

Item No: 1

Reference: B/15/01718/OUT

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**Parishes:** Sudbury, Chilton, Acton, Long Melford

**Ward**

**Members:** S Ayres, R Smith, F Lawrenson, M Maybury, R Kemp, J Nunn

**Location:** Land North of, Woodhall Business Park, Sudbury

**Proposal:** Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.

**Applicant:** Suffolk County Council

**Case Officer:** Steven Stroud

**Date for Decision:** 30<sup>th</sup> November 2017

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**RECOMMENDATION:** Subject to a S106 Agreement/Undertaking, Grant Planning Permission.

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

A Panel of Members inspected the site on 12 July 2017.

#### **THE SITE**

1. The Site is located to the north of the A134/Springlands Way, Sudbury, and comprises 117ha of predominantly agricultural land (Grade 3 – Good to Moderate) that sits within the parishes of Chilton, Acton, Long Melford and Sudbury, where the greatest proportion of land falls within the parish of Chilton. Sudbury town centre is around 2km away, to the south.
2. The majority of the Site comprises arable agricultural land defined by hedgerows, with small ponds, areas of scrub and some tree cover. As well as arable farmland, the north-eastern area of the Site includes part of a former WWII airfield.
3. Residential development bounds the site to the south/south east, along with the Woodhall Business Park and Tesco superstore that run adjacent to the A134. Sporadic residential developments and recognised settlements (designated within the Development Plan) lie in proximity to the west, north and east: Long Melford is to west, connected by the B1064; Newman's Green (before reaching Acton) is to the north, served by Acton Lane, and; Great Waldingfield lies to the east, connected by the B1115 that runs adjacent to the south-eastern portion of the Site.

4. In addition to Acton Lane, the highway that bisects the site through connecting Sudbury to Acton, a number of Public Rights of Way (PROW) run through, or adjacent to, the Site.
5. There are no designated heritage assets within the red-lined application area, however a number of assets abut or lie in close proximity to the Site. Principally, these include the Wood Hall Moat Site and St Bartholomew's Chapel (Scheduled Ancient Monuments), and the individually listed Grade II Registered Park and Garden of Chilton Hall which includes the Grade II\* Chilton Hall and related (and individually listed) Grade II walled kitchen garden.
6. The Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding.
7. The site is not within or adjacent to a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Special Landscape Area, Local Green Space, or Area of Visual/Recreational Amenity.
8. The eastern 'limb' of the Site, comprising part of the airfield is, however, recognised for its high ecological value being designated as a County Wildlife Site (Waldingfield Airfield Arable Margins CWS). The Stour Valley Project Area approximately extends into the western third of the Site.

## **RELEVANT HISTORY**

9. Despite the long planning history in relation to the principle of development on this site and land allocations within the development plan, and pre-application consultation on proposals for the Site by other developers, no formal planning applications have been received prior to this submission.

## **THE PROPOSAL**

10. The application comprises a 'major' mixed-use development that would deliver, in broad terms, the following:
  1. Up to 1,150 dwellings;
  2. 15ha of employment development including office, industrial and storage uses along with a hotel, household waste recycling centre (HWRC) and district heating energy centre;
  3. A 'Village Centre' (dwellings, employment floor space, local retail, village hall, market square and village green) and adjoining schooling (site for a 420-place primary school plus pre-school);
  4. Points of vehicular access and pedestrian/cycle links as well as off-site highway improvements;
  5. Community woodland;
  6. Open space and children's play areas;
  7. Sustainable drainage system (SuDS);
  8. Sports pavilion and playing fields;
  9. Allotments.
11. As an outline application, matters relating to layout, appearance, scale, and landscaping are reserved for formal determination at a later date, should permission be granted. In base terms, Members are then tasked with considering the acceptability of the principle of the development applied for, alongside access as a detailed planning matter.
12. Detailed approval is sought for 5 points of access:

- a) A new roundabout access junction, west of Tesco on to the A134, including initial section of road (180m) ('western employment access');
  - b) An extension of Aubrey Drive into the proposed development;
  - c) A new connection across Acton Lane;
  - d) An extension of Reynolds Way, across Acton Lane, into the proposed development;
  - e) A private drive access for the new sports pavilion and pitches on the northern section of Acton Lane within the proposed development.
13. The effect of access points c) and d) above will be to change the priority on Acton Lane, giving priority to east-west movements, requiring northbound traffic to give way.
14. Whilst all other matters are reserved, the applicant has provided an illustrative Masterplan that has been informed by a series of fixed parameters<sup>1</sup> – including the number of residential units, the employment land use mix (in hectares), the location of land uses and building heights – in order to demonstrate how the development applied for could be assimilated within the Site and connect to those detailed access points referred above. What now follows is a brief description of the key elements of the development and explanation of the fixed parameters:

### 1,150 Dwellings

15. The quantum of housing comprises 1,150 dwellings on a net area of around 31ha, giving a density of approximately 36 dwellings per hectare.
16. The submitted plans identify five 'blocks' of residential development based around the core of the Site comprising the Village Centre, that would be served by a primary estate road/spine road conjoining the western access with the access points to be delivered from Aubrey Drive and Reynolds Way. Priority on Acton Lane would change as a result of the scheme.
17. The Masterplan illustrates how the residential aspects of the development could be assimilated, based on the identified supporting parameters, when presenting a mix that would broadly adhere to likely housing needs, based on available evidence: predominantly 3-bedroom dwellings with a significant provision of 1 or 2-bedroom properties and a small proportion of 4+-bedroom ones.
18. Whilst the mix could change, and as a matter of planning judgement it is considered appropriate to allow for such flexibility until the 'reserved matters' stage, it is nevertheless important to understand how the development could be presented.
19. Given the significance of the scheme, and the necessity for fixing certain aspects of the development at this stage - as will be discussed later in this report - Members are advised that officers have agreed with the applicant the appropriateness of securing, by planning condition, that future applications i.e. Reserved Matters shall accord with those parameters that have informed the production of the Masterplan; specifically this relates to the Land Use Parameters Plan (LUPP), Building Heights Plan (BHP), and other parameters that have been tested through the supporting evidence base and Environmental Impact Assessment (EIA) process.
20. The total land budget for the residential allocation above amounts to 31.5ha.
21. As will be discussed later in this report, the overall affordable housing<sup>2</sup> provision amounts to 25%.

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<sup>1</sup> Including a Land Use Parameters Plan and Building Heights Plan.

<sup>2</sup> The Babergh DC follows the definition of affordable housing as set out within the NPPF.

## Village Centre & Schooling

22. The Village Centre is identified at the centre of the Site where a number of internal foot/vehicular routes converge. It would be sited within the parish of Chilton. It also includes a 'Market Square' and Village Green, which are intended to provide a focal point for community activities.
23. Key elements that it would provide:
- a) Village Hall;
  - b) Retail – up to 1000m<sup>2</sup>, allowing for use classes A1, A2, A3, A4 and A5<sup>3</sup>;
  - c) B1a and/or B1c 'Managed Workspace'<sup>4</sup>;
  - d) 20 no. residential units.
24. In addition, land adjacent to the Village Centre would be provisioned for the delivery of a new 420-place primary school and pre-school. The funding toward schooling is proposed to be secured through s106 obligation, to be addressed later in this report.
25. As above, future applications i.e. the Reserved Matters, shall be tied to the LUPP and other related parameters, should Members be minded to grant planning permission. Therefore, whilst the Masterplan is illustrative, conditioning parameters including the LUPP provides for a degree of certainty as to how development would occur, which would include securing the key elements outlined above.
26. Whilst not a necessity in planning terms, the Village Centre will be located in Chilton Parish (as sought by the Chilton Parish Council) given that a planning condition will fix the permission to the LUPP and location of land uses therein.
27. The total land budget for the Village Centre and schooling provision amounts to 3.5ha (1.2ha and 2.3ha respectively). The Market Square amounts to 0.2ha.

## Employment Land

28. There are two areas of employment land identified on the LUPP, combining to form 15ha of land provision. The greatest portion of land lies to the west of the Site and would be served by the proposed western employment access from the A134/Springlands Way with permission also sought for the first 180m of road into this area. The eastern employment area will be served by the existing access from the B1115 Waldingfield Road used to access Chilton Grain.
29. The western employment land would comprise use classes: B1, B2 and B8<sup>5</sup> on an area of approximately 12.6ha. For reasons to be addressed elsewhere in this report, it is considered necessary to set parameters in respect of the uses permitted and associated operations.
30. In addition, and in accordance with the LUPP, the western employment area would host a hotel identified at the gateway to the western access. The HWRC would be located to the north of this area. Permission is also sought for an energy centre to serve a possible future district heating network. No specific details are provided within the LUPP or Masterplan at this stage, albeit an indicative location has been identified.

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<sup>3</sup> Respectively: Shops, Professional/Financial Services (*not* betting or 'pay day loan' shops), Restaurants/Cafes, Drinking Establishments (*not* nightclubs), Hot Food Takeaways.

<sup>4</sup> B1a use class: Offices, (other than those falling within A2 use); B1c use class: Light Industry appropriate in a residential area.

<sup>5</sup> B1a, as above; B1b use class: Research/Development; B1c, as above; B2 use class: General Industrial; B8 use class: Storage/Distribution.

Delivery of the energy centre and associated district heating network is predicated upon developer interest; it is not considered to be an integral part of the overall scheme, and is not a requirement of the development plan. The HWRC, Hotel, and Energy Centre amount to some 1.4ha: being 0.6ha, 0.6ha, and 0.2ha respectively.

31. The eastern employment land amounts to around 1ha, specified on the LUPP to be of B2 and B8 use classes; being 'light' commercial uses and, storage and distribution. The total employment land area amounts to 5ha; however, the majority has already been developed due to the Chilton Grain operation. This land would be accessed as it is now, via the Waldingfield Road and terminate at this land parcel.
32. The total land budget for employment purposes amounts to 15ha.

#### Community Facilities, Leisure and Open Spaces

33. The Community Woodland envelops the built aspects of the development, generally sweeping around the northern fringe from the western access around to the eastern employment land at Waldingfield Road with a central core north of the Village Centre. It would serve multiple functions: as structural landscaping and screening; ecological enhancement/habitat, and; 'green' public amenity. The bulk of woodland planting lies immediately to the north of the Village Centre, within the parishes of Chilton and Acton.
34. In addition to the elements within the Village Centre area, a number of other community/leisure elements are proposed as part of a network of multi-functional green infrastructure comprising community woodland, children's play areas, sports provision, allotments and SuDS (see below).
35. Within the residential areas, a number of LAPs are to be provided; in addition to the provision for a NEAP, MUGA, and LEAP<sup>6</sup> within the Other Green Spaces identified on the LUPP.
36. Served by a new access from Acton Lane, to the east of the Village Centre and adjacent to the CWS, lies the provision of a new Sports Pavilion and associated playing pitches. A provision for allotments is included, identified on the LUPP as being adjacent (south) of the CWS.
37. The total land budget for the Community Woodland amounts to 28.4ha (the proposed Sports Pavilion is identified within this allocation on the LUPP). Other Green Spaces amount to 15.7ha.
38. The total land budget for the Playing Pitches amounts to 4.8ha.
39. The total land budget for the Allotments amounts to 0.9ha.
40. In addition, the County Wildlife Site, where no development is proposed and measures would be implemented to discourage residential interference, amounts to 12.1ha.

#### Sustainable Drainage

41. In addition to the associated works necessary to facilitate the development, permission is further sought for the implementation of a Sustainable Drainage System (SuDS). Whilst precise details would be secured as a part of Reserved Matters and through planning conditions, it is indicated that the strategy would include the provision of: attenuation ponds incorporated within green spaces; swales within residential areas, and; permeable paving. The acceptability of the scheme in respect of drainage and the mitigation of flood risk is considered later in this report.

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<sup>6</sup> LAP: Local Area for Play; LEAP: Local Equipped Area for Play; NEAP: Neighbourhood Equipped Area for Play; MUGA: Multi-Use Games Area.

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42. The phasing of the development has been addressed/refined through the addendum to the Environmental Statement, submitted in May 2017, and then in August 2017 following additional feedback from the second public consultation exercise. Three phases are identified for the residential and employment elements of the scheme as follows:

### **Residential**

#### Phase 1:

- 11.3ha residential / 500 homes;
- Initial landscaping and open space (which includes community woodland);
- First elements of the primary school (main building and initial classrooms) and pre-school.
- Off-site highway works.

#### Phase 2:

- 11.5ha residential / 400 homes;
- Further landscaping and open space (including community woodland);
- Additional classrooms at the primary school and pre-school places as required;
- Initial elements of the village centre (village hall, market square, village green and other uses).

#### Phase 3:

- 8.7ha residential / 250 homes;
- Completion of the village centre.

### **Employment**

#### Phase 1:

- 5.8ha employment land including 5.2ha of B1, B2 & B8 uses plus Hotel;
- Initial landscaping and open space, including community woodland;
- Access road into the western employment area.

#### Phase 2:

- 6.1ha employment land including 5.5ha of B1, B2 & B8 uses plus Household Waste Recycling Centre (HWRC);
- Further landscaping and open space, including final sections of community woodland.

#### Phase 3:

- 3.1ha of B1, B2 & B8 employment land.

43. The phasing assumes an indicative 16-year construction period, commencing 2019 and ending 2035 (based on securing outline permission in 2017/18 with reserved matters for the first stages of development approved in 2018). Whilst the timing for implementation is difficult to apply certainty to, due to a number of variables, the phasing *arrangement* (i.e. sequence of how the scheme will be built out) is nevertheless of importance in understanding potential impacts upon surrounding environs and the overall viability of the scheme. The phasing of the development and timings for delivery are considered elsewhere in this report, dependent upon the consideration.

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44. A copy of the Land Use Parameters Plan (LUPP) and Building Heights Plan (BHP) is appended to this report.
45. The application documents can be viewed on line via the planning pages on the District Council's website.

## LEGISLATIVE AND DECISION-TAKING CONTEXT

### Local Planning Policies

46. The Development Plan comprises the policies in the Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document and those 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006).

