

Committee Report

Committee Date: 2 August 2017

Item No: 1

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

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

Location: Land north west of Moores Lane, East Bergholt

Parish: East Bergholt

Ward: Dodnash

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

Site Area: 6.94

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 22/05/2015

Expiry Date: 31/03/2017

Application Type: Full Planning Application

Development Type: Smallscale Major Dwellings

Environmental Impact Assessment: No.

Applicant: Countryside Properties plc

Agent: Bidwells

DOCUMENTS SUBMITTED FOR CONSIDERATION

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

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

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

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

Furthermore, whilst harm is identified to heritage assets, this is at the low end of the spectrum of less than substantial harm where the public benefits of the proposal outweigh this harm. In this regard, the proposal is not considered to conflict with specific policies in the NPPF and is thereby in accordance with the Framework when taken as a whole. The proposal is therefore considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and there is a presumption in favour of this proposal in accordance with the NPPF.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential development of 15 or over dwellings

PART TWO – APPLICATION BACKGROUND

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

History

1. There is no history directly related to the application site which is relevant to the consideration of this application. However, Members may wish to note the following permissions which relate to the developments at Beehive Close, and at High Trees Farm, which are both within the vicinity of the site.

Beehive Close

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

High Trees Farm

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

Details of Previous Committee / Resolutions

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

Details of Member site visit

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

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

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

East Bergholt Parish Council

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

Recommends refusal of the application on seven grounds;

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

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

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

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

Further response received 11 September 2015

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

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

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

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

Further response received 9 December 2016 –

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

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

Further response received 15 May 2017 –

- Previous objections still stand.

Holton St Mary Parish Council

Objects for the following reasons:

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

Further response received 12 May 2017 –

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

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

Wenham Magna Parish Meeting

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

Local Highway Authority

Initial response received 9 July 2015 (summarised) –

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

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

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

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

Second response received 8 December 2015 –

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

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

Further response received 1 March 2016 -

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

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

Further response received 16 June 2017 –

- No further comments to make.

Environment Agency

Initial response received 2 July 2015 (summarised) -

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

Further response received 30 October 2015 –

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

Suffolk County Council Rights of Way

Initial response received 18 June 2015 -

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

Second response received 6 July 2015 –

- No further comments to make.

Suffolk County Council Flood and Water Management

Initial response received 10 July 2015 –

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

Second response received 5 August 2015 -

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

Further response received 26 April 2017 -

- No further comments to make.

Highways England

First response received 21 July 2015 -

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

Second response received 3 September 2015 -

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

Further response received 17 November 2015 -

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

Further response received 3 January 2017 –

- No objections.

