

## **Committee Report**

**Item No:** 1

**Reference:** B/16/00777  
**Case Officer:** Gemma Pannell

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

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

**Parish:** Long Melford

**Ward:** Long Melford

**Ward Member/s:** Cllr. R. Kemp & Cllr. J. Nunn

**Site Area:** 3.1

**Conservation Area:** Not in Conservation Area

**Listed Buildings:** Within the vicinity of the site:

- Melford Hall (Grade I)
- Melford Hall Registered Park and Garden (Grade II\*)
- Bull Lane Farm (Grade II Listed)
- Barn and Outbuildings to Bull Lane Farmhouse (Grade II Listed)
- 24 Bull Lane (Grade II Listed)
- The Old Cottage (Grade II)

**Received:** 07/06/2016

**Expiry Date:** 16/02/2017

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**Application Type:** Full Planning Application

**Development Type:** Smallscale Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Hopkins Homes Limited

**Agent:** Bidwells LLP

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

The application, plans and documents submitted by the applicant can be viewed online at <https://planning.babergh.gov.uk/online-applications/search.do?action=simple&searchType=Application> under the application reference noted above. This includes a full copy of all of the statutory and third party consultation responses.

### **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 Council's development plan unless material considerations indicate otherwise. The Council's adopted 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, as such, there is a presumption in favour of this proposal in accordance with the NPPF.

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

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

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

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## **PART TWO – APPLICATION BACKGROUND**

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

### **History**

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

### **Details of Previous Committee**

2. The application was due to be considered by committee on 14th December, but was withdrawn from the agenda prior to consideration to enable the Council to consider its position following the outcome of the judicial review in East Bergholt.
3. The application was due to be considered by committee on 26<sup>th</sup> April 2017, but was withdrawn from the agenda prior to consideration for the reasons set out below:

*Long Melford Parish Council have made further detailed submissions as to the treatment of relevant planning policy and considerations within the report including the proper interpretation of the NPPF and matters of 5 year housing land supply. It is considered appropriate to take legal technical advice as to the interpretation and weight to be attached to a number of those policy and consideration issues. It is considered that these matters constitute significant new information arising between the preparation of the report and its discussion by the Planning Committee. On this basis the Chairman of the Committee in consultation with the Corporate Manager - Growth and Sustainable Planning has decided in advance of the meeting to remove this item from the Committee agenda for further investigation and evaluation.*

## Details of Member Site Visit

4. Members inspected the site on 26th October 2016, following a request from Cllr. Kemp and Nunn.

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## PART THREE – ASSESSMENT OF APPLICATION

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### CONSULTATIONS

5. The application has been subject to a number of consultations and therefore the comments summarised below are those received in connection with the latest plans received except where consultees have made no further comments in relation to the revised plans:

**Long Melford Parish Council** – During the course of the application the Parish Council have made the following representations:

Letter dated 16<sup>th</sup> October 2016: Object for the following summarised reasons :-

- The development does not comply with BDC Core Strategy policies (Policy CS11 and CS15)
- The development is not necessary to meet the Babergh Core Strategy overall housing requirements
- Some of the applicant's submitted documents are seriously flawed and should not be relied upon. Housing Needs Study misleading; Transport Assessment is incomplete with basic mistakes

Detailed Representation dated 21.10.16: Objection: - Summary – Proposals are too large and in the wrong location; proposals fail too many sustainability tests. The parish recommend the following reasons for refusal:

- Proposal is too large and not needed, large volume of housing already built or committed in Long Melford. The applicant's housing needs assessment is flawed and lead to the doubling of the size of Long Melford by the end of the Plan Period.
- The Council has identified a five-year housing land supply to meet the objectively assessed need.
- The applicant's housing needs study is flawed and provides no justification for the development proposed.
- Locally the pace of housing development has more than fulfilled its share of the housing required to meet the Council's assessment of need; more will be built in the rest of the Plan period and welcomed but not in this location.
- The failings of the applicant's Housing Needs Study mean that the proposals cannot meet the requirements in terms of housing mix set out in the Core Strategy.
- It is poorly location in terms of distance from the main village facilities and the uncongenial/unsafe pedestrian route from the proposed development to the village. The development would be 350m long eastwards extension of the built up area, beyond the village boundary.
- Effect on an important route of rural and heritage character in to the village; the character of Long Melford is not just a nice view; it is an important asset.
- Character is eroded by suburban development such as that proposed, and then visitors will be lost.
- The only way out of the site is via Bull Lane, a rural lane, is unsuitable for additional traffic which ends in two dangerous junctions, both with a significant accident record.
- The proposal fails to meet important policy criteria (especially CS15).

Objection received on behalf of LMPC including appendices titled "Housing Mix by Size and Tenure" and "Financial Gains to the Planning Authority and Mitigation of Impacts" (10<sup>th</sup> December 2016) – We recommend that the application be refused for the following reasons (in addition to the heritage reason outlined in the report withdrawn from committee on 14<sup>th</sup> December):

- Cumulative impact of the proposal would be seriously damaging to the character and vitality of Long Melford
- Development fails eighteen of the tests of sustainability set out in Policies CS11 and CS15
- Applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure in conflict with CS11
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated, whether by the expected financial contributions or by other means.
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective. Ground conditions, which are not suitable for sustainable drainage, also disqualify the site for residential development, in conflict with policy CS11.

Parish Response (9<sup>th</sup> April 2017): Suggest the following reasons for refusal:-

- The Housing Needs Survey does not represent a valid justification for the scale of development proposed on Bull Lane. Contrary to Policy CS11
- The applicant has failed to demonstrate evidence of local need
- The applicant has failed to provide requested evidence of the sequential preference of the site in Bull Lane.
- Value of timely delivery is minimal and not exceptional
- Affordable housing, whilst useful, is not exceptional circumstances
- Economics of the construction workforce cannot be considered exceptional circumstances
- CIL payments and the S106 commitments do not go beyond anything other than standard requirements
- The applicant has failed to demonstrate exceptional circumstances Cumulative impact of the proposal would be seriously damaging to the character and vitality of Long Melford
- Development fails eighteen of the tests of sustainability set out in Policies CS11 and CS15
- Applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure in conflict with CS11
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated, whether by the expected financial contributions or by other means.
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective. Ground conditions, which are not suitable for sustainable drainage, also disqualify the site for residential development, in conflict with policy CS11.
- The adverse impacts of the proposed development demonstrably outweigh the benefits, such that the application should be refused.
- Seriously detrimental impact on the character of the village and omits economic and social viability. This runs counter to not only NPPF para 17 but also para 28, para 129 and para 131.
- The council would not want to go down in history are the people who presided over the suburbanisation of Long Melford.
- The applicant has not shown how safe and suitable access to the site can be achieved for all people. We consider this to be a significant adverse impact in NPPF terms.