### Core Strategy

47. The Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document was adopted on the 25 February 2014. The following policies are *especially* applicable to this particular planning application:

- **CS1:** Applying the Presumption in Favour of Sustainable Development in Babergh
- **CS2:** Settlement Pattern Policy
- **CS3:** Strategy for Growth and Development
- **CS4:** Chilton Woods Strategic Land Allocation and Strategy for Sudbury/Great Cornard
- **CS12:** Sustainable Design and Construction Standards
- **CS13:** Renewable/Low Carbon Energy
- **CS14:** Green Infrastructure
- **CS15:** Implementing Sustainable Development in Babergh
- **CS16:** Town, Village and Local Centres
- **CS18:** Mix and Types of Dwellings
- **CS19:** Affordable Homes
- **CS21:** Infrastructure Provision

### Saved Policies in the Local Plan

48. 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 *especially* applicable to the proposal:

- **CN01:** Design Standards
- **CN04:** Design and Crime Prevention
- **CN06:** Listed Buildings - Alteration/Extension/Change of Use
- **CN08:** Development in or near Conservation Areas
- **CN14:** Historic Parks and Gardens - National
- **CN15:** Historic Parks and Gardens - Local
- **EM08:** Warehousing and Distribution
- **HS31:** Public Open Space
- **CR07:** Landscaping Schemes
- **CR08:** Hedgerows
- **TP04:** New Cycle Links
- **TP15:** Parking Standards - New Development
- **TP16:** Green Travel Plans
- **CP01/CP02:** Chilton Mixed Use Development Package

## **The National Planning Policy Framework**

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

## **Other Considerations**

50. The following documents are also considered as material for the purposes of determining planning applications and are considered to be applicable to this proposal by officers:
- Babergh District Council - Affordable Housing, Supplementary Planning Document (2014)
  - Cabe at Design Council - Building for Life 12 (3rd Edition, 2015)
  - Department for Transport - Manual for Streets (2014)
  - Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015
  - Suffolk County Council - Waste Core Strategy (2011)
51. On the 6th March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online national Planning Practice Guidance (PPG). The guidance provided is advice on procedure rather than explicit policy, but has been taken into account in reaching the recommendation made on this application.
52. The PPG is an online reference and is available at the following internet address:  
<https://www.gov.uk/government/collections/planning-practice-guidance> .
53. The relevant policies referred to above can be viewed online. Please see the notes attached to the schedule.

## **CONSULTATIONS**

54. A Statement of Community Consultation has been submitted in support of the application, identifying that a significant level of pre-application consultation occurred in order to help shape the proposal. The submitted application is built-upon the emerging principles.
55. Following the outcome of the initial round of public consultation, the applicant made amendments and provided amplifications to the application in May 2017.
56. The application was then subject to a further round of consultation with all previously consulted parties, and additionally parties who had commented of their own volition during the life of the application.
57. A final round of publicity was undertaken in September 2017, taking into account additional environmental information that had been received.
58. Appended to this report is a bundle of consultee responses (including relevant action groups or local bodies) received to date. In addition, all of those most recent or relevant responses received prior to the completion of this report are summarised or directly quoted below.
59. Your officer's responding comments are italicised where relevant.

60. Given the lengthy/technical nature of some of the responses received, Members are directed to consider the original copies of those documents that are included within the consultation bundle, notwithstanding that Members are directed to consider the bundle in its entirety, in any event. All responses received are able to view on the website.
61. Any further responses or representations will be reported through the Addendum Paper and/or at Planning Committee.

### **Chilton Parish Council**

62. Initial response dated 22<sup>nd</sup> March 2016:
- Reserve the right to issue further comments at a later date.
  - Concern in respect of SCC conduct as the applicant; highlight need for transparency given status as landowner, applicant and consultee depending on role and function.
  - The description of development is poorly defined.
  - No Masterplan has been submitted in support of the application, which is a requirement of Policy CS4; an 'illustrative masterplan' gives no certainty as to how the development will look or what it will consist of.
  - Objects that all matters are reserved save for access. More detail should be provided. Illustrative details are unacceptable.
  - The Environmental Statement is fundamentally flawed as it makes assumptions and draws conclusions based on uncertain illustrations.
  - Contrary to Babergh policies CS4 and CS15.
  - SCC have failed in the ES to consider worst-case scenario environmental impacts. Given the uncertainty of an illustrative scheme, this is a necessity; fails to conform with the EIA Regulations.
  - Concern in respect of the viability of the scheme.
  - Contrary to Policy CS19 (affordable housing provision).
  - Full viability information should be provided.
  - Phasing should be explicitly identified.
  - Western access road from Springlands Way should be provided first; all construction traffic should use this access while the site is developed.
  - Construction traffic routed through Aubrey Drive and Reynolds for a number of years is unacceptable.
  - Primary school, nurse and village hall/community facilities should be developed early in phase 1.
  - Of particular concern is that the phasing plan provided might mean that the phase 1 housing is built first as an urban extension with no other delivery. This would be the worst result.
  - B2 use too high and heavy industry is incompatible with nearby residential development.
  - There must be a specificity of commercial uses; mix, layout and location.
  - 1100 dwellings is not 'approximately 1050' dwellings.
  - Transport/Travel Plan details are deficient to allow detailed comment.
  - S106 should not be negotiated after planning permission has been granted and current heads of terms are deficient.
  - General design comments.
  - Community facilities should clearly be within Chilton parish.
  - Drainage concerns.
  - A separate submission will be filed in respect of ecology, heritage and the ES.
  - If approved, subsequent applications must conform with the Masterplan.

63. Further response dated 4<sup>th</sup> July 2017:

- Reiteration of comments previously submitted.
- The applicant has failed to take into account community concerns.
- Viability and utility infrastructure concerns.
- There is no agreed masterplan.
- An illustrative masterplan is not acceptable.
- The parameters plan has not been produced with local consultation.
- ES remains deficient.
- Contrary to Affordable Housing policy.
- Welcomed that Western Access is to be provided in Phase 1.
- Western Access must be used for construction traffic and be provided before anything else.
- Job creation claims should be treated with caution.
- Endorse views of Cllr Lawrenson.
- No future-proofing of employment parameters.
- Contrary to Policy EM08.
- No justification for additional 50 no. housing units.
- The most recent comments of the LHA (27<sup>th</sup> June) are inadequate.
- Fails to comply with DfT guidance.
- Little confidence in submitted Transport Assessment.
- The PC should be included within s106 discussions.
- Funding should be provided for community aspects as an addition to those recommended by the SCC Contributions Manager.
- Drainage details provided are insufficient.
- How will drainage be maintained?
- Ecology should be securely treated in respect of provision and management/funding.
- Landscaping and screening should be secured to protect heritage assets.
- Decisions should not be undertaken in a piecemeal fashion.
- In order to make a decision, Members must have before them a comprehensive list of planning conditions and detailed s106 heads of terms.
- Draft agreements should be made available for public inspection, as required by law.
- Risk of SCC bias in offering consultee comments.
- Deficient quantity and quality of information provided to support the application.
- A Village Hall must be provided for the Parish.
- Funding for community facilities, woodland and sports provision must be secured.
- The PC requests that it be a signatory to the s106.
- PC should be transferred control of planting and green spaces for future management, with appropriate commuted sum funding.
- The PC requests that planning permission be refused.

**Sudbury Town Council**

64. Initial response dated 21<sup>st</sup> March 2016:

- Development further highlights the need for a bypass.
- Comments/concerns raised in respect of pressure and associated mitigation proposals at affected junctions.
- Suggestions for alternative/additional mitigation; Waldingfield Road/East Street.
- Concern over control of HGV traffic.

- Drainage measures will be insufficient to cope with the large amount of run-off from this site, which is high above Sudbury and which will direct all its run off downwards into the town; current system is antiquated.
- Foul drainage network needs upgrading.
- Existing Sudbury lorry park should be relocated into the development.
- Recycling centre should fall within the first phase.
- Serious concerns that no affordable housing provision has yet been detailed.

65. Further response dated 20<sup>th</sup> June 2017:

“Sudbury Town Council accepts the outline plan and the drainage strategy. STC views that the industrial land that is now going to be allocated for 50 extra properties should be allocated as green open space instead. We request that an assessment of the traffic should take place if the extra house allocation goes ahead. STC has concerns over the 18m height within the industrial area.”

66. Further response dated 10<sup>th</sup> October 2017:

“Sudbury Town Council notes the viability reports, but we would like to see the affordable housing maximised at every phase of the development.”

**Acton Parish Council**

67. Initial response dated 13<sup>th</sup> March 2016:

- Concerned that Acton Lane/Sudbury Road should not become a rat run for northerly traffic.
- The current layout has been altered to discourage the use of Acton Lane/Sudbury Road, and this layout should not be amended.
- Would like to see the southern part of Acton Lane closed to vehicle traffic. This should be completed whilst the school is being built.
- Acton Lane/Sudbury Road is not a road that could cope with an increase in traffic.
- The junction opposite the Crown Public House is already dangerous with parked cars making the road narrow.
- Reminds that a previous local plan Inspector identified this junction as unsuitable for additional traffic an incapable of being improved.
- The residents of Newmans Green want to see as little traffic as possible.
- Suggest that calming measures be installed between the north of the site and Newmans Green.
- Strongly urges that a condition be imposed specifying that no construction traffic should approach the site from the northern end of Acton Lane/Sudbury Road.
- The new feeder road from the new roundabout located at Tesco should be built first.
- Concerns over building the school in phase two of the scheme. Education is a priority and existing schools are overprescribed.
- The £500k that AMEC talks about should be made part of the legal agreement.
- Any increase in Acton Primary School will impact the traffic in Lambert Drive, where there is already an issue at school pick up and drop off times.
- It is imperative that tight and precise conditions are imposed to ensure that this is ultimately an acceptable future development.
- Trust that the LPA will not approve the proposal unless it can clearly be demonstrated that it is viable.

68. Further response dated 23<sup>rd</sup> June 2017:

- It is the unanimous view of the Council that permission be refused, and asks that previous comments also be taken into account.
- It is recommended that the Planning Authority insists that access issues are reserved until there is greater certainty regarding the housing and supporting infrastructure to emerge from this project.
- Consideration should be given to the closure of Mills Lane between Newman's Green and Potter's Tye Farm so that it serves merely as an access road, either east to Acton Lane or west to the A134 but not both.
- It is recommended that the Planning Authority insists on effective measures to prevent high volumes of traffic using the Acton Lane/Sudbury Road/Melford Road route to the A134 and that these measures are implemented at an early stage in the development to prevent, rather than cure, the problem.
- Residents advise that, because of the flat topography, the noise generated by events held on Waldingfield Airfield can be heard in Acton. The Planning Authority is asked to impose a condition that an effective acoustic barrier be built surrounding the playing fields to mitigate the noise generated.
- The new school should be built much earlier in the development phasing.

**Long Melford Parish Council**

69. Response dated 6<sup>th</sup> October 2017:

"The following is the objection of Long Melford Parish Council (Infrastructure). It is the opinion of the Parish council that not enough thought has been applied to the already over-burdened infrastructure, and fixing the problem after the development would create too much of a burden on the locality:

- (1) The Parish Council have been assured that traffic studies for the proposed development indicate that up to 40% of the development would be using the A134 (long Melford Bypass). This additional traffic will make an existing access point onto the A134 (Bull Lane Intersection) more dangerous than it already is. This is an unacceptable and highly dangerous position in which to place the residents of Long Melford.
- (2) The existing infrastructure within the town of Sudbury is already creaking, and urgent calls for a Western Bypass are being assembled. The addition of further homes and businesses at the Eastern end of town will invoke additional traffic through the town, and therefore greater need for the proposed bypass. This will have a significant and detrimental knock-on-effect for the village of Long Melford."

**Great Waldingfield Parish Council**

70. Initial response dated 15<sup>th</sup> March 2016:

- The illustrative masterplan needs to show how the site will look, not how it could look, and the LPA will be failing in its duty if it is not tied in with conditions.
- The new access road is essential from the start of the development and all construction traffic should use this entrance. The existing road infrastructure should be left with just the vehicles created by new residents.
- The proposals to improve the road infrastructure need to show that any infrastructure improvements will still work in 2031 when development is complete.

- There is no analysis of the impact that the traffic flow will have beyond the Waldingfield Road junction with Valley Road. The applicant should demonstrate the volumes of traffic that will use the B1115 through Great Waldingfield, the B1115 towards Ten Trees Road, down Valley Road towards the A134 junction at Newton, in 2031.
- The new primary school and nursery should be in Phase 1. The need to transport children from the development to other local schools should be minimised as should be the impact on other local primary schools in the area.
- The cost of building the school will have an impact on viability of the project if it is built as an academy as it would therefore come out of central government funds.
- The eastern boundary should have woodland enclosing the development thus encapsulating the sports pitches and the county wildlife site and maintaining a biodiversity trail around the development.

71. Further response dated 15<sup>th</sup> June 2017:

- The councillors were disappointed that the additional information supplied by the applicant had not been reviewed by SCC Highways or its consultants in time for the councillors to take their views into account in this re-consultation. The councillors resolved to object to the planning application on the following grounds:
- The "illustrative masterplan" for the application needs to show "how the site will look" not "how it could look"; should be tied by condition.
- Western access should be provided at start and used for construction traffic.
- It needs to be demonstrated that infrastructure improvements will work, traffic volumes can be accommodated.
- Lack of further community involvement.
- The proposal for the A134 junction with Valley Road should be a roundabout as the proposals for turning out of Valley Road do not work currently, let alone when the extra lane is created on the A134.
- The new primary school and nursery need to be developed early in Phase 1 and not wait until more than half the site is built as is currently proposed by the applicant.
- The cost of building the primary school will not have an impact on the viability of the project if it is built as an academy as it would therefore come out of central government funds.
- The eastern boundary should have woodland enclosing the development, as defined on the application site boundary, thus encapsulating the sports pitches and the county wildlife site and maintaining a biodiversity trail around the development.

72. Further response dated 11<sup>th</sup> October 2017:

- Concern over construction traffic movements through Great Waldingfield and the B1115, from the McDonalds roundabout.
- Strongly urge the LPA to limit access to the site for construction traffic to the new access road off Springlands Way, west of Tesco, going through the industrial area of Chilton Woods. This is essential from the start of the development, and all construction traffic should use this entrance while the site is developed.

## **Little Waldingfield Parish Council**

### 73. Response dated 16<sup>th</sup> March 2016:

- The new access off Springlands Way is essential from the start of the development and should be the principle access for all construction traffic. The Construction Management Plan should only permit lorries to enter the site via the A134 from Bury St Edmunds.
- The new primary school and nursery need to be developed early in Phase 1 and not wait until Phase 2 or 3. The need to transport children to other schools should be kept to a minimum.
- Question the ratio of 0.5 movements per household used in the modelling of the transport assessment as this appears to be on the low side.

## **Little Cornard Parish Council**

### 74. Response dated 7<sup>th</sup> March 2016:

- Raise concerns regarding the increase in traffic generated by the scheme and the consequential increase in air pollution in Sudbury needs to be mitigated.
- The new road has to be implemented first and all construction traffic to use the A134 from Bury St Edmunds and the new road for access.
- The primary school, should be completed within Phase 1 to remove the necessity for children living on the development to travel outside the site for education.

## **Newton Parish Council**

### 75. Initial response dated 21<sup>st</sup> March 2016:

- Contrary to Babergh policies CS4 and CS15.
- Traffic congestion and consequent pollution concerns.
- The design should go beyond appearance and embrace climate change and other environmental considerations,
- Traffic mitigation measures are not adequate.
- Lack of testing/modelling; no junctions tested are more than a mile from the site.
- Traffic data used is out of date and inadequate.
- Flaws in conclusions reached within traffic assessment.
- Concern over traffic mitigation triggers and phasing.
- If approved, subsequent applications must conform with the Masterplan.