Natural England

Initial response received 17 July 2015 (summarised) –

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

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

Second response received 6 November 2015 –

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

Further response received 1st December 2016 (summarised) –

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

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

Further response received 3 May 2017 (summarised) -

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

Suffolk Fire and Rescue Service

Initial response received 17 June 2015 (summarised) –

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

Second response received 19 November 2015 –

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

Further response received 17 November 2016 -

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

Further response received 21 April 2017 -

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

Suffolk County Council Archaeological Service

Initial response received 17 June 2015 (summarised) -

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

Second response received 29 October 2015 -

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

Further response received 1 March 2016 –

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

Further response received 21 April 2017 –

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

Corporate Manager – Strategic Planning

Initial response received 27 November 2015 -

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

- Policy CS2 sets out the overall settlement policy for the District which directs development sequentially to the towns and urban areas and to the Core and Hinterland Villages. In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new/enhanced infrastructure as well as having regard to environmental constraints and the views of local communities as expressed in parish/community/neighbourhood plans.
 - East Bergholt is identified in Policy CS2 as a Core Village. Policy CS2 states that Core Villages will act as a focus for development within their functional cluster.
 - The settlement has 1200 dwellings at present and is the Core Village within the East Bergholt cluster. The proposal for 144 dwellings is representative of 12 % of the overall stock. Based on completions since 2011 there have been 15 completions in the settlement and 15 permitted which have not been completed.
 - A key issue is whether the scale of development proposed is acceptable in East Bergholt. The applicants have submitted an assessment of the services and facilities in all the Core Villages in the District. This indicates that East Bergholt has a range of services and facilities. Paragraph 2.8.5.4 of the Core Strategy states that the approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community and the capacity for a particular level of growth which will be guided by many factors and which will result in different level of development being identified as appropriate in different settlements.
 - There are no known physical or social infrastructure capacity issues which cannot be addressed. Suffolk County Council and NHS England have confirmed there is sufficient capacity within the local medical and educational services and there is a commitment to provide financial contributions by way of a S106 agreement to meet additional education places.
 - With regard to traffic congestion the application has demonstrated that that traffic generated from the development will not create congestion and confirms that the local road network has sufficient capacity to accommodate.
 - There are no significant environmental constraints to the development of the site. The AoNB abuts the settlement boundary on the other side of the settlement however, whilst East Bergholt adjoins onto the AoNB, the Landscape and Visual Impact Assessment concludes that the proposal would not affect the setting of any protected features, visitor attractions or designated landscapes.
- In terms of local housing need the application provides evidence that supports the provision of affordable housing. This is discussed further in the context of CS11 and CS18 below.

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

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

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

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

Further response received 7 January 2016:

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

Corporate Manager – Strategic Housing

Initial response received 26 June 2015 –

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

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

Further response received 19 November 2015 –

- No further comments to make from our previous submission.

Dedham Vale AONB and Stour Valley Project

First response received 7 July 2015

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

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

Second response received 10 July 2015 -

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

Suffolk Wildlife Trust

First response received 7 July 2015 –

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

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

Suffolk County Council Planning Obligations

Initial response received 24 June 2015 –

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

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

Second response received 28 November 2016 -

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

Further response received 27 April 2017 -

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

Anglian Water

Initial response received 25 June 2015 -

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

Further response received 4th December 2015 –

- Reiterates advice provided above.

Environmental Protection – Land Contamination Issues

Initial response received 22 June 2015 –

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

Second response received 30 October 2015 –

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

Further response received 21 April 2017 -

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

Environmental Protection – Other Issues

Initial response received 25 June 2015 -

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

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

Second response received 30 October 2015 –

- No further comments to make.

Further response received 8 May 2017 -

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

Environmental Protection – Sustainability Issues

Initial response received 24 June 2015 -

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

Second response received 24 June 2015 –

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

Further response received 21 April 2017 -

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

Corporate Manager – Public Realm

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

Corporate Manager – Heritage

Initial response received 24 June 2015 -

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

Further response received 10 July 2017 -

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

BDC Arboricultural Officer

Initial response received 12 June 2015 -

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

Economic Development

Initial response received 18 November 2016 –

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

Further response received 10 May 2017 -

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

Representations

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

The Site and Surroundings

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

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

The Proposal

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

Market Homes

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

Total – 94.

Affordable Homes

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

Total - 50.

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

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

NATIONAL PLANNING POLICY FRAMEWORK

26. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
27. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

CORE STRATEGY

- **CS1** - Presumption in Favour of Sustainable Development in Babergh
- **CS2** - Settlement Pattern Policy
- **CS3** - Strategy for Growth and Development
- **CS11** – Core and Hinterland Villages
- **CS12** - Sustainable Design and Construction Standards

- **CS13** - Renewable/Low Carbon Energy
- **CS14** - Green Infrastructure
- **CS15** - Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes
- **CS21** - Infrastructure Provision

SAVED POLICIES IN THE LOCAL PLAN

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

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

THE EAST BERGHOLT NEIGHBOURHOOD PLAN

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

SUPPLEMENTARY PLANNING DOCUMENTS

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

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

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

Main Considerations

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

The Principle Of Development

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

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

42. The NPPF requires that development should be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. This has been discussed above. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

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

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

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

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

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

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

46. Policy CS2 (Settlement Pattern Policy) identifies East Bergholt as a Core Village, which will act as a focus for development within its functional cluster. Sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).