Comments submitted by SKETCH on behalf of Long Melford Parish Council 14.4.2017

- Design does not relate to its landscape setting and does not follow Suffolk Design Guide
- The site can be considered large, twice the size of the existing adjacent development – out of scale with Long Melford
- The layout looks awkward and does not resemble any existing road pattern in the village. The proposed development in the existing shape is not suitable for this site.
- The proposed internal road, including pavements on both sides, is wider than Bull Lane and does not reflect the existing road hierarchy

- The proposed open space including public space and space between the buildings will both be sufficient to retain the dominant landscape character of the site. Neither will it be able to support the growth of substantial planting.
- The new development proposes to locate a dense cluster of mock- Georgian houses on the outskirts of the village, where the existing buildings are more modest and agricultural in character. The approach is dishonest and detrimental to the historic centre.
- Size of development is out of scale in relation to the village
- The proposed density is not appropriate in its landscape setting
- The proposed development does not follow existing building and road patterns
- The proposed design does not respect the road hierarchy
- There is not sufficient open green space for the landscape setting.
- The proposed style of building is out of keeping with the location and would detract rather than add to the character of the village.

Further submission by Long Melford Parish Council – 24<sup>th</sup> April 2017

- The officers report is a misinterpretation of NPPF, which in para 14 clarifies that proposals need to be assessed against the policies in this Framework taken as a whole. Para 6 of NPPF explains what the Government meant by this phrase.
- The proposals need to be assessed against a range of environmental, heritage and other policies.
- Housing is a benefit if it meets a demonstrable need. This has not been adequately evidenced by the applicant.
- Adverse impacts need to significantly and demonstrably outweigh the benefits. The adverse impacts are serious for the future character and wellbeing of the village.
- Suburbanisation of a very prominent site.
- Cumulative impact of the proposal would be seriously damaging to the character and vitality of Long Melford in conflict with NPPF paras 28, 58, and 64, 129, 131, Policy CS11, CS15 and CS17.
- Applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure, thus delivering little or no benefit in the terms of para 14 NPPF and in conflict with policy CS11
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated, whether by the expected financial contributions or by other means in conflict with para 72 NPPF, policies CS11 and CS15.
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development, in conflict with para 32 of the NPPF and policies CS11 and CS15.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective, in conflict with para 32 and policies CS11 and CS15.
- Ground conditions, which are not suitable for sustainable drainage, also disqualify the site for residential development, in conflict with policy CS11, CS15 and para 99 of the NPPF.
- The adverse impacts, when correctly assessed, heavily outweigh the lightweight benefit that might be provided.

Further submission by Long Melford Parish Council - 19<sup>th</sup> May 2017

The application should be refused on the following grounds, when considered against NPPF policies for sustainable development:

- the cumulative impact of the proposal would be seriously damaging to the character, economy and vitality of Long Melford in conflict with NPPF at paras 28, 58, 64, 129, 131.
- The applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure, thus delivering little or no benefit in the terms of para. 14
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated either by the expected financial contributions or by other means in conflict with par 72.

- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development in conflict with NPPF para 32.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective in conflict with para 32.
- Ground conditions, which are not suitable for sustainable drainage disqualify the site for residential development in conflict with para 99.
- The application should be refused on the following grounds when considered against the non housing supply policies of the Core Strategy:
- the cumulative impact of the proposal would be seriously damaging to the character, economy and vitality of Long Melford in conflict with policy CS11 matters 1 and 2, CS15, matter(ii) and CS17.
- The proposed development does not score positively on eighteen of the tests of sustainability set out in Policies CS11 and CS15.
- The applicant has failed to provide satisfactory justification for the proposed housing, both the total number of numbers and the mix by size an tenure in conflict with CS11 matter (iv).
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated either by the expected financial contributions or by other means in conflict with CS11, matter (v) and CS15 matters (iv) and (v).
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development, in conflict with CS11, matter (ii) and CS15, matters (xviii) and (xix).
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective.
- Ground conditions, which are not suitable for sustainable drainage also disqualify the site for residential development in conflict with CS11, first paragraph and matter (ii) and CS15, matters (xii), (xviii) and (xix).

**Local Highway Authority** – No objection subject to conditions.

**SCC Archaeological Service** – No objection subject to conditions.

**Historic England** – The additional analysis helps to clarify the impact of the proposed development on Melford Park and the conservation area. This would cause a low level of harm to both of these designated heritage assets. Your authority should weight this harm against the public benefits of the proposal in line with paragraph 134 of the National Planning Policy Framework. If your authority is minded to grant consent, we recommend this is conditional upon the implementation and maintenance of an appropriate landscaping scheme approved by your authority and designed to minimise the impact of the development on the Park and conservation area.

**Anglian Water** – The foul drainage from this development is in the catchment of Long Melford Water Recycling Centre that will have available capacity for waste water flows. The sewerage system at present has available capacity for these flows. Anglian Water suggests a condition to deal with surface water disposal.

**Suffolk Fire and Rescue** – Recommend the installation of a fire hydrant (to be dealt with by condition).

**Suffolk Wildlife Trust-**

**Original Comments:** The revised layout fails to buffer the adjacent Long Melford Disused Railway Line County Wildlife Site (CWS) and the Railway Walks Local Nature Reserve (LNR). With the absence of a suitable buffer between the new dwellings and the CWS and LNR it cannot be concluded that the proposal will not result in adverse impacts on sites designated for their nature conservation value or the species that they support. It also remains unclear what form the garden boundaries will take and whether these will be compatible with maintaining the ecological value of the CWS/LNR. If some development at this location is acceptable in principle, the layout should be revised to include a significant buffer to the CWS/LNR. The application should not be approved in its current form.

**Further Comments:** We have received additional information from the applicant's ecological consultant (Southern Ecological Solutions) following our comments of 12/07/2016 and 18/10/2016, and understand that comments on this additional information may be useful to you.

We note that the letter from Southern Ecological Solutions (dated 28/10/2016) includes mitigation measures proposed to address our comments. As currently presented, the proposed development has residential gardens adjoining the CWS/LNR. In our opinion the designated site should be buffered by public open space or additional landscaping. However, it is understood from the ecological consultant that this does not fit with the wider design proposals for the development and therefore the measures in the letter from Southern Ecological Solutions have been put forward to mitigate impacts on the CWS/LNR.

With regard to the measures described, we have the following comments:

- It is noted that the gardens are considered to be adequate to mitigate light spill from the development on to the CWS/LNR, to ensure this there should be no south facing lighting installed on any of the proposed buildings. Nor should there be any street lighting spilling on to the CWS/LNR.
- We note that additional planting is proposed to reinforce the southern boundary. Any planting proposed on the southern boundary, which falls outside the development site, must be agreed with the site owner/manager in advance of anything being conditioned.

Whilst it is noted that the natural boundary line at the base of the embankment is proposed to form the edge of the development, it remains unclear what boundary treatment will be applied here and whether it is appropriate to secure the detail of this by condition (should consent be granted). It must be ensured that any boundary treatment proposed is compatible with the CWS/LNR (such as preventing direct access from gardens), including any further management requirements for the designated site.

**Suffolk County Council – (Landscape)** – The proposal will create a significant change in land cover and clearly therefore in the character of the site. It will also change the outlook of users of the right of way that runs along the railway line (LNR). The proposal will also change the outlook of adjacent dwellings. Subject to effective implementation of a robust scheme of the detailed planting and landscaping as well as control of the proposed materials finishes and lighting by condition the proposal will not have significant adverse impact on the wider landscape. The proposal is acceptable in landscape terms subject to conditions requiring soft landscaping, hard landscaping, tree protection and external lighting details all to be submitted.

**County Rights of Way Officer** – No objection.

**Suffolk County Council – Development Contributions Manager:**

**Education:** The local catchment schools are Long Melford CEVCP and Ormiston Sudbury Academy. Based on existing capacities of these schools SCC will require contributions towards providing additional school places for the 18 primary age pupils arising, at a total cost of £219,258. There is existing capacity at Ormiston Sudbury Academy so we would not be seeking secondary school contributions.