### 76. Further response dated 15<sup>th</sup> June 2017:

Copied as follows:

- NPC is disappointed that the Highways amendments set out in the Planning Comments document are so limited in scope. The councillors welcome the acknowledgement that the A134 / Valley Road junction requires work, but are not convinced that creating a right turn lane on the A134 is safe or sufficient. The proposal does not address vehicles turning right out of Valley Road and indeed a queue of vehicles waiting to turn right into Valley Road could obscure the visibility of traffic turning right out of Valley Road. Both for the emerging traffic and westbound traffic proceeding along the A134 which will be passing the waiting queue on the inside at 40mph.

In any case, how long can the proposed right-hand turn lane be, before the queue still backs onto the main carriageway - only now potentially much closer to the bend just outside Newton - Loss of hedgerow would be needed to provide sufficient visibility for traffic coming up behind that queue. A mini roundabout would surely serve for better traffic flow and safety, which would also suit (and enforce) the lower maximum speed limit proposed for the road.

- NPC is disappointed that there are still no proposals to improve the junction at Northern Road / Milner Road (Martin's Buildbase) junction on the industrial estate. This is now a busy turning in the morning with northbound traffic queuing behind vehicles turning right into Milner Road regularly backing up to the KFC roundabout. The additional traffic generated by the Chilton Woods development coming southbound in the morning will make turning opportunities even rarer and therefore back up the queuing traffic for longer, snarling the KFC roundabout.
- There is also no mention of dispensing with the idea to put a light-controlled pedestrian crossing phase in at Acton Lane onto the A134, for pedestrians heading for Stanley Wood Avenue, to walk into town. There are no desire lines tracked on the verge to indicate anyone crosses here - not surprising as there is the footbridge and footpath network directly adjacent to this. Bringing pedestrians and cyclists down into the cutting to cross the bypass is downright dangerous and entirely a pointless duplication of the existing provision.
- The above issues suggest to NPC that the S106 Highways improvements are just not being thought through properly. Why has the developer dispensed with the community consultation group meetings? They were told most of these issues at previous meetings.
- The decision to open up the employment land and Western access to Chilton Woods earlier in the development timeline is welcome. However, this must be used as the construction vehicle access for the site for the duration of the development. This will enable the Construction Management Plan to restrict the flow of construction traffic to the A134 to and from Bury St Edmunds and remove this traffic from the other roads and roundabouts around the site.

### **Great Cornard Parish Council**

#### 77. Initial response dated 18<sup>th</sup> March 2016:

- Believes that a review should be carried out by SCC Highways of the A134/Valley Road junction to take into account the increased traffic from this development on the safety of this rural junction.
- Would like to see action taken to manage the traffic and lower emissions to improve air quality in Cross Street.
- That all traffic management plans put in place minimise the impact of the development on the town and surrounding areas.

#### 78. Further response dated 21<sup>st</sup> June 2017:

“The amendments are noted; however, the Parish Council continues to express its concerns on the over development of the site and the lack of infrastructure in place to be able to cope with the increase in traffic this development will create.”

### **Lavenham Parish Council**

#### 79. Initial response dated 14<sup>th</sup> March 2016:

- Infrastructure services need to be planned and provided before any development takes place.
- Landscaping should be put in place at the outset of the development to allow it to mature.
- A site management plan is needed.
- Affordable housing must meet the 35% requirement in the Core Strategy otherwise development pressure on villages such as Lavenham may increase.

- Delay in building of the new school in the scheme is not acceptable.

80. Further response dated 22<sup>nd</sup> June 2017:

- As it stands the Chilton Woods proposal fails on two major grounds; infrastructure provision and affordable housing. Although this is an outline proposal both of these should be addressed at this time.
- Infrastructure investment needs to occur before development takes place.
- It is a concern that no new Transport Assessment has been provided.
- Landscaping should occur at the start of the development to allow it to mature.
- Site/Construction Management Plan is essential.
- Affordable housing must meet 35% requirement.
- The school should be built early in the development cycle.
- Viability may also be used by any party as an argument not to meet some infrastructure investment and in particular the 35% minimum requirement for affordable housing. It will be remembered that Babergh and Mid-Suffolk district councils commissioned two studies in this area and both reinforced the counter argument that viability at the strategic level is not an issue.

**Assington Parish Council**

81. Initial response dated 22<sup>nd</sup> March 2016:

- Objects due to the impact of traffic on the A134 through the village and using The Street.
- Remain unconvinced that the traffic can be safely accommodated along this stretch of the A134 that already has an unacceptable level of fatal accidents.
- The modelling to quantify the generated traffic are based on 2024 when the site is only partly developed. The applicant needs to quantify up until completion of the development in 2031.

82. Further response dated 23<sup>rd</sup> May 2017:

- As no further information has been submitted to demonstrate a robust transport assessment, there is nothing to add to previous objection.

**Babergh District Council - Councillor Frank Lawrenson**

83. Response dated 22<sup>nd</sup> June 2017:

Objects.

*Due to the length of this response, Members are directed to consider this comment in its entirety within the consultation bundle.*

**Babergh District Council - Councillor Margaret Maybury**

84. Response dated 26<sup>th</sup> June 2017:

Comments copied below:

"I write as both a resident and as a District Councillor for the Waldingfield Ward which includes the parishes of Acton, Great Waldingfield, Little Waldingfield and Chilton, to oppose the planning application for Chilton Woods.

- My concerns on this application are far and wide.
- I have only been included (since my election as a District Councillor in 2015) in one meeting with the Chilton Woods Steering Group which I found to be chaotic, perfunctory and not in the format of a true consultation with little or no two-way listening functionality.
- I live in the village of Acton and fear for the transport network around this village from increased traffic from the proposed development using the narrow (some single track, Mills Lane in particular) roads as a “rat-run”. Trying to walk along these roads, particularly Acton Lane, is, I would suggest, suicidal. Further on, outside the village along Melford Road, Acton, there are two industrial sites. Here I often walk to visit the sites and it is good fortune that I am fit enough to jump into the verge or ditch to move out of the way of busy, fast speeding and inconsiderate driving and this is without any further traffic from the proposed Chilton Woods development.
- The nearest Post Office for Acton is in Great Waldingfield which requires a walk along the road, again the traffic is dangerous.
- None of these roads mentioned have a public footpath; this has not been considered by the Chilton Woods proposal or Highways although Acton has historically requested a footpath between it and Great Waldingfield.
- The industrial area on the proposal at Chilton Woods is, I believe, deemed for the wrong type of employment or industry. We need good employment prospects to encourage our young people to stay in the area and employment of good quality. Warehousing and Distribution, I would suggest, does not do this. I believe we should be looking at a Scientific Park; a specialist industrial/employment development. However, to attract this type of employment we need better infrastructure.
- A Sudbury Relief Road is the key to any significant development such as at Chilton Woods.
- The housing development at 1,150 homes needs to be a mix of NEED rather than want. Homes for Life; Older Person homes; Professional small homes; as well as three and four bedroom homes, Community Living, etc.
- It is of concern that the existing primary schools, with this development could be swamped with new applications (assuming the area attracts young families). Currently, Great Waldingfield has, at 1st September 2017, 29 spare places; Acton has 43 spare places. Lavenham, I understand, is oversubscribed. Temporary portable classrooms, as proposed by Suffolk County Council, are not a suitable proposition for the children to fill the gap until the new primary school is built at Chilton Woods during phase 2 of the project. Incidentally where will the portable classrooms be sited? Many of the primary school sites are now overcrowded having had extensive alterations over the last two or three years to accommodate Years 5 and 6. However, what of the secondary schools? Where will any older children attend school?
- Nowhere in the proposal is there consideration for the villages that will be blighted by the transference of noise across the site towards Great Waldingfield, Acton and Newmans Green. The proposed site was commandeered for an Airfield during the Second World War, as such it was levelled and all natural environmental boundaries were removed giving a flat topography. The proposed area needs to have an acoustic barrier surrounding it, of I would suggest, an earth embankment of sufficient height (a minimum of two metres), plus significant tree planting on top.
- What of the natural environment around the Airfield site? What will happen to that? The area is known for its nightingales and other specialised wildlife encouraged by sensitive agricultural practises. Our District is known for its environment and is often praised by visiting experts. We should be supporting it.
- My concern is also for the historical aspect of the site including the War Memorial to the USAF situated on the edge of the proposed development.
- Notwithstanding the area designated as Chilton Woods, I believe this development area to be in the wrong place. Any development should be placed towards the roads known as the Springlands/Sudbury East West Bypass and the Long Melford Bypass, west of Tesco's. Here traffic would naturally move towards the larger roads capable of taking more traffic.
- Strategically, I would suggest, this site is in the wrong place.

- Other infrastructure is groaning. Our local GP surgeries are full. Our local Hospitals struggle to cope with the load as recent NHS seasonal illness prevention guidelines issued to District Councillors to cascade to their parishes, indicates.
- Chilton as a village, historically has had a transient population. Numbers swell and decline. This could happen again if infrastructure and employment is not addressed.
- A poorly designed and built development is not what the local area or Suffolk needs.

The application submitted by Suffolk County Council is, I believe, ill-conceived and I would suggest poorly constructed with only an outline of a proposal trying to achieve acceptance of futile traffic and highway improvements.

The NPPF states that development should be sustainable. I suggest that this is not the case with Chilton Woods as per the above points and the fact that Deloitte's have never stated that this site is a viable proposition.

I have had many approaches from Ward residents against this proposal for Chilton Woods to represent their views. This I do. I oppose this development and register my objections to it.

Margaret Maybury”

85. Further response dated 2<sup>nd</sup> July 2017:

“Concerns in respect of overall viability of the scheme and securing s106 monies.”

**Babergh District Council - Councillor William Shropshire**

86. Response dated 25<sup>th</sup> June 2017:

Comments copied below:

“I write in response to the consultation on Chilton Woods and would like to comment as follows:

The infrastructure must be clearly laid out, designed to meet the needs of such a large amount of additional homes and put in place before any building of homes takes place. Springlands Way has already proven a snare and bottleneck when small issues arise, and that is with current movement numbers. An increase of potential 2,000 cars to this area will cause many issues. Added to this I am concerned that unless the infrastructure is carefully designed, traffic will be pushed out through Acton Lane, which is unsuitable and cannot sustain large numbers of traffic, but also out through Great Waldingfield and Lavenham via B1115 and B1071 which already has major issues with traffic.

In Addition to the above general traffic issues, Site Management Plan should ensure that works traffic use direct trunk routes and not surrounding villages, particularly protecting Lavenham which already has to deal with HGV's and large vehicles damaging the village.

Whilst I have raised the question of why there is a delay he building of the primary school and received a response previously, I do not accept that the reasoning. We cannot afford to have 1,000+ new homes, mainly designed for young families, without rectifying the pressures on places at local schools. In my opinion the building of the school should be a priority, in phase 1 and a pre-requisite of planning permission.

Affordable housing is not being built to the numbers it needs to be. Greater pressure is put on families and the younger generation. Therefore as a minimum 35% of planned properties on the site should be affordable housing.

The original Chilton Woods plan had a large green belt circumventing the northern edge, to ensure a definitive break between the villages of Newmans Green, Acton and Waldingfield and the new development. This should be a pre-requisite of planning permission and planting should happen at the inception of the works, to allow it to develop whilst the building works are carried out.

It has been found that within Suffolk previous large developments have promised the provision of community facilities, sports grounds, doctors surgeries etc., and developers have failed to deliver once houses have been built. We should be careful to ensure that the planning permission and any agreement with developers penalise them for failure to deliver the community aspects of the development and penalise them if they fail to hit timelines for providing such facilities.

Personally, I also feel that the development would be better placed slightly further the west, i.e. stretching down to the junction of the A134 and A131 – this would be a better location to sustain the increased traffic movements and provide better links towards the main trunk routes South (towards Braintree), North (towards Bury St Eds) and West (towards Haverhill).”

### **Suffolk County Council - Local Highway Authority**

87. Response dated 27<sup>th</sup> June 2017:

- The applicant has provided additional information relating to the effect of the development on the junction between the A134 and Valley Road. This information shows a satisfactory scheme to mitigate the effects of the development can be provided within the highway land available subject to detailed design and consideration of a safety audit.
- The junction between Bull Lane and the A134 Long Melford Bypass was also raised, particularly in terms of road safety. The applicant provided a Technical Note review of crashes throughout the study area which indicates that under current traffic conditions the frequency of crashes at this junction is not significant enough to warrant mitigation.
- The issues raised by our consultants, AECOM, have been partially covered by additional information considering the mitigation in more detail in further Technical Notes and by an updated analysis of the accident data.
- Discrepancies in the trip rates are unlikely to result in a significant change to the traffic effects on the local highway network. Some issues with the Technical Notes have been considered in detail but it is concluded that they provide a reasonable analysis of the capacity of the proposed mitigation.
- There is no separate consideration of the safety of the proposed mitigation but this issue will be dealt with by the detailed design process. The applicant has stated that Stage 1 Road Safety Audits will be provided before the date of the committee meeting.
- With regard to the effects on the Belle Vue Junction this has been considered in a separate report for Suffolk County Council with regard to possible improvement schemes. We are not asking for mitigation at this junction but will be seeking high quality sustainable links between the development and the town centre in the form of improved bus infrastructure and improved service and better walking and cycling links to minimise the impact.
- Provision of the western access at the earliest opportunity will relieve traffic congestion at the junctions at the eastern end of Springlands and by triggering provision of the commercial development would encourage internal trips which would reduce pressure on the external network. However, the modelling assessment and proposed mitigation is satisfactory to allow consideration of the effects of provision of the residential development with no western access.
- Further to my previous response we have included a requirement for improvements to the pedestrian cycle links between the site and the town centre and public transport improvements in the S106 requirements below to minimise the impact of the development on the highway network.

- s106 Obligations are as follows:

#### Contributions

- Travel Plan Evaluation and Support - £5000 minimum.
- Travel Plan Bond or Cash Deposit - £943,013.
- Public Rights of Way - £225,340 + revetment costings.
- Toucan Crossings x 3 - £225,000 total.
- Town Centre Bus Infrastructure - £250,000.
- Bus Service Contribution - £600,000.
- RTPI Screens - £60,000.
- Pedestrian/Cycle Improvements - £130,000.

