th Century, it is now less well planted and essentially remains a meadow area between the two buildings. The site is within the Area of Outstanding Natural Beauty.
81. The site in isolation makes no particular contribution to the setting of either listed building, however, it is an example of the breaking through of the green fingers of the countryside, filtering into the built up area of the village. As such it is important to the setting of both the listed buildings and the Conservation Area. The well-planted boundary (albeit non-native conifers) with Hadleigh Road reinforces the closed views established by the hard edge of the red brick boundary wall to Gables and continued by the planted boundary of Gatton House.

82. The introduction of a dense courtyard of housing in to this area will have an impact on the openness of the setting and change the character of this location at the edge of the village, by filling the gap between the two listed buildings. The splayed access point would affect the closed nature of the roadside boundary and will have an impact on views into and out of the conservation area.
83. Revised plans have been submitted addressing comments on the design and layout of the proposed scheme. However, the principle and design concept remains essentially the same as that originally submitted. This is an attractive scheme with a design aesthetic that draws heavily on the nineteenth century “estate” development of villages within the local area. The relocation of the parking and narrowing of the access road are an improvement and views of the scheme from its access road would be more successful than with the previous proposal, without the clutter of cars within the courtyard.
84. The impact of the development on the setting of the Gables would be greater as a result of the removal of the conifer belt to the south boundary. However, this tree belt could be removed at any time as is not within the Conservation Area. The Gables currently sits within a well enclosed and private site. On the removal of the substantial trees there would be a more direct visual association between this and the development, which would harm the setting of the grade II* listed building. This could be mitigated by re-establishing enclosure in the form of mature trees. It is considered that greater harm would result if the trees were left along the boundary and the development proceeded as the trees are likely to be removed following construction as there is likely to be post development resentment leading to pressure to remove the trees which would be situated close to rear boundaries. The trees also have limited life span and their removal would be difficult once development had occurred and there would be no opportunity to require any replacement planting post development. Furthermore, in the event that permission was not forthcoming, these trees would remain in need of maintenance and ultimately are likely to be removed, due to their deteriorating condition, with no/little potential to secure any replanting in this locality.
85. Therefore, the amendment to the proposal removing the tree belt along the boundary is considered to enable a longer term protection for the setting of the The Gables, should this development be approved.
86. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“... 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’*. Saved policy CN08 reflects this provision, requiring that;

“Proposals for the alteration, extension or change of use of an existing building, or for the erection of new buildings in a conservation area or which have an impact on views into or out of a conservation area should:

- preserve or enhance the character of the conservation area or its setting;*
- retain all elements and components, including spaces, which contribute to the special character of the area;*
- be of an appropriate scale, form, and detailed design to harmonise with its setting;*
- include fenestration which respects its setting;*
- use materials and components that complement or harmonise with the character and appearance of the area; and*
- ensure that natural features such as trees and hedges are retained and integrated into any development proposals.”*

87. The boundary of this part of the East Bergholt Conservation Area follows the road and is characterized by single depth development along the road edge, often set in substantial grounds. Modern development has been positioned to the north and east. The development grain of the historic core of the village retains its open pattern and the definition between it and newer developments is clear. The application documents provide a thorough investigation into the qualities of the conservation area and the application site. This pays particular attention to the contribution of the Hadleigh Road approach into the conservation area.
88. The site is a separate parcel of land north of The Gables, grade II* listed. A boundary wall along the roadside significantly contributes to the heritage assets which provides the most visual link between the two sites. This site was previously included in plans to expand the boundary of the Conservation Area. Whilst it was not included, the submitted documents correctly state that it is a positive contribution to the setting of the conservation area and has a green edge which marks the boundary between the settlement and countryside. Glimpses through the green edge of the site exist, which reinforce its open nature.
89. Modern development lies to the north-east of Hadleigh Road, and whilst this has eroded the quality of the space, its effect does not override it. The area south-west of Hadleigh Road has resisted modern expansion, whereas the north and east of the village has not. Therefore, Historic England are of the view that it would be more appropriate to develop other sides of the conservation area, rather than this location, as it retains qualities that contribute to the setting of the heritage assets (Conservation Area and The Gables).
90. The loss of the open space and its replacement with a scheme of this scale would result in less than substantial harm to the setting of the listed building and that of the conservation area. The design could be seen to reinforce local distinctiveness, and proposed planting introduce some enclosure to the road frontage, but it is not considered that this counters any harm resulting from the loss of openness of the site.
91. The Supporting Statement concludes that there is harm to the heritage asset, but notes that it is low and the public benefits would outweigh the harm when assessed using the considerations of paragraph 134 of the NPPF. Historic England disagree with the amount of harm identified, and consider the impact would be more harmful than that described, albeit that they do not allege that proposal would result in anything other than less than substantial harm (see below). Paragraph 132 of the NPPF requires that 'any' harm requires clear and convincing justification.
92. Having considered the current proposals in light of government policy and relevant Historic England guidance, Historic England have suggested that development in other locations would be more appropriate. These proposals would alter the development grain of the settlement in this location, affect the glimpsed views through the site of open space and erode the boundary between countryside and settlement.
93. This impact would amount to less than substantial harm in terms of paragraph 134 of the NPPF and Historic England consider the public benefits provided by the proposal might be better provided elsewhere in the village or area. However, they leave it to the Local Planning Authority to weigh the public benefits for this scheme against the less than substantial harm in accordance with paragraph 134 of the NPPF.

Conclusion (Impact on Heritage)

94. 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. Therefore, taking all of these factors into account, it is necessary to consider the specific benefits of this proposal against the harm to heritage assets that has been identified. The balancing assessment is carried out in the 'Planning Balance' section of this report.

The locational context of the village and the proposed development

95. 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.
96. 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".*
97. Furthermore, policy EB2 of the EBNP relates specifically to the size and location of development. This policy provides that;
- "Housing development will be supported within or immediately adjacent to the village Built Up Area Boundaries provided that the development:*
1. *Would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty (Map 9), Local Green Spaces or sites of biodiversity and geodiversity importance;*
 2. *Conserves, enhances and respects the Conservation Area (Map 18), heritage assets and built character of the local area, respecting the density, rhythm, pattern, proportions and height of existing development in the street scene;*
 3. *Would not have an unacceptable adverse impact on the local highway network;*
 4. *Would be of an acceptable size and scale that contributes to the character of the village and the "Sense of Place"; and*
 5. *Is within 800 metres of the Village Heart or Focal Points (Map 4).*

Housing development on sites not adjacent to the Built Up Boundaries or outside the 800 metres zones will be supported where they satisfy the special circumstances set out in paragraph 55 of the National Planning Policy Framework.

Rural Exceptions Affordable Housing will be encouraged on sites adjacent to or well related to the Built Up Area Boundaries (Maps 5 & 6) in accordance with Local Plan Policy CS20.

Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people”.

98. Some of the aspects of policy EB2 relate to individual matters that fall within separate sections of this report, such as the impacts on the AONB, impacts on heritage assets and biodiversity. However, the site and development are considered to comply with a number of the principle elements of EB2, including;
- The site lies immediately adjacent to the BUAB of East Bergholt.
 - The site lies within the Village Heart, as set out in Map 4 of the EBNP.
 - The site lies within a Focal Point, as set out in Map 4 of the EBNP.
 - The development provides for a scheme of 10 dwellings for older people.
99. In respect of the criteria within paragraph 10 of the SPD, as detailed at paragraph 95 above, it is considered that the proposed development meets these criteria as the site is adjacent to the settlement boundary and is within 400m of the core village. The site lies within the village heart and focal point area and there cannot, therefore, be any question that the site is sustainably located relative to the facilities in the village heart.
100. Furthermore, the scale, character and density of the proposal is acceptable having regard to the nature of development in East Bergholt and the proposal constitutes a logical extension of the built up area of the village. Therefore, the proposal also complies with this part of policy CS11.

Site location and sequential approach to site selection

101. 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 East Bergholt.
102. Within the addendum that the applicant has provided to their original Planning Statement, an assessment of alternative sites in the village has been provided. This identifies that;
- In considering the sequential approach the Judge was satisfied that as long as sites within the Built Up Area Boundary (BUAB) had been addressed there was no need to sequentially test sites outside the BUAB. (Transcript of Judgment para 31(2)). He stated ...”They dealt briefly but accurately and sufficiently with sequential assessment, on the correct assumption that what was required to be assessed were sites within East Bergholt. There were none within the built-up area of the village, the only relevant category for suitability which was required to be considered before a site adjoining the built-up area.”

- In terms of alternative sites within the settlement boundary it is considered that there are no sites available within the built up area boundary available to meet the needs of the proposed demographic. The proposed site is within 400 metres walk to the hub/core of existing facilities within the Village being; the local convenience shop, post office, bakery, tea rooms, estate agent, pub, pharmacy and village notice board.
- The Doctor's surgery is located away from the hub facilities, on the edge of the village. A site located closer to the Doctor's surgery would then be remote from the hub of existing village facilities. The hub facilities are likely to be in far more regular (arguably daily) use than the Doctor's surgery.
- There is no other shop in East Bergholt outside the hub of existing facilities. There is a kiosk in the garage, selling sweets, soft drinks and ice creams catering for the schoolchildren entering and exiting the nearby High School. The Kiosk does not sell convenience goods, and is only open during standard business hours, closing at lunchtime on Saturday and closed all day on Sundays and Bank Holidays. It cannot be reasonably said to provide convenience shopping provisions, by contrast with the Co-op in the hub is a fully stocked convenience store, open 7 days a week with extended opening hours and on bank holidays.
- For completeness consideration is given to other possible sites. The existing garage in the village, is closer to the doctor's surgery, but is remote from all other hub facilities. The garage site is 1.7 km distant from the main facilities hub/village core. The application relevance B/16/01092 land east of the Constable Country Medical Practice is also located some 1.7km from the main facilities hub/village core. Additionally, it is currently an employment site so its use for residential development may well be considered to be contrary to Local Plan and NP policies. In addition, a public footpath runs along the site boundary adding a further constraint to any development.
- In terms of the area around the main village hub or core where the shops are located there are no other sites that are known to be suitable and or available.
- Realistically there are no other sites with access to services within the built up area boundary, other than perhaps an odd single infill development within the built up area boundary.
- The application site is very close to main facilities, with easy access to bus services that provide a circular route around the village passing the doctor's surgery, with footpath connections from the site to the facilities. The application site achieves this whilst providing a small number of dwellings meeting the policies contained within the NP and local plan policies.
- Whilst it is accepted that the site is within the AONB, as the LVIA has identified, the proposal overall does not result in any more than limited harm and there are positive gains.
- The recent Housing White Paper continues to afford protection to the green belt, but does not specifically refer to other landscape designations. Whilst the AONB designation is fully respected, as previously stated, the NPPF does not preclude development within the AONB.
- This needs to be weighed against the positive contribution and benefit the site can make in delivering 10 homes for the over 55s in a highly sustainable location. There cannot be a more suitable site to accommodate this identified local housing need within the main village centre.

103. This assessment is considered to provide a reasoned assessment of alternative sites in the village and, for these reasons, it is considered that there are no sequentially preferable sites available. There are no sequentially preferable allocated sites within East Bergholt and the Neighbourhood Plan does not contain any site allocations.

104. 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. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

105. 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.
106. 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.
107. 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.
108. 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 East Bergholt and the functional cluster of smaller rural settlements which it serves.
109. 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).

110. 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.
111. 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.
112. 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.
113. The applicant's addendum to the planning statement, submitted in March 2017, has set out the evidence for housing need as follows:
114. Further research in to the Evidence Base forming part of the Neighbourhood Plan (NP) has taken place. Information contained within the appendices D1 to D7 of the NP are figures derived from the 2011 Census that illustrate that East Bergholt has a higher population of people over 65 than Suffolk or England.
115. The figures show population of people over 65 as:
- East Bergholt = 24.8%,
 - Suffolk = 19.9%
 - England = 16.3%.
116. The figures demonstrate that 62.9% of East Bergholt's housing stock comprises detached properties, compared with 34.8% in Suffolk and 22.3% in England. Broadly, in 2011, 24.8%, nearly a quarter of East Bergholt's population, was aged over 65. In the same year, 62.9%, that is nearly two thirds of the housing stock in East Bergholt was made up of detached properties. It is suggested that since 2011 the number of over 65 year olds in East Bergholt will have almost certainly increased, as has the number of detached houses.
117. The NP recognised the need to build mixed housing inter alia for older people, including providing housing for older people for downsizing and housing
- "...that provides a mix of new housing that satisfies residents demand for a "start to finish" life in the Village".
118. Chapter 3 of the NP makes numerous references to the need in East Bergholt for retirement homes, including:

- p 30, para 77, 'Feedback from the questionnaire showed ...a future and growing requirement for 1-2 bedroom and retirement homes.'
- p 31, para 79, 'The evidence shows there is a growing need for smaller 2 and 3 bedroom houses and retirement homes to meet the needs of the younger and ageing population.'
- p 31, The Housing mix requirements bar chart appears to indicate as regards retirement homes, a need for an increase of almost 10% to 10% by 2020 and to 20% by 2030.
- p 42, para 117, 'Over 600 people who responded to the questionnaire (Appendix C.7) have lived in the Parish for more than 15 years and wish to remain in the village for the foreseeable future. This will increase the number of older people.'
- p 43, para 122 '...it is assessed that 35-40 smaller homes (covering both market and affordable homes) will be required to be built in East Bergholt. As a result of the current imbalance in housing types in the village and the large unmet demand for smaller houses, it is intended that 40% of all houses built should comprise smaller homes.'
- p 44, para 125, 'This plan seeks to meet the needs of an ageing population (Appendix D.3) who stated they wish to stay in the village (Appendix C.7)...The Questionnaire identified the need for 30 people requiring retirement homes by 2020 and 42 people by 2030'

119. The NP also recognises the need for housing for older people near the heart of the village;

"... Village project – a Land Trust – to allow for a proportion of housing need for older people to be built so that they are ...close to the heart of the Village".

"Responses from local estate agents, informing the NP, included reference to a shortage in the Village of smaller homes for "downsizers".

120. In addition, responses in the parish questionnaire, as the evidence base to the NP, as summarised. In answer to the free flow question on housing provision at least 18 different comments make direct reference to the need for provision for older people, downsizing and bungalows in East Bergholt.

121. In addition to the 18 specific comments concerning housing for older people in East Bergholt, many comments were also made about the need for a scheme like Dove Close at Capel St Mary. (Those units are available to purchase and there is a significant waiting list to secure a unit. Whilst the occupation of these is offered on a different, shared facilities, basis, it does illustrate a need for accommodation for older people and the shortage of such accommodation.)

122. For completeness The Housing Needs Survey 2015 identified a need for 3 bungalows. For clarity, it is suggested that this 2015 Survey is indicative of need/demand for lower cost /affordable housing.

123. In assessing need, in addition to addressing the need in East Bergholt, one must also have regard to the needs of the villages within the functional cluster, where it is evident that further additional need exists.