**Pre-school Provision:** We would anticipate up to 7 pre-school pupils arising at a cost of £6,091 per place and there are no surplus places to accommodate children arising from this development. Therefore an early years contribution of £42,637 is sought.

**Libraries:** The capital contribution towards libraries arising from this scheme is £15,336 and will be spent on enhancing library services at Long Melford Library.

The above will form the basis of a future bid for CIL funds.

**Police Design Out Crime - Suffolk Constabulary** – No objection or comments.

**NHS England** – The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 163 residents and subsequently increase demand upon existing constrained services. The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

The proposed development must therefore, in order to be considered under the 'presumption of sustainable development' advocated in the NPPF provide appropriate levels of mitigation.

A development contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £22,360. NHS England therefore requests that this sum be secured through Community Infrastructure Levy.

**Suffolk County Council Flood & Water Team (inc Drainage)** – Suffolk County Council, can recommend approval of the application subject to conditions.

**Corporate Manager – Sustainable Development (Heritage)** - The Heritage Team considers that the proposal would cause harm to the significance of a number of designated heritage assets, with the greatest harm being to the setting and significance of 24 Bull Lane. Whilst the level of harm to all assets is less than substantial, and in some cases is assessed as being at a low or moderate level, in the specific case of 24 Bull Lane it is assessed as being less than substantial but greater than a low or moderate level.

The Heritage Team recommends that decision-takers should now make the balancing assessment of harm against public benefits, as required by NPPF 134. Unless the public benefits of the scheme are considered to be substantial, however, they will not outweigh the harm to heritage interests and the scheme should be refused as failing to meet the requirements of Babergh saved Local Plan policies CN06 and CN08 and national policy guidance contained in NPPF 131, 132 and 134. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Arboricultural Officer** – No objection to this proposal subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Only a small section of remnant hedgerow is proposed for removal but this is of low quality and should not be considered a constraint. Appropriate new planting can be dealt with as a condition.

**Strategic Housing** – Provides detailed comments on the affordable and open market requirements. *These have been incorporated into the housing needs assessment of this report.*

25 of the dwellings on the proposed development should be for affordable housing. 18 of these dwellings should be for Affordable Rent Tenancy and 7 for Shared Ownership.

**Public Realm/Open Space** – No comments received.

**Corporate Manager – Sustainable Environment (Land Contamination Issues)** – No objection.

**Corporate Manager – Sustainable Environment (Sustainability Issues)** – No objection – subject to conditions.

**Corporate Manager – Sustainable Environment (Other Issues)** – I have no objections in principle to this application. This is a large development and therefore there is a risk of loss of amenity at existing premises during the demolition and construction phases of the development. I would therefore suggest a construction and environmental management plan should be submitted and hours of work should be limited to 0800-1800 Mon – Fri and 0900 – 1300 on Saturdays.

I understand that a children's play area is planned for the public open space area to the rear of the existing dwellings 20 – 24 Bull Lane. No detail is given in the Landscape Strategy as to what this play area will contain. I do have some concerns about the siting of play equipment at this location, given its proximity to the existing dwellings, and would recommend that any equipment installed should only appeal to very young children and not contain any noisy equipment (e.g. skate ramp, pitches/equipment for ball games etc.). I would strongly advise that a condition be attached to any permission to the effect that no equipment shall be installed until full details have been submitted to, and approved by the LPA.

I would also suggest that further acoustic detail be obtained about the proposed substation which is in relatively close proximity to plot 14, and existing dwellings. Substations can be associated with noise, particularly low frequency noise which can result in loss of amenity.



Finally I would suggest that a condition be attached to any permission to the effect that prior to the commencement of the permitted development, a written scheme of the proposed lighting, including siting, height, design and position of luminaires, shall be submitted to and approved in writing by the local planning authority. Each luminaire must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The lighting shall be implemented in accordance with the approved scheme and permanently maintained for the life of the approved development. No other form of lighting shall be implemented on the application site without the prior written approval of the local planning authority.

**National Trust** – The National Trust holds restrictive covenants over the entire site. The Trust considers that the original objection has not been overcome. There have been changes to the materials and some small changes to the landscaping, the fundamental concerns relating to the layout remain unaltered and the Trust remains of the view that the suburban form is inappropriate for the context. The Trust is of the view that this is a sensitive edge of settlement location and that the transition from open countryside into the village should be carefully treated, the current appearance is of a typical suburban layout and is inappropriate for this context. The Local Planning Authority should satisfy themselves that the settings of the nearby listed buildings is not compromised and also that the loss of the existing agricultural land is acceptable.

The applicant has provided a further letter from The National Trust, which states they support the scheme and it meets the requirements of the 1997 covenant on this site. However, no response has been submitted directly to Babergh District Council.

## REPRESENTATIONS

6. In relation to the original application 23 representation(s) objecting to the application have been received and the comments are summarised as follows:
  - Impact on traffic
  - No need for further development
  - Impact on existing infrastructure
  - Loss of wildlife
  - Impact on privacy
  - Development on greenfield land
  - Loss of property values
  - Impact on character of Long Melford
  - Overlooking
  - Flooding
  - Impact on tourism
  - Highway safety
  - Not consistent with the orientation and layout of neighbouring development
  - Need for a roundabout onto the bypass
  - Overdevelopment
  - Agricultural land should be retained
  
7. Following the receipt of revised plans on 27<sup>th</sup> September 2016 (and a further period of consultation for 21 days) 157 representations objecting to the application have been received and the comments are summarised as follows:
  - Traffic
  - Overdevelopment
  - Lack of employment opportunities
  - Impact on infrastructure
  - Impact on tourism
  - Overlooking
  - Impact on privacy

- Flooding
  - Emergency Services won't be able to get through
  - Impact on wildlife/local nature reserve
  - Impact in character of area
  - Lack of parking
  - Loss of rural outlook
  - Existing problems with sewage/drainage
  - Visual impact
  - Impact on existing services (Doctors)
  - Brownfield sites should be a priority
8. Following the receipt of revised plans on 27th September 2016 (and a further period of consultation for 21 days) 4 representations supporting the application have been received and the comments are summarised as follows:
- There is a need for cheaper housing
  - The market needs more houses.
  - Currently a limited choice of new housing
  - Measures to reduce speed of traffic along Bull Lane should be considered. The existing traffic is not a reason to prevent much needed housing
  - Flooding of Bull Lane is only experienced during exceptionally heavy rainfall – there is no risk of new homes being subject to flooding
  - Provision of further employment opportunities as more residents therefore more businesses may be attracted to Hall Street
  - This is a modest extension to Sampson Drive development
  - Long Melford must take its share of development
9. Following the receipt of revised plans on 15<sup>th</sup> November 2016 (and a further period of consultation for 21 days, expiring on 8<sup>th</sup> December was undertaken) 28 representations objecting to the application have been received which raise issues similar to those previously outlined.
10. Following the receipt of further revised plans a further period of consultation was undertaken on 24<sup>th</sup> March 2017 and 33 representations objecting to the application were received which raise issues similar to those previously outlined.
11. The following organisations and public representatives have made representations on the application and their comments are summarised as follows:

**County Councillor Richard Kemp**

- Objects on a number of grounds.
- The site is in the wrong area of the village. The road is already overloaded by traffic from the 600 plus houses that feed onto Bull Lane. What is needed is a new approach to all developments in Babergh, upgrade of the basic infrastructure.
- The site will cause an urban spread to the village and will reduce the historic value of this medieval village.
- The site will impact upon the small cluster of listed buildings in the Bull Lane Farm area.
- The needs survey conducted by the Developer is not consistent with the normal process, and is therefore flawed.
- Bull Lane bungalows have been flooded at least three times in the past ten years. I have personally been and visited properties at the time of flooding. Sorry all the experts in the world do not overcome plain factual evidence. This development would without doubt exacerbate these problems.
- Road dangers at both ends of Bull Lane. Nothing has been included to overcome the dangers of increased traffic to pedestrians (in particular) next to the Bull Hotel or the Bull Lane to Melford bypass junction, where there have been at least two fatal accidents in the past few years. Just to remind the experts if Chilton Woods is ever built it is estimated by "experts" that 40% of the traffic will use the Melford bypass.