#### Additional Obligations

- Submission and implementation of an Interim Residential Travel Plan.
  - Submission and implementation of an Interim Workplace Travel Plan.
  - Implementation of a Transport Management Association, or Travel Plan Management group to ensure the travel plan is jointly coordinated across the residential site and all occupiers on the commercial site.
  - Monitoring the Residential Travel Plan on occupation of the 100th dwelling.
  - Monitoring the Workplace Travel Plan six months after occupation of the first commercial unit.
  - Submission and implementation of a Full Residential Travel Plan on occupation of the 100<sup>th</sup> dwelling.
  - Submission and implementation of a Full Workplace Travel Plan after occupation of the first commercial unit.
  - Implementing and monitoring the Full Residential Travel Plan for a minimum of five years, or one year after occupation of the final dwelling, whichever is longest.
  - Implementing and monitoring the Full Workplace Travel Plan until five years have passed after occupation of the final commercial unit.
  - Implementation of remedial measures if the agreed vehicular trip rates are exceeded, or if agreed targets for the Residential and Workplace Travel Plans are not achieved.
  - Provision of an approved welcome pack to each new employee and residential dwelling on occupation.
  - Implementation of a one-off Smarter Choices scheme for residents and workplaces located close to the development to further mitigate traffic impact from the development.
- We have considered the effect of the development on the local highway network. We consider the residual impact will result in a severe impact if no mitigation is provided. The developer has provided appropriate measures which would satisfactorily address these concerns subject to addressing the detailed design of the proposed highway improvements. Also, a robust set of sustainable measures must be provided to mitigate the impact which form the basis for our S106 requirements.
  - Provided acceptable mitigation is secured by condition and S106 contributions we conclude this development would not result in a severe residual impact and, therefore, do not object.
  - A suite of conditions is recommended, requiring off-site junction or signalling installations/improvements required to be completed by occupational triggers, as follows:
    - A134/Valley Road (100<sup>th</sup> dwelling).
    - Aubrey Drive/Waldingfield Road (100<sup>th</sup> dwelling).
    - Signalling/Crossing - Acton Lane and Springlands (100<sup>th</sup> dwelling).
    - Western Access/A134 – (prior to 1<sup>st</sup> commercial occupation).
  - Additional junction improvements/mitigation required at the following junctions, to be completed prior to occupation of the 300<sup>th</sup> dwelling:

- Newton Road/Shawlands Avenue.
- A131 Girling Street/A131 Melford Road.
- A131 Gainsborough Street/A131 Stour Street.
- Pedestrian and cycle connectivity improvement measures, to be completed prior to occupation of the 100<sup>th</sup> dwelling.
- Further conditions in the interests of highway safety recommended.

*Given the volume of this response, Members are reminded to consider the submission in its entirety, contained within the consultation bundle.*

88. Further response from Travel Planner dated 4<sup>th</sup> August 2017:

“Please see the further revised Travel Plan Bond costs based on Amec’s workings out which I have attached. This is based on the extra information that Amec provided in regards to their estimated costs of the Travel Plan delivery.

I can confirm that the new bond cost is £495,229, which works out to £453 per dwelling. The full breakdown of working out these costs is also attached.” *(Members are directed to the consultation bundle for this information)*

“Travel Plan Bond (in full, or £50k rolling dependant on further discussions with Amec) will need to be paid prior to the occupation of the first dwelling. If the rolling bond is agreed the following trigger points will be required:

- Prior to occupation of the first dwelling - £50k;
- Full Travel Plan (100th dwelling) – first rolling bond review point – if the bond is still £50k in credit it rolls over to the next review point – if the bond has been called upon by SCC, no further occupation of dwelling may take place unless bond is re-credited by the developer to £50k;
- First Annual Monitoring report - if the bond is still £50k in credit it rolls over to the next review point – if the bond has been called upon by SCC, no further occupation of dwelling may take place unless bond is re-credited by the developer to £50k;
- Second Annual Monitoring report until one year after occupation of the final dwelling – the bond review process of the First Annual Monitoring report applies during the proposed 14-year monitoring period;
- One year after occupation of the final dwelling – the £50k rolling bond will be refunded to the developer in full if the Travel Plan has been fully implemented;

The £1,000 Travel Plan Evaluation and Support contribution will need to be payable annually on occupation of the 100th dwelling until one year has passed after occupation of the final dwelling.”

89. Further response dated 30<sup>th</sup> August 2017:

Copied as follows:

“Further to our previous response, dated 27 June, I wish to provide further comments to clarify our position.

Access:

The five proposed access points, to be considered as part of the current application (shown on Figure 3.1 – Land Use Parameter Plan), are acceptable to provide means of access to the proposed development. Matters of detail design will be approved as part of the S278 Agreement process required to allow the developer permission to carry out the necessary works on the public highway.

## Transport Assessment:

The applicant has provided further technical notes addressing issues raised in our previous response. These include an update of the accident data, an assessment of proposed mitigation at the Valley Road/A134 junction, revised mitigation of the Waldingfield Road roundabout and bus routing.

We engaged our consultant, AECOM, to provide further assessment of the traffic modelling included in the additional documents. Their draft response was sent to the applicant who responded with further information. This process was not concluded by the end of the consultation period and, therefore, we took a view on the adequacy of the Transport Assessment with the information available at the time we were required to respond

The view taken by Suffolk County Council as Highway Authority is that the Transport Assessment, together with the additional information provided to the Local Planning Authority is satisfactory to determine the application regarding the effect on the highway.

Further discussions with the applicant have continued regarding details of the mitigation required. These discussions do not affect the conclusions of our previous response. However, they will ensure the wording of appropriate conditions and obligations can be finalised in accordance with the requirements of the Highway Authority, should the Planning Committee decide to grant permission.”

## Highways England

### 90. Response dated 25<sup>th</sup> May 2017:

- No objection.
- Highways Act Section 175B<sup>7</sup> is not relevant to this application.

## Environment Agency

### 91. Initial response dated 16<sup>th</sup> February 2016:

- No objection.
- Recommends conditions in respect of groundwater protection and contamination.
- Comments in respect of proximity to a dry pet food manufacturer, environmental permit requirements, foul water disposal and climate change/general sustainability.

### 92. Further response dated 2<sup>nd</sup> June 2017:

- Have no further comments to make to previous response.

*Members are directed to the response of Anglian Water in respect of foul water capacity.*

## Suffolk County Council - Floods and Water (the Lead Local Flood Authority)

### 93. Response dated 30<sup>th</sup> June 2017:

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

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<sup>7</sup> Works affecting/requiring consent in relation to a Trunk Road i.e. the A14 or A12.

1. Flood Risk Assessment L35223R021, November 2015
2. Drainage Strategy (including appendices) Ref L35223R033
3. Technical Note – Surface Water Drainage Strategy dated 29th June 2017
4. Site Location Plan Ref 35223-Lea204
5. Illustrative Masterplan Ref 35223-Lea98f.”

### **Natural England**

94. Initial response dated 10<sup>th</sup> March 2016:

- Does not consider that the development poses a risk to SPAs, SACs, Ramsar sites or SSSI designated sites.
- Notes significant loss of agricultural land.
- Recommends that if development proceeds, the developer should use an appropriately qualified soil specialist to advise on and supervise soil handling.
- Expects the LPA to assess and consider possible impacts from the development on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity protected habitats and species.
- Provides guidance on protected species, biodiversity enhancements and impact risk zones for SSSI.

95. Further response dated 18<sup>th</sup> May 2017:

- Previous advice applies equally to this amendment although we made no objection to the original proposal.
- The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **Suffolk Wildlife Trust**

96. Response dated 23<sup>rd</sup> June 2017:

- Comments on amendments, amplifications and additional work undertaken by the applicant.
- Assessments may need to be updated for subsequent applications.
- Objection is withdrawn.
- Identified mitigation and enhancement measures should be secured and implemented as part of the development.

### **Ministry of Defence**

97. Response dated 18<sup>th</sup> May 2017:

- The MOD has no safeguarding objections to this proposal.

### **Anglian Water**

98. Response dated 16<sup>th</sup> February 2016:

- Requires an informative to be added to identify that there are AW assets close to, or crossing, this site.

- The foul drainage from this development is in the catchment of Sudbury Water Recycling Centre that will have available capacity for these flows.
- Development will lead to an unacceptable risk of flooding downstream. However, a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. Request a condition requiring compliance with the agreed drainage strategy.
- The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Request a condition requiring a drainage strategy covering the issue(s) to be agreed.
- Requires an informative to be added to any permission regarding trade effluent.
- Recommends conditions relating to foul drainage and surface water drainage.

## **Sport England**

99. Initial response dated 15<sup>th</sup> February 2016:

- Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan.
- This is particularly important in respect of community indoor sports facilities such as swimming pools and sports hall as these are not being provided on site. Existing facilities will therefore have to cater for the extra demand.
- Has calculated that there is insufficient demand to warrant on-site provision, but there is a significant demand that will be displaced to other facilities in the catchment area.
- The application appears to be in-line with, and slightly exceeds, the policy provision for on-site provision for outdoors sport.
- Identifies standards that will need to be met for pitches, pavilion and car parking.
- Identifies off-site opportunities to expand rugby and hockey facilities in the locality.
- Raises no objections to the principle of the development, and recommends conditions with regards to the ground conditions of the proposed pitches and the use of playing areas to be protected.

100. Further response dated 23<sup>rd</sup> May 2017:

- Position remains unaltered from previous comments submitted.

## **Suffolk County Council - Public Rights of Way**

101. Response dated 16<sup>th</sup> February 2016:

- Sudbury Public Footpath 9, Chilton Public Footpaths 10, 1 and 12 are through the proposed development area and Long Melford Bridleway 32 is adjacent.
- Further comments will be submitted along with our s106 funding requirements.

*Members are directed to the response of the SCC Contributions Manager and Local Highway Authority in respect of funding requirements.*

## **National Planning Casework Unit**

102. Response dated 25<sup>th</sup> January 2016:

“We have no comments to make on this application”.

## **Suffolk County Council - Fire and Rescue Service**

103. Initial response dated 8<sup>th</sup> February 2016:

- Access to buildings for firefighters and appliances must meet the Building Regulations
- Recommends fire hydrants be installed, but that it is not possible at this time to determine how many are required.
- Requests that consideration be given to an automatic sprinkler system.
- Adequate provision of hydrants should be secured by planning condition.

104. Further response dated 17<sup>th</sup> May 2017:

- Previous comments apply.

## **Suffolk Constabulary**

105. Initial response dated 5<sup>th</sup> February 2016:

“Recent evidence on new build estates already tells us that residential parking, and parking around new schools, is not adequately catered for at point of planning. I note from the plans that the new school will be close to the new centre and I think the potential parking issues need to be looked at now, along with the number of spaces allocated per property.

The planners need to think very seriously about where multiple vehicles will park on the estate, and the impact this will have on the industrial areas, deliveries and safety of the school children”.

106. Further response dated 19<sup>th</sup> May 2017:

- Given the close proximity of the housing to the proposed industrial units, would like to see appropriate signage and road furniture that actively encouraged larger vehicles/lorries from driving through the housing areas. Drivers could accidentally access the housing areas as opposed to driving directly into the industrial zones.
- Appropriate off-street parking should be considered, particularly around the school and village centre. Those that do not live in the immediate vicinity will undoubtedly use vehicles thus causing congestion and parking complaints.
- The industrial areas could be a draw for anti-social behaviour & anti-social use of motor vehicles. Measures should be taken to discourage these activities and consider layout ideas at this stage that would actively reduce the risk of the road being used as a race track out of business hours.

107. Further response dated 14<sup>th</sup> June 2017:

- A number of financial contributions are required to mitigate the impacts of the development, as follows:
  - Recruitment and equipment - £40,274.
  - Police vehicles - £41,500.
  - ANPR - £60,073.
  - Premises - £422,500.

- Without the necessary contributions, the CW development will be unacceptable in planning terms. The lack of capacity in existing SC infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developer(s) to provide the contribution that has been set out in this paper, and so ensure the proposed growth does not have an adverse impact on the level of policing and community safety enjoyed by the existing population that is policed by SC.

### **Suffolk County Council - Archaeological Service**

108. Response dated 24<sup>th</sup> February 2016:

- The proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist. Whilst there are no grounds to refuse planning permission, it is necessary to record and advance the understanding of any assets before being damaged or destroyed.
- Recommends conditions requiring no commencement of each phase or sub-phase until the implementation of a programme of archaeological work for that phase or sub-phase has been secured; and no occupation of such a phase or sub-phase until investigation and post-investigation assessment has been completed.

### **Historic England**

109. Response dated 20<sup>th</sup> July 2017:

*Members are directed to review the full comments received, included within the consultation bundle. Extracts of this additional response are provided as below:*

“We have reached a position with the applicant where we have accepted the development in principle however there is still in our view likely to be a degree of harm to the significance of the heritage assets from the inevitable change to their setting.”

Further specific concerns as follows:

“Chilton Hall (Registered Park and Garden and highly graded Listed Buildings):-

Although the applicant has stressed that visibility is likely to be limited because of the distance from the registered park and garden and listed building, and because the area known as the ‘Bird land’ is no longer included in the Chilton Woods development area, our view has always been that the setting of the Registered Park and Garden and listed buildings would best be protected through the addition of planting/screening within the development. This is along the development edge nearest to the designated features. A planting buffer would help to reduce the visibility of the new development. There also needs to be a dialogue between Chilton Woods Development and the Bird land development (which would be directly opposite Chilton Hall), to ensure that a consistent approach is taken to screening and buffers in both developments. The Birdland scheme would also need to include a buffer along Waldingfield Road to complement and support planting buffers in the Chilton woods development. We are therefore seeking assurances that the planting needed to protect the Park and Hall can be secured through conditions, and the creation of this feature would be included within the Construction Environmental Management Plan (CEMP). We would also need to pick up this theme in the bird land application in due course.

Wood Hall Moated Site (Scheduled Monument):-

We are aware that there are a number of changes in the vicinity of the designated heritage asset that arise from a variation in the masterplan. These are in part based on comments we made in relation to improvements to the setting of the Wood Hall Moated site. We are supportive of the approach to add an additional block of housing to the north of the moat and to place these houses so as to create an active settlement frontage that faces the monument. We also however require the development to deliver better management and interpretation for the monument itself by way of enhancement and as mitigation to the changes in its setting. We are therefore seeking assurances that the design and layout, including the buffer between the monument and development can be secured by condition. We are also seeking assurances that there will be an opportunity to influence the design of the housing block that faces the monument once outline permission has been granted and that the final design of this area will be consulted upon in the full application stage.

I'm sure you are also aware that the Wood Hall moated site is owned by Babergh DC and is on the Historic England Heritage at Risk Register at high risk due to its current poor situation and condition. The primary risk factors are overgrown vegetation, fly tipping, littering and other anti-social behaviour. Addressing these issues as part of on-going management would be essential to delivering the enhancement and to balance the public benefit required to offset the harm under the NPPF. The applicant has not to my knowledge addressed mitigation for Wood Hall and I am also concerned that this is not a specifically named part of the s.106 agreement. We would therefore like the council to consider conditions requiring the production of a Management Plan and the delivery of a programme of works to this monument, as well as ensuring that there is a decent package of interpretation and heritage specific works included in the s.106. In some respects, the overall heritage offer could be improved within the s.106 for the development as a whole.