124. It is clear that the evidence cited is supportive of a local East Bergholt need for bungalows for older people at the quantum proposed (10), and the provision is supported by the national planning policy position. The White Paper and the NPPF are evidence of the Government's drive to achieve a greater number of homes for older people to meet the evidenced ageing population.
125. The Government recognises the need to accommodate additional homes, including making provision for older people. The recent housing White Paper further supports this provision where para 1.16 states "We propose to strengthen national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people". Para 1.12 in the final sentence again stresses "... *the importance of taking account of the needs of different groups, for example older people*".
126. During the proceedings in the High Court the Judge acknowledged that the proposed units were not low cost homes, but homes for people who may be downsizing whilst staying in the Village. The Judge further commented that it appeared that there was a need for this housing type locally, but this was described as a District wide need in the Officers Report. The Judge also commented that the over 55 age for older people homes was the age recognised by the government for such schemes. The Judge acknowledged that the site was close to the main village with easy access to facilities.
127. It is considered that there is some evidence of a need within East Bergholt, that this need can be met by the proposed units and that the proposal accordingly meets some of the requirements of planning policies CS2 and CS11 and policies contained within the NP.
128. The development proposed will enable the provision of specific age related development which will go some way to meeting the local need and contribute towards housing land supply consistent with the objectives of paragraphs 47 and 49 of the NPPF. However, the scheme cannot, for the reasons set out above, be considered to be fully compliant with the development plan in this regard as the exceptional circumstances test in policy CS2 has not been demonstrated to have been met, and it has also not been demonstrated that there is a locally identified need for this development in the terms required by this limb of policy CS11.

Locally Identified Community Needs

129. 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).
130. 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.

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

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

132. 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"*.
133. The technical advice received from highways 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.
134. 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. The proposal therefore complies with this element of CS11.

Summary of Assessment Against Policy CS11

135. The individual elements of CS11, in relation to Core Villages, have been assessed above. Notwithstanding the balancing exercise required in respect of heritage assets and public benefits, which will be carried out later in this report, the proposal cannot be said to fully comply with policy CS11. The proposal does not demonstrate that the development meets local needs, both in terms of housing and community facilities.

Consideration Against Other Development Plan Policies.

136. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.

137. 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. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider the provisions of the EBNP and other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
138. Policy CS2 requires that sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
139. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
140. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.
141. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF's objective of promoting sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
142. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points. Where those issues relate directly to development plan policies, including those in the EBNP, they will be referenced directly also.

143. As a Core Village, East Bergholt 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. These facilities include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butchers and a bakery and a tea room.
144. It is acknowledged that there will be a high proportion of car travel from East Bergholt, as people travel out of the village to work, however it is also important to take into consideration both the provision of and accessibility of public transport in East Bergholt, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation (criterion xviii of CS15). Policies EB13 and EB14 are particularly relevant to this consideration requiring (respectively) that *“New developments should provide an adequate and safe footpath layout within the development and good pedestrian links to pedestrian routes to the village and nearby countryside. Schemes should demonstrate cycle friendly road layout and safe connections to the highway”* and that *“Where possible, new development should take advantage of any opportunity to enhance and protect existing footpath, cycleway and bridleway networks, create new networks and improve connections between existing and proposed networks. They should also aim to reduce recreational pressure on Stour & Orwell Special Protection Areas”*.
145. In consideration of NP policies EB13 and EB14 the application is proposed for the over 55s where the use of cycles may be lower than for normal housing requirements, but where mobility scooters, may instead of or as well as, be in use. However, notwithstanding this, the proposal provides an access width of 4.25 metres which provides adequate width for cars, cycles and mobility scooters to pass with ease.
146. The access road links up with the existing road network detailing a layout that is cycle friendly, whilst providing links to the existing highway layout. The proposed footpath to the south side of the access road provides connection from the proposed dwellings to the existing footpath on Hadleigh Road thereby providing excellent links to the village and the countryside beyond. In addition this footpath links in with the proposed open space so that walkers can access the public open space.
147. Each one of the dwellings has a garden store, where bikes and or mobility scooters could be stored. The garden stores link directly with the proposed bound pathway allowing access with ease onwards to the public highway network and including the wider cycle network.
148. Furthermore, the proposed provision of public open space at the head of the development, with footpath links from Hadleigh Road creates a new footpath network with the ability to enjoy the countryside and the AONB. There is also an opportunity for the parish council, should they wish to, to establish a link through to the main village. The road width has been reduced to ensure that the proposed connection to the public highway is of an appropriate scale for the location.
149. The socio-economic profile of East Bergholt highlights the village’s important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, there is a need to balance housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.

150. It is considered that the development proposed would enhance the vitality of the community and new housing development would deliver a range of benefits including attracting new residents to enhance the economic contribution of East Bergholt, underpinning social capacity, providing affordable housing and widening the housing mix overall. The specialised nature of the proposed housing, being for over 55s, would accord with the requirements of policy EB5 of the EBNP, which states;

“Up to one third of new housing developed in the plan area should be designed to meet the needs of older people. The development of homes suitable for older people, including affordable and market housing, of types and sizes that meet local housing need will be supported on sites that satisfy the requirements of Policy EB2. Small scale infill development of older people’s housing within 400 metres of St Mary’s Church (Map 8) will be supported where they provide homes with easy access to the facilities in the Village Heart (Map 7), subject to conforming to other policies of the development plan.

Subject to the need and viability being demonstrated, the development of a care home in the village will be supported”.

151. Whilst the development sits slightly outside the 400m from the church threshold within policy EB5 (approximately 550m), this is not considered to be an unreasonable distance to travel and the proposal sits within the designated village heart, thereby further supporting its sustainability relative to facilities and services in the village. The proposal is, therefore, considered to accord with criterion iv of policy CS15, through ensuring an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development.

152. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the manner in which the proposal provides for the aging population (criterion vi of CS15). Environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and biodiversity aspects (criterion vii of CS15) will also be considered. The design and layout of the scheme, and its impacts on the local area, are also to be considered (criterion ii of CS15). These assessments need to be made in order to fully assess the sustainability of the proposal as a whole, along with the following matters;

- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
- The proposed ‘almshouse style’ dwellings would provide much needed smaller homes for the elderly population, being specifically for the over 55s and where the application site is situated within a sustainable location, near to the existing facilities and services provided in East Bergholt. Footpath links already exist from the application site to the village shops and other local facilities of East Bergholt, which will provide ease of access to these services, without the need to rely on the use of the private car. The proposal will enable the potential for elderly residents to downsize, but to remain within the community (criterion v of CS15)
- The application proposes to use grey water recycling and the properties will be developed with a high standard of energy efficient measures, with a SUDs mean of drainage (criterion viii of CS15)

- The proposal creates a private landscaped area to the site frontage with the rear landscaped area providing community benefits, in its landscaped form, for the occupiers of the site and for the wider community, including when viewing the site from the public realm cemetery (criterion viii of CS15).
- The application proposal creates the opportunity for green spaces and habitat connectivity by way of the significant additional landscaping and habitat creation. Additional measures such as bat boxes, barn owl boxes and hedgehog shelters can be incorporated into the scheme (criterion x of CS15).
- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
- Grey water recycling and rain water harvesting (with header tanks in the roof space of the units) are proposed, thereby reducing the demand for potable water (criterion xiii of CS15).
- During construction, all methods will be employed to minimise waste. (criterion xiv of CS15).
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
- The proposal is for the over 55s, where accessibility has been considered, including flush thresholds to enable access for those with mobility impairments (criterion xvi of CS15).

Design and Layout

153. Delivering quality urban design is a core aim of the NPPF which states, in paragraph 56, that good design is a key aspect of sustainable development and indivisible from good planning. At paragraph 64 it 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. The NPPF also encourages the use of Local Design Review.
154. Saved policy CN01 of the Babergh Local Plan requires that *“All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location”* and sets out criteria as to how this should be achieved. Policy EB9 of the EBNP provides that *“Proposals must plan positively for the achievement of high quality and inclusive design reinforcing the locally distinctive and aesthetic qualities of the buildings and landscape in the Parish as described in the Character Assessment and follow the Local Design Guidance”*.
155. An initial scheme, submitted at pre-application stage, was considered by the Suffolk Design Review Panel and this comprised a mix of dwelling types and sizes where the layout comprised a cul-de-sac arrangement utilising a greater site area and was for 15 dwellings. The Review Panel considered that this was not an appropriate approach for the site and the current scheme was devised following this feedback to address the comments made during the pre-app process.
156. Considerable thought has gone into the overall design of the scheme and the dwellings proposed are designed as alms houses, with low eaves, chimneys, and tile banding to provide a visually interesting roof form.

157. The dwellings proposed comprise 4 no. 2 bed and 6 no. 3 bed, each with their own private amenity space comprising lawn and stone terrace. The dwellings will be constructed from a traditional range of materials, comprising handmade red bricks, clay peg roof tiles, clay finial ridge tiles with clay coping, timber painted windows, doors and decorative finishes (bargeboards etc.) and cast aluminium heritage rainwater goods.
158. The rear boundaries are to be woven willow fencing with solid oak gates. A communal area is provided to the rear of the site, which is to be left undisturbed with some wild flower planting proposed. This will enable greater control of the boundaries of the site, especially to the rear which borders onto the cemetery and therefore is greater sensitivity in terms of landscape impact.
159. The front part of the site is to be landscaped, following removal of the conifer trees and the entrance road then forms a straight line towards the courtyard area and the houses grouped around this. The applicant's intention is that the dwellings will then provide a focal point when viewed from the entrance to the site.
160. Landscaping has been detailed at this stage to demonstrate how the site will work within the landscape and provide enhancements to overall landscape setting.
161. Historic England have commented on the design element and felt that *"the almshouse style layout, low density, good use of detailing and proportions are to be commended. If not for the principle concern, the design would be considered a sensitive approach which would have some benefits to the setting of the conservation area"*. It is therefore considered that the design and the layout of the scheme are acceptable and in accordance with both local and national planning policy.
162. In terms of the East Bergholt character assessment the application is set well back from the carriageway and provides for a dense landscaped frontage, including shrubs, hedges and trees. This landscaped ethos continues around the site periphery with planting. Trees are retained and supplemented within the area proposed for public open space, although this will not generally be perceptible from Hadleigh Road. The dense landscaped frontage contributes to the spacious quality of the development. The design detailing and materials represent a high quality palette of materials evident within the site context. The proposal is of an appropriate scale to its location.

Highway Safety

163. The proposed development will be served by a single vehicular access which has been reduced in width from 5.5m to 4.25m with appropriate visibility splays. This will lead into two parking courts set immediately in front of the courtyard and buildings on each side of the site. These parking areas will be contained within soft red brick walling and 3 additional spaces have been provided above and beyond the minimum statutory requirements. It is considered that this will lessen the risk of vehicles parking along the access road or within Hadleigh Road.
164. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of policy EB12 of the EBNP and saved policy TP15.
165. The Local Highway Authority are satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

Drainage

166. 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.
167. Policy EB23 of the EBNP requires that new residential development of ten or more units or on development sites of 0.5 or more of a hectare (where it is not known whether the number of residential units will be ten or more) will be expected to provide sustainable drainage systems for the management of run-off.
168. The proposal sets out an intention to use grey water recycling and the properties will be developed with a high standard of energy efficient measures, with a sustainable drainage system (SUDs) being employed. There have been no objections raised by the Local Flood Authority. As such, the proposal accords with policy EB23 and with criterion (x), (xi), (xii) and (xiv) of policy CS15 where they are relevant to these issues.

Biodiversity and Protected Species

169. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, is so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
 170. Policy EB8 of the EBNP requires that developments should protect and enhance biodiversity and geodiversity to reflect the requirements of paragraphs 109, 117 and 118 of the National Planning Policy Framework. It sets out particular criteria that should be complied with, including protecting and enhancing internationally, nationally and locally designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodlands, preserving ecological networks, and the migration or transit of flora and fauna; and promoting the preservation, restoration and re-creation of wildlife priority habitats and the protection and recovery of priority species.
 171. The application is supported by an Ecological Appraisal and Bat Survey. The Ecological Appraisal identifies that the landscaping scheme accompanying the proposal retains open grassland areas and many of the existing mature trees, while enhancing wildlife value by extensive planting of native trees and shrubs, in groups or dense mixed-species blocks, and a new hedgerow to the rear site boundary. The selected species and structural composition of the scheme provides good foraging, nesting and refuge opportunities for birds, small mammals and invertebrates, in addition to providing good habitat connectivity around the site, and links to the wider environment.
 172. In this regard, the proposal is considered to have fully considered and mitigated any effects to biodiversity resulting from the scheme, and also provides enhancements through appropriate landscaping and planting that will encourage a variety of wildlife and habitat on the site. In this regard, the proposal is considered to accord with the provisions of policy EB8, criterion vii of policy CS15 and paragraphs 109, 117 and 118 of the NPPF.
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Environmental Issues (Land Contamination)

173. A phase 1 investigation report has been submitted with the application and 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.
174. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Renewable Energy

175. The key policies are policies are CN01, CN04 and CS13. It is considered that the proposals are acceptable in design terms and maximise renewable energy and low carbon technologies where possible through the buildings regulation regime and otherwise.
176. For these reasons, it is also considered that limbs (viii) and (xv) of policy CS15 are complied with where relevant. It is also not considered that the residential nature of the development would lead to any issues in terms of air quality subject to suitable conditions including a construction and environmental management plan. Therefore limb (xvii) of policy CS15 is complied with.

Summary of Assessment Against Policy CS15

177. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations and CIL

178. In respect of CIL, the PPG advises that an approved charging schedule must be published by the charging authority. The date the charging schedule comes into effect is chosen by the charging authority and is specified within the charging schedule, but this must be at least one day after the date of publication. The charging schedule remains in effect until the charging authority either brings into effect a revised version or decides to stop charging the levy. On 20 January 2016, the Council resolved to that its CIL Charging Schedule would come into effect on 11 April 2016 (Paper R85).
179. Planning permissions which first permit development on a day when the charging schedule is in effect will be liable for the Levy. Regulation 8 defines the time at which a planning permission is treated as first permitting development. In most cases it will be the day that planning permission is granted.
180. On this basis a section 106 obligation will be required to secure the following:-
- Secure the maintenance and retention of landscaping for a period of 10 years;
 - Restriction on occupation of dwellings to over 55s.

181. The remainder of the matters will fall to be considered under the CIL Charging Schedule.

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

182. 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

183. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
184. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
185. The development plan includes the Babergh Core Strategy (2014), saved policies in the Babergh Local Plan (2006) and East Bergholt has recently completed a Neighbourhood Plan (made on 20th September 2016) which also forms part of the development plan. As such, the policies contained within the Neighbourhood Plan must be given due weight in making a decision on this application. It is, therefore, one of the main considerations in determining any planning applications submitted in East Bergholt, unless material considerations indicate otherwise.
186. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.
187. Paragraph 14 of the NPPF states;
- “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

For decision-taking this means:

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

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

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

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

189. As set out at paragraph 30 above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

190. Officers acknowledge that applying the requirements of paragraphs 14 and 49 of the NPPF is likely to cause tension with regards to the recently made Neighbourhood Plan. In this respect, the Planning Practice Guidance, which provides up-to-date direction on the proper interpretation and application of national planning policy, provides clarification around this point. In relation to the weighting to be applied to policies within a neighbourhood plan relevant to the supply of housing where a Council cannot demonstrate that it has a 5-year land supply, para. 83 states the following:

“In such instances paragraph 49 of the Framework is clear that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

.....

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”.

191. It is considered that policy CS3, along with policies EB1 and EB2 of the EBNP, are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
192. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.
193. In consideration of the AONB, the assessment carried out is that the proposal does not conflict with the NPPF or with other specific policies in the development plan. However, in consequence of the Council’s heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
194. As set out in the judgement on *Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited* (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
195. The NPPF (para. 134) states that *‘where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use’*.
196. In this instance, the public benefits of the proposal can be summarised as including the following:-
 - Delivery of 10 dwellings of an appropriate housing mix, the proposal would have inherent social and economic benefits and would meet housing needs and delivery of growth;
 - Removal of inappropriate non-native trees within the AONB and enhanced landscaping with native species;
 - Provision of publicly accessible land to the rear of the site.
197. Considered in isolation, it is unlikely that these public benefits would be sufficient to outweigh the harm that has been identified. However, in combination these public benefits are sufficient to outweigh the less than substantial harm to the setting of the listed building identified, even when considerable importance and weight is given to the desirability of preserving the setting of that building.

198. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act, and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight.
199. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134.
200. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged. It should be noted that the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting in respect of how the Council balanced the issues of the impact on the AONB and the impacts on heritage assets was that the claims made against the manner in which the Council had balanced these issues failed. This is a matter of planning judgement.
201. 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, CS11, CS15, EB1 and EB2. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving “exceptional circumstances” or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
202. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report, even where policies in the Neighbourhood Plan are given greater weight due to their recent examination and development by the community. Furthermore, 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.
203. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the ‘tilted balance’ and the presumption in favour of sustainable development are engaged.
-

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

204. 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 the Local Planning Authority worked with the agent/applicant to address issues and following minor amendments/amplifications, additional information received and subsequent re-consultation, the Local Planning Authority was able to reach a decision having had regard for all material planning considerations.

Identification of any Legal Implications of the decision

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

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

RECOMMENDATION

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

- Secure the maintenance and retention of landscaping for a period of 10 years;
- Restriction on occupation of dwellings to over 55s.

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




- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) Archaeological work and monitoring
- 4) Details of fire hydrants to be submitted
- 5) As recommend by Highways
- 6) The recommendations of the ecological report to be adhered to
- 7) Detailed hard/soft landscaping
- 8) External lighting details
- 9) Tree Protection/Arb Method Statement
- 10) Energy Statement – post construction

Application No: B/15/01678/FUL




Parish: East Bergholt



Location: Land South of Gatton House, Hadleigh Road

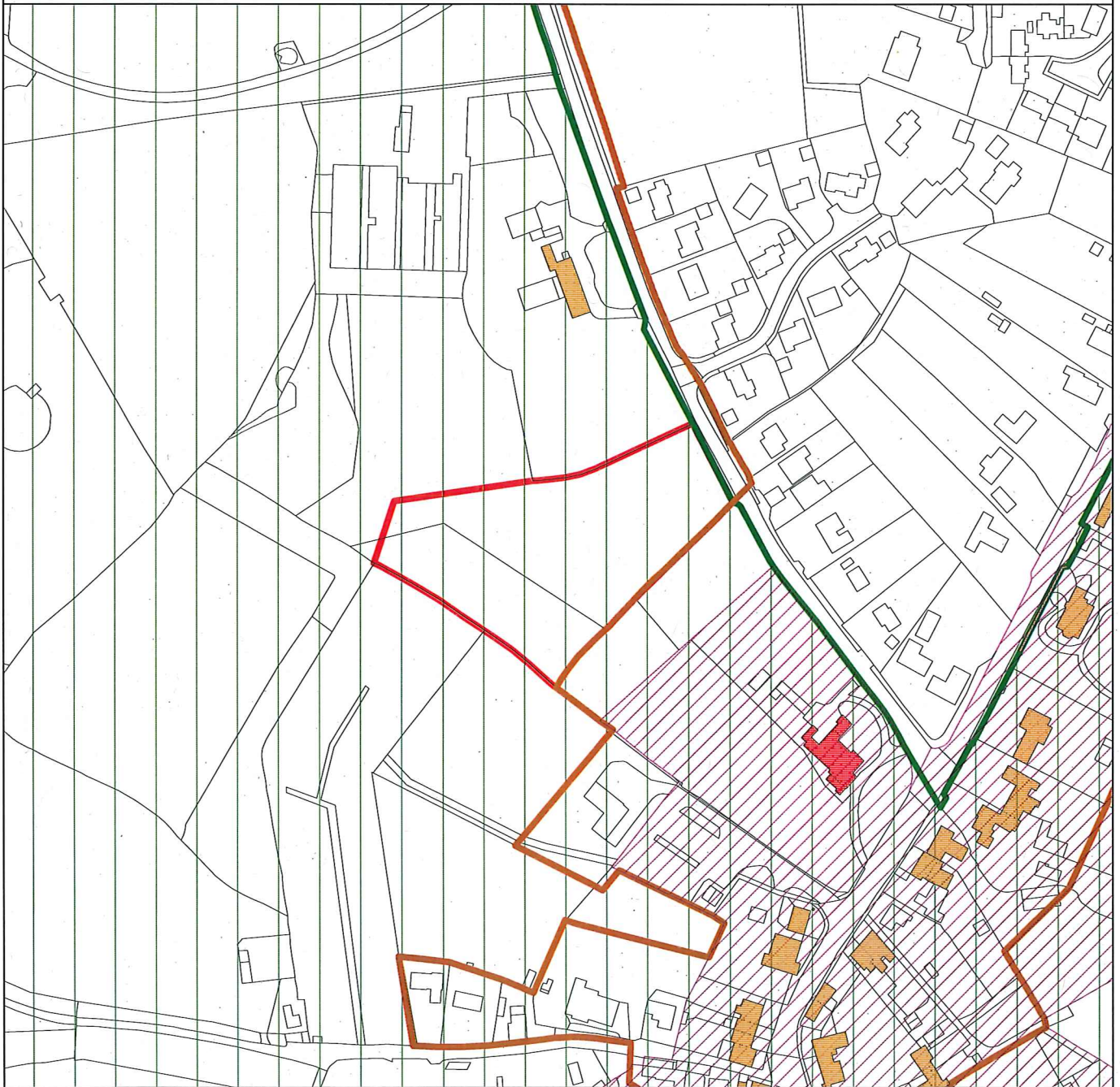
Legend

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

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL
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Agenda Item 8c

Committee Report

Committee Date:

Item No: 3

Reference: B/16/01092/OUT
Case Officer: Gemma Pannell

Description of Development: Outline - (all matters reserved) Mixed-use development including up to 75 dwellings, a pre-school and a neighbourhood hub, comprising a swimming pool, office space and a local shop, public open space, and associated infrastructure and landscaping as amended by drawings received on 11 November 2016 (omission of school land).

Location: Land east of Constable Country Medical Centre, Heath Road

Parish: East Bergholt

Ward: Dodnash

Ward Member/s: Cllr John Hinton, Cllr Stephen Williams

Site Area: 9.2 hectares

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 31/01/2017

Expiry Date: 02/05/2017

Application Type: Planning Permission

Development Type: Smallscale Major Development

Environmental Impact Assessment: N/A

Applicant: Hills Building Group

Agent: Phase 2 Planning and Development Limited

SUMMARY

The proposal has been assessed with regard to section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan policies, the National Planning Policy Framework and all other material considerations have therefore been fully considered.

Officers recommend approval of this application. As explained in this report, whilst the proposed development is considered not to be in strict accordance with development plan policies CS2, CS11 and CS15, the Council does not now have a five year housing land supply and the adverse impacts of the development, including areas of non-conformity with the development plan policies referred to, are not considered to significantly and demonstrably outweigh the benefits of the development. The proposed development is considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and 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 of 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. There is no history directly related to the application site which is relevant to the consideration of this application.

Details of Previous Committee / Resolutions

2. None.

Details of Member site visit

3. Members undertook a visit of the site on 26th July 2017.

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 is a summary of the consultations carried out in respect of this application;

East Bergholt Parish Council

First response received 8th September 2016 -

Recommend refusal on grounds based in the East Bergholt Neighbourhood Plan Housing Policy:

- EB1 supports a minimum of 86 new homes within the EBNP Period 2015 -2030
- EB1/333 states a preferred size of 15 units

- EB1/3331 states increments of up to 15 units spread over the life of the plan will be supported by the Community.
- Large developments do not integrate well into the Community as pointed out in EB1/3331
- EB2 reinforces EB1 but only supports more than 15 units under exceptional circumstances to meet the proven housing needs of the Community
- Large developments do not integrate well into a Community as pointed out in EB1
- EB2/4 states any development would be of an acceptable size and scale that contributes to the character of the village and the 'Sense of Place'
- This proposed application is not only contrary to the EBNP but goes against the spirit of the plan and its aims for the plan period Brantham, one of our hinterland villages has 600 new dwellings planned over the period to 2030 which more than covers Babergh's requirements for a core village and its hinterland. It is also contrary to Babergh policy CS11's 'local need' defined by Core and hinterland villages in the context of 154 already approved, a further 81 is out of scale.

Second response received 9 December 2016 -

Recommend refusal - Cannot support because the number of dwellings does not comply with the East Bergholt Neighbourhood Plan (EBNP).EB2, which says "housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost housing.....". The accumulating number of houses being approved are greater than the identified local housing needs of the village. If it met the policies and objectives of the EBNP it would be looked at more favourably.

Further response received 15 May 2017 –

Previous objections still stand.

Local Highway Authority:

First response received 14 November 2016 -

Notice is hereby given that the County Council as Highway Authority objects to the proposal because the red line of the site does not agree with or overlap the recorded highway boundary. Therefore, parts of the accesses are outside of the site and highway and cannot be secured in the interests of highway safety. In addition, the proposal requires the provision of a pedestrian crossing and bus stops on Heath Road but no assurance is provided showing that an acceptable arrangement is feasible within the highway or land within the application sites. Therefore, safe access for all to the sites is not demonstrated contrary to NPPF Para. 32.

Second response received 5 December 2016 -

Notice is hereby given that the County Council as Highway Authority objects to the proposal because the red line of the site does not agree with or overlap the recorded highway boundary. Therefore, parts of the accesses are outside of the site and highway and cannot be secured in the interests of highway safety. In addition, the proposal requires the provision of a pedestrian crossing and bus stops on Heath Road but no assurance is provided showing that an acceptable arrangement is feasible within the highway or land within the application sites. Therefore, safe access for all to the sites is not demonstrated contrary to NPPF Para. 32.

Further response received 19 January 2017 -

No objections – subject to compliance with suggested conditions relating to: Access design; Surface water disposal; Estate road details; Estate roads to be completed to at least Binder course level before occupation; Turning and parking areas; Highways condition survey; Construction management strategy; Travel Plan; and Highway improvements and financial contributions to be secured by way of S106

Highways England

Offer no objections.

SCC - Public Rights of Way

Public Footpath 38 is recorded adjacent to the proposed development area.- No objection to this proposal

SCC- Archaeology

Initial response received 23 August 2016 -

The site of the proposed development has high potential for the discovery of important hitherto unknown heritage assets of archaeological interest in view of its large size and location close to a number of sites recorded in the County Historic Environment Record. It is situated to the east of the historic settlement core of East Bergholt (EBG 044) and scatters of multi-period finds have been recorded in the vicinity. However, the site has not been the subject of previous systematic investigation.

Given the potential, lack of previous investigation and large size of the proposed development area, I would recommend that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site before a Development Brief is prepared, to allow for preservation in situ of any sites of national importance that might be defined prior to determination of the application.

The proposed development area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent).

This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework. A geophysical survey should be undertaken in the first instance, followed by a trial trenched evaluation. Decisions on the suitability of the site, and also the need for, and scope of, any further mitigation work should there be any below-ground archaeological finds of significance, will be based upon the results of the evaluation. The results of the evaluation must be presented in the application, along with a detailed strategy for further investigation. The results should inform the development to ensure preservation in situ of any previously unknown nationally important archaeological remains within the development area.

Further information required - Development area cannot be assessed or approved until a full archaeological evaluation has been undertaken - Recommend archaeological evaluation of site prior to determination to allow for preservation *in situ* of any sites of national importance that might be defined prior to determination of the application.

Further response received 16 November 2016 -

Response mirrors that received above.

Place Services – Landscape

No objections – subject to further detail being provided at reserved matters stage.

Place Services - Ecology

The mitigation and enhancement measures identified in the Ecological Assessment (EcoPlanning UK, Feb 2016) and (ADAS, Oct 2016) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly bats. Impacts will be minimised such that the proposal is acceptable subject to the above conditions based on BS42020:2013. In terms of biodiversity net gain, the reasonable enhancements proposed will contribute to this aim. Submission for approval and implementation of the details below should be a condition of any planning consent.

Suffolk Wildlife Trust

The requirements in the bat survey should be carried out in full.

Dedham Vale AONB and Stour Valley Project

Initial response received 20 September 2016 -

The site is within close proximity to the boundary of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and is considered to be within the setting of the AONB. The AONB Partnership Position Statement in response to development within the setting of the AONB (attached) should be referred to. The submitted LVIA will also need to be tested against the recently published guidance 'Natural Beauty & Special Qualities of the Dedham Vale AONB' (also attached). This has been supplied to the applicant and I anticipate a revised LVIA to be submitted which takes a view on how the development proposal may impact on the characteristics which define the AONB and which are described in detail in the guidance. Until the amendments have been made I will not be in a position to provide further comment, as we will need to see that consideration has been given to the potential effect of the development on the Natural Beauty and Special Qualities of the AONB.

We are very aware that the emerging East Bergholt Neighbourhood Plan is well advanced and would expect that it is given due consideration in the process of determining this application. In addition, please refer to the Dedham Vale AONB & Stour Valley Management Plan 2016-2021. We seek clarification of the extent of land in the ownership of the applicant. Does this include the field to the south (as shown in the Ecological Assessment report), or only the 2 fields bounding Heath Road? We consider that the proposal, for major development within close proximity of the setting of the AONB with a direct visual, social and environmental connection with the AONB, should also be outward looking in its scope to address the AONB priority to 'conserve and enhance natural beauty'. This is particularly relevant in terms of the land immediately to the south of the development site, and on the approaches and frontage of the proposed development site on Heath Road. We note that the Ecological Assessment makes reference to the fact that the site falls within the zone of influence for nearby designated sites (SSSI, RAMSAR, SPA), but goes no further to identify what these impacts may be. I would recommend advice is sought from Natural England on this matter as the need for mitigation will need to be considered.

Further response received 18 May 2017 -

We refer to previous comments submitted in respect of the above proposal dated 20th September 2016 and offer the following additional comments:

The site is located within close proximity of the Dedham Vale Area of Outstanding Natural Beauty (AONB). Views of the proposed development would be clearly visible from within the AONB, in particular from publically accessible viewpoints along public rights of way or the highway. We have considered how the development relates to the local landscape character and the potential impacts that a development of this scale could have on the special qualities of this nationally designated AONB. Given the location of the development, the Local Planning Authority should refer to national and local policies which relate to the AONB, together with the statutory AONB Management Plan, the published report detailing the Natural Beauty & Special Qualities of the AONB and the AONB Partnership's Position Statement in relation to development within the setting of the AONB when determining this application.