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

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

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

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

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

48. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

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

- 1. the landscape, environmental and heritage characteristics of the village;*
- 2. the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
- 3. site location and sequential approach to site selection;*
- 4. locally identified need - housing and employment, and specific local needs such as affordable housing;*
- 5. locally identified community needs; and*
- 6. cumulative impact of development in the area in respect of social, physical and environmental Impacts.*

49. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies. However, as the High Court has clarified in the Judicial Review discussed below, this flexibility has to operate within the limits of Policy CS2 so that sites outside of the BUAB need to satisfy the tests in Policy CS2 as well as the criteria in Policy CS11.
50. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
51. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
52. The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

53. Policy EB6 of the EBNP states that;

“Development proposals shall demonstrate that they:

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

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

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

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

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

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

Impact on Heritage

78. Both the NPPF and Core Strategy place significant emphasis on safeguarding heritage as an important component of sustainable development.
79. With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general duties under sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have “*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*”.
80. Recent case law on the application of the statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the Local Planning Authority is required to give any such harm considerable importance and weight. However, where special regard to the desirability of preserving heritage assets has been paid and no harm is considered to be posed, the ‘balancing’ of harm (which should be given considerable weight as above) against public benefits as required by the NPPF, is not engaged.
81. As noted, the assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA’s own planning judgement. In this case, the issues to be considered are two fold, being;
- The impact on any Heritage Assets, including listed buildings.
 - The impact on the Conservation Area.
82. In respect of the impacts of the work on the setting of the various listed buildings (or assets), the areas of focus include Woodgates Farmhouse to the north east, and four listed buildings to the south, including High Trees Farmhouse, The Linnets, Blacksmiths Cottage and the Smithy, all listed at Grade II. There are several others including Quintons Cottage, Quintons House and The Hermitage which are disassociated from the site and are obscured by various built forms, and so have been considered *not* to be affected by the proposed development – and consequently there is not considered to be harm to these particular properties.

83. The setting of Woodgates Farm extends well into the north eastern part of the development site. As such, its setting will be affected to a *moderate* level by the new development on the scale of 'less than substantial' harm. The level of harm is mitigated both by the distance of the nearest properties to the building, and by the proposed landscaping.
84. The setting of the other assets to the south is also affected, though in a very limited way. On approaching the village from the north the land gave way to the string of development which backed onto Quintons Road. Until the creation of Moores Lane and the dwellings associated with it, and the properties in the cul de sac known as Beehive Close, the settings of these properties extended uninterrupted into this agricultural land.
85. Since the construction of these roads and dwellings it is fair to conclude the settings of the buildings have been compromised – but not necessarily reduced in area. However, the proposed development cannot help but further incrementally impinge upon their current settings, though the existing buildings will experience a *very low magnitude* effect, in terms of 'less than substantial harm', because of the contribution of the current settings to the significance of the buildings, the distance between the site and the new dwellings and business units, and the level of additional interruption caused.
86. In conclusion therefore the public benefit must be weighed against this degree of impact on the assets.
87. In respect of the impact on the Conservation Area, the Conservation Area lies to the southern end of the village which, at its northern end, lies to the south of Chaplin Road. Paragraph 134 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*". In relation to the impacts upon the Conservation Area, these are considered to be limited to the potential increase in the amount of vehicles in the locality, thereby affecting the appreciation of the Conservation Area, and a potential increase in people accessing the area. In this regard, the proposal is considered to cause less than significant harm, albeit to an extremely low extent, whereby the public benefits of the proposal will need to be balanced against the less than substantial harm.
88. Policy EB10 of the EBNP deals with non-designated heritage assets. In this instance, there are not considered to be any non-designated heritage assets affected by the proposal and, therefore, the proposal would accord with policy EB10.
89. Whilst related to the issue of Heritage, the archaeological investigation of the site has been the subject of particular interest and therefore warrants consideration in its own right.
90. The initial submission made with the application included an archaeological report which was considered by the Archaeological Service at Suffolk County Council. The Archaeological Service did not agree with the conclusions reached in the report, namely that the report identified that the value of the archaeological resource is considered to be low and the impact to be moderate, resulting in a slight adverse effect. The Archaeological Service thereby set out their requirements for a geophysical survey to be carried out initially, followed by areas of trial trenching on the land.