St Bartholomew's Chapel (Scheduled Monument and non-designated heritage asset):-

We were pleased with the position that AMEC Foster Wheeler adopted in the ES Addendum with regard to the hotel and with the outcome of their analysis into the theoretical height and visibility of the buildings. The proposal would have reduced visibility from the scheduled monument and the non-designated precinct boundary of the priory site would also be protected in the masterplan layout. This latter feature survives as a relict field boundary (hedge, bank, ditches and ponds) within the development area itself close to the entrance with the Tesco's supermarket. Retaining the field boundary, with its bank and ditch in situ is a critical part of reducing the harm to and safeguarding non-designated but important heritage features. The ES notes that the design, layout and building heights and protection of the boundary can all be controlled by way of a planning condition. We are therefore seeking assurances that this can be done. We would also recommend that this field boundary and its conservation and retention could also be drawn into the CEMP.

Historic Hedgerows (non-designated heritage asset):-

We also note the comments in the ES addendum about the retention of other historic surviving hedgerows, and we are therefore seeking assurances that this can be achieved and the council would support the creation of conditions to protect these features and incorporation into the CEMP."

110. Further response dated 3<sup>rd</sup> October 2017:

*Comments remain largely the same as above, however Members are directed to the consultation bundle to consider the comments in full. The considerations of the issues raised by Historic England are considered later within the body of this report.*

## **Babergh District Council - Heritage**

### 111. Response dated 16<sup>th</sup> August 2017:

“The Heritage Team considers that the proposal would cause a very limited degree of harm on the spectrum of ‘less than substantial harm’ to the various designated and undesignated heritage assets – though this could be mitigated to a good degree through careful planting schemes.

This development is for up to 1150 houses, two schools, and various employment units. The issues of heritage concern involve the impacts of the development on the significance of the Chilton Hall designated asset, and the non-designated asset known as St Bartholomew’s Chapel. (It should be noted that HE concerns also encompass the SAM known as Wood Hall Moated Site, as well as the non-designated historic hedgerows).

This iteration of the masterplan addresses some of the concerns that HE mentioned previously and, subject to conditions requiring a comprehensive planting scheme within the site to protect the Chilton Hall group of buildings, and a protection of the boundary surrounding St Bartholomew’s Chapel, both as requested by HE, the Heritage Team would not object to the proposed development.”

Recommends planting schemes.

### **The Sudbury Society**

### 112. Response dated 16<sup>th</sup> March 2016:

- Believe that this should be carried out as a seamless expansion of the market town and not the development of a conjoined village.

Raises the following concerns;

- The spine road will serve residential and employment, a retrograde step.
- Traffic lights at the upgraded Acton Lane/Springlands Way junction will cause congestion.
- The impacts on the town with increased traffic passing through it, including pressures on parking, congestion, pollution and further damage to historic spaces and streets. Cross Street has the most pollution in East Anglia, and the proposed modifications to the McDonalds roundabout will encourage more traffic along Waldingfield Road and East Street which already has more than it can cope with.
- A western bypass will become essential by phase 3 of the proposals if this impact is to be minimised.
- The 15 metre high employment buildings are located on the highest part of the site, not ideal for this development and the most visible from the surrounding countryside.
- The household waste site is located close to the entrance to the spine road serving quality employment land and one of the main accesses to the residential.
- The site roads and village centre location show no reference to the existing surrounding housing area which have no facilities.
- No programme for the provision of school facilities early in the residential phases.
- Housing is shown as an artist’s impression and does not indicate a quality development.
- The site contains important archaeology but there are no details of how this will be protected.

Suggest the following:

- The employment land should be served by the existing roundabout which serves Woodhall Business Park.
- Acton Lane/Springlands Way junction should be a roundabout.

- The bidding process for the western bypass should be initiated now with an updated traffic survey. The future development of 500 houses on land east of Newton Road should be taken into account. How this development will be sustainable in the event of the bid being unsuccessful needs to be made clear.
- How will the proposal meet the principle of reducing the need to travel by car and ensure a modal shift towards walking.
- The location of the employment land should be moved to the more level land behind Tesco and Woodhall Business area.
- The household waste site should be located at the eastern end of the site adjoining the existing haulage, waste, grain store and road surfacing business where it would have less impact.
- The village centre should be moved so that it can serve and benefit from the existing housing areas.
- School and village centre facilities should be made available as the area develops and not left until the end.
- Examples of good layout and housing design should be researched.

### **Suffolk Preservation Society**

#### 113. Initial response dated 23<sup>rd</sup> March 2016:

- The Design and Access Statement does not provide enough detail or clarity to provide suitable guidance for the development.
- A Design Code should be developed.
- More clarity is needed in respect of future employment area.
- Greater integration with surrounding land/development is required.
- The Masterplan should be expanded to include greater landscaping/open space detailing.
- Some of the buildings sit too close to planting belts.
- An open space strategy, including management and maintenance, is required.
- Concern over smaller residential parcel disconnected from the rest of the development.
- It is disappointing that the applicant aspires to meet 'good practice' and not 'best practice'.
- Design changes required to mitigate heritage impacts.
- Deficiencies in submitted heritage assessment.

#### 114. Further response dated 20<sup>th</sup> June 2017:

- Heritage assessment changes and amendments to mitigate impacts upon heritage assets are welcome.
- However, the majority of concerns outlined previously remain outstanding.

### **BMSDC - Corporate Managers for Communities and Public Realm**

#### 115. Response dated 21<sup>st</sup> June 2017:

*Given the volume of this response, Members are reminded to consider the submission in its entirety, contained within the consultation bundle.*

A number of obligations are required in order to secure the provision and maintenance of community facilities and open spaces, as follows:

- Community Woodland – provision of + commuted sum of £457,800 for maintenance.

- Allotments – provision of.
- Playing fields – provision of + £661,540.
- Sports Pavilion and Parking – provision of + £150,000.
- Strategic Open Space – provision of + £481,500.
- Play provision – provision of + £340,500.
- Village Hall – provision of + £50,000.

It is additionally recommended that play provision be provided as early as possible.

### **BMSDC Corporate Manager - Public Realm (Arboriculture)**

#### 116. Response dated 2<sup>nd</sup> March 2016:

- The trees are important component of the local landscape character and should be retained wherever possible as part of the design process.
- As the application progresses, we will also require a Tree Protection Plan and Arboricultural Method Statement, and detail of appropriate protection measures and any special engineering or construction required within the Root Protection Areas.

### **BMSDC Corporate Manager - Economic Development**

#### 117. Initial response received 25<sup>th</sup> October 2016:

- Supports the aspiration to meet the policy requirements in terms of a mixed-use development incorporating employment-generating uses B1, B2 and B8, and a hotel, as well as community shops A1, A2, A3, A4 and A5 and workspace.
- Given the location, and relationship to Sudbury the quantum of commercial land is acceptable.
- The proposed phasing of the delivery of the site is welcome in order to stimulate interest and at the same time be responsive to the market.
- General design considerations and comments in respect of presentation.
- “In conclusion, the ED Team welcomes the proposed development in order to provide balanced growth options across Sudbury and the wider area to provide jobs alongside residential development.”

#### 118. Further response dated 19<sup>th</sup> June 2017:

- It is unfortunate that the quantum of employment land has reduced by 1.4 hectares due to the heritage issues at the site of the former Wood Hall where the Moat remains. However, the proposed quantum remains in accordance with the Core Strategy Policy CS4.
- It is critical that the employment land is released early in the development phasing and this Team would restate its intention that it will assist in bringing the land forward.
- The Team considers that it is necessary that the interface between the employment uses and the residential uses is such that the business amenity is not impacted due to proximity.
- “In conclusion, the ED Team welcomes the proposed development in order to provide balanced growth options across Sudbury and the wider area to provide jobs alongside residential development.”

## **Woods Around Town Environmental Group**

### 119. Response dated 23<sup>rd</sup> March 2016:

- Drainage measures will be insufficient to cope with the large amount of run-off from this site, which is high above Sudbury and which will direct all its run off downwards into the town; current system is antiquated.
- Pleased by the reduction in dwelling numbers.
- Household waste and District heating centre are welcome.
- Would welcome the re-siting of the Sudbury lorry park into the development.
- New access off Springlands Way for commercial traffic is essential and should be provided at the start.
- Need to carefully control construction traffic and future commercial movements.
- Ecology comments; dormouse habitat creation needed.
- Comments in respect of need for sport centre parking and relocation within 'hub'.
- Concern in respect of residential amenity loss for Aubrey Drive residents.
- Alteration should be made to Aubrey Drive/Homebase roundabout.
- Additional traffic modelling required.
- Permeability is welcome; however, allotment access should be better defined.
- Plans for the woodland need expanding; loss of eastern part is disappointing.
- New footpath suggestions.
- Village green should be next to the community centre, not the other side of a busy road.
- Subsidised bus service for the estate should be provided.
- Traffic/pollution concerns.

## **NHS England**

### 120. Response dated 3<sup>rd</sup> March 2016:

- The development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development.
- Developer contributions of £346,980 would be required for the provision of increased capacity within the existing healthcare premises servicing the residents of the development.
- If that mitigation can be secured, raise no objection.

### 121. Further response dated 7<sup>th</sup> August 2017:

- A revised capital contribution of £417,151 is required to adequately mitigate the impacts of this development.

## **BMSDC Corporate Manager - Sustainable Environment (Noise and Other Issues)**

### 122. Initial response dated 4<sup>th</sup> April 2016:

- Additional clarification is required in respect of noise impacts and the methodology applied.
- A suite of conditions is recommended in order to adequately mitigate impacts upon amenity.

### 123. Further comment dated 1<sup>st</sup> June 2017:

- No additional comments to make.
- It is unfortunate that the points raised previously have not been addressed.

### **BMSDC Corporate Manager - Sustainable Environment (Land Contamination)**

124. Initial response dated 4<sup>th</sup> April 2016:

- No objection, recommend condition to secure further investigation prior to the commencement of development with associated mitigation as required.

125. Further response dated 19<sup>th</sup> May 2017:

- Original comments and recommendation stand.

### **BMSDC Corporate Manager - Sustainable Environment (Sustainability)**

126. Initial response dated 1<sup>st</sup> August 2016:

- The applicant is required to submit a full Energy/Sustainability Statement, detailing how the development can secure the required energy efficiency and sustainability standards.

127. Further response dated 30<sup>th</sup> June 2017:

- The revised layout does not require further comment.

### **Suffolk County Council - Landscape**

128. Response dated 26<sup>th</sup> October 2016:

- Subject to an effective and robust scheme of strategic planting the visual intrusion of the site into the wider landscape to the north will be limited.
- However, there will clearly be a substantial change in outlook for adjacent dwellings where views of the site are available. The acceptability of the scheme in landscape terms is therefore dependent on effective delivery of the greenspace and mitigation planting as outlined on the masterplan submitted with the application.
- The proposal is acceptable in landscape terms, subject to conditions to secure a detailed landscaping scheme concurrent with subsequent applications.

### **Suffolk County Council - Developer Contributions**

129. Response dated 15<sup>th</sup> June 2017:

- This allocation is covered under Policy CS4 of the Babergh Core Strategy and Policies (2011 – 2031) Local Plan Document which was adopted on 25 February 2014. Policy CS17 Infrastructure Provision deals with developer contributions.
- The obligations identified are considered to meet the relevant 'tests' or necessity, applicability and reasonableness, and 'pooling' restrictions.
- This site is allocated as a strategic site and, as such, is zero rated for CIL as mitigation will continue to be dealt with via planning obligations.
- Additional comments in respect of: supported housing; SuDS; health, and; broadband.
- Need for adequate play space provision.
- Recommend planning conditions.
- The following costings/contributions are identified as being required in order to satisfactorily mitigate the impacts of the development:

- New primary school - £5,005,728; the land reserved for education use is to be capable of use i.e. with access/services at any time after 150 dwelling occupations.
- Temporary classroom (1 x double) - £250,000 and paid prior to occupation of 1<sup>st</sup> dwelling.
- Pre-school - £500,000 + additional places within community facilities or a further £500,000 plus 0.2ha of land.
- Libraries - £187,000.
- Waste - £126,500.

### **Place Services (Landscaping)**

#### 130. Response dated 31<sup>st</sup> May 2017:

- In terms of the likely visual effect on the surrounding landscape, the proposals will have an impact on the existing rural edge character of Sudbury as it will transform the existing character into residential and employment areas.
- However, the creation of community woodland area and inclusion of substantial tree/shrub planting within the proposed development will contribute to mitigating the visual impact.
- If the outline application is approved, the transition between the existing residential areas and proposed development needs to be explored in a greater level of detail, to provide suitable levels of screening/landscape buffer, using the appropriate specification of planting which addresses the character of the surrounding landscape.
- A Landscape Strategy should be produced as the Masterplan does not provide this detail.
- If the outline application is approved, it needs to ensure that new footpath links are re-provided within an adequate landscape setting to maintain a degree of openness and rural character; with details to be provided.
- There are opportunities to expand submitted SuDS strategy to include the creation of rain gardens as part of the open swales or alternative/addition.
- The landscape implementation phasing should follow EIA information.
- Further clarity is required regarding the links from proposed development and Newman's Green. If the outline application is approved, this aspect should be explored to a greater level of detail.
- As these proposals develop to a greater level of detail will be required, especially the connectivity between the green spaces and enclosure along the site boundary.
- The submitted mitigation proposals provide adequate screening of the development from the identified receptors.
- An appropriate detailed landscape and boundary plans will still be required at a later stage to support the application to both address the constraints and planning requirements and provide a comprehensive landscape proposal, suitable to limit any negative visual effect the proposals may have on the existing settlement.

### **Place Services (Ecology)**

#### 131. Response dated 24<sup>th</sup> June 2017:

- No objection subject to securing biodiversity mitigation and enhancement measures.
- Recommend conditions to secure this.

### **The Lavenham Society**

#### 132. Response dated 15<sup>th</sup> June 2017:

- Supports earlier comments of Lavenham PC.

- Infrastructure investment needs to occur before development takes place.
- It is a concern that no new Transport Assessment has been provided.
- Landscaping should occur at the start of the development to allow it to mature.
- Site/Construction Management Plan is essential.
- Affordable housing must meet 35% requirement.
- The school should be built early in the development cycle.

### **Sudbury Area Green Belt Group**

#### 133. Response dated 23<sup>rd</sup> June 2017:

- The submitted ES is misleading and contains numerous errors and/or omissions.
- The ES fails to meet the EIA 'test(s)'.
- Strongly object as the ES fails to address the effect on the existing populated area of Sudbury and its natural assets including urban fringe wildlife.
- Object unless the plan allows for direct access to open fields from the Tesco pedestrian underpass, by moving the 'hotel site' further back from the bypass by 100m.
- Failure to adequately consider cumulative effects.
- Essential need for preservation of green spaces.
- Identification of other land areas that should be green space.
- Need for retention of a 'green belt' on the current north-east perimeter of Sudbury and Great Cornard.
- Green infrastructure within in the development is at the northern end and is otherwise inaccessible to Sudbury residents.
- The Council should consult closely with Suffolk Wildlife Trust.
- SCC should make improvements to land it owns outside of the development site.
- The development is not sustainable unless a wildlife corridor is created.
- Babergh should seek alternative sites to Chilton Woods.