Specific reference is drawn to paragraphs 115 and 116 of the National Planning Policy Framework which give the highest status of protection for the landscape and scenic beauty of AONBs and National Parks. The Local Planning Authority have a duty to have regard to the statutory purpose of the AONB designation, as defined in section 85 of the Countryside and Rights of Way Act, 2000. This duty also applies to proposals outside the designated area but impacting on its natural beauty, which is of particular relevance to this application. We note that the applicant has submitted a Landscape and Visual Impact Assessment. The permanent loss of open countryside and introduction of built development in this location will have an impact on the landscape character and setting of the village of East Bergholt. The adverse visual impact on the AONB is considered to be contained to the relatively close views of the development as identified in the Assessment, i.e. from Heath Road itself and public rights of way to the south of the site. However, there are more widespread impacts which are more difficult to quantify, including impacts on the special qualities of the AONB, such as tranquillity and how an increase in road traffic, external lighting etc. can affect the integrity of these features. We would recommend that, should the proposal progress to a full application, further work is needed to identify how the development will impact on these qualities and how such impacts could be removed or mitigated. The submitted LVIA appears to make no reference to the published Natural Beauty & Special Qualities of the Dedham Vale AONB. The Local Planning Authority will of course need to determine at this outline stage, whether the proposal will have a significant impact on the purpose of the AONB designation, and the further detail and explanations contained in the aforementioned document should assist in this regard. Particular attention is drawn to the Cultural Heritage section which refers to the significance of the historic pattern of built development within the AONB and the risk to conserving the intactness of such patterns when there is development pressure on the fringes of existing settlements which alter the settlement form and relationship to the landscape. As stated in our previous response, we consider that the proposal, for major development within close proximity of the setting of the AONB with a direct visual, social and environmental connection with the AONB, should also be required to address the AONB priority to 'conserve and enhance natural beauty'. This is particularly relevant in terms of the land immediately to the south of the development site and on the approaches and frontage of the proposed development site on Heath Road. Proposals for landscaping have been put forward and it is essential that these are robust enough to ensure that the quality of landscape character in this particular area is conserved and enhanced. The management of land to the south of the site is considered to be particularly relevant in terms of the quality of the site and its surrounds, particularly the transition between the site and the open countryside. We would welcome further detail on whether this is in the ownership of the applicant.

Potential impacts on nearby designated sites - We support the recommendations as outlined by Natural England and Suffolk County Council in respect of the HRA screening and associated mitigation proposals in relation to the potential for recreational impacts on the Stour and Orwell Estuaries SPA and Ramsar.

We would welcome further discussion on this matter in particular in respect of the delivery of the proposed mitigation. Securing these measures through legal agreement will of course be essential, alongside additional measures to provide for ecological mitigation and enhancement both on and off site.

In conclusion - Significant concerns over the development of this particular site remain in terms of policy compliance (National and Local Policies relating to the AONB, including East Bergholt Neighbourhood Plan). If the Local Planning Authority are minded to grant permission, it would be reasonable to expect that significant public and environmental benefits would be secured and delivered as a result.

Will be in a position to provide further comment in due course on receipt of further information

Natural England

No Objection – Proposal is not likely to have a significant effect on the Stour and Orwell Estuaries SPA, Ramsar site, and SSSI

Anglian Water

No objections raised subject to imposition of condition requiring submission and implementation of foul water strategy – existing treatment works have available capacity

SCC - Flood and Drainage

No objection – subject to compliance with suggested conditions relating to: FRA and Drainage Strategy; Surface Water Drainage Scheme; Sustainable Urban Drainage System; and Construction Surface Water Management Plan

Suffolk Fire and Rescue Service

Recommend that fire hydrants be installed within the development – the number of hydrants required will be determined at the water planning stage – Also recommend consideration is given for the installation of automatic fire sprinkler system(s)

Environmental Protection – Sustainability

No objections – Subject to imposition of conditions requiring: Submission and implementation of an Energy Strategy; Building for life assessment for each style of dwelling proposed and implementation; and BREEAM assessment and implementation

Environmental Protection – Land Contamination

Many thanks for your request for comments on the above application in light of the newly submitted Phase I investigation undertaken by Murray Rix Limited (ref. 15-2510r) dated September 2016. The report provides a comprehensive assessment of the risks posed by previous uses of the site to the future residential development and concludes that the only possible risk at the site arises from the agricultural use of the land and this risk is determined as either low risk or negligible risk. The report concludes that additional investigations into ground conditions are advisable however I believe that given the evidence presented that it would be unjustified to require these by means of condition and that the development has been demonstrated to be suitable for its proposed use and that the additional investigations should be at the discretion of the developer. I am willing to review any additional work that the developer wishes to voluntarily undertake at the site but I think imposing this by means of condition would be unjustified and indefensible.

To conclude, I have no objection to the proposed development from the perspective of land contamination. I would expect that the developer contacts that council in the event of unexpected ground condition being encountered during construction and that they are made aware that the responsibility for the safe development of the site lies with them – these requests are standard requests for all permissions in the district(s).

Strategic Housing

Recommend on-site delivery of 26 affordable units, 3 of which will be identified for Key Workers (connected to East Bergholt Academy in the first instance)

NHS England

No objections should a contribution towards additional primary health care provision be secured.

Dedham Vale Society

Object most strongly to your Council entertaining this outline application at this juncture. At a time when there are two other housing development applications closely affecting this very important village in the Dedham Vale AONB which remain unresolved it seems entirely unreasonable to add a third large housing proposal. Should your Council approve this last, and on the evidence of the other two that must be considered at least a possibility, 229 new dwellings could be added to the village and its character and ethos irretrievably altered for ever.

Furthermore you seemed intent on pushing ahead with this application despite being well aware that the East Bergholt Neighbourhood Plan is the subject of local referendum at the end of this week and may well be approved. You will also be aware that this application runs entirely contrary to the principles of that plan. For the record the Society objects to the proposal itself although it is not actually in the AONB on the simple grounds that it would do further serious damage to East Bergholt which is a most important and iconic village within the AONB. We most strongly urge your Council to delay any consideration of this application at least until:

- The judicial review of the decision to grant permission for the 10 pseudo “Alms House” is determined
- The status of the application for 144 houses at Moores Lane is clarified. We understand that no formal grant of permission has been issued despite the decision of the Planning Committee. You will be aware that it is likely that a judicial review of this decision will also be sought if and when it is promulgated
- The East Bergholt Neighbourhood Plan, if approved by the referendum, comes into force

SCC Obligations Manager

Initial response received 14 September 2016 -

A copy of this response is appended to this report as Appendix 1.

Further response received 14 November 2016 -

The County Council is supportive of the amendments to the planning application to omit the six dwellings on the East Bergholt High School site. However this is on the strict proviso that three key worker units are secured by a Section 106 planning obligation as part of the overall affordable housing requirements. The District Council's housing team are supportive of this proposal after discussions with the applicant, the High School and the County Council.

The CIL implications set out in my letter dated 14 September need to be reported to the decision-taker. Any site specific mitigation will be secured by way of a planning obligation or planning conditions.

East Bergholt Society

First response received 13 September 2016 –

Objects to the application on the grounds that the proposal is not in accordance with the East Bergholt Neighbourhood Plan (EBNP) Policies; fails to take account of the identified needs and desires of the community, as encapsulated within the EBNP; the development is five times larger than identified in the EBNP.

Second response received 11 May 2017 -

(Response to be read in conjunction with applications B/15/00673, B/15/01678 and B/16/01092) – Objects to the application on the grounds that the previous fundamental objections (as above) remain unaltered; the sites which are being reconsidered do not contribute to the shortfall caused by lack of a 5-year land supply; a Ministerial statement dated 12/12/16 states “where communities plan for housing through a neighbourhood plan, these plans should not be deemed out-of-date unless there is a significant lack of land supply for housing in the wider local authority area, therefore there is not a shortfall [of land for housing] and if there were it would not be a reason to overrule the EBNP;” the affordable homes for the functional cluster are provided within a subsequent application in Brantham; East Bergholt is a village and not a town – large scale developments are not appropriate in rural settings; neighbourhood plans should not be overruled; all three applications fail to comply with the NPPF as per the original objections

Representations

6. The following is a summary of neighbour and other representations received;

Forty Nine (49) letters of concern or objection have been received from third party sources, the content of which is summarised below:

- Proposal is not consistent with the East Bergholt Neighbourhood Plan, which is part of the statutory development plan;
- The number of dwellings proposed is five times larger than what the Neighbourhood Plan provides for an individual site;
- Proposal is not in accordance with the Neighbourhood Plan which provides for small pockets of development only;
- The number of dwellings proposed would, in one place, swallow up the majority of the identified need for 86 homes over the Neighbourhood Plan period;
- There is no proven local need for the development and the proposal does not therefore satisfy the requirements of policy CS11;
- Babergh District Council has already approved 159 dwellings in East Bergholt in recent months without giving any weight to the emerging Neighbourhood Plan;
- Would support scheme if were for 26 affordable dwellings alone and not a total of 75 market and affordable;
- There should be no need for the proposal on top of the “Moores Lane” development;
- Scheme would even be excessive even if the “Moores Lane” development does not come forward;
- Proposal would result in an unsustainable amount of growth;
- The local plan provides for something like 1050 houses over the plan period in Core Villages and understand that 600 to 700 are already on course with additional large development approved in the neighbouring Tendring District;

- Proposal is “planning madness” just to bolster BDC income from New Housing bonus and political dogma;
- The proposal site is outside the village envelope and next to the AONB and so should not be approved;
- Scale of proposal is disproportionate to the current size of the village;
- Proposal is too large in scale and would destroy the village’s character;
- Proposal site is on a green field site that can never be reversed;
- Proposal would damage the nature and heritage of the village;
- Proposal would result in the loss of farmland of landscape value;
- Proposal site is prime farmland and should not be built on;
- Landscape is “Constable Country” and should not be built on;
- Object to use of farmland when brownfield sites are available nearby;
- Proposal will increase traffic the village and near the school;
- Adding more traffic will make the issue of speeding worse;
- Existing highway infrastructure is inadequate to safely accommodate proposed number of dwellings and resultant traffic increase;
- The proposed access would be dangerous;
- Proposal will create more commuters on the railway which are already at capacity and will create increased parking problems in and around Manningtree Station;
- Object to the proposed public footpath link route as this would adversely impact the privacy and security of neighbouring properties;
- Proposal would have a detrimental effect on wildlife and the environment;
- There is no need for a swimming pool, office space, local shop or open space and this is a “White Elephant” and a “folly”;
- There is no need for a swimming pool as two have had to close in the village in the past due to under use;
- The village already has a shop and does not need another one – another shop may lose the existing one business and both may have to shut;
- Services in the village are already at bursting point and this proposal would make the situation worse;
- The application does not support increase in sustainable employment, which should be a key element in any sustainable development proposal;
- Should the application be granted it will no doubt give rise to Judicial Review and unnecessary additional burden on taxpayers
- The applicant is understood to have agreed in writing not to sell land for large developments like this

7. In addition, four (4) letters stating no objection or support for the proposal have been received from third party sources, the content of which is summarised below:

- Believe this is the best way forward if expansion is to take place;
- Layout looks to provide many benefits to the local area;
- Layout looks attractive and well thought through
- The housing plan looks very appealing and well laid out with plenty of green areas surrounding the buildings
- Proposal looks to be quite a unique development compared with other more squeezed new developments
- The position is ideal with easy access in and out of the village
- Provision of affordable housing is welcomed
- Would like to live in East Bergholt but cannot at present, there is therefore a need for housing
- Proposal is spread out and offers a wide variety of homes with plenty of open space
- Consider the developer has listened to the majority of what local people want
- Like the idea of homes for teachers, bungalows for the elderly, and small starter homes

The Site and Surroundings

8. The application site is located on the eastern side of East Bergholt, a large village located in close proximity to the A12, 18km to the north-east of Colchester and 16km to the south west of Ipswich.
9. The village is designated as a Core Village in the Babergh Core Strategy and contains a number of services and facilities. These include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butchers and a bakery and a tea room.
10. The application site is split into two areas; the main area is to the south of Heath Road (B1070), and a smaller parcel is located to the north of the road. The main parcel is agricultural use and is subdivided into two fields, with a field boundary running roughly north-south through the site. To the south of the site there is a small block of spruce planting and to the eastern side of the site there is an existing copse. To the south there is the Dedham Vale Area of Outstanding Natural Beauty (AONB) which is separated from the southern boundary of the site by one field's depth, with a well-used footpath view views looking south over the ANOB. This parcel lies immediately adjacent to the built up area of East Bergholt with rear gardens backing onto the application site. The Constable Country Medical Practice is located immediately adjacent to the site and fronting onto Heath Road. To the south and east the site is surrounded by agricultural land.
11. The parcel to the north of Heath Road falls within the East Bergholt High School site, adjacent to the school's entrance and coach parking area. To the east of this parcel lies a cluster of commercial and residential buildings. The combined site area is 9.2 hectares.

The Proposal

12. This outline application proposes a mixed-use development, comprising four main elements: residential development, a community hub, a pre-school and public open space.
13. The application proposes up to 75 dwellings on the application site, to the south of Heath Road. 35% of the the scheme would be affordable housing.
14. It is proposed that a 'neighbourhood hub' will be provided in the northern corner of the site, adjacent to the existing Medical Centre and the site entrance, opposite the High School on Heath Road. It is anticipated that this will comprise a local shop, a covered swimming pool and some flexible office space.
15. A pre-school is proposed on the western side of the site, adjacent to the proposed car parking area. The car parking will also serve this facility.

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** - 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
- **CS14** - Green Infrastructure
- **CS15** - Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes
- **CS21** - Infrastructure Provision

SAVED POLICIES IN THE LOCAL PLAN

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

- **CN01** - Design Standards
- **HS31** - Public Open Space (Sites of 1.5ha and above)
- **TP15** - Parking Standards
- **CR07** - Landscaping Schemes

THE EAST BERGHOLT NEIGHBOURHOOD PLAN

- **EB1** - Housing Numbers
- **EB2** - Development Size and Location
- **EB3** – Village Heart
- **EB4** – Housing Type, Tenure and Sizes
- **EB5** – Increasing the Choice of Housing Options for Older People
- **EB6** – Landscape and Views
- **EB7** – Local Green Space
- **EB8** - Biodiversity
- **EB9** – Housing and Non-Residential Design
- **EB10** – Preservation of Non-Designated Heritage Assets
- **EB12** – New Developments, Parking
- **EB13** – New Developments, Walking and Cycling
- **EB14** – New Developments, Footpaths, Cycleways and Bridleways
- **EB18** – New Development and Farm Vehicles Access
- **EB22** – Electric Cars
- **EB23** – Sustainable Drainage Systems

SUPPLEMENTARY PLANNING DOCUMENTS

19. The following documents are also considered as material for the purposes of determining planning applications and are applicable to this proposal:

- Rural Development and Core Strategy Policy CS11 SPD
 - Babergh District Council - Affordable Housing, Supplementary Planning Document (2014).
 - Caba at Design Council - Building for Life 12 (3rd Edition, 2015).
 - Department for Transport - Manual for Streets (2014).
 - Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015.
20. On the 6 March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online Planning Practice Guidance (PPG). The guidance provided is advice the interpretation and application of national planning policy and has been taken into account in reaching the recommendation made on this application.
21. The PPG is an online reference and is available via the following link: www.planningguidance.planningportal.gov.uk.
22. The relevant policies that have been referenced can be viewed online. Please see the notes attached to the schedule.

Main Considerations

23. 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

24. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
25. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
26. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies.

However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

27. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
28. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
29. A summary of the Babergh 5 year land supply position is:
 - Core Strategy based supply for 2017 to 2022 = 4.1 years
 - SHMA based supply for 2017 to 2022 = 3.1 years
30. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.
31. The NPPF requires that development should be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. This has been discussed above. 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."