- I know from being a resident in Long Melford, there are pressures on the local surgery and local school pupil numbers, no further pressure is required.
- In critical terms it is the wrong site, in the wrong place, with a totally inadequate infrastructure, and should be REFUSED.

### **Suffolk Preservation Society -**

Comments on original scheme - Objects to the application which it considers will cause harm to the significance of heritage assets of national importance and will erode the rural context of this historic village and makes the following summarised comments:

- The 2016 SHLAA is not a development plan document or a supplementary planning document and therefore, particularly in this case, should be given limited weight in the assessment of planning applications.
- Disagrees with the assessment of harm to identified heritage assets
- Impact on edge of village landscape – suburbanisation of the countryside, eroding the historic setting of village.
- Local Policy – the Bull Lane site is an unsustainable location and contrary to Local policies CS11 and CS15.
- Development of this site will cause harm to the significance of listed buildings and strongly urge that the application in its current form is refused. However, if the LPA is minded to approve some development of this site we would urge that a reduced site is considered which would allow development of the western parcel of the site up to the Bull Lane cottages. A reduced scheme which omits the land behind the Bull Lane Cottages, including the listed number 24, and the land to the south of the Bull Lane Farmhouse could successfully minimise the impact on heritage and maintain a degree of rural context to the village.

Comments on amendments of 27<sup>th</sup> September 2016 – Following a discussion of the additional information received and the comments made by Historic England, SPS continue to object to the proposal and urge the local authority to seek a substantially reduced scheme as previously outlined.

### Comments following re-consultation carried out 24<sup>th</sup> March 2017 -

- Welcome the increase in small dwellings with fewer executive style homes.
- No attempt has been made to reduce the impact on listed buildings or to limit the extension of the suburban edge of the village into the countryside.
- Continues to raise strong objections to the scheme.
- Draws attention to the comments of the Council's Heritage team, that there is less than substantial harm but that the harm is at a level greater than slight or moderate.
- The applicant's rebuttal that the erosion of the rural setting of 24 Bull Lane by the creation of the new development to the west should be taken in the context of the Planning Practice Guidance which provides that the cumulative change to the setting of listed buildings should be taken into account and that a negative cumulative change could include severing the last link between an asset and its original setting.
- Urge that the application is resisted and a reduced scheme is sought.

### Comments received on 26<sup>th</sup> April 2017 -

- The report omits the footnote of para 14 which states that policies in the NPPF relating to restricting development where it would be harmful to designated heritage assets apply. This includes para 132 which requires any harm to be clear and convincing justification.
- The lack of assessment of the environmental sustainability of the proposal is a significant omission. They conclude that the harm to the setting of 24 Bull Lane would be so great that it outweighs the public benefit and warrants refusal of the application.
- The development is not environmentally sustainable as it fails to protect and enhance the built and historic environment.

- Further the provisions of the NPPF allow significant weight to be applied to heritage harm in cases such as this one where a 5 year supply of housing land is not in place.
- Significant public benefits could be achieved through developing a western portion of the site whilst retaining the rural setting of 24 Bull Lane.

### **The Site and Surroundings**

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

### **The Proposal**

14. The application seeks full permission for the construction of 71 dwellings (including 46 market and 25 affordable homes) garages and parking. The vehicular access is to be constructed off of Bull Lane to serve the development.
15. The original mix of houses is as set out in the table below:

<b>Affordable</b>	
<b>Size</b>	<b>Number</b>
1 bed	4 (16%)
2 bed	15 (60%)
3 bed	5 (20%)
4 bed	1 (4%)
<b>Total</b>	<b>25 (35%)</b>

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

16. This was amended in March 2017 and the scheme now provides the following mix:

<b>Affordable</b>	
<b>Size</b>	<b>Number</b>
1 bed	4 (16%)
2 bed	16 (64%)
3 bed	5 (20%)
<b>Total</b>	<b>25 (35%)</b>

<b>Private</b>	
<b>Size</b>	<b>Number</b>
1 bed	2 (4%)
2 bed	17 (37%)
3 bed	16 (35%)
4 bed	11 (24%)
<b>Total</b>	<b>46 (65%)</b>

17. The development incorporates a mix and range of house types, varied street scenes and roofscape with a mix of single storey, 1.5 storeys and 2 storeys units to reflect the character and topography of the site and its surroundings.

18. Parking provision will be provided through a combination of 41 garage, 16 car ports and 120 allocated parking spaces.
19. The proposals include plans for additional planting along the western boundary with Sampson Drive to reinforce the existing screening that is provided by hedgerows and trees. Areas of landscaping and planting to the rear of the cottages on Bull Lane will also provide screening to Grade II Listed Farmhouse.
20. There are three open spaces within the site, a large open space at the centre of the site which creates a buffer to existing residential properties adjacent the site; a focal open space positioned at the end of the north-south entrance road in to the site from Bull Lane; a large open space to the eastern end of the development at the culmination of the spine/access road.

## **NATIONAL PLANNING POLICY FRAMEWORK**

21. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law, and the NPPF, continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
22. 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**

23. The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. Whilst the Parish of Long Melford has been designated as a Neighbourhood Area, no neighbourhood plan is in place. 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**

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN04 Design and Crime Prevention
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CN08 Development in or near conservation areas
- CN14 Historic Parks and Gardens of Special Historic Interest
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

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

## Main Considerations

24. 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

25. 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.
26. 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).
27. 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.
28. 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...'*
29. 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.

30. 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
31. The site is located outside the Settlement Boundary for Long Melford. Therefore, there is a policy presumption against development in such locations. Long Melford is identified as a Core village in Policy CS2.
32. 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."*
33. 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)**

34. As detailed at paragraph 18 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.
35. 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.
36. Policy CS2 (Settlement Pattern Policy) identifies Long Melford as Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).
37. 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”.*

38. 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.*

*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.*

39. 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.
40. 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.
41. 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).



42. 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*

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

#### *Impact on Heritage*

49. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications.
50. In addition, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.
51. The Government’s planning policies for Conserving and enhancing the historic environment are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,

*“The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral”.*

52. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues, Historic England have produced good practice advice notes. Advice Note 3 - The Setting of Heritage Assets (2015) sets out a staged approach to assist decision-making.

53. The key policies to consider in respect of heritage assets are policies CN06, CN08 and CN14.

#### *Impact on Listed Buildings*

54. 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'*.