*Members are advised that matters relating to Environmental Impact Assessment (EIA) and a review of the submitted Environmental Assessment (ES) is contained within the body of this report. Members are also directed to the comments of SWT above and within the consultation bundle.*

### **REPRESENTATIONS**

134. A significant number of other representations have been received, including representations submitted by Lord and Lady Hart of Chilton, in addition to the above and the comments expressed are summarised as follows under relevant headings:

#### 135. Highways/Transport

- The Council have no regard to the views of the public, Sudbury town centre is already grid-locked.
- This development will cause more chaos and bad feeling.
- More cars and traffic will be put through Sudbury Town Centre.
- The infrastructure should be provided first, in particular the bypass.
- Sudbury has waited a long while for a bypass mainly because the politicians have spread the rumour that the Western Bypass goes across the Water Meadows which is untrue.
- Valley Road is already used as a fast rat-run, it is not suitable for the current traffic and more will make it very dangerous.
- All vehicles going from/to Braintree will be required to go through the heart of the town and over Ballingdon Bridge, adding to the existing congestion.

- The existing road infrastructure is inadequate to cope with this scale of development.
- Lack of parking in town centre at peak times.
- Rush hour train services are almost full on a daily basis.
- Should it really take us 25 minutes to travel through the town?
- Concerns over Acton Lane. Some clear idea of future routing of this road is very important.
- The 30mph limit on Acton Lane is ignored by most.
- Should the current bus park and waste land next to Hamilton Road be made into a multi-storey car park?
- Perhaps BDC/SCC should also consider relocating the lorry park currently next to Waitrose to a new location in the proposed industrial sector at Chilton Woods not far from Tesco. This would free up 60 or more parking places which will be lost if the current proposal for a new bus station in Sudbury goes ahead on the Girling Street car park site.
- The new access road off Springlands Way, west of Tesco, going through the industrial area of Chilton Woods is essential from the start, if only to ensure that all building traffic is kept away from existing lanes and residential areas.
- Once construction is complete it needs to be clear that commercial lorries using this spine road will be cut off from the housing area and access will be allowed for cars and bicycles only.
- If construction traffic is mostly coming from the Bury St. Edmunds direction, then the western access road to the site is essential. Construction traffic coming from Ipswich, Colchester or Braintree will cause severe congestion and safety problems for Great Waldingfield, Chilton Industrial Estate and Sudbury town centre.
- The village hub should have a 20 mph speed restriction and be designed as mainly a pedestrian area.
- There appears to be no parking indicated for the sports area. What happens when there is a major game and 200 or 300 people exit onto Acton Lane?
- Site access and exit through Aubrey Drive will cause a lot of local resident angst, given that the area is currently quiet and a children's playground sits adjacent to the road.
- Alterations to the Aubrey Drive roundabout should include re-modelling to slow traffic coming from MacDonald's roundabout. Currently far too fast.
- Proposed alterations to the MacDonald's roundabout would seem to make it extremely dangerous (already a difficult manoeuvre) for people leaving Barratt Lee Garage and petrol station and turning right.
- I remain unconvinced that the proposed traffic calming measures in Acton Lane will stop it being used as a "rat run" to get to the Melford By-Pass/Bury St. Edmunds
- I am as yet see no measures in place to stop traffic from Chilton Woods tuning eastwards along Waldingfield Road to get to Colchester and Ipswich via Valley Road.
- I currently see no mention of a subsidised bus service to serve the estate, as mentioned in the original plan, for a period of several years.
- The bypass is required at the latest by Phase 3 of the development.
- A weight restriction on Waldingfield Road would alleviate the problem.
- Proposes a comprehensive transport strategy to harbour growth, inexpensive improvements such as directional signage for HGVs and smart traffic lights where appropriate.
- Proposed traffic lights on Northern Road will interrupt the traffic flows.
- In your haste to appease your political masters you will be responsible for wrecking the character of Sudbury forever.
- The walking times from the development to town centre locations are optimistic even when measured from the south of the site. This is misleading.
- Why are traffic lights proposed on Acton Lane when all other junctions are roundabouts?
- The exact siting of the new access to the west of Tesco must be decided from the outset and be useable from the outset.
- Concerns over rat-running in Mills Lane.

- Insufficient thought has been given to pedestrians and cyclists both within the estate and using the surrounding roads.
- Construction traffic will not be able to cope with negotiating Aubrey Drive/Reynolds Way.
- The A134/Springlands Way needs a lot more remodelling to cope.

136. Employment

- The additional 16.4 hectares of employment land appears excessive.
- There should be a more modest employment land allocation at the eastern end of the development.
- Where will these people work?
- Planning permission was not granted for Prolog to erect similar buildings near Chilton Hall and Chilton Church, but you are proposing them here. No!
- How many jobs will these buildings provide?
- If warehouses, surely these are built with the intention of using as few staff as possible?

137. Design/Layout

- The 14m high buildings and waste facility at the western end of the development sit on the highest point, visible for miles around.
- The plans should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.
- The household waste site will adjoin the new entrance to the housing development which is hardly a welcome feature to a residential area.
- Moving the village centre south would provide more viable facilities as it would make existing housing within the preferred pedestrian radius.
- Putting large industrial units and a recycling centre as a landmark gives the wrong impression of the town and this area in general.
- Why are shops proposed when Tesco is within walking distance?
- Tree screening is desirable but will take many years to fulfil its potential.
- Grave concerns over the location of one of the proposed play areas at the south-east corner of the new development.
- This corner is not suitable for a play area. My main concerns are; late night drug use, teenage loitering, litter, security of my garden as the new development would back onto my open hedges.

138. Viability

- Some of the proposed sums are mind-boggling.
- Social housing will be sacrificed to make the scheme viable.
- For the viability of the village centre it remains vital that the sports pitches are located near the village hub, otherwise people using them will not spend any time in the village centre or make purchases of food and drink. A village pub that overlooks the sports pitches would be ideal.
- Locating the sports pitches more than half a mile to the east of the village centre is suicidal for its viability.

139. Application Documents

- The listing of documents was virtually useless with no way to identify documents quickly. (*Officer's Note: A reference list was duly requested from the agent and provided, and posted on the Council's website*).
- Not enough detail about how the development will be built.
- Confused and muddled application.

140. Others

- The town centre is awash with charity shops.
- Why build on green sites?
- Why pull down the school to build new ones?
- Damage to the local wildlife.
- Priorities should be in the right order; roads, schools, teachers, hospitals, doctors, shops, then houses.
- An employment building has been put smack bang in the middle of our access road (Wiles Contractors).
- The housing estate, like it or not, is needed and more will follow.
- Needs BDC to write to Suffolk CC to disagree with their proposals to remove front line appliances at Sudbury Fire Station.
- Sudbury Fire Station is far busier than ever before. Other stations cannot deal with this if services are cut here.
- Some of the employment land would be better allocated to housing.
- Welcomes the commitment to further archaeological investigation.
- A watertight mechanism needs to be secured with Suffolk Archaeological Service to ensure this happens.
- Expanding Sudbury by the proposed level would ruin the character of the small market town and surrounding villages.
- Long Melford, Acton, Great Waldingfield, Sudbury and Cornard have all been subject to large developments in recent years.
- Sudbury is already overpopulated.
- The site would diminish the surrounding villages.
- There is no need for this type of development.
- Suggests the Council has failed if they have not identified that the need is for affordable housing for residents who work locally.
- Fire and police services are being cut. How can they cover these extra homes?
- Household waste and district heating centre are welcome developments.
- The Dormouse hedge next to a new housing estate is almost certain to see the destruction of the wildlife with cats preying on the wild rodents. Early planting of a new hedging, which needs to be substantial for dormice to survive, in a quieter area, should be undertaken very early in the projects development.
- A hotel on the A147 at the front of the industrial area is welcome, hotel beds desperately needed in this area.
- With regard to the Village Centre, it is disappointing that the illustrative masterplan continues to show a car park in front of the new village hall and the village green on a separate plot across a busy road. These should be the other way around as requested by local representatives.
- Managed work space and a primary school + pre-school to be welcomed in the village centre area.
- Given the lack of affordable housing and current high demand from first time buyers, BDC should do everything possible to stick to its 35% affordable housing target. Current very high house prices and the same for the foreseeable future should mitigate viability costs.
- UK Power Network's study requesting over £14 million for network improvements to infrastructure in the Sudbury area seem excessive and require further study.
- Allotments, cycle paths and footpaths throughout the site are welcome, though access to the allotments needs to be more clearly defined.
- Maintenance of the woodland needs to be planned at an early stage. Woods Around Town has withdrawn from offering to undertake this as clearly the current scheme contains acres of grass and grass cutting.

- Plans for the woodland need to be expanded. Nature trails, fitness trails, defined tree species areas to make the woodland more interesting, not just mixed, need to be explained and discussed.
- The removal of the eastern part of the woodland has barely left more than a walking corridor for the Gainsborough Trail, apparently broken in places.
- It would seem sensible to create a new footpath along the north-eastern edge of the county wildlife site and a new pathway through the existing woodland on the airfield that abuts Waldingfield Road, linking up with the proposed footpath running just east of The Grove.
- I see nothing to convince me that the drainage measures will be sufficient to cope with the large amount of runoff from this site, which is high above Sudbury and which will direct all its runoff downwards into the town
- I also get no sense that the designers/SCC have listened to the local community. Rather than working with them to get the best possible high-quality scheme, it still feels like a housing scheme to be imposed on the local community at the lowest cost and maximum profit to SCC and the developers.
- Pollution is already a problem in Sudbury and this will only make it worse.
- Where will the post primary pupils go to school?
- All planning applications should be in the English language. “sui generis” is not English and its use is confusing and condescending towards 90% of Council Tax payers who do not use Latin.
- The scale is too big and takes up too much farmland.
- Food security is an essential.
- Will increase vibration damage to our historic buildings.
- Concerned about all the points raised by the Sudbury Society in their note.
- This is another extreme example of the failure of many local Councils to think and act strategically.
- Doctor surgeries are at capacity. Hardwicke House should be expanded if this goes ahead.
- Can the planners steer the Chilton site to provide a budget hotel chain?
- Is the proposed hotel in addition to the new Premier Inn at Belle Vue? If so, are two hotels necessary?
- Gets the impression that this has been put together from computer modelling and paper facts and figures, not from actually walking the ground, driving around etc.
- Whilst this is outline, some aspects need to be clarified and set at this early stage.
- Money would be better spent on improving the roads around town, and then sort out the skate park for the teenagers, and the old tax office.
- There are nesting skylarks up on the airfield.
- Families will want to use supermarkets rather than just local shops.
- Pollution levels in Cross Street are above legal limits. Surely exacerbating the situation is opening yourselves to serious legal action.
- The Council is urged to consider a synthetic surface that could be used for multi-sport in the locality and to deliver facilities that will meet the current and future needs of the community.
- Has unexploded ordinance been considered as a prospective threat?
- Solar panels should be a requirement of the development.

141. *All consultee responses and representations received to date have been noted and have been taken into account when reaching the recommendations as set out below.*

## **PLANNING CONSIDERATIONS**

### **Main Considerations**

142. From an assessment of the relevant planning policies, site history and land constraints/designations, representations and consultation responses received and other material planning considerations, the *main* issues in determining this application are considered, as following:

- The Principle of Development – Policy CS4
- The Presumption in Favour of Sustainable Development, and Housing Land Supply
- The New Joint Local Plan and Prematurity
- Environmental Impact Assessment
- Highway Impacts, Connectivity and Sustainable Transport
- Heritage
- Landscape Impact and Open Spaces
- Economic Impact
- Residential Amenity (including noise and air quality)
- Design and Layout
- Resilience to Climate Change: Flood Risk, Drainage and Building Performance
- Utility Infrastructure
- Ecology
- Land Contamination and Unexploded Ordnance
- Loss of Agricultural Land
- Crime and Disorder
- Archaeology
- Planning Obligations and the Community Infrastructure Levy
- Delivery and Viability; Affordable Housing
- Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)
- Planning Balance and Conclusion

#### **Principle of Development – Policy CS4**

143. The application site was first allocated for development under Policy CP01 of the Babergh Local Plan. It is now included as an allocation within the Babergh Core Strategy.
144. Policy CS4 of the Core Strategy is the lead planning policy for determining the principle of this proposal. It details the extent of the Chilton Woods Strategic Land Allocation and Strategy for Sudbury/Great Cornard. With specific regards to Chilton Woods, it provides that:

*“Chilton Woods Strategic Land Allocation*

*A comprehensive, mixed land-use development is allocated on 131 hectares of land in the Chilton and Woodhall area north of Sudbury as shown on Map A. A Masterplan will be required to guide development, together with development feasibility / viability evidence and a proposed phasing programme (to include as a minimum the items listed i to vii below). This allocation is expected to provide an integrated, high-quality and sustainable development that fulfils the requirements of other policies in this Local Plan, particularly Policies CS1 and CS15, and reflects the aspirations of Suffolk’s Greenest County initiative. The planning application(s) must be accompanied by an Environmental Impact Assessment.*

*A piecemeal approach to development within the allocated area will not be acceptable unless such development conforms to an approved / adopted master and phasing plan and does not prejudice the delivery of necessary infrastructure.*

*The development will provide and include and the Masterplan will show:*

- a. *Approximately 15 hectares of new employment land on the western part of the development (north of Woodhall Business Park) for employment related uses. Access to this development will be via a new distributor road linked to the A134 west of the existing Tesco superstore. An Initial phase of employment development may make use of an additional means of access via Woodhall Business Park as part of a comprehensive and agreed access strategy and phasing plan;*
- b. *Approximately 5 hectares of land to the north of Waldingfield Road are allocated for employment related use(s) (towards the scheme's eastern end) subject to the new development having a low impact only in terms of traffic generation and on nearby residential amenity. Some of this allocated development has already been implemented and is in situ. Access to this development will be via Waldingfield Road;*
- c. *Provision for a waste facility, to include household waste and recycling centre;*
- d. *Provision for approximately 1,050 new homes (on an allocated area of approximately 33 ha.). This residential element is required to have direct access to the A134. Access will be provided from a new distributor road designed to link the A134 with Aubrey Drive;*
- e. *Designed provision for effective functional separation between residential areas and employment land, particularly for those land uses / activities with greater impact on residential amenity (often non B1 type employment activities);*
- f. *Provision of community woodland and structural landscaping (approximately 30 hectares) located throughout the site and along the boundaries of the site. This must be designed to take account of existing features such as trees, hedgerows and watercourses, and to coordinate with the spatial requirements, design and context for the items referred to in point g and h below. The scheme must provide for long-term, comprehensive financial and management / maintenance plans and arrangements for such community woodland, and for the local community and Chilton Parish Council, Sudbury Town Council, Long Melford and Acton Parish Councils to be involved in its design, establishment and management;*
- g. *Surface water attenuation will be required to minimise the risk of flooding (the preferred means being SUDS);*
- h. *Provision of landscaping, green infrastructure (which may incorporate 'blue' infrastructure such as balancing ponds/wetland created as part of the SUDS) and open space / leisure & recreational facilities (approximately 8ha); and also an area of allotments of between 0.5ha and 1ha, which is to be agreed with local parish councils. This provision is to be in addition to the community woodland and structural landscaping referred to above. Green infrastructure to be planned to coordinate with the wider network for Sudbury and Great Cornard area;*
- i. *A transport assessment based upon the development proposals will be required and a travel plan will be necessary;*
- j. *Provision of a well located and accessible community 'hub'/ village / neighbourhood centre and land of an appropriate size to accommodate community infrastructure uses such as:*
  - i) *community facilities, services and uses such as a community hall/building with flexible space for community meetings, and/or sports and social club with changing rooms, and associated sports pitches (such as cricket and football), and/or multi-surface sports areas, and parking;*
  - ii) *local retail provision, and a pub and/or café, and leisure uses, business space and a residential element including opportunities for live/work units; and*
  - iii) *a civic square/area for market stalls/community meeting area.*
- k. *Provision for approximately 3ha. of land for education (primary school / nursery provision) and associated uses;*
- l. *An evidence-based package of sustainable transport measures to include the creation of new routes and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc.;*
- m. *Any requirement for off-site transport / highway improvements will be determined by transport assessment evidence;*

- n. Any requirement for mitigation of healthcare impacts will be determined by evidence that proposals can be supported by existing infrastructure and/or a reasonable prospect of provision of funding to meet the needs arising from the development.