32. In the light of all of the above, this report will consider the proposal against the policies of the development plan, including the East Bergholt Neighbourhood Plan, to determine whether the proposal is in accordance with the development plan as a whole. If it is not, and there are policy conflicts, they will need to be weighed against other material considerations to see whether a decision which does not accord with the development plan is warranted, in the light of the presumption in favour of sustainable development, and in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

33. As detailed at paragraph 26 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
34. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.
35. Policy CS2 (Settlement Pattern Policy) identifies East Bergholt as a 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).
36. 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.*
37. 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.
38. 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, and means that it is a material consideration when planning applications are determined.
39. 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).
40. 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

41. Policy EB6 of the EBNP states that;
- “Development proposals shall demonstrate that they:*
- 1. Comply with the policies and guidance relating to the Dedham Vale AONB and its setting;*
 - 2. Where appropriate, satisfy the development tests set out in paragraph 116 of the National Planning Policy Framework;*
 - 3. Respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting;*
 - 4. Have taken full account of the capacity assessment set out in the Landscape Sensitivity and Capacity Assessment (Map 11) ; and*
 - 5. Would not have an unacceptable adverse impact on the landscape setting of the village demonstrated through a Landscape and Visual Impact Assessment”.*
42. In respect of criteria 1-3 of policy EB6, the impact on the AONB is considered in the following sub-section of this report.

43. Map 11 within the EBNP sets out the Landscape Sensitivity and Capacity Assessment. It identifies this area as having Medium Landscape Capacity, where the overall findings of the assessment were “...the countryside within and surrounding the main built-up area of the village comprises rural, intact, high quality landscapes. The majority of the identified parcels of land in the countryside surrounding East Bergholt were found to have only a Low to Medium capacity to accommodate development, based on the assumptions set out in the report. Five parcels were found to have a Medium capacity to accommodate development on that basis and none were found to have a Medium to High or High capacity”.
44. Policy EB6 requires that developments take full account of the Landscape Sensitivity and Capacity Assessment (criterion 4) and that an LVIA should demonstrate that there would not be an unacceptable adverse impact on the landscape setting of the village (criterion 5). Whilst these are separate issues, the fundamental matters at hand are the impacts of development on the landscape, the sensitivity of the landscape to such impacts and the overarching impacts on the AONB. These are therefore considered below. However, it should be noted that the Examiner who examined the Neighbourhood Plan did not accept that this site should be classified as Local Green Space, and removed this proposed designation from the site in the Examination of the Neighbourhood Plan. As such, policy EB7 is not applicable to this scheme.
45. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
46. The Planning Practice Guidance advises that “*The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape*”.
47. The submitted application includes a Landscape Appraisal which references the Landscape Character Assessment, assessment of impacts and effects and proposed mitigations. The submitted Landscape Appraisal is considered to be a thorough report and includes a detailed analysis of the site, the surrounding landscape and how the proposals seek to mitigate the impact of the development over the short, medium and long term. The document includes a building height parameter plan (drg. No. 1950/306 Rev. P1) which includes indicative development parcels. The key principles of the indicative layout are supported including:
- The setback built frontage along Heath Road
 - The central open green corridor
 - The setback southern and eastern boundary
 - The indicative building heights
48. In terms of the likely visual effect on the surrounding landscape, the Council’s Consultant Landscape Specialist has stated that the proposals will inevitably have an impact, but this impact would be generally limited to the northern boundary edge of the site where the proposals front onto the site boundary along Heath Road. The character of the site would change significantly as part of this proposal; however the proposed landscape mitigations included as part of the application would be adequate to suitably reduce these impacts of the development in the longer term, in what is a sensitive landscape setting.

49. Recommendations have been provided by the Consultant Landscape Specialist to further improve the site and limit the impact on the wider area. These recommendations can be conditioned and dealt with as a reserved matter. Overall, it is considered that the proposed information submitted relating to landscape character is acceptable subject to satisfactory information being submitted as part of the reserved matters application. In this regard, the proposal accords with criterion iv) and v) of policy EB6.

Impact on AONB

50. The Dedham Vale AONB is located to the south of the application site. The NPPF seeks to conserve and enhance the natural beauty of the AONB and provides that *"great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty"*.
51. The AONB Officer has provided detailed comments which raise the following issues;
- Contrary to the statement made in our previous submission, it is noted that the LVIA, offered in 2 parts, did in fact make reference to the Dedham Vale AONB Natural Beauty & Special Qualities document.
 - The detail of the LVIA notes the importance of various approaches to mitigate the potential visual impact of the development. In particular we are concerned with the visibility of the site from Heath Road and from the public right of way to the south of the development site.
 - Given the slope and vertical visibility of the proposed development when viewed from the south, we would question whether single story dwellings may also need to be considered along this boundary. (Reference 5.14 LVIA and viewpoints 13 and 14 in Appendix showing comparisons). The Comparison of Landscape Impact images are useful in demonstrating the likely ridge heights of the dwellings and does show that there is room for further reduction in visual impact from viewpoints 13 and 14 if a reduced ridge height was proposed.
 - We note the proposals to reinforce existing landscape character, enhance connectivity and enhance ecological value and would agree with this approach. The next stage will of course be to further demonstrate the anticipated outcome of this approach in a detailed Landscape Strategy, with full details of the proposed planting.
 - The LVIA makes reference to the arable 'open' field to the south of the site as being important to retain. It is not clear whether this is in the ownership of the applicant. If it is, we would recommend that it is incorporated into the application site, to ensure that it becomes part of the area secured for ongoing future management. If it is not within the applicant's control, there is no security of control of this piece of land which is considered to be crucial to the overall landscape strategy in respect of buffering of the development site along this boundary. This land is also fundamental to the provision of a footpath link from the development site to the existing public right of way to the south. More detail on how this is proposed to be achieved will be required.
 - If the Local Planning Authority are minded to grant outline permission, we would expect that a detailed Landscape Plan is submitted along with specifications of the proposed planting, establishment method and ongoing management arrangements for those areas subject to landscaping. As identified in section 5.4 Mitigation, the applicant notes that 'It is important to demonstrate that the long term control and management of the site is secure'. The means by which this will be secured is unclear at present.

- With reference to the potential impacts on nearby designated sites, we note that measures have been proposed following HRA Assessment. We would support measures being secured through legal agreement to ensure that the proposed development contributes to an agreed strategy to avoid recreational disturbance within the nearby Stour and Orwell Estuaries SPA, Ramsar, SSSI.
 - In addition to this, we would highlight concerns that the proposal is likely to result in further pressures in and around Flatford, East Bergholt and Dedham. The AONB Partnership are actively involved in implementing measures to manage visitor pressures in this particular part of the AONB and would welcome further discussions on these issues with the Local Planning Authority. There are potential opportunities for further off-site enhancements within this locality which have not yet been considered in the submitted documents.
52. These comments need to be taken into account in the light of the provisions of the NPPF, most notably paragraphs 115 and 116 which state;
- “115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*
- 116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*
- *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;*
 - *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*
53. In the Court of Appeal judgement in *R (on the application of Cherkley Campaign Ltd) v Mole Valley District Council [2014] PLSCS 138*, the judge found that *“I see no good reason for departing from the language of paragraph 116 itself. The paragraph provides that permission should be refused for major developments “in” an AONB or other designated area except where the stated conditions are met: the specific concern of the paragraph is with major developments in a designated area, not with developments outside a designated area, however proximate to the designated area they may be”.*
54. In this instance, the proposal does not fall within the AONB. As such, paragraph 116 is not engaged and, therefore, the proposal complies with criterion ii) of policy EB6 which requires compliance with paragraph 116 of the NPPF.
55. Notwithstanding this, it is necessary to consider the impact of the development on views into and out of the AONB, with particular regard to policies EB06 and CR02 and paragraph 115 of the NPPF. Paragraph 115, Policy CR02 and Policy EB6 bring about different tests in respect of the consideration of development in the AONB.

Paragraph 115 provides that great weight should be given to “*conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty*” whilst policy CR02 requires that “*there is an overriding national need for developments that have a significant impact in the particular location and that there are no alternative sites available*”. Policy EB6 sets out three separate criteria, the first of which seeks compliance with the policies and guidance relating to the Dedham Vale AONB, and the third of which seeks that development proposals “*Respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting*”. The second criteria in policy EB6 requires satisfaction of the tests in paragraph 116 of the NPPF, wherever appropriate. For reasons already set out, paragraph 116 is not engaged in this instance.

56. Whilst the requirements set out within the policies are different, it is apparent that the aims of these policies are to conserve the landscape and scenic beauty of the AONB (paragraph 115), ensure that in instances where there is a significant impact that there is a demonstrable national need and that no alternative sites are available (CR02) and that developments respond positively to the special qualities and scenic beauty of the AONB (EB6). As such, the developments impact on the AONB will now be considered against these provisions.
57. The LVIA submitted with this application is considered to provide a robust assessment of the impacts of this development and it is apparent from the comments made by the AONB Officer that, whilst there are some concerns, there are a number of areas of agreement with regards to the manner in which this development has been proposed. It is also apparent that many of these matters are such that will be fully assessed at the detailed design stage, where the impacts of the proposal in terms of the physical arrangement of buildings, and their scale and appearance, will be able to be considered in more detail.
58. Furthermore, consideration of the comments made by the AONB Officer identifies that there are matters that are controllable by condition that would give some security as to the landscape scheme and its ongoing maintenance. This is considered to be reasonable and is, therefore, proposed as a condition should planning permission be granted.
59. Whilst the proposal is adjacent to the AONB boundary, it is considered that having reviewed the findings of the submitted LVIA in this regard, the response from the AONB Officer and that from the Council’s own Landscape Consultant, the proposal does not have a significant adverse impact (in either landscape or visual terms). As such, the proposal is considered to comply with paragraphs 109 and 115 of the NPPF, and with development plan policies CR02 (Babergh Local Plan) and EB6 (EBNP).

Impact on Environment

60. A Phase 1 Land Contamination Survey was submitted in June 2017 in support of the application. This identifies some potential minor sources of contamination, but no evidence to suggest significant sources of contamination or previous industrial use were uncovered. Based on the foregoing assessment some check sampling and testing of the soils is considered appropriate prior to development, to test the conceptual model and confirm the assumptions made in the survey. In this respect, it is considered that seeking further investigation prior to development can be secured by condition.
61. The Public Rights of Way Officer has been consulted with regards to the scheme due to the proximity of the site to Public Footpath 38. No objections have been received as the scheme would not have an adverse impact on the public footpath.

62. With regards to potential impacts on biodiversity, this is assessed in a separate section of the report.

Impact on Heritage Assets

63. Suffolk County Council Archaeological Service have identified that the site of the proposed development has high potential for the discovery of important heritage assets of archaeological interest in view of its large size and location close to a number of sites recorded in the County Historic Environment Record. It is situated to the east of the historic settlement core of East Bergholt (EBG 044) and scatters of multi-period finds have been recorded in the vicinity. However, the site has not been the subject of previous systematic investigation.
64. The Archaeological Service is satisfied that the impact can be adequately mitigated by the imposition of conditions. The development is therefore considered to be acceptable at this stage where, should permission be granted, the relevant conditions can be imposed.
65. There are no other heritage assets that are considered to be affected by the proposal.
66. For these reasons, it is considered that the proposal complies with the NPPF paragraphs dealing specifically with heritage assets, as well as policies EB10 and CN06.
67. In light of the considerations set out above, it is also considered that the proposal would comply with this element of policy CS11.

The locational context of the village and the proposed development

68. 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.
69. 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".*
70. Furthermore, policy EB2 of the EBNP relates specifically to the size and location of development. This policy provides that:

"Housing development will be supported within or immediately adjacent to the village Built Up Area Boundaries provided that the development:

1. *Would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty (Map 9), Local Green Spaces or sites of biodiversity and geodiversity importance;*
2. *Conserves, enhances and respects the Conservation Area (Map 18), heritage assets and built character of the local area, respecting the density, rhythm, pattern, proportions and height of existing development in the street scene;*
3. *Would not have an unacceptable adverse impact on the local highway network;*
4. *Would be of an acceptable size and scale that contributes to the character of the village and the “Sense of Place”; and*
5. *Is within 800 metres of the Village Heart or Focal Points (Map 4).*

Housing development on sites not adjacent to the Built Up Boundaries or outside the 800 metres zones will be supported where they satisfy the special circumstances set out in paragraph 55 of the National Planning Policy Framework.

Rural Exceptions Affordable Housing will be encouraged on sites adjacent to or well related to the Built Up Area Boundaries (Maps 5 & 6) in accordance with Local Plan Policy CS20.

Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people”.

71. Some of the aspects of policy EB2 relate to individual matters that fall within separate sections of this report, such as the impacts on the AONB, impacts on heritage assets, highways impacts and biodiversity. However, elements of policy EB2 relating to the size and scale of the development are relevant to the consideration of this element of CS11 and are, therefore, considered in more detail below.
72. Map 4 within the EBNP shows the areas defined as the Village Heart and the Focal Points. The criterion within EB2 requires that development be located within 800m of the Village Heart or Focal Points. The site lies within the 800m radius of the Focal Point associated with the doctors surgery and the school, and thereby complies with this element of policy EB2.
73. However, such a basic assessment does not provide sufficient consideration of the connectivity of the site and its relationship to the village. The Council’s Rural Development and Core Strategy Policy CS11 Supplementary Planning Document (SPD) identifies (paragraph 15) that the availability of, and access to, local services and facilities is a key consideration in determining whether a proposal is sustainable. East Bergholt is defined as a Core Village, which policy CS2 sets out should act as a focus for development. The range of services and facilities available is also important as this will have a bearing on the size and scale of development that can be accepted i.e. a village with a wide range of services and facilities is more sustainable and can potentially accommodate a greater amount of development.
74. The SPD also identifies that the availability and frequency of public transport is also an important consideration, and references walking distances set out in the Department for Transport Local Transport Note 1/04, which recommends:
 - Desirable - 400 metres
 - Acceptable - 800 metres
 - Preferred Maximum - 1200 metres

75. It notes that these distances should be considered in respect of the inclines experienced, and should be measured along the route taken rather than a straight line. The quality of the footpath connection is also important, where continuous footpath connections should be available.
76. Policy EB13 requires new developments to provide an adequate and safe footpath layout within the development and good pedestrian links to pedestrian routes to the village and nearby countryside. It seeks that schemes should demonstrate cycle friendly road layout and safe connections to the highway. Policy EB14 looks to achieve, where possible, new development to take advantage of any opportunity to enhance and protect existing footpath, cycleway and bridleway networks, create new networks and improve connections between existing and proposed networks. They should also aim to reduce recreational pressure on Stour & Orwell Special Protection Areas.
77. The Manual for Streets identifies that *“Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas, which residents may access comfortably on foot”*. The application includes an assessment of the distances to the facilities and services in the village, and the Planning Statement concludes that *“the proposal is well connected to facilities being within an 800m walk of most everyday facilities”*.
78. The site abuts the BUAB and is well linked to a network of public footpaths. The Doctors Surgery and High School are in close proximity to the site and the village heart is approximately 1km from the site. In this respect, the site is reasonably well linked to the facilities and services in East Bergholt.
79. Furthermore, the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. It is therefore considered to comply with the aims of this part of policy CS11.

Site location and sequential approach to site selection

80. 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 East Bergholt.
 81. There are no sequentially preferable allocated sites within East Bergholt, nor are there any sites within the built up area boundary which would enable a development of commensurate scale that are available and deliverable.
 82. 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. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.
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Locally identified need - housing and employment, and specific local needs such as affordable housing

83. 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.
84. 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.
85. 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.
86. 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 East Bergholt and the functional cluster of smaller rural settlements which it serves.
87. 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).
88. 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.
89. 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.