55. 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).

56. 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).

57. '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.

58. 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.

59. The following built heritage assets have been identified within the vicinity of the site and which may experience a level of impact as a result of the proposed development;

- Melford Hall (Grade I)
- Melford Hall Registered Park and Garden (Grade II\*)
- Bull Lane Farm (Grade II Listed)
- Barn and Outbuildings to Bull Lane Farmhouse (Grade II Listed)

- 24 Bull Lane (Grade II Listed)
- The Old Cottage (Grade II)

60. Historic England have assessed the impact of development on the Grade I and Grade II\* listed building and undertaking an assessment of the impact of the proposed development on Melford Park and Melford Hall. It is considered that there would be no perception of the development from the upper floors of Melford Hall and, whilst there would be a perception of the development from certain viewpoints from within the park, these would be glimpsed views and, whilst there is some impact on the southern part of the park, this would only result in a low level of harm.
61. The Old Cottage lies to the north of Bull Lane and about 50m north-east of the north-east corner of the development site. It lies in a well-defined plot with open land around it. Its roadside position and the land to the side and behind it to the north are important parts of its setting. The land to the south of Bull Lane and west of Kings Lane makes a lesser contribution, however. The Old Cottage is not immediately opposite the development site, and the specific configuration of the landscape here suggests that, although the development site may be within its distant setting, this is not a part of the setting that makes any particular contribution to significance. It is considered therefore, that there is unlikely to be any harm to the significance of this particular asset.
62. Bull Lane Farm and the separately-listed barn to the west form a coherent historic farmstead group, in a prominent roadside position immediately to the north of Bull Lane, opposite the easternmost portion of the development site. The well-defined farmstead gives a sense of enclosure and separateness to both assets, but there is no doubt that the open land to either side, and especially that behind, which merges to the north with Melford Park and the eastern extension of the conservation area, also makes a very important contribution. However, as with other local assets, Bull Lane itself marks a division in the setting: the land to the south of it is a much lesser contributor to setting and significance. Given this, whilst there will be some harm to the significance of these two assets from the development, this will be at a low to moderate level.
63. The greatest impact of the development is likely to be on the setting of 24 Bull Lane. At present, this has a completely rural setting, one that belies its true location relatively close to Long Melford. Its roadside position is an important feature of its setting, but of similar importance is the isolated location of this house and its immediate (unlisted) neighbour: they form a distinctive group, in well-defined individual plots, but with a strong physical and visual relationship to the open countryside around them. The open land to the east of 24 Bull Lane, and particularly that behind it and its neighbour, provides a tranquil rural backdrop to the asset, which greatly enhances the appreciation and understanding of its significance as an isolated rural dwelling.
64. The proposed development seeks to embed this isolated group of buildings in a new suburban extension to Long Melford, and this disrupts the existing tranquil, open and rural setting of the asset. Of particular concern is the plan to develop immediately behind 24 Bull Lane, including the construction of a new access road running behind the existing plots and a number of new, two-storey dwellings. The visual intrusiveness and disruptive effect of this will be exacerbated by the slight rise in the existing ground level from north to south and the end result is likely to completely sever 24 Bull Lane from its existing rural context. In addition, development along the roadside to the east of 24 Bull Lane will further erode the open, rural character of the setting, leaving the listed building appearing as one amongst many roadside buildings, now completely absorbed into the built-up area of Long Melford.
65. For the reasons set out above, this proposal would cause harm to the significance of 24 Bull Lane as a designated heritage asset, the level of harm is assessed as less than substantial, but close to that level and certainly greater than a slight or moderate level of harm.

### *Impact on Conservation Areas*

66. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
67. Long Melford Conservation Area is a heritage asset of high significance, with the significance deriving principally from the historic character of its medieval linear planform and the architectural value of the historic buildings contained within it. The Conservation Area derives significance from the spatial relationships of the elements contained within it, in terms of the sense of place these elements convey, and the provision of setting they provide for assets within the designated area. The site is located adjacent to the south eastern boundary of the Conservation Area which provides a small degree of rural character to the wider setting of the asset.
68. The Long Melford Conservation Area has a large eastward extension which includes Melford Park and the southern boundary of the conservation area lies immediately north of Bull Lane, along the line of the Chad Brook. At its closest, the Conservation Area is within about 70 m of the northern boundary of the development site and is therefore considered to be within the setting of this part of the Conservation Area. The existing undeveloped agricultural land north of Bull Lane is a significant feature of the conservation area's setting and makes an important contribution to significance; this lessens as one moves away south, however, and particularly as one crosses Bull Lane.
69. The land to the south of Bull Lane, including the development site, is considered to make only a minor contribution. Because of this the level of harm the proposal causes to the conservation area's significance as a designated heritage asset is considered relatively minor.

### *Impact on Archaeological Assets*

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

### *Conclusion (Impact on Heritage)*

71. 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

72. 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.

73. 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
74. The site abuts the BUAB and the adjoining railway walk which provides a natural physical boundary to the edge of the development. The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with the neighbouring development of Sampson Drive. Therefore, the proposal also complies with this part of policy CS11.

#### Site location and sequential approach to site selection

75. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Long Melford.
76. The applicant has not undertaken an assessment to identify if there are any sequentially preferable sites. There are no sequentially preferable allocated sites within Long Melford.
77. The proposal is well connected to existing facilities within walking distance. The site abuts the settlement boundary and is one of the few remaining sites which are not designated by a Special Landscape Area or constrained by the historic Melford Walk, which abuts the south east boundary of the settlement.
78. 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.
79. There are, however, other sites within the built up area boundary (Fleetwood Caravans) and partially within it (Ropers Lane) which benefit from planning permission. However, whilst these sites may be sequentially preferable in principle, the developments approved on them do not provide the same range and mix of affordable housing and therefore other sites need to come forward within the village to aid the delivery of a mix of dwelling types. On balance, therefore, 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

80. Paragraph 2.8.5.4 of the Core Strategy notes that the total requirement of 1,050 new dwellings to be accommodated in Core and Hinterland Villages should not be viewed as a sum simply to be divided equally or randomly between the number of villages listed. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.

81. 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.
82. Following the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 Before Mitting J. in December 2016, the approach being taken to applications affected by CS11 matters is as follows based on legal advice:
  - a. To apply 'locally identified need' within policy CS11 as meaning the needs of the Core Village, its functional cluster and possibly the area immediately adjoining it but no wider; and
  - b. For developments outside BUABs, if there is to be compliance with policy CS2 then there must be proven local need and exceptional circumstances.
83. Accordingly, *"locally identified need"* or *"local need"* should be construed as the development to meet the needs of the Core Village identified in the application, namely Long Melford, and the functional cluster of smaller rural settlements which it serves.
84. 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).
85. 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.
86. 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.
87. 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.
88. The Council's Choice Based Lettings system currently has circa.1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 66 applicants registered for affordable housing, who are seeking accommodation in Long Melford, 22 of whom are aged over 55. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number.

89. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the applicants Housing Need Survey which identified that there are an estimated 1,091 households that would like to move to a new home in Long Melford over the next five years. The survey was also very clear that demand for homes in Long Melford outstrips supply, with a substantial demand for market housing in the study area, with an estimated 98 new market homes required each year in Long Melford and 171 in the surrounding villages, totalling 269 per annum across the study area.
90. The survey also identified there is a requirement for 24 affordable homes per year in Long Melford and an additional 35 affordable homes per year in the surrounding villages, totalling 59 per annum across the study area if these homes should be affordable (made available for shared ownership or rent).
91. The survey showed that households in Long Melford are less likely to be unable to afford market housing than households in the Surrounding Villages. The data indicates that 68.2% of lone parent households in the study area would be unable to afford market housing (if they were to move home now). Other households are also relatively unlikely to be able to afford. Households that contain two or more pensioners are most likely to be able to afford market housing in the study area.
92. Almost a third (30.8%) of households headed by someone employed in the study area would be unable to afford market housing locally (if they were to move now) compared to only 14.0% of households headed by someone employed outside of the study area.
93. Of the schemes with planning permission in Long Melford, Orchard Brook provided no on-site affordable housing and the scheme in Ropers Lane provides the affordable housing (27 units) in the form of 24 flats and 3 houses, so the offer in this proposal provides dwelling types that will not be provided in the quantity required on the other sites and will help meet the range of housing need that exists.
94. There is strong demand for one and two bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storeys. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups. This application proposes 11 x 4 beds which is 24% of the open market provision. The SHMA 2012 recommends that only 6% of all new supply should be in the form of 4 bedroomed accommodation.
95. In this application there are 7 x 2 bed open market homes proposed, only 2 are bungalows, which is disappointing considering the age profile for Long Melford and the surrounding villages where 26.8% of the population are aged over 65. This compares to the average for Babergh which is 21.4%.
96. The mix of affordable dwellings has also taken account of other schemes that have recently been approved in Long Melford, namely B/15/01043 Former Fleetwood Caravans Ltd, Hall Street, Long Melford and B/15/00180 Land north of Ropers Lane, Rodbridge Hill, Long Melford. There are no affordable units on the former Fleetwood Caravan site.
97. There is a need for housing across all tenures and all dwelling types. The shortages in Long Melford and its cluster are for smaller dwellings for younger first time buyers and for those older households that wish to downsize from larger, older less manageable properties. The overall benefits of the proposal would mean that 35% (25 dwellings) of the development would deliver much needed affordable housing which is of considerable public benefit enabling those on lower incomes to buy into shared ownership or to apply for the rented units that will help the local economy by accommodating those households on lower incomes. The open market provides a reasonable mix of dwelling types for sale and compliments the overall potential delivery of new housing in Long Melford when considered in the context of what has been granted permission recently.

98. The key policies are policies CS18 and CS19 which requires a mix and type of dwellings to reflect local needs, in addition to a policy requirement of 35% affordable housing. Following the updated mix of dwellings confirmed by the applicant, these policies are considered to be complied with.
99. For the same reasons it is considered that limb (vi) of policy CS15 has been considered and is largely complied with as relevant in consideration that two bungalows are provided as part of the proposals.
100. The Parish Council have challenged the robustness of the Housing Needs Survey carried out, raising issues with the methodology applied and, therefore, the results achieved. Whilst Officers are comfortable that the Housing Needs Survey (HNS) carried out was in line with the methodology agreed with the Council's Strategic Housing Team, it would be reasonable to take a precautionary approach to the local needs aspects of this proposal given that the robustness of the HNS has not been tested through a formal examination/legal process. In this respect, despite the evidence provided with the application with regards to local need being above and beyond evidence provided with other CS11 based applications, Officers consider that this element of CS11 has not been complied with.

#### Locally Identified Community Needs

101. 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).
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. 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.
103. 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

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. In terms of existing commitments and other proposals in the relevant cluster<sup>1</sup>, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the table at Appendix b shows applications which have been either delivered or have planning permission within the cluster, which looks at data from a date 3 years from the date the report was run.
106. In the functional cluster of Long Melford, there have been 175 dwellings approved, with 137 of these being within Long Melford itself and the remainder split between Acton (7), Cockfield (14), Lawshall (4), Great Waldingfield (2) and Shimpling (5) and Stanstead (6).
107. Other development already consented in the village includes 77 homes north of Ropers Lane, Rodbridge Hill (which is at the other end of the village) and 44 homes on the former Fleetwood Caravan Factory site which is centrally located. The proposed development will represent a 59% increase on those dwellings already committed within the village.
108. For clarification details of the number and level of housing completions are set out in the following tables. In Long Melford 26 planning applications were approved between 2011 & 2015 which provided for 154 dwellings; 128 of which were granted 2015/16.

#### Approved Planning Applications and related number of dwellings

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

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Number of dwellings per planning application approved 2011 to 2015
Acton	1	4	2	1	2	7	17

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Number of dwellings per planning application approved 2011 to 2015
Alpheton	0	0	0	0	0	0	0
Boxted	0	0	0	0	0	0	0
Cockfield	0	0	1	2	4	13	20
Great Waldingfield	0	1	1	0	2	2	6
Lawshall	2	2	0	2	1	0	7
Long Melford	3	8	3	9	128	3	154
Shimpling	0	0	0	1	1	2	4
Stanstead	0	1	2	1	2	2	8
<b>Long Melford Functional Cluster</b>	<b>6</b>	<b>16</b>	<b>9</b>	<b>16</b>	<b>140</b>	<b>29</b>	<b>216</b>

109. The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
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.

### Summary of Assessment Against Policy CS11

111. 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.

112. 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 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.

113. 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.
114. 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.
115. 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.
116. 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.
117. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Long Melford is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between Long Melford to Bury St Edmunds and Sudbury – whereby connections can be made to travel onward to Colchester and Ipswich. Long Melford is only a short distance from Sudbury which has a railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Long Melford 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.
118. As a Core Village, Long Melford is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village benefits from a Primary School, Doctors Surgery, Pharmacy, Village Hall, Pub, Convenience Store, bakery, Post Office and garden centre.

119. It is acknowledged that there will be a high proportion of car travel from Long Melford, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Long Melford, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.
120. The socio-economic profile of Long Melford highlights the villages important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, the evidence provided in the applicant's sustainability assessment, is that there is a need to balance housing stock and growth in the future such that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
121. 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 Long Melford, underpinning social capacity, providing affordable housing and widening the housing mix overall.
122. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i 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 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 scheme will provide areas of open space and access to the wider network of rights of way. (criterion ix and x of CS15)
123. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii 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.

#### Connectivity and Highway Safety

124. The key policy is policy TP15 in relation to parking.
125. It is considered that the highway network will not be unacceptably impacted as a result of these proposals. The Council are also satisfied that sufficient parking provision is provided in accordance with policy TP15. A transport assessment has been submitted by the applicant and a range of off-site highway improvements including bus stop improvements to encourage public transport.
126. For these reasons, it is also considered that limbs (vii), (xviii), (xvi) and (xix) of policy CS15 are complied with where relevant.