The land uses specified above have been established through Masterplanning and Place-Shaping work. The approximate land areas are indicated as a guide for the preparation of a Masterplan as part of the planning application process. The land uses identified above comprise 94.5ha of the total 131ha of site area, and individual elements of the development will be considered in the context of the comprehensive development of the site, and on evidence available at the time.

The Masterplan and supporting studies and feasibility/viability evidence should demonstrate and include:

- i) how the overall development, including its access points, positively responds to, and where possible enhances, designated heritage assets and their settings;
- ii) how the development will be designed to suit the landform / topography and landscape characteristics of the site and its local context, and protect the amenity of existing and future residents;
- iii) design principles for each development parcel (residential, business / employment land, community / neighbourhood centre / hub) including addressing the sustainable development policies in this and subsequent local plan documents (if relevant), and how they will be implemented;
- iv) outcomes from community engagement and mechanisms to establish delivery and ongoing management of community resources;
- v) phasing of the development including provision of buildings, social and physical infrastructure and services;
- vi) a biodiversity plan including any measures for protection, mitigation, compensation and/or new habitat creation; and
- vii) the density and mix of housing types (including affordable housing provision) in line with Policies CS18 and CS19.

#### Implementation and Delivery

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

Development at Chilton Woods is programmed for commencement in the earliest part of the Plan period. Progress on its planning and development will be closely monitored and the following phasing and timing reviewed to ensure delivery of an appropriate amount of new housing and employment land through the plan period:

- i) 2012 onwards - implementation of the Chilton Woods Mixed Use Development as shown on Map A in accordance with this Policy;
- ii) 2016 - review of progress with delivery of Chilton Woods and target date set for release of land for employment and housing in the Broad Location of Growth identified on the Key Diagram;

- iii) *mid – late part of plan period (or earlier if required following the 2016 review) - Masterplan submitted and approved and first phase of land released for development for employment land and approximately 500 dwellings in accordance with Policy CS5”.*

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145. It should be noted that aspects of the planned allocation are approximated in terms of their land areas or numbers within the policy. However, the policy is nevertheless considered to provide a detailed framework as to how development of this site should be delivered.
146. The submitted application seeks outline planning permission, with detailed access proposals included. The matters of appearance, landscaping, layout and scale are reserved for consideration at a later stage i.e. the Reserved Matters.
147. Following the masterplanning that has already occurred in respect allocating the strategic site and adopting Policy CS4 (see page 36 of the Core Strategy), the ‘masterplan’ that is now required is for consideration as part of the planning application process: to enable the development of a comprehensive scheme to be considered and approved where deemed to be acceptable within the confines of that allocated area.
148. The applicant has provided an illustrative Masterplan in support of this application. However, whilst it is ‘illustrative’ it is nevertheless informed by a number of fixed parameters relating to quantum, land uses and location, and scale. Those parameters would be secured by condition if this application were to approved.
149. Policy CS4 provides a comprehensive framework to guide the development of the site and in this respect the following paragraph taken from that policy is of importance:
- “A piecemeal approach to development within the allocated area will not be acceptable unless such development conforms to an approved / adopted master and phasing plan and does not prejudice the delivery of necessary infrastructure.”*
150. Members will note that the application site does not include all of the land comprising the Strategic Land Allocation under Policy CS4; two areas of land adjacent to Waldingfield Road are excluded from the application. However, your officers do not consider that it should be a necessity for one single proposal to comprise the entirety of the land allocation. The critical point is that the Masterplan indicates how the development required by policy CS4 to be shown by a masterplan can take place in the allocation area, and how linkages could be achieved from the application site into these parcels of land.
151. It is not therefore considered that their exclusion from the application site would prejudice delivery of the allocation as per the aims of policy CS4. Any forthcoming applications pertaining to those parcels (one of which has, at a very advanced stage of this proposal, now been made) would be determined on their own merits and having regard for the requirements set out under Policy CS4, though having regard to the quantum of residential/employment uses already assimilated within this present application before Members.
152. On registration, the application was advertised as a departure from the development plan. This decision was taken due to uncertainty at the time as to whether the application was wholly compliant with Policy CS4 and the wider thrust of the development plan. With hindsight, this was unnecessary given the conclusions ultimately drawn within this report.

Nevertheless, this was an exercise that has not prejudiced the assessment of this application or the ability for interested parties to play an appropriate role in the determination process.

153. From the preceding policy context, what follows is an assessment of each of the policy requirements set out under CS4 (in the order that they are raised within the policy) and the extent to which the proposal meets those requirements.

a. Employment Land and Distributor Road

154. The amended Masterplan and LUPP illustrate 15ha of employment land with a focus at the western end of the site; which is in accordance with the policy, notwithstanding that an approximate figure is provided under Policy CS4. The access, which is a matter for consideration at this time, links to the A134 west of Tesco and the Woodhall Business Park, again in compliance with the requirements set out under the policy.
155. Members will note that the Policy also intimates that there may be an additional means of access *via* the Woodhall Business Park. However, under the wording of the Policy this is not a necessity. Whilst your officers consider that such an access might have been desirable, it is not a necessity and might in itself have presented other, adverse impacts in relation to other considerations such as residential amenity and heritage. This is highlighted where Historic England, through pre-application discussions, had specifically advised against such an access due to the risk of harm.
156. The acceptability of the access detail submitted, in addition to other matters relating to connectivity, traffic and highway safety, are considered later in this report.
157. The application is considered to accord with Policy CS4 in respect of (a).

b. Additional Employment Land/Uses

158. Policy CS4 sets out the requirement for the allocation of approximately 5ha of land for employment-related uses to the north of Waldingfield Road – identified as being “*towards the scheme’s eastern end*”, and being served via Waldingfield Road. This is, however, subject to such development having a low impact in terms of traffic generation and residential amenity, and it is noted that some of this 5ha allocation has already been implemented and is in situ (this is the Chilton Grain enterprise).
159. In this case, the applicant has identified within the Masterplan/LUPP an additional employment provision within that eastern area enabling the scheme to remain, in the opinion of your officers, policy compliant. The eastern land would be served by Waldingfield Road only, and there is considered to be an adequate degree of separation between this land and residential dwellings (subject to more detailed consideration later in this report) for amenity to be adequately safeguarded.
160. The application is considered to accord with Policy CS4 in respect of (b).

c. Waste Facility

161. The application includes provision for delivery of a Household Waste and Recycling Centre, in compliance with this limb of the Policy.
162. The application is considered to accord with Policy CS4 in respect of (c).

#### d. Provision of Homes and Access

163. Policy CS4 requires the provision of approximately 1,050 new homes on an allocated area of approximately 33ha. Following amendments to the application, the scheme is proposed to provide up to 1,150 dwellings. This (which is within 10% of 1,050) your officers consider, as a matter of judgement, fits a reasonable expectation of what 'approximately 1,050 new homes' might equate to.
164. The Policy also states that this residential element is required to have direct access to the A134; access to be provided from a new distributor road designed to link the A134 with Aubrey Drive. This aspect is demonstrated within the Masterplan and LUPP; there are a total of five detailed access points within this application.
165. The application is considered to accord with Policy CS4 in respect of (d).

#### e. Functional Separation between Residential/Employment Land

166. This is demonstrated within the Masterplan and LUPP, where there is a spatial and functional separation between the residential 'blocks' already identified, existing dwellings adjacent to the site, and the allocated areas of employment land. The use of the Community Woodland as a structural barrier is welcomed in assisting in that respect.
167. As advised above, in the interests of holding an acceptable degree of certainty through to future applications – should planning permission be granted – it is recommended that the development be tied to certain parameters, including the LUPP.
168. The overall mix and controls in respect of commercial uses in order to ensure the adequate safeguarding of residential amenity is considered elsewhere within this report.
169. The application is considered to accord with Policy CS4 in respect of (e).

#### f. Community Woodland

170. The application provides for the provision of a total land budget of 28.4ha of Community Woodland. Where CS4 seeks to secure an *approximate* quantum of 30ha, this is considered to be a reasonable compliance. In accordance with the Policy, the provision of Woodland is identified on the Masterplan/LUPP as sweeping around and enveloping the site as well as serving functional purposes through it.
171. Nevertheless, landscaping is a matter that is reserved for a future stage in the planning process. Through the careful consideration and application of planning conditions and the adequate submission of a Reserved Matters application(s), it is considered that the LUPP and Masterplan provide an acceptable framework to allow for development to meet the terms of the Policy.
172. Members will note that later in this report, a detailed overview of the planning obligations necessary to make the development acceptable are discussed. In respect of the Community Woodland, this will involve its adequate provision alongside a substantial commuted sum for at least 10 years of future maintenance to assist with a long-term management strategy, to be agreed.
173. The application is considered to accord with Policy CS4 in respect of (f).

#### g. Surface Water Attenuation

174. Policy CS4 requires an adequate strategy for minimising surface water flood risk; the preferred method being a SuDS. Under this application approval is sought for the delivery of a SuDS scheme.
175. Whilst precise details would be secured as a part of Reserved Matters and through planning conditions, it is indicated that the strategy would include the provision of: attenuation ponds incorporated within green spaces; swales within residential areas, and; permeable paving. The acceptability of the scheme in respect of drainage and the mitigation of flood risk is considered later in this report, however it is noted and accepted that the Environment Agency and the Lead Local Flood Authority (LLFA) raise no objection to this application and in respect of the LLFA it supports the principle of the drainage strategy proposed.
176. The application is considered to accord with Policy CS4 in respect of (g).

#### h. Green Infrastructure, Leisure and Open Spaces

177. A number of items are proposed, with land budgets identified on the LUPP, as follows:
- Other Green Spaces (Other than the Community Woodland) - 15.7ha;
  - County Wildlife Site - 12.1ha;
  - Sports Pitches - 4.8ha;
  - Allotments - 0.9ha
178. Within the residential areas, a number of LAPs are to be provided; in addition to the provision for a NEAP, MUGA, and LEAP within the Other Green Spaces identified on the LUPP.
179. In respect of the Other Green Spaces, Sports Pitches, and Allotments, the overall land budget is in excess of the approximate 8ha required as a quantum under Policy CS4. However, where such a provision is being proposed without detriment to those other requirements or limbs under Policy CS4, this is considered to be acceptable; especially noting that such an increase would most likely offer significant additional benefit to amenity and recreation within the site.
180. The detailed layout and presentation in relation to this infrastructure would be a matter reserved for future consideration.
181. The application is considered to broadly adhere to Policy CS4 in respect of (h).

#### i. Transport Assessment and Travel Plan

182. As required under the terms of the Policy, a Transport Assessment has been submitted in support of this application. This has been subject to amplifications, as provided by the applicant in 2017. The adequacy of the Assessment provided, along with detailed considerations as to the highway impacts of the scheme, are considered later in this report.
183. The applicant accepts the necessity of providing a Travel Plan, both residential and workplace, in support of the development. However, such details are recommended to be secured at a later date once the precise details, based on the parameters secured under this application if approved, are known. Nevertheless, a financial obligation as a bond is required to support the Travel Plan. This is discussed later in this report.
184. The application is considered to accord with Policy CS4 in respect of (i).

#### j. Village Centre/Community Facilities

185. At the heart of the development, as identified on the LUPP, lies a community 'hub', as the Village Centre and associated Market Square (1.4ha total).
186. Key elements that it would provide:
- a) Village Hall;
  - b) Retail – up to 1000m<sup>2</sup>, allowing for use classes A1, A2, A3, A4 and A5,
  - c) B1a and/or B1c 'Managed Workspace';
  - d) 20 no. residential units.
187. In addition, the LUPP identifies a Sports Pavilion and 4.8ha of sports pitches within close proximity.
188. The detailed uses and control of the provisions within the Village Centre can be administered through planning conditions to ensure compliance with this limb of the Policy. The principle, given the outline details submitted and the parameters set by the LUPP, is nevertheless considered as acceptable.
189. A detailed schedule of recommended planning conditions is appended to this report.
190. The application is considered to accord with Policy CS4 in respect of (j).

#### k. Schooling

191. Policy CS4 requires the provision of approximately 3ha of land for education purposes. The application provides for 2.3ha of land in this respect, which has been guided through consultation with the Suffolk County Council as the responsible authority for education. Under the details submitted in support of the application, this land would enable the delivery of both a primary school and pre-school.
192. Contributions necessary to facilitate the delivery of those items would be secured via a legal agreement. As noted above, the detailed 'Heads of Terms' for all planning obligations and associated trigger points are discussed later in this report.
193. The application is considered to accord with Policy CS4 in respect of (k).