91. The additional geophysical survey was carried out in October 2015 once the crop had been harvested from the land (an initial one had been carried out in July 2015, but this was not sufficient to satisfy the Archaeological Service and therefore this further survey was required). The survey concludes that, whilst Suffolk County Council considered the potential for archaeology as 'high' prior to the fieldwork, no anomalies that can be considered archaeological were detected and, therefore, the archaeological potential for this site is considered to be low.
92. The survey was supported by trial trenching carried out on agreed areas of the site as well as a metal detecting survey of the land. A report detailing the findings of these works was received by the Council on 24 February 2016, and were the subject of a reconsultation with the Archaeological Service and interested parties. The Archaeological Service have considered the findings and have concluded that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the NPPF (paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
93. Subsequent to this position, requests have been made by local parties that a field walk be undertaken whilst the field is in a ploughed state to seek to identify whether any further archaeological deposits can be located. Whilst such an approach may be desirable, it does not form part of the Archaeological Service's established approaches to archaeological investigation and they have responded directly as such. In light of this, whilst a request has also been made for this to be a condition of any planning permission granted, it is not considered that this would be in accordance with the conditions 'tests', as it fails the test of being necessary. As such, it would not be appropriate for such a condition to be imposed.
94. In light of the above, conditions are recommended in line with the Archaeological Service's requirements.

Conclusion (Impact on Heritage)

95. The NPPF, at paragraph 134, says that, where proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Decision-takers should now make this balancing assessment of harm against public benefits. Unless the public benefits of the scheme are considered to be substantial, they will not outweigh the harm to heritage interests. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, taking all of these factors into account, it is necessary to consider the specific benefits of this proposal against the harm to heritage assets that has been identified. The balancing assessment is carried out in the 'Planning Balance' section of this report.

The locational context of the village and the proposed development

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

97. Paragraph 10 of the SPD states that:

"To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:

- *Whether the proposal would constitute ribbon development on the edge of the village*
- *How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links*
- *The scale, character and density of the proposal in relation to the existing adjoining development*
- *Whether the proposal constituted a logical extension of the built up area of the village*
- *Whether the proposal is self-contained and has logical natural boundaries"*

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

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

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

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

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

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

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

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

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

Site location and sequential approach to site selection

115. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of East Bergholt.
116. The applicant has not undertaken an assessment to identify if there are any sequentially preferable sites. There are no sequentially preferable allocated sites within East Bergholt and the Neighbourhood Plan does not contain any site allocations.
117. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that, in relation to sequential assessment, there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

118. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified “Locally Identified Need” within policy CS11 means the needs of the Core Village, its functional cluster¹ and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
 119. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as “*appropriate*” in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
 120. The Core Villages are very varied and their needs and factors which influence what is an “*appropriate level of development*” will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
 121. Accordingly, “*locally identified need*” or “*local need*” should be construed as the development to meet the needs of the Core Village identified in the application, namely East Bergholt and the functional cluster of smaller rural settlements which it serves.
 122. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as “*rural growth*”, including the development needs of the “*functional cluster*” served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4).
 123. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for “*rural growth*”, first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
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124. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
125. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained above, the local housing needs of the Village must be construed as the needs of the Village itself and the needs of the functional cluster of smaller rural settlements it serves.
126. In this case, the Applicant has submitted a local housing needs assessment and this should be considered in light of the evidence contained within the EBNP as to the needs within the Neighbourhood Plan area. As such, the following assessment will consider the evidence submitted by the applicant and that within the Neighbourhood Plan, and consider the extent to which the proposal meets the identified need.
127. The applicant's housing needs evidence is submitted across two documents, the first being the Planning Statement which was within the suite of documents submitted with the application, and the second is the Local Housing Needs Assessment submitted in March 2017. The following sets out the information provided by the applicants across those documents.
128. The applicant's Planning Statement predates the making of the Neighbourhood Plan and the Judicial Review judgement, and must therefore be considered in that context as not being up-to-date in respect of the position set out in the preceding paragraphs of this section of this report. However, it includes an Affordable Housing Market Assessment and a Local Market Housing Assessment and is therefore considered further here.
129. In respect of the Affordable Housing Market Assessment contained in the Planning Statement, it is part of the evidence submitted by the applicant and should be considered as such. It identifies that:
 - The applicants entered into pre-application discussion with the Council's Strategic Housing Team.
 - The Choice Based Lettings register identifies 39 applicants who have a connection to the East Bergholt parish area.
 - There are 46 people registered on the Help to Buy website who wish to move to the Babergh area.
 - There are 30 people who live in the Babergh area who wish to move into Shared Ownership accommodation.
130. The proposal is policy compliant in terms of the provision of 35% affordable housing and, as such, irrespective of the local needs elements of policy CS11, the proposal complies with development plan policies CS19 and EB4 which relate specifically to affordable housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Locally identified community needs

149. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve.
150. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).

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

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

154. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
155. Concerns have been raised that East Bergholt would suffer cumulative impacts – on the school, traffic congestion and the character of the settlement overall from too much rapid growth. This relates not only to the proposed development as a stand-alone matter, but also through the cumulative effect of the situation relative to other proposals in the village. The impact on the school is not considered a problem if mitigation, as set out in the responses from SCC, is provided. The LHA has raised no objection in terms of congestion and traffic generated from the development is not considered to have an adverse cumulative impact, even when taken into account with the other proposals within the village.
156. The character of the village being changed by extensive incremental growth is an important issue. The historic level of growth is similar to some other Core Villages and the Strategic Planning Team have concluded that the growth is not disproportionate given the villages status as a Core Village. As it relates to proposals "for development for Core Villages", the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11. Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located.

157. Therefore, whilst, concerns have also been raised that there has already been a high level of development in the village historically, there is no specified cap on the size of development that can come forward under Policy CS11, especially in Core Villages such as East Bergholt, which are to act as a focus for development in the functional cluster. Therefore, the scale of development in itself cannot be objectionable per se; it is only whether the scale proposed has any adverse impacts.
158. There are no known physical or social infrastructure capacity issues which cannot be addressed. Suffolk County Council and NHS England have confirmed there is sufficient capacity within the local medical and educational services and they would be able to make bids for CIL funding to address infrastructure issues in the local area. Notwithstanding this, the amount of growth is in excess of what the Neighbourhood Plan expects to be provided over the Plan Period, albeit this is set as a minimum in terms of policy EB1 and it is, therefore, understood that there is a tension between the expectations of the community in terms of the level of development proposed and the cumulative impacts of development generally on the villages infrastructure.
159. This leaves the issue of the cumulative impact on other nearby villages and neighbouring authority areas. There is an allocation at Brantham (within the East Bergholt functional cluster) which is the subject of a grant of planning permission, and the cumulative impacts upon the village of Brantham resulting from both this development and that on the aforementioned allocated site have been considered in terms of the traffic implications (see 'Highway Safety' section below) and the impacts upon the SPA. The result of these considerations is that there would not be severe highway impacts on the A137 from traffic resulting from this and committed development, and that the possible impacts on the SPA from occupants of the proposed development can be mitigated subject to securing a contribution which will enable such mitigation to be carried out. A more detailed assessment of these positions is set out within the relevant sections of this report.
160. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years. The proposal therefore complies with this element of policy CS11.
161. As such, the cumulative impacts of the proposal are considered to be in accordance with the requirements of policy CS11.

Summary of Assessment Against Policy CS11

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

Consideration Against Other Development Plan Policies

163. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
164. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider the provisions of the EBNP and other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
165. Policy CS2 requires that sites outside of a Core Village (or other defined settlement) form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
166. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
167. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.

168. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF's objective of promoting sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
169. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points. Where those issues relate directly to development plan policies, including those in the EBNP, they will be referenced directly also.
170. As a Core Village, East Bergholt is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. These facilities include a primary school, a secondary school, playing fields and a sports centre, four community buildings including a village hall, a filling station, a GP practice, a sports centre, churches, public houses, a pharmacy, a village shop, a post office, a butchers and a bakery and a tea room.
171. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. East Bergholt is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week to Colchester and Ipswich. East Bergholt is only a short distance from Manningtree and Ipswich, both of which have a railway station with onward connections to destinations including London Liverpool Street. Therefore, residents in East Bergholt have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

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

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

Highway Safety and Sustainable Transport

178. It is apparent from the representations received that there are a number of concerns regarding the highway safety aspects of this proposal. These can primarily be attributed to three specific elements of the proposal, being:
- The A12 junctions;
 - The proposed accesses onto the B1070, and;
 - The mitigation proposed outside of the site.
179. Furthermore, there has also been some correspondence regarding the cumulative impacts of the proposed development and committed sites elsewhere in the locality, most notably the strategic allocation at Brantham.
180. Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all, and that transport networks should be improved in a cost effective way to limit any significant impact of the development on the surrounding area. Paragraph 32 also makes it clear that proposals must only be refused where residual cumulative impacts on highway safety would be 'severe'².
181. The key policies to consider from the development plan are Policies CS14 and CS15 of the Babergh Core Strategy, along with saved policy TP15 of the Babergh Local Plan. These policies seek development that is well laid out in terms of site access and highway safety, traffic flow and the environment.

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

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

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

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

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

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

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

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

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

Design and Layout

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

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

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

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

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

Delivery of the Employment Units

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

Crime and Disorder

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

Ecology

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

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

Land Contamination

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

Residential Amenity

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

Loss of Agricultural Land

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

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

Summary of Assessment Against Policy CS15

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

Planning Obligations and CIL

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

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

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

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

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance

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

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

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

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

265. Paragraph 14 of the NPPF states;

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

For decision-taking this means:

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

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

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

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

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

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

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

.....

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

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

269. It is considered that policy CS3, along with policies EB1 and EB2 of the EBNP, are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
270. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.
271. In consequence of the Council’s heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context. As set out in the judgement on Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on Barnwell Manor Wind Energy Ltd v East Northants DC [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
272. The NPPF (para. 134) states that *‘where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use’*. Whilst the harm identified to heritage assets is at the extreme of the lower end of the spectrum of ‘less than substantial harm’, it is apparent that there is harm caused to heritage assets and, therefore, the balancing exercise required by paragraph 134 needs to be undertaken.
273. In this instance, the public benefits of the proposal can be summarised as including the following:-
- Through the delivery of 144 dwellings of an appropriate housing mix, including the delivery of 50 affordable homes, the proposal would have inherent social and economic benefits and would meet housing needs and delivery of growth;
 - The provision of new business units, and the associated economic benefits.
 - The carrying out of improvements to existing footpaths and road junctions.
274. In consideration of the contribution towards the Council’s housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic and infrastructure benefits which arise from the development, it is considered that these material considerations would outweigh the less than significant harm to the heritage asset.

275. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act, and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight.
276. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134.
277. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged. It should be noted that the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting in respect of how the Council balanced the issues of the impact on the AONB and the impacts on heritage assets was that the claims made against the manner in which the Council had balanced these issues failed. This is a matter of planning judgement.
278. Further, and in any event, the Council does not have a five year housing land supply and considers therefore that limited weight should be attached to policies CS2, CS11, CS15, EB1 and EB2. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving “exceptional circumstances” or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
279. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report, even where policies in the Neighbourhood Plan are given greater weight due to their recent examination and development by the community. Furthermore, whilst the restrictions in footnote 9 of the NPPF include impacts on heritage assets, for the reasons explained above none of these policies indicate that development should be restricted.
280. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the ‘tilted balance’ and the presumption in favour of sustainable development are engaged.

Identification of any Legal Implications of the decision

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

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

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

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

RECOMMENDATION

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

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

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

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

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