127. The development abuts the existing village boundary and although not within 400m, (5min walking distance of the village centre) provides opportunities to create new pedestrian links to the key services and facilities. Opportunities for pedestrian connections are limited and the proposals have provided a connection into the existing pavement on Bull Lane. Bus stops are located immediately adjacent to the development and have been incorporated into the highway proposals. With close access to bus stops and the provision of a connecting pavement into the village, the development proposals have utilised all of the available connection attributes of the site.
128. Bull Lane connects Long Melford with the A134 bypass to the east of the site, whereby it connects via a staggered cross roads junction as Bull Lane continues across the A134 towards Acton. At the other end of Bull Lane, the road narrows due to the proximity of listed buildings at the junction with the High Street.
129. Concern has been raised about the increased traffic generated by this development and the impact on the road network and in particular the junction onto the High Street from Bull Lane. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety.
130. The County Highway assessment regarding traffic is based on evidence provided by the applicants transport consultants. There was a Transport Assessment dated 31/05/2016 and a subsequent letter/report dated 25/08/2016 addressed to Hopkins Homes. This was further research in response to the initial comments of the Highway Authority.
131. The initial transport assessment measured actual vehicle flows and speeds on Bull Lane in September 2015. A significant amount of vehicle speeds near the site access were measured above the 30mph limit hence the proposal for traffic calming measures to help reduce speeds along the site frontage. The existing traffic flows on Bull Lane are well below the theoretical capacity a road of this nature can accommodate. The additional flows likely from the development are predicted from traffic flow databases and will not significantly affect the capacity of either Bull Lane or its junctions. Using industry standard computer modelling the flows are factored up to the year 2020 and they are still well within capacity.
132. In terms of Bull Lane/Hall Street there is no scope for further improvements due to existing buildings. The pedestrian route to the village centre will have enhanced signing to encourage use of the Woollards Gardens route.
133. Essentially it was demonstrated that the development will not have a severe impact on the highway network, with the inclusion of mitigation measures to assist speed reduction, improve public transport infrastructure and to enhance alternative pedestrian routes to the village amenities. As such, the proposal accords with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15

#### Design and Layout

134. The scheme equates to approximately 23 dwellings per hectare which is considered to reflect the existing density and characteristics of the locality.
135. The development encompasses a strong built frontage along Bull Lane which is set behind a linear green space which incorporates a footpath link to the existing residential development. The development site itself benefits from being surrounded by mature tree planting (to the east and south) which helps to reduce the impact of the development onto the wider environment. The setback built frontage from Bull Lane helps to reduce the impact the development will have onto Bull Lane, allowing opportunities for tree planting and screening landscape.
136. A number of built forms are included within the proposals with a mix of single storey, one and half storey and two storey dwellings and garages, which will create a varied typology reflecting the character and topography of the site. Single storey dwellings are located on the western and eastern boundaries of the development to address any potential loss of privacy or private amenity currently enjoyed by existing properties in these locations.

137. The proposed layout has been designed around a central minor access spine road which serves the entire site. At each end of the minor access road, private drives provide access to smaller pockets of single storey dwellings. The minor access road has been designed in a series of curves to help provide both a speed restraint to vehicle movement and variety to the development layout.
138. The proposed layout has been amended to reflect feedback and comments regarding the impact on the adjacent listed building that the development will surround. In terms of urban design, the layout has attempted to mitigate this impact by both setting the building line further back into the site and reducing the proposed development to the rear of the existing dwellings.
139. Inevitably, the proposed development will have an effect of the visual setting of the listed building which will now become part of a large development rather than an isolated dwelling. The mitigation applied to reduce and limit this impact will lessen the overall visual impact to some degree but the overall context of the site will fundamentally change.
140. The general approach to elevations throughout the proposed development has been aimed to respond to the local vernacular, taking design cues from the positive context of Long Melford.
141. The proposed mix of materials and finishes provide enough variety without becoming too contrived in appearance, especially along Bull Lane itself. The proposed range of house typologies is suitable and suitably reflects the proposed development mix, size and tenure. For a development of this size which abuts the existing village boundary, the proposals have sought to mitigate its impact both through the layout, design approach and landscaping. In these regards, the proposal would comply with saved policy CN01 of the Local Plan.
142. The development includes three areas of open space, a large area at the centre of the site, a focal open space at the end of the north south entrance road into the site from Bull Lane and a large open space to the eastern end of the development at the culmination of the spine access road and the necessary open space considered appropriate for the size of development shall be secured through section 106 agreement. It is therefore considered that the proposal complies with policies CS14 and HS31. Further, a suitable landscaping scheme shall be agreed through condition in accordance with policies CR07 and CR08 to ensure that the impacts on the landscape, hedgerows and local visual amenity are acceptable as explained at paragraphs 32 to 37 of the Original Report.
143. For the same reasons it is considered that limbs (i), (ix) and (x) of policy CS15 are complied with where relevant.

#### Renewable Energy

144. 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.

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.

#### Crime Prevention

145. With regards to crime prevention, the Council remain satisfied in this regard as no objections have been raised by Suffolk Constabulary and policy CN04 is complied with.

### Biodiversity and Protected Species

146. 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.
147. An extended Phase I habitat survey has been undertaken and has established that the majority of the site is likely to be of low biodiversity value, however field boundary hedgerow habitats on site are known to be of value to several protected species, as well as being of general biodiversity value themselves.
148. The southern hedgerow is part of the Long Melford Walk Local Nature Reserve (LNR)/County Wildlife Site (CWS). Phase 2 surveys have been undertaken which include Bat Activity Surveys, Reptile Surveys, Badger Surveys, invertebrate walkover; and BAP/NERC Act mammals. The Phase 2 Surveys have found six species of bats were recorded foraging around the boundaries and commuting across the site. A small population of slow worms were found using the southern western area of grassland.
149. In view of these findings, the proposed scheme has adopted a number of mitigation and enhancement recommendations which ensure that there will be no predicted significant adverse impacts from the development upon identified ecological receptors. Criterion (vii) of policy CS15 is therefore complied with.

### Surface Water Drainage

150. 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.
151. Permeability testing has been undertaken which demonstrates that the underlying geology is of insufficient permeability to utilise soakaways to discharge surface water run-off from the site and therefore it is proposed to discharge surface water run-off to the existing Anglian Water sewer, located adjacent to the roundabout for Bull Lane and Sampson Drive.
152. The applicant has provided evidence of a viable surface water drainage strategy for the proposed development and has therefore complied with the requirements of both policy CS15 and the NPPF.
153. A suitable surface water strategy may be implemented, which shall be agreed and secured through condition. Anglian Water raises no objection and therefore it is considered that limbs (x), (xi), (xii), (xiii) and (xiv) of policy CS15 are complied with where relevant to these issues.

### Environmental Issues (Land Contamination)

154. A phase 1 investigation report has been submitted with the application and this highlighted some potential isolated pockets of made ground on site which may contain contaminative material – the applicant has since undertaken an additional investigation and this determined that the risk posed was sufficiently low to not require additional works and therefore the Senior Environmental Management Officer has raised no objection to the proposed development. A note will be imposed on any permission to advise the developer the Local Authority should be informed if any inspected ground conditions are encountered during construction.
155. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

## Summary of Assessment Against Policy CS15

156. 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

157. 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.

158. 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.

159. The key policy is policy CS21 and it is considered that the proposals will properly contribute to the provision of the necessary infrastructure and services generated by the development through the payment of CIL. For these reasons, it is considered that policy CS21 and limbs (iv) and (v) of policy CS15 are complied with where relevant.

160. 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)

161. Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

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## PART FOUR – CONCLUSION

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### Planning Balance and Assessment

162. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. NPPF Paragraph 49 states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

163. Babergh District Council does not have this housing land supply at this time and as such the relevant policies set out above for the supply of housing are not considered to be up to date. Whilst it is identified that there is not compliance with these policies, it is considered that policies CS2 and CS11 are relevant policies for the supply of housing and therefore limited weight should be attached to these policies.