90. 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 above, 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.
91. In this case, the Applicant has submitted an “Assessment of Housing and Employment Need” in support of the proposal. This identifies that:
 - The proposal delivers market housing equating to 49 units of various size
 - Affordable housing equating to 26 units of various size, and providing rented and shared ownership properties)
 - A total of 33 smaller (1 and 2 bedroom) dwellings are included, equating to 43% of the scheme.
 - 18 bungalows are proposed, making adequate provision for the elderly.
 - A neighbourhood hub is proposed which is expected to include a local shop, covered swimming pool and flexible office space.
 - The affordable housing provision will make a positive contribution to identified and unidentified needs. This provision has the support of the Council’s Housing Department.
 - The provision of key worker housing will be a positive asset, attracting teachers and NHS staff in an area where cost of housing is particularly high.
 - The 49 market dwellings will be available to anyone who wants to buy them, and will contribute to the district’s requirements and the Neighbourhood Plan requirements, both of which are expressed as minimums.
 - The proposal will strongly support the Neighbourhood Plan’s commitments towards providing a mix of house types, sizes and tenures.
 - The proposals accord with NP policy. providing 33 smaller dwellings, which meets that minimum requirements of at least 40% of new dwellings being one and two bedroom homes (policy EB4).
 - The provision of 18 bungalows for the elderly of mixed tenure will also contribute towards meeting need.
 - The proposals will also generate local employment which will provide opportunities for residents who want to work locally.
92. Whilst this is submitted as an assessment of need, it does not robustly consider a variety of evidence sources and is considered to be substandard in terms of identifying local need, particularly with regards to market housing. However, the housing needs of the village are also considered within the EBNP. Appendix D4 and D5 of the Neighbourhood Plan provide the Executive Summary of the Community Action Suffolk Housing Needs Survey and the Housing Options paper respectively. These papers lead to the conclusions reached within the Housing chapter of the EBNP, most notably around policies EB1-EB5 and the supporting text.

93. Policy EB1 of the EBNP identifies that there shall be a minimum of 86 new homes developed over the Plan Period. In this respect, it is noted that there is an evidenced need to provide a minimum of 86 new homes within the Plan Period and that this is the expectation of the community through its adopted plan. There can be no doubt that this development exceeds this expectation and that there is strong feeling within the community that this proposal provides a quantum of development that is unnecessary, in excess of evidenced need and harmful to the village in terms of the integration of new residents and their effects on the current community.
94. The EBNP Housing Needs Survey identifies that it is important for new housing to provide an appropriate mix of housing size, type and tenure, where there is potential on the site. This is mirrored in policy CS18, which requires that residential development that provides for the needs of the District's population, particularly the needs of older people will be supported where such local needs exist, and at a scale appropriate to the size of the development. The mix, type and size of the housing development will be expected to reflect established needs in the Babergh district (see also Policy CS15).
95. Policy EB2 states that *"Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people"*. Policy CS19 of the Core Strategy requires affordable housing to be provided at 35%.
96. Policy EB4 of the EBNP seeks that at least 40% of new housing should be one or two bedroomed properties. As can be seen from this table, the scheme provides 48% of the development as one or two bedroom properties, and thereby complies with policy EB4 of the EBNP.
97. Policy EB5 of the EBNP also seeks upto one third of new housing to be designed to meet the needs of older people.
98. The development proposed is in accordance with Core Strategy Policy CS19 and makes provision for 35% of homes to be affordable equating to 26 affordable dwellings in this scheme. Furthermore, a number of one bedroom properties and bungalows, which would assist in providing properties for those groups of people identified in policies EB2 and EB5, are provided. Therefore, the proposal is considered to accord with policies CS18, EB4 and EB5.
99. Furthermore, whilst the quantum of development, in the terms of a simple assessment of numbers, does not exceed the amount of development identified as a minimum to be delivered across the Neighbourhood Plan period (policy EB1 requires a minimum of 86 dwellings), the extent to which the applicant has demonstrated that the development meets local needs in the terms understood to be required by policy CS11 is not considered to be robust. As such, it cannot be concluded that the proposal meets locally identified need and, therefore, the proposal does not comply with this element of policy CS11.

Locally Identified Community Needs

100. 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.

101. 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).
102. 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. The Planning Statement submitted with the application identifies that pre-application discussions identified that there is local demand for a small retail unit on this site, and that the proposed office space could be used as meeting room/s by home workers. It was also identified that a covered swimming pool would be a useful facility for the schools and the community.
103. In this respect, whilst the community needs cannot be considered to have been robustly considered, the proposal does make provision for community facilities based on pre-application discussions and community engagement and, therefore, the proposal is considered to accord with this element of policy CS11.

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

104. 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*".
105. Concerns have been raised that East Bergholt would suffer cumulative impacts – on the school, traffic congestion and the character of the settlement overall from too much rapid growth. The impact on the school is not considered a problem if mitigation, as set out in the responses from SCC, is provided. The LHA has raised no objection in terms of congestion and traffic generated from the development is not considered to have an adverse cumulative impact.
106. The character of the village being changed by extensive incremental growth is an important issue. The historic level of growth is similar to some other Core Villages and the Strategic Planning Team have concluded that the growth is not disproportionate given the villages status as a Core Village. 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.
107. Therefore, whilst, concerns have also been raised that there has already been a high level of development in the village historically, there is no specified cap on the size of development that can come forward under Policy CS11, especially in Core Villages such as East Bergholt, which are to act as a focus for development in the functional cluster. Therefore, the scale of development in itself cannot be objectionable per se; it is only whether the scale proposed has any adverse impacts.

108. There are no known physical or social infrastructure capacity issues which cannot be addressed. Suffolk County Council and NHS England have confirmed there is sufficient capacity within the local medical and educational services and they would be able to make bid for CIL funding to address infrastructure issues in the local area. However, it is noted that there are a number of representations made that identify that the amount of development proposed is in excess of that set out within policy EB1 of the EBNP. This proposal, in isolation, would not exceed the minimum threshold set by policy EB1, albeit that policy EB1 provides that threshold across the entirety of the Plan Period. However, Officers acknowledge that there is a significant amount of development proposed for East Bergholt at the current time, and that this would bring with it some pressures in terms of integration and the social effects on the village.
109. This leaves the issue of the cumulative impact on other nearby villages and neighbouring authority areas. There is an allocation at Brantham (within the East Bergholt functional cluster) which is the subject of a grant of planning permission, and the cumulative impacts upon the village of Brantham resulting from both this development and that on the aforementioned allocated site have been considered in terms of the traffic implications (see 'Highway Safety' section below) and the impacts upon the SPA. The result of these considerations is that there would not be severe highway impacts on the A137 from traffic resulting from this and committed development, and that the possible impacts on the SPA from occupants of the proposed development can be mitigated subject to securing a contribution which will enable such mitigation to be carried out. A more detailed assessment of these positions is set out within the relevant sections of this report.
110. 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. The proposal therefore complies with this element of policy CS11.
111. As such, the cumulative impacts of the proposal are considered to be in accordance with the requirements of policy CS11.

Summary of Assessment Against Policy CS11

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

Consideration Against Other Development Plan Policies

113. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.

114. 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. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider the provisions of the EBNP and other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
115. Policy CS2 requires that sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
116. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
117. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.
118. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF's objective of promoting sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
119. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points. Where those issues relate directly to development plan policies, including those in the EBNP, they will be referenced directly also.

120. As a Core Village, East Bergholt 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. These facilities include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butchers and a bakery and a tea room.
121. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. East Bergholt 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 to Colchester and Ipswich. East Bergholt 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 East Bergholt 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.
122. It is acknowledged, however, that there will be a high proportion of car travel from East Bergholt, as people travel out of the village to work, however it is also important to take into consideration both the provision of and accessibility of public transport in East Bergholt as discussed, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation (criterion xviii of CS15). Policies EB13 and EB14 are particularly relevant to this consideration requiring (respectively) that *“New developments should provide an adequate and safe footpath layout within the development and good pedestrian links to pedestrian routes to the village and nearby countryside. Schemes should demonstrate cycle friendly road layout and safe connections to the highway”* and that *“Where possible, new development should take advantage of any opportunity to enhance and protect existing footpath, cycleway and bridleway networks, create new networks and improve connections between existing and proposed networks. They should also aim to reduce recreational pressure on Stour & Orwell Special Protection Areas”*.
123. These matters have been considered in some detail within the earlier assessment of the proposal against policy CS11, where it has been concluded that the proposal complies with policy EB2 in terms of its proximity to the Focal Point identified in the EBNP, and is also compliant with the walkable distances set out in Manual for Streets and in the CS11 SPD. Furthermore, the nearest bus stops to the site are located on Heath Road within 350m (4.5 minute walk) from the proposed site access. These stops are served by 3 regular bus routes and 6 school bus services, and provide up to 18 bus services per day Monday – Friday between Colchester and Ipswich. A full bus timetable has been submitted by the applicant. The submitted Planning Statement states that the proposed development will fund the implementation of two new bus stops with shelters and timetable information on Heath Road near the site access location for eastbound and westbound bus services. It is therefore considered that the development is well related to public transport.
124. The Planning Statement submitted with the application draws attention to the location of the Donkey Path to the south of the site, which leads into the village and would give access to the facilities in the village to those wishing to walk.

125. The socio-economic profile of East Bergholt highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people, and plays an important role in the tourism and heritage of the local area. However, there is a need to balance housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
126. 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 East Bergholt, underpinning social capacity, providing affordable housing and widening the housing mix overall.
127. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services (criteria xviii and iv of CS15) and the following issues are also noted in respect of criteria within policy CS15:
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. The creation of the neighbourhood hub and pre-school would also provide employment (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - The proposal will deliver a mix of dwelling sizes, including those suitable for older people (criterion vi of CS15)
 - The development will meet the relevant sustainable design and construction standards (criterion viii of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The development will seek to minimise external paving and provide water butts. Surface water run-off from the development will be conveyed to above ground storage features (criterion xii of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
128. Furthermore, the associated highway issues (criterion xix of CS15), environmental aspects related to sustainable drainage (criteria x and xii of CS15), renewable energy and reduction of carbon (criteria viii and xv of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Site Access, Parking and Highway Safety Considerations

129. The site is located to the north and south of Heath Road which is east-west in orientation and provides access to East Bergholt and the A12 to the west and Manningtree via Cattawade to the east. There is a speed limit change on Heath Road at the site frontage around 40m west of the junction with Putticks Lane; to the west and through East Bergholt the speed limit is 30mph; whilst to the east Heath Road is subject to the national speed limit of 60mph.

130. The proposed main part of the development will be accessed from Heath Road via a new priority junction arrangement located west of the speed limit change. The 6 dwellings on the northern parcel of land will be accessed from the existing junction which currently serves the bus lay-by opposite the Medical Centre. The Local Highway Authority has assessed the submitted information relating to highway visibility and safety and is satisfied that the indicative information is acceptable at this stage.
131. In terms of car parking, as the development is at the outline stage, indicative car parking plans have been submitted. At this stage, it appears that car parking levels would be adequate for a mixed use development of this size. Numbers, layout and sizes of car parking and turning areas would be assessed fully at the reserved matters stage. The LHA offers no objections to car parking issues at this stage.
132. A transport assessment has been submitted in support of the application. It demonstrates that a cumulative assessment in terms of traffic generation has been undertaken including local committed development, and potential development sites outlined within the SHLAA document. The assessments undertaken show the traffic impact of the proposed development will be low, with all junctions in the surrounding area continuing to operate as existing. Highways England have also been consulted with regards to the scheme and offer no objections to the scheme.
133. In conclusion, it is considered that 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 the indicative parking is considered acceptable.
134. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of policy EB12 of the EBNP and saved policy TP15.
135. The Local Highway Authority are satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

Impact On Residential Amenity

136. One of the core principles as set out in Paragraph 17 of the NPPF is that planning should always seek to secure high quality design and good standards of amenity for all existing occupants of land and building.
137. As this application is an outline application with all matters reserved, it is not possible to fully assess the impact of the proposal on the residents of adjacent dwellings. However, Indicative layouts and proposed roof heights have been provided as part of the submission. At this stage, due to the size of the site and the proposed indicative layout, it is clear that the development could be designed to ensure that the residential amenity of the neighbouring properties is protected.
138. When full plans and elevations are submitted as part of the reserved matters application the full impacts on the amenity of the neighbouring properties will be assessed. This would include a full assessment of separation distances between habitable room windows, impacts on light and overbearing impacts and an assessment of the potential for the loss of privacy.

Loss of Agricultural Land

139. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
140. Policy EB17 of the EBNP identifies that “*new development not connected with agriculture should avoid the loss of best and most versatile agricultural land*”. Whilst not inconsistent with the NPPF, this policy is phrased slightly differently and provides a differing level of protection to the best and most versatile agricultural land.
141. Natural England advises that the best and most versatile agricultural land should be protected, and the agricultural land within the application site is classified as such due to the Agricultural Land Classification (ALC) data. East Bergholt is surrounded by best and most versatile agricultural land so any development here, particularly outside the built-up area of the village, which is in principle permitted by policy EB2, would erode this natural resource.
142. The Core Strategy makes no direct reference to the loss of agricultural land, so the application must be primarily assessed against the test in the NPPF and that in the EBNP. In the context of the test set out within the NPPF, the development is not considered to be ‘significant’² so the test is not enacted. With regards to the EBNP, policy EB17 must be read in conjunction with policy EB2, which does not preclude development outside the built-up area of the village where there would, in nearly every case, be a loss of best and most versatile agricultural land. In such an instance, where there is conflict between policies, it is pertinent to rely on the test set out in the NPPF in considering this issue.
143. As such, this issue does not weigh against the development.

Design and Layout

144. The application is made in outline form with a number of plans that provide some indication of the manner in which the site would be developed. The indicative masterplan identifies, amongst other things, a predominantly green frontage to Heath Road with a central open space area, play space, pedestrian link to the Donkey Path and attenuation basins.
145. A single access point would be formed towards the middle of the site frontage and internal roads would form a loop around the open space with the neighbourhood hub formed off a spine road to the western edge of the site.
146. Whilst this is only an indicative plan, it is considered that this masterplan, along with the supporting parameter and height plans, demonstrate how the site could be developed in a manner that would be of appropriate design and layout relative to existing built development and the surrounding countryside. In this regard, whilst the detailed design of the proposal will need careful consideration, the principles of the design and layout are considered to be in accordance with policy EB9 and policy CN01, and to accord with criterion ii) of policy CS15.

² *The definition of ‘significant’ was considered at the Tattlingstone solar farm public inquiry. ‘Significant’ is not defined; it is down to the decision maker to consider what is significant. The Inspector in this appeal considered the development would need to be ‘large scale’ to be ‘significant’. Large scale in this context being more than 5MW. The NPPF test is therefore not enacted for the loss of all agricultural land, just where the development/loss would be significant/large scale. As a matter of fact and degree, the loss is not considered significant/large scale in this case being 8.46ha of land.*

Land Contamination

147. The applicant has submitted an assessment of the potential contamination risks on this site, which has been assessed by the Council's Contaminated Land Officer. It is considered that the assessment made is sufficient to identify that there would be no unacceptable risks from contamination.
148. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Biodiversity and Protected Species

149. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15, in particular, requires new development to safeguard ecology.
150. Policy EB8 of the EBNP requires that developments should protect and enhance biodiversity and geodiversity to reflect the requirements of paragraphs 109, 117 and 118 of the National Planning Policy Framework. It sets out particular criteria that should be complied with, including protecting and enhancing internationally, nationally and locally designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodlands, preserving ecological networks, and the migration or transit of flora and fauna; and promoting the preservation, restoration and re-creation of wildlife priority habitats and the protection and recovery of priority species.
151. An ecological assessment for on-site ecology has been prepared in relation to the application site by Eco-Planning UK, which included a badger survey and a bat tree roost assessment. The badger assessment concludes there is no active badger sett of any type in or adjacent to any part of the survey site/ proposed development area.
152. A subsequent Bat Report has been provided by ADAS. This concludes that the main portion of the site, which is comprised of arable land, offers minimal foraging habitat for bats and as such there is the opportunity for the development to have a positive impact upon bat species. If the site is constructed, the new ponds and landscape planting (including trees and shrubs) have the potential to offer a benefit to bat species. The landscaping elements, including gardens, are around the periphery of the site which is where the largest numbers of bats have been recorded. Lighting will be focused on the residential areas in the centre of the site and as such these landscaping areas will be darker than the rest of the site. As such, these areas will be suitable for bat species and it is considered that overall, the foraging and commuting habitat for bats species will be increased on site.
153. The report makes a number of recommendations which can be summarised as follows:
 - Final pre-fell inspection from a suitably qualified ecologist (SQE) and felling of the Ash tree through a soft fell methodology.
 - Maintain the central hedgerow insofar as is possible. Do not illuminate this feature and limit the width of any breaks in the hedges. Do not illuminate the road where it bisects the hedgerow.
 - Create a professional lighting strategy which considers ecology, particularly ensuring that boundary features and those with value to bats are not illuminated.