#### l. Sustainable Transport Measures

194. In addition to the securing of an adequate Travel Plan for the development, the Policy also requires that an evidence-based package of sustainable transport measures be provided in order to support the low-carbon economy and green linkages with adjoining settlements and key items of infrastructure.
195. To this end, the applicant has arranged the Masterplan/LUPP to allow for the delivery at Reserved Matters of a layout built upon 'walkable neighbourhoods' principles; to promote easy access of internal facilities to future occupiers of the development and therefore discourage reliance upon the private car.
196. In addition, a suite of obligations is to be secured in order to increase the sustainable connectivity of the site to higher order facilities in the local area.
197. Such measures include:

- a. Public Rights of Way improvements, in and around the site.
- b. 3 no. Toucan Crossings:
  - i. Aubrey Drive at the existing refuge south of Reynolds Way;
  - ii. Waldingfield Road between Aubrey Drive and Springlands roundabout;
  - iii. Northern Road, east of Waldingfield Road.
- c. Town Centre Bus Infrastructure: contribution to new Sudbury bus station to meet demand.
- d. Bus Service Contribution: provision of c.30-minute frequency service to bus interchange.
- e. 6 no. RTPI<sup>8</sup> Screens.
- f. Pedestrian/Cycle Improvements between the site and Sudbury town centre.

198. The application is considered to accord with Policy CS4 in respect of (l).

#### m. Off-Site Highway Improvements

199. Following assessment of the submitted Transport Assessment and consideration of the likely impacts of the development upon the local highway network, the Local Highway Authority (LHA) considers it necessary to secure a number of off-site highway improvements in order to make the development acceptable in planning terms.
200. The applicant has accepted these requirements, which would be secured for delivery within Phase 1 of construction.
201. The application is considered to accord with Policy CS4 in respect of (m).

#### n. Healthcare Provision

202. The most recent comments of the NHS, dated 7<sup>th</sup> August 2017, are noted. Nearby health services do not have the capacity to meet the additional demand that would be placed upon them by the development.
203. A capital contribution of £417,151 is therefore required to adequately mitigate this impact; through the creation of additional floor space within the Hardwicke House Group Practice. This would be secured by planning obligation, through the s106 agreement outlined later in this report.
204. The application is considered to accord with Policy CS4 in respect of (n).

#### Other Requirements – i. thru vii.

205. The additional requirements set-out under Policy CS4, titled from (i.) - (vii.), have been considered carefully. Principally they require adequate presentation, design principles, and reasoning on the part of the applicant, supported by evidence where necessary, for the planning and design approach taken against the following loose headings:
- Heritage
  - Landscape
  - Amenity
  - Design Principles
  - Community Engagement and Ongoing Management
  - Phasing and Delivery
  - Ecology

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<sup>8</sup> RTPI: Real-Time Passenger Information.

- Housing Mix, Density, and Tenure.

206. An assessment against those considerations is contained within appropriate sections of this report, however it is stressed that the scheme is in outline form with only 'access' for determination at this stage.
207. Members are therefore tasked with considering the acceptability of those access details alongside the principle of this development, as it relates to consequent impacts upon the environment. Matters relating to scale, appearance, layout and landscaping are reserved.
208. As a matter of planning judgement, the submitted Design and Access Statement, and related Planning Statement(s) and evidence base provide a cogent rationale for the approaches taken when composing the submitted application, and with relevance to design principles for each development parcel represented and as identified on the LUPP and Masterplan; the specific aspects of which, are tested in subsequent sections of this report.
209. Due to the scale and nature of the development (and an additional requirement under Policy CS4) an Environmental Statement (ES) was compiled in support of the application. The adequacy of the ES as part of the Environmental Impact Assessment (EIA) exercise is considered later in this report; the Council has appointed a reputable external body to assist in that respect.
210. Given the need to frame the ES and related EIA against certain assumptions made in respect of the development, it is absolutely critical that a number of parameters are fixed under any outline planning permission granted, so that an acceptable degree of certainty can be secured along with more detailed design aspects that would address the requirements of Policy CS4.
211. On that basis, in addition to fixing such details as the LUPP and BHP to future applications, it is also considered prudent to require the submission of an acceptable 'Design Code' (building upon the Design and Access Statement and relevant design principles that are already considered as acceptable, when tested throughout this report) to inform the development and shape the Reserved Matters outstanding. Other parameters are discussed through the body of this report.
212. Securing a Design Code, to be agreed under planning condition, would further ensure adequate and continued compliance with Policy CS4 at the Reserved Matters stage when considering design principles for each development parcel. Such a Code could also be produced following further community engagement, as would be expected under limb (iv.) of CS4.
213. For those reasons above, and throughout the body of this report, the application is considered to accord with Policy CS4 in respect of those other requirements, (i.) - (vii) to the extent necessary under this outline planning application, with all but one matter reserved.

#### Response to the 'Outline' Nature of the Submission:

214. It is apparent from many of the responses received, particularly those from the Parish Councils, that there are concerns that the application has been made in outline form, whereby many of the respondents wish to see more clarity around the design of the proposal and the appearance of the buildings proposed. As such, they have chosen to make representations that they do not consider that such certainty exists in the case where an outline application has been made.

215. Whilst this position is acknowledged, the Local Planning Authority has a duty to determine applications submitted to them and, in this case, the proposal constitutes an outline application with all matters reserved except for access. Outline planning applications are not unusual for large-scale developments and are entirely in accordance with the provisions of the planning Acts.<sup>9</sup>
216. The principle of an outline planning application submission in this instance is not considered to be unreasonable given the above, noting also that the applicants have identified that they are unlikely to be the developer of the site. What the application seeks to achieve, therefore, is to demonstrate how a mixed-use scheme could be accommodated on the site, in-line with the expectations of the Policy, but with a detailed submission supporting how access would be achieved.
217. The application is supported by an illustrative Masterplan which shows how the land uses proposed could be accommodated on the site and how the infrastructure associated with these uses, including the requisite road provision/improvements, could be provided. Although the masterplan is illustrative it is based on a number of fixed parameters for which permission is sought. The parameters underpin the applicant's evidence base and testing as part of the EIA and Transport Assessment process. Fixing the development to these parameters through planning conditions provides both comfort and certainty as to the layout and principles that Reserved Matters applications will need to accord with.

Conclusion in Respect of Compliance with Policy CS4:

218. Limbs (a.) - (n.) of Policy CS4 set parameters for the applicant to meet in order to submit a scheme that accords with that Policy.
219. In addition, the policy sets out other matters that the application and its supporting detail should provide or demonstrate. Limbs (i.) - (vii.) represent good planning practice and are relevant to a wider assessment of the acceptability of the application as a whole, when juxtaposed with other material planning considerations assessed throughout the body of this report.
220. Having regard for the preceding assessment, officers consider that, subject to positive appraisal against those other key material considerations in this report, and through securing a number of land-use parameters to control future development (the LUPP, as one example), the principle of development is considered as acceptable when framed against the overarching planning policy for this Site, Policy CS4.
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221. Members should note that the Council has very recently registered an outline planning application for the development of up to 130 dwellings on one of the outstanding land parcels excluded from this application site, however within the Strategic Land Allocation of Policy CS4<sup>10</sup>.
222. Officers have reached no opinion as to its acceptability and the application is still under active consideration. Nevertheless, it will be determined on its own planning merits having regard for the development plan and other material planning considerations including the NPPF.
223. Officers do not consider that the status of that application should, or would, undermine the ability of Members to determine the application before them on its own merits and based upon the recommendations laid out within this report. It is therefore entirely unnecessary to delay the determination of this application.

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<sup>9</sup> See s92 of The TCPA 1990 and Part 3, Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

<sup>10</sup> Application reference: DC/17/04052

## The Presumption in Favour of Sustainable Development, and Housing Land Supply

224. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, a local planning authority must have regard to the provisions of the development plan, so far as is material to the application, and to any *“other material considerations”*.
225. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the planning Acts should be made in accordance with the development plan unless material considerations indicate otherwise.
226. The planning policies contained within the NPPF are a material planning consideration, capable of being afforded a significant weighting for decision-taking purposes.
227. At Paragraph 6, the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the policies in Paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.
228. Paragraph 7 of the NPPF sets out that there are three dimensions, or ingredients, to sustainable development:
- *“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
  - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
  - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*
229. Paragraphs 11 thru 16 of the NPPF explain the *presumption in favour of sustainable development* where Paragraph 14, which is essentially the lynchpin of the NPPF, details how the *presumption* should operate in practice:
- “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*
- .... For decision-taking this means:*
- *approving development proposals that accord with the development plan without delay; and*
  - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
    - i. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

ii. *specific policies in this Framework indicate development should be restricted.*<sup>11</sup>

230. Members should note that this operation or ‘algorithm’ is itself enshrined within the development plan, under Policy CS1 of the Core Strategy, which states that:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Babergh district.*

*Planning applications that are supported by appropriate / proportionate evidence and accord with the policies in the new Babergh Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- i) *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- ii) *specific policies in that Framework indicate that development should be restricted.”*

231. In Babergh, where planning proposals accord with development plan, comprising the Core Strategy and Local Plan, they should be granted planning permission without further ado, unless other material considerations indicate otherwise. This is what the first bullet-point under the decision-taking limb of Paragraph 14, and the second paragraph under Policy CS1 above, means in practice.

232. Where the second bullet-point under Paragraph 14 - or indeed vicariously Policy CS1 - applies, because the development plan is absent, silent or relevant policies are out-of-date: *“...the proposal under scrutiny will be sustainable development, and therefore should be approved, unless any adverse impacts significantly and demonstrably outweigh the benefits”*<sup>12</sup>.

233. Specifically, *“another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts”*<sup>13</sup>.

234. Notwithstanding the status of the Site as a Strategic Land Allocation, Paragraph 47 of the NPPF requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years’ worth of housing provision against identified requirements. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

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<sup>11</sup> In relation to this planning application, such specific policies would include those relating to designated heritage assets, as one example, following the direction of Footnote 9 of the NPPF.

<sup>12</sup> CEBC vs SSCLG [2016] EWHC 571 (Admin)

<sup>13</sup> Ibid.

235. Paragraph 49 of the NPPF, where there is not a demonstrable 5-year supply of deliverable housing sites, specifically signposts Paragraph 14 in stating that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should be considered *out of date* if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
236. In accordance with the PPG, the starting point for calculating the 5-year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that:
- “...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light.... Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...”<sup>14</sup>*
237. The Council adopted its Core Strategy in February 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan (see subsequent section). Therefore, the 5-year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision-taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
238. 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
239. Evidentially, the Babergh District Council cannot presently demonstrate such a supply as required by national planning policy, and therefore its relevant policies for the supply of housing are out of date; the ‘tilted’ planning balance under Paragraph 14 of the NPPF and Policy CS1 of the Core Strategy is therefore engaged.
240. The precise meaning of ‘relevant policies for the supply of housing’ has been the subject of much case law, with previously inconsistent results. However, in May 2017 the Supreme Court (SC) gave a judgment which has clarified the position<sup>15</sup>. The SC 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.
241. However, the SC made it clear that the argument over the meaning of that expression is not the real issue. The purpose and consequence of the policy of Paragraph 49 of the NPPF is to simply act as the *trigger* of the ‘tilted balance’ under Paragraph 14.

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<sup>14</sup> Paragraph: 030 Reference ID: 3-030-20140306

<sup>15</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37

242. In applying the ‘tilted balance’ required by that Paragraph, the Council must however evaluate, as they would do ordinarily, what weight to attach to all of the relevant development plan policies, having regard for the material planning considerations relevant, which in this instance includes the strong policy direction provided by the NPPF. The ‘tilted balance’ is capable of affecting the weight to be given to other development plan policies, although the weight they should be given remains a matter for planning judgment.
243. The operation of the presumption in favour of sustainable development shall be carried within the balance of planning considerations at the conclusion of this report; having regard for the development plan, the NPPF, PPG, and other material planning considerations pertinent to this proposal.

### **The New Joint Local Plan and Prematurity**

244. In the summer of 2016, the Babergh District Council approved the commencement of the preparation of a new Joint Local Plan across both Babergh and Mid Suffolk districts. This has accumulated in several evidence-based documents being produced in respect of needs and capacity, such as the Strategic Housing Market Assessment (SHMA), and a Strategic Housing and Employment Land Availability Assessment (SHELA).
245. The Babergh and Mid Suffolk Joint Local Plan Consultation Document (July 2017) has recently been approved. This Site, in addition to land adjacent and in the vicinity, has been identified within the document as a possible land allocation; however, those two land parcels presently allocated under Policy CS4 but excluded from this application, are not included. At the present time, this consultation document is considered to carry very limited weight as a material consideration.
246. Notwithstanding the present Strategic Land Allocation status of the Site, it is necessary to consider whether an approval of this application would prejudice the plan-making process and undermine the new Joint Local Plan. The PPG states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process<sup>16</sup>.
247. The Joint Local Plan is in its infancy and public consultation has only recently commenced and is ongoing. The Local Authority has a duty to determine this application, and that document is some way from being a formal position. The decision taken to be taken by Members in respect of this present application will likely influence the plan-making process but won’t prejudice it, because it is at such an early stage. The plan process will react to the decisions taken and this application must be considered on its own merits.
248. In the light of all of the above, including the preceding national and local planning policy context, this report will now consider the proposal against a number of key material planning considerations, under the application of the suite of policies within the development plan (in addition to Policy CS4) and the NPPF, in order to determine whether the proposal accords with those instruments as a whole.

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<sup>16</sup> Paragraph: 014 Reference ID: 21b-014-20140306.

## Environmental Impact Assessment

249. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 came into force on the 16<sup>th</sup> May 2017, some eighteen months following the submission of this application. However, in accordance with Regulation 76 of the Regulations, the 2011 Regulations continue to apply as a transitional measure due to the date of submission; it is on that basis that this application has been assessed, nevertheless due regard has been paid to the current Regulations, as a precautionary measure.
250. In accordance with the PPG, the aim of the EIA process is to:
- “... protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.”<sup>17</sup>*
251. Notwithstanding that Policy CS4 requires that any application pursuant to that Policy requires an EIA, it is considered appropriate that the application is supported by an ES in this instance, given the significant scale and nature of the scheme as a mixed-use development comprising 15ha of employment land and up to 1,150 dwellings, across a total land budget of 117ha: by reasoned principle it is likely that a development of this nature would pose significant environmental effects. Further, during pre-application discussions the Council provided a Scoping Opinion outlining a number of matters that were considered relevant for the EIA process and to be included within any subsequent ES.
252. The submitted ES is comprehensive and includes chapters relating to the following matters:
- Traffic and Transport;
  - Air Quality;
  - Noise and Vibration;
  - Community and Socio-Economics;
  - Landscape and Visual;
  - Historic Environment;
  - Biodiversity;
  - Water Environment, and;
  - Land Quality.
253. Following feedback through the consultation process and from the Council's appointed ES Reviewer (Temple Group), the applicant provided additional clarifications/an addendum in 2017 to provide further detail and accord with the amendments made to the application.
254. Given the importance of the EIA process and the need for Members to consider the likely environmental effects of the development, the ES Review undertaken by Temple Group is appended to this report. The overall conclusion, following that detailed review, is that the ES offers sufficient environmental information for Members to be able to reach an informed decision on the outline planning application that is before them, and that it