164. Indeed Paragraph 14 of the NPPF states in this respect:

*"For decision-taking this means:*

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



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

165. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal.
166. 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.
167. 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.
168. 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.' The applicant submitted a letter dated 28.11.16 which identifies the public benefits which the applicant considers the scheme would provide. The public benefits set out by the applicant are summarised below and, where relevant to the policy considerations, further comment is provided.
- *A contribution to housing needs with a mix of house types (including bungalows) and policy compliant affordable tenures (25 units or 35%).*
169. Further to the applicant's comment that '*other development commitments in the village, either do not provide any affordable housing, or is of a mix which does not reflect local need*' other major applications approved in Cluster Long Melford in the 5 year period include:
- B/15/01043/FUL - Former Fleetwood Caravan Site, Hall Street, Long Melford - 23/03/2016 – 44 dwellings, including 13 sheltered units.
  - B/15/00180/OUT - Land North of Ropers Lane, Long Melford – 12/02/2016 - 77 dwellings including 27 affordable housing units
  - B/07/01211/FUL - Folly Road (Land off) (B/11/0402/FUL also refers), Great Waldingfield - 23/11/2010 – 93 Dwellings including 32 affordable housing (Completed).
  - B/07/01918/FUL - List House Works, Hall Street - 07/03/2008 - 12 dwellings with 0 affordable housing (Completed).
170. In 2015/16 128 units have been permitted in Long Melford (which has included provision of affordable and sheltered accommodation). This proposal would contribute further to meeting market and affordable housing need and further information on this is provided in the local needs section of this report.
- *On-site delivery, subject to approval by the end of 2016, could commence on site as early as May 2017, with first homes being available for occupation by early 2018, with completion of the entire site by mid-2020. Therefore 100% of this site can be delivered within a five-year period from consent, and for this reason will help assist the Council's five-year housing land supply.*
  - *Contribution of approximately £649,060.00 Community Infrastructure Levy with 15% of this (circa £97,359) allocated to Long Melford Parish Council to finance Parish Council community initiatives and New Homes Bonus Payments to Babergh District Council of £640,000.*

171. Of the contributions from CIL the following is required in order to mitigate impact of the proposal:
- Health - £22,360
  - Education – £219,258 & pre-school contributions of £42,637
  - Libraries - £15,336
172. This leaves a residual of £252,110 and £97,359 directly to the Parish Council.
- *The site layout provides a well-designed new neighbourhood which takes account of its context and integrates well with it; and will result in the existing landscape structure being enhanced, with the provision of public open space within the development site in accordance with the Council's standards*
173. Notwithstanding the impact on designated heritage assets, the advice provided by Place Services generally agrees with this view. With regard to the impact of the scheme's design and layout on the listed building the advice from Place Services notes that ...'inevitably, the proposed development will have an effect on the visual setting of the listed building which will now become part of a large development rather than an isolated dwelling. The mitigation applied to reduce and limit this impact will lessen the overall visually impact to some degree but the overall context of the site will fundamentally change
- *The development will be afforded good connectivity and accessibility to nearby facilities, including enhanced connectivity for the public to the Long Melford Railway Walk'.*
174. The submitted plans include 'informal' linkages to the railway walk and it has been confirmed that these would be accessible to the general public and therefore this would be considered for wider community use and therefore a public benefit.
- *Traffic calming measures to Bull Lane, a comprehensive scheme of off-site highway improvements, including new bus stop provision and enhanced pedestrian footway links to village centre. Further they have identified that the traffic associated with the development has not been highlighted to have a significant effect upon the operation of the local highway network.*
175. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety subject to off-site highway improvements works being undertaken. The extent of any public benefit arising from the off-site works, over and above scheme mitigation, has not been subject to assessment.
- *No significant concerns in respect of biodiversity, arboriculture, landscape and visual perception, contamination, archaeology, flood risk or drainage.'*
  - *Renewable energy and low carbon technologies are proposed for the site, which will provide a combination of approaches which exceed Building Regulations and Policy requirements to increase the sustainability of the proposals;*
  - *The proposal would provide and retain local employment in construction and in the related supply chain via a local developer based in Suffolk.*
176. These views are noted. However, the extent of what is greater public benefit rather than simply scheme mitigation would need to be considered fully.
177. As required by paragraph 134, in the determination of this application consideration should be given to weighing whether the public benefits are sufficient to justify the presumption against harm to the listed building at 24 Bull Lane. 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), provision of affordable housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh the less than significant harm to the heritage asset.

178. 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, having given considerable importance and weight to the harm identified.
179. 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. In the absence of specific policies in the Framework that indicate that development should be restricted, paragraph 14 can be engaged.
180. Further, and in any event, the Council does not have a five year housing land supply and considers therefore that limited weight should be attached to policies CS2 and CS11. Whilst it is considered that the proposal does not 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 evidence of sequential preference, locally identifiable need or community needs) should be afforded limited weight.
181. 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, including the sustainability of the proposal. Whilst the restrictions in footnote 9 of the NPPF include impacts on heritage assets, for the reasons explained above none of these policies indicate that development should be restricted.
182. 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.

**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.
184. In this case the planning authority has worked with the applicant to ensure that the mix of dwellings better reflects the housing mix identified in the applicants housing need survey.

**Identification of any Legal Implications of the decision**

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

- Affordable Housing
- Open Space

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

- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) Development shall be implemented in accordance with the approved sustainability statement
- 4) Strategy for disposal of surface water and FRA shall be implemented as approved.
- 5) Details of the Sustainable Urban Drainage System shall be submitted and approved (prior to 36th dwelling being occupied)
- 6) Construction surface water management plan shall be submitted and agreed.
- 7) Surface water drainage strategy to be submitted and agreed
- 8) Provision of fire hydrant
- 9) Recommendations of the ecological survey reports to be implemented in full
- 10) Soft Landscaping
- 11) Hard Landscaping
- 12) Details of External Lighting
- 13) Tree Protection
- 14) Archaeological Conditions
- 15) Protection measures outlined in the arboricultural report shall be implemented
- 16) Construction and Environmental Management Plan to be submitted and agreed
- 17) No burning shall take place on site
- 18) Materials
- 19) Screen walls and fences to be submitted
- 20) Travel Plan
- 21) Details of the estate roads and footpaths,
- 22) Carriageways and footways serving that dwelling have been constructed to at least Binder course level or better
- 23) Visibility Splays
  
- 24) Areas for turning and parking
- 25) Off-site highway improvements to Bull Lane have been installed and completed in full. This includes the following measures:
  1. Upgrade the road markings at the Bull Lane / Hall Street junction and pinch point past the Bull Hotel
  2. A yellow box road marking to the Bull Lane / Cordell Road junction
  3. Installation of new signs promoting the pedestrian route to Hall Street via Cordell Road and Woollards Gardens.
  4. Installation of a westbound bus stop on the site frontage to include hardstanding, bus shelter and Real Time Passenger Information screen.
  5. Installation of an eastbound bus stop opposite the site to include a hardstanding and flag pole / timetable case.
  6. Installation of traffic calming measures to Bull Lane and adjustment of the existing traffic calming.
  7. Widening and resurfacing of Bull Lane on the site frontage to 5.5 metres minimum.

These improvements are to be in general accordance with the submitted drawings numbered 617765/SK06, SK07, SK08, SK09, and SK10.