- Plant the site with native species and those with wildlife value and create ponds on site.
 - Erect 10 bat boxes around the site on retained trees.
154. The central hedgerow and associated individual trees provide reasonable connectivity for bat dispersal / foraging to suitable habitats to the south of the proposed development area. The report recommends the retention and enhancement of this linear hedgerow habitat and the bat roost assessment identifies that only one tree, an ash has medium potential for bat roosting.
155. The recommendations in respect of bats and the layout of the development will need to be considered in more detail at the reserved matters stage, if this outline application is permitted. However, the proposal is considered to be able to ensure that there is no detriment to wildlife and, through suitable mitigation and enhancements, may well deliver benefits in this regard.
156. A Habitats Regulations Screening Report was submitted to the Council from the applicant in October. On 6 January 2016, the Council issued a Habitats Regulations Assessment (HRA) Screening Report in relation to the potential impacts resulting from the development on the Stour and Orwell Estuaries Ramsar Site and SPA, which is located approximately 2.7km from the site.
157. The HRA Screening Report identifies a package of mitigation measures that would be necessary to avoid a likely significant effect on the Stour and Orwell Estuaries SPA. These measures include:
- Supplying a user-friendly SPA Information Pack to all new residents.
 - All new residents to be offered an opportunity to receiving mailings from Suffolk Coast & Heaths AONB.
 - Signage by the footpath entrances to the SPA is needed. Discs will be fitted to footpath waymarking signs to advise entry to the SPA. This is to increase people's awareness of the need to protect the important habitats within the SPA, the need to keep dogs under control and prevent disturbance to the important wintering bird populations.
 - Monitoring of visitor disturbance to the SPA is required by Babergh District Council under their Core Strategy. The data will be used to decide how best to approach protection of the SPA in the following year, and in the future. This report will be used to inform Natural England and Babergh District Council and all relevant stakeholders of any changes that may be necessary to protect the SPA in future years. Monitoring must be undertaken over a three-year period and include a review of its effectiveness.
158. Securing this mitigation would need to form part of the Section 106 agreement and, in this regard, a contribution of £10,750 is sought. The Senior Ecologist at SCC has confirmed that this would make the development acceptable in planning terms, and that the mitigation would avoid a likely significant effect on the Stour and Orwell Estuaries SPA.
159. As such, it has therefore been demonstrated that compliance with the Conservation of Habitats and Species Regulations 2010 would be achieved.
160. In terms of policy EB8, the proposal does not meet all of the criteria listed within the policy. However, the application has provided sufficient detail in support of the ecological elements of the proposal and includes enhancements (as set out within the conclusion to the Ecological Assessment) which are to be secured by condition.

As such, whilst the proposal does not accord fully with policy EB8, the application makes sufficient provision for ecology on the site so as to be able to be supported in this regard.

Summary of Assessment Against Policy CS15

161. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations / CIL

162. The application is liable for CIL and therefore Suffolk County Council have outlined that they would be making a bid for CIL money to mitigate the impact of the development on education and libraries.
163. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, the SPA mitigation, delivery of the travel plan and the footway widening scheme.
164. 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.

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

165. 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

166. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
167. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

168. The development plan includes the Babergh Core Strategy (2014), saved policies in the Babergh Local Plan (2006) and East Bergholt has recently completed a Neighbourhood Plan (made on 20th September 2016) which also forms part of the development plan. As such, the policies contained within the Neighbourhood Plan must be given due weight in making a decision on this application. It is, therefore, one of the main considerations in determining any planning applications submitted in East Bergholt, unless material considerations indicate otherwise.

169. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

170. Paragraph 14 of the NPPF states:

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

For decision-taking this means:

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

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

171. As such, the effect of paragraphs 47, 49 and 14 are that:

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

172. As set out at paragraph 26 above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.
173. Officers acknowledge that applying the requirements of paragraphs 14 and 49 of the NPPF is likely to cause tension with regards to the recently made Neighbourhood Plan. In this respect, the Planning Practice Guidance, which provides up-to-date direction on the proper interpretation and application of national planning policy, provides clarification around this point. In relation to the weighting to be applied to policies within a neighbourhood plan relevant to the supply of housing where a Council cannot demonstrate that it has a 5-year land supply, para. 83 states the following:
- “In such instances paragraph 49 of the Framework is clear that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.*
-
- In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.*
- This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”.*
174. It is considered that policy CS3, along with policies EB1 and EB2 of the EBNP, are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
175. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.
176. This report has not found that there is harm to heritage assets, and has concluded that paragraph 116 of the Framework is not engaged in this instance due to the proposal not being within the AONB. Having assessed the proposal against the specific policies in the Framework, it is not considered that there are specific policies that indicate development should be restricted. As such, paragraph 14 is engaged.
177. In consideration of the contribution towards the Council’s housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a significant contribution to the Council’s housing land supply.

178. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. It is not considered that the adverse impacts identified, which are commented upon below in terms of conflict with development plan policies, are such that would outweigh the benefits delivered by this development.
179. In any event, as the Council does not have a five year housing land supply, it is considered therefore that limited weight should be attached to policies CS2, CS11, CS15, EB1 and EB2. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving “exceptional circumstances” or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
180. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report, even where policies in the Neighbourhood Plan are given greater weight due to their recent examination and development by the community.
181. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the ‘tilted balance’ and the presumption in favour of sustainable development are engaged.

Identification of any Legal Implications of the decision

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

Statement Required by Article 35 Of The Town and Country Planning (Development Management Procedure) Order 2015

183. 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.

RECOMMENDATION

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

- Affordable Housing
- Travel Plan Requirements
- HRA mitigation

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




- 1) Standard Time Limit Condition.
- 2) Reserved Matters to be submitted and agreed
- 3) Approved Plans
- 4) Sustainability
- 5) As required by the Local Highway Authority
- 6) Detailed scheme of landscaping, landscape planting, and boundary treatment plan to be provided at reserved matters,
- 7) Fire Hydrants
- 8) Submission and implementation of Energy Strategy
- 9) Submission and implementation of Building for Life Assessment for each style of dwelling proposed
- 10) Submission and implementation of BREEAM assessment
- 11) Submission of foul water strategy prior to commencement and implementation of agreed strategy prior to occupation
- 12) Submission of updated FRA and drainage strategy with reserved matters and implementation as approved
- 13) Submission of surface water drainage scheme with reserved matters and implementation as approved
- 14) Submission and implementation of sustainable urban drainage system prior to occupation
- 15) Submission and implementation of construction surface water management plan prior to commencement
- 16) Archaeological evaluation and implementation of agreed programme of archaeological works prior to commencement
- 17) Submission of Phase I investigation Land Contamination Report
- 18) Construction Management Plan
- 19) Implementation of Recommendations of Ecological Surveys

Application No: B/16/01092/FUL




Parish: East Bergholt



Location: Land East of the Constable Country Medical Centre, Heath Road, East Bergholt

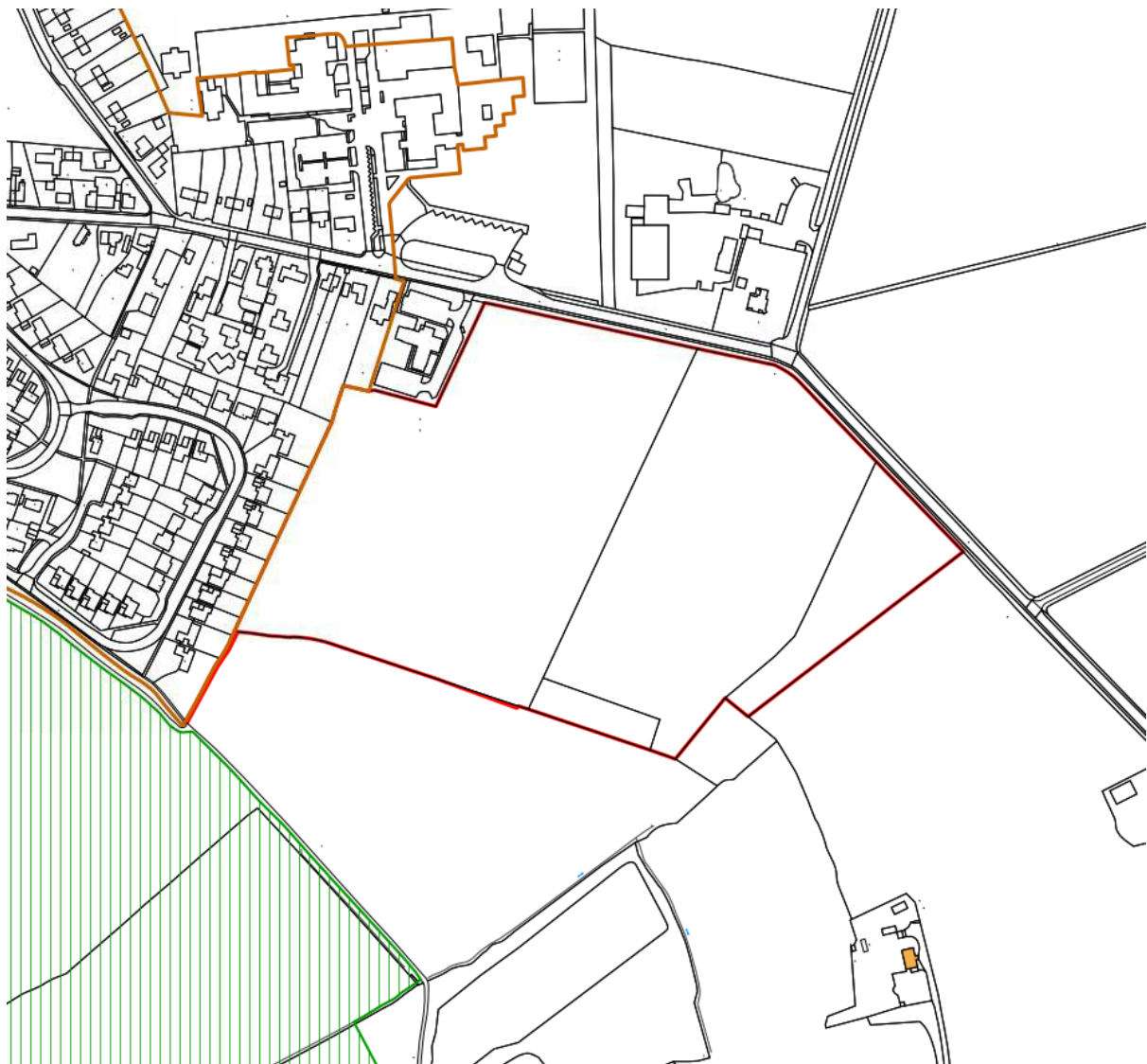
Legend

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

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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PL/17/9

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

2 August 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.	225-244	B/16/01362	COPDOCK AND WASHBROOK – Clements, 3 Church Lane	GP	
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Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

This Schedule contains proposals for development which, in the opinion of the Corporate Manager - 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 9a

Committee Report

Committee Date: 2 August 2017

Item No: 1

Reference: B/16/01362/FUL
Case Officer: Gemma Pannell

Description of Development: Erection of 3no. detached dwellings, and construction of new vehicular access (means of access and landscaping of the site to be considered).

Location: Clements, 3 Church Lane, Washbrook, Ipswich, IP8 3JZ

Parish: Copdock and Washbrook

Ward: Brook

Ward Member/s: Cllr. Nick Ridley & Cllr. Barry Gasper

Site Area: 0.49ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 15.10.2016

Expiry Date: 10.12.2016

Application Type: Outline Planning Permission

Development Type: Minor Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr B Prettyman

Agent: Concertus Design and Property Consultants

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 represents residential development in an sustainable location. Whilst it is accepted that Babergh District Council cannot demonstrate an up to date 5 year housing land supply the unsustainable location of the site, outweighs the positive impact of the additional dwellings.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- Councillor Busby has requested that the application be determined at Committee as BDC Local Plan and the Community lead plan for Copdock and Washbrook both emphasise the need for affordable or smaller homes.

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:

No planning applications on the site.

Details of Previous Committee / Resolutions

2. N/A

Details of Member site visit

3. Wednesday 7th December 2016 9.30am

Details of any Pre Application Advice

4. Pre-application advice was given on the merits of the scheme having regard to policy CS11 for 12 dwellings.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. The following responses have been received from consultees.

Copdock & Washbrook Parish Council – Objects to the scheme. Site is remote from the built area. Is located within the countryside. Remote from school and pub. Site does not relate well to settlement. No footpath connection. Recent appeal dismissed for 7no dwellings at Krendall Cottage on sustainability grounds.

County Highway Authority – No objection – subject to conditions

Environmental Health - Land Contamination Issues – No objections

Planning Policy – Objects to the development on sustainability grounds

Representations

6. 1 representation objecting to the application have been received from 2 properties and the comments are summarised as follows:
 - Open countryside
 - Distant to local facilities

- No safe way of reaching facilities
- Contrary to CS11
- Not appropriate in terms of size scale
- No affordable housing
- Would not support local businesses

The Site and Surroundings

7. The application site sits outside of the acknowledged settlement boundaries for Copdock and Washbrook, as identified within the village proposals maps in the Babergh local plan (2006) alteration no.2.
8. The site currently hosts a single dwelling that has laid vacant for a number of years. The site also contains some agricultural land to the south and west of the garden. Sporadic development is located to the east and west of the application site. Church Lane lies to the north of the site and runs east to west. London Road lies to the west of the site and runs north to south. The site is relatively overgrown now with hedgerows forming much of the boundaries.

The Proposal

9. Outline planning permission is sought for the erection of 3 no. 4/5 bedroom dwellings. All matters have been reserved except access and landscaping
10. The indicative drawings show the proposed access to be located centrally along the northern boundary of the site. The submitted information states that it would provide site visibility splays of 2.4m x 43m.
11. The submitted plan shows 3no. dwellings located quite centrally within the site. As the scheme is outline only, the drawing is indicative only and does not give any details on heights or window positioning.
12. Details of the proposed landscaping has been submitted. It shows new planting along the boundary of the site in the form of 3m deep hedgerows and the addition of a number of new trees.

NATIONAL PLANNING POLICY FRAMEWORK

13. 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

14. 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
- CS19 Affordable Homes
- CS21 Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLA

- Rural Development & Core Strategy Policy CS11 Supplementary Planning Document, 2014

Main Considerations

15. 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

16. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
17. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).

18. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this

expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

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

Core Strategy based supply for 2017 to 2022 = 4.1 years
SHMA based supply for 2017 to 2022 = 3.1 years
22. The site is located outside the Settlement Boundary for Copdock and Washbrook. Therefore, there is a policy presumption against development in such locations. Copdock and Washbrook is identified as a Hinterland village.
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. In light of all of the above, this report will consider the proposal against the three strands

of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

25. As detailed at paragraph 20 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
26. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.
27. Policy CS2 (Settlement Pattern Policy) identifies Copdock as a Hinterland Village. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.
28. Paragraph 55 of the NPPF sets out that development in rural areas should be located where it would enhance or maintain or enhance the vitality of rural communities, and that except under special circumstances, local planning authorities should avoid isolated homes in the countryside. The site is located nearby other residential properties therefore it is not isolated from housing per se, however it is over 1km from the settlement of Capdock without continuous footpath connectivity. The recent appeal decision in Capdock (APP/D3505/W/15/3133257) noted that the dispersed settlement pattern in this area was outside of and separate from the main built part of Capdock and Washbrook.
29. The proposal is to develop 3no. new dwellings which would add to the supply of housing in the district. The dwellings are located a significant distance from the services within the defined settlement boundary.
30. 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 reasonable level of public transport accessibility. The site is not linked to the village by a continuous footpath, therefore increasing the likelihood that the vast majority of journeys would be made by private car and not on foot. Whilst the proposal is located near some housing, given that the site is remote from services, it is likely that anyone living in the proposed housing would be heavily reliant upon car journeys to access services. This would limit the potential to contribute to enhancing or maintaining services in the rural area and is considered contrary to Paragraph 17 of the NPPF which supports the transition to a low carbon future; seeks to reduce pollution, and says that planning should actively manage patterns of growth to make fullest use of public transport, walking and cycling.

31. Furthermore with regards to the economic strand, the proposal would only provide small scale development which would offer only limited support to the local economy. The Parish Council has expressed doubts that the development would have any positive impact on the local economy due to the isolated nature of the site.
32. Considering the above the proposal is not considered to be sustainable development within all three identified strands such that there is a presumption against this proposal, as it is not judged to be sustainable development due to its isolated location and poor connectivity with the village, contrary to the NPPF.

Consideration against policy CS11 and the adopted SPD

33. Copdock and Washbrook is defined as a hinterland village under policy CS2, which states that hinterland villages will accommodate some development to help meet the needs within their functional cluster. Copdock and Washbrook falls within both the Ipswich Cluster and the Capel St Mary Cluster. Ipswich comprises the villages of Belstead, Burstall, Chattisham, Hintlesham, Pinewood, Sproughton and Wherstead, in addition to Copdock and Washbrook. The Capel St Mary cluster also includes Bentley, Holton St Mary, Raydon, Tattingstone, Wenham Magna and Wenham Parva. Therefore, policy CS11, which provides greater flexibility for appropriate development beyond the BUAB for identified hinterland villages, would apply.

34. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that

"Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:

- i) Existing commitments as identified in the trajectory;*
- ii) Allowing for a windfall figure of 1,640 dwellings;*
- iii) Making provision for 2,500 new dwellings to be built in the following locations:*

.....

Core & Hinterland Villages 1,050

.....

The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required".

35. 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.*

36. *Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:*

1. *is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
2. *is adjacent or well related to the existing pattern of development for that settlement;*
3. *meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
4. *supports local services and/or creates or expands employment opportunities; and*
5. *does not compromise the delivery of permitted/identified schemes in adopted community/village local plans within the same functional cluster.*

The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria listed above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

37. 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 and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.

38. 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, and means that it is a material consideration when planning applications are determined.

39. 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).
40. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

41. Church Lane retains a rural appearance with a variable width to the carriageway and an absence of raised concrete kerbs. The site is relatively well contained by vegetation with sporadic development adjacent to the site and further afield.
42. As stated above, the application is at the outline stage so detailed plans and elevations of the proposed development have not been submitted. The indicative drawings shows a relatively intensive use of the site, with one dwelling being replaced by 3no. dwellings, with 3no. double detached garages. Whilst other houses are located in the vicinity, a further development to the south of Church Lane would further erode the rural nature of the area and would have a significant adverse impact on the character of the wider landscape. Whilst new planting is proposed, it is considered that this would not significantly compensate against the impact of the new built development.
43. The residential development of the site itself is considered to have a significant adverse impact on the local landscape character. The proposal is therefore in conflict with policy CS11 in terms of the impact of the proposal on the landscape, environmental and heritage characteristics of the village.

The locational context of the village and the proposed development

44. 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.
45. 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

46. The site is located a significant distance from the built up area boundary, so would not be well related to existing pattern of development. The scale, character and density of the proposal is not well related to the adjacent development which generally consists of larger dwellings set within generous plots. Therefore, it is considered that the proposal would not constitute a local extension of the built up area boundary.
47. In this regard, it is considered that the site is not well related to the village. Therefore, the proposal does not comply with this part of policy CS11.

Site location and sequential approach to site selection

48. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. 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.
49. In this case the site is outside and not adjacent to the BUAB.
50. The applicant has not provided a sequential test to show that there are no immediately identifiable sequentially preferable allocated sites within Copdock and Washbrook.

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

51. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
52. 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.
53. 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.
54. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Hinterland village identified in the application, namely Copdock and Washbrook and its wider functional cluster.
55. 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.

56. 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.
57. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.
58. 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.
59. The most recent information from the Babergh Council's Housing Register shows 17 applicants registered who have a connection to Copdock and Washbrook.
60. The Balancing Housing Markets – Housing Stock Analysis of 2008 identified a shortfall of 130 1 bed market houses in the Babergh East Area. Advice from Strategic Housing was that there is a significant lack of 1 – 2 bedroom properties in the locality.
61. The indicative plan shows that the properties would be 4/5 bedroom. None of the properties are indicated as being affordable housing. The requirements highlighted within the Balancing Housing Markets – Housing Stock Analysis are for 1 and 2 bed units as set out in the consultation response from the Professional Lead - Housing Enabling. It is considered that the proposed housing mix does not help with the identified need for the smaller affordable homes.
62. The development has not been subject to a housing needs survey. It is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Copdock. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

63. 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).
64. 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.

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

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

66. 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"*.
67. In terms of existing commitments and other proposals in the relevant cluster, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the following applications have been either delivered or have planning permission. As Copdock sits within both the clusters of Capel St Mary and Ipswich the applications are as set out in Appendices A and B.
68. Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
69. In the functional cluster of Capel St Mary, there have only been 40 residential completions in the last 5 years and there are an additional 58 dwellings committed in the cluster, including 5 in Copdock and Washbrook itself. It is therefore considered that given the responses from statutory consultees and the small 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.
70. In the functional cluster of Ipswich 295 dwellings have been approved, however of these 175 are in Pinewood and 87 are within Sproughton. In addition to these there is an outstanding application, with a resolution to approve, for 475 dwellings in Sproughton. Pinewood and Sproughton are identified as being part of the Ipswich Urban area for the purposes of planning policy. As such the cumulative impact of these developments will be absorbed by the infrastructure of Ipswich. Outside of these villages, only 33 other dwellings have been approved in the cluster.
71. It is acknowledged that there is a capacity issue at the local primary school and Suffolk County Council have indicated that they will be make a bid for CIL monies for the provision of additional primary school places arising from the proposed development.
72. The information regarding the capacity of the site to deal with additional surface water drainage has been submitted and therefore this matter will be addressed further within the report.

73. 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. The proposal therefore complies with this element of policy CS11.

Additional CS11 Criteria for Hinterland Villages

74. While the above criteria are relevant to developments in both Core and Hinterland Villages, policy CS11 also provides additional criteria relevant to development in Hinterland Villages. These are considered further below.

Is well designed and appropriate in size, scale, layout and character to its setting and to the village

75. The size and scale of the development should be proportionate to the settlement in which it is located. Copdock has approximately 475 houses and the proposal for 3 dwellings would represent an increase of less than 1% which is considered an acceptable scale of development for the village.
76. The technical advice received from SCC highways demonstrates that the development can be accommodated and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.

Is adjacent or well related to the existing pattern of development for that settlement

77. As outlined above, it is not considered that the proposal is well related to the existing pattern of development for the settlement.
78. This matter was considered in detail above, where it is concluded that the site is a not a logical extension to the built up area boundary, would lead to unsustainable development within the open countryside and the scale and character of development would have an adverse impact on the character of the surrounding area. Therefore, the proposal fails to comply with this part of policy CS11.

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

79. Copdock does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered in detail earlier in this report. The conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.

Supports local services and/or creates or expands employment opportunities

80. The proposal would provide new dwellings but due to the isolated nature would make a limited contribution to supporting the existing facilities in the village. This view is supported by the local Parish Council. As such, the proposal does not meet this element of policy CS11.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

81. The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Summary of Assessment Against Policy CS11

82. For the reasons set out above, the development proposal is contrary to many of the provisions of Policy CS11 applicable to Hinterland Villages. As such, the proposal cannot be said to fully comply with policy CS11.

Consideration against other development plan policies.

83. Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
84. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
85. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
86. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
87. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report.

What follows is, therefore, an overarching summary of the key points.

88. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Copdock is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service between and to Colchester and Ipswich. Therefore, residents in Copdock 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.
89. It is acknowledged that there will be a high proportion of car travel from Copdock, as people travel out of the village to work. However, it is important to take into consideration the provision of, and accessibility of, public transport in Copdock, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation. Notwithstanding this, it is considered that due to the isolated nature of the site, it is considered that the future residents of the site would have to travel into the village by private car due to the distances involved and the lack of footpaths.
90. The socio-economic profile of Copdock highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. There is a need to balance existing housing stock and growth in the future to ensure 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 would have limited enhancement of the vitality of the community and that new housing will deliver limited benefits due to the sites isolated location, a considerable distance from the village. As stated above, this view is shared by the Parish Council.

Design and Layout and impact on Residential Amenity

92. Limited information has been submitted at this stage. The indicative drawings show the properties well separated from the neighbouring dwellings.
93. The properties have reasonable sized amenity space the density is considered appropriate for the rural location. The scheme also enables additional planting.
94. The design and layout and the impact on residential amenity would be assessed as part of any Reserved Matters application.

Impact on Heritage Assets

95. The site is not considered to have any impact on designated or non-designated heritage assets.

Highway Safety

96. The access onto Church Lane would be improved with greater visibility splays, as it would be much more frequently used. In terms of access and car parking layout, this has been judged to be considered acceptable by SCC Highways.
97. It is therefore considered that the scheme would be acceptable in highway safety terms and the proposal complies with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

Biodiversity and Protected Species

98. 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.

Land Contamination

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

Surface Water Drainage

100. 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. Information on drainage has been provided and is considered to be acceptable at this stage. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

Summary of Assessment Against Policy CS15

101. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations / CIL (delete if not applicable)

102. 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.
103. 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.
104. 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.

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

105. 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

106. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
107. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakeable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.
108. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore, whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.

It is considered that the unsustainable location and the poor connectivity with the village significantly and demonstrably outweigh the benefits of the development explained in this report. The application is therefore recommended for refusal.

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

109. 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

110. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998

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

RECOMMENDATION

That the application be refused for the following reason –




1. Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. In addition policy CS11 of the Core Strategy requires that development must be in or adjacent to Hinterland Villages, and well related to the existing settlement. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to existing settlements, and no supporting evidence has been provided that justifies exceptional need for the proposal, or that the site is a sustainable location. The overall layout of the site creates a cramped development that is poorly designed and orientated. As a result the proposal does not constitute sustainable development as required by the NPPF taken as a whole and conflicts with requirements of saved policy CN01 and policies CS2, CS11 and CS15.

Application No: B/16/01362/OUT




Parish: Copdock and Washbrook



Location: Clements, 3 Church Lane, Copdock

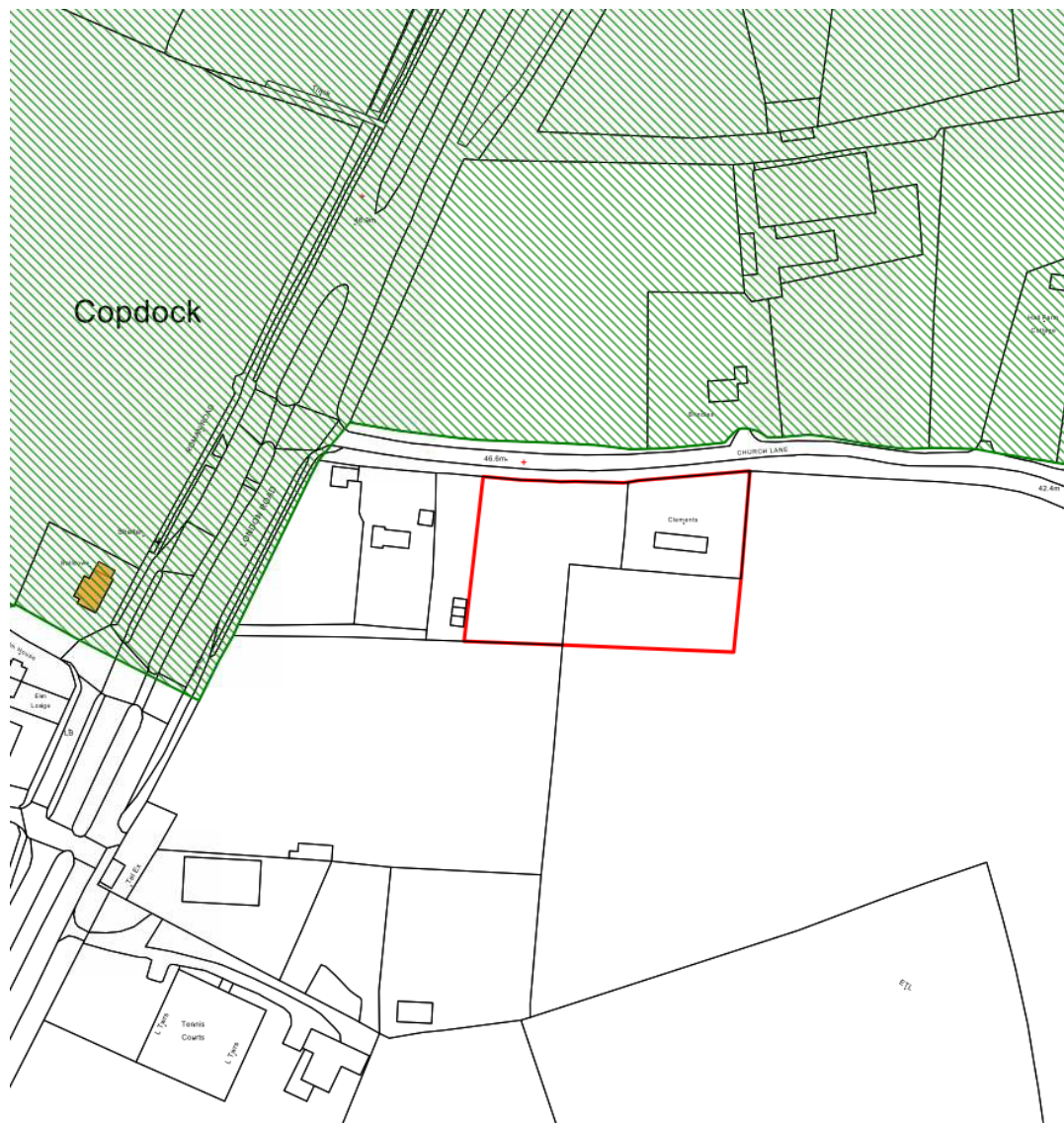
Legend

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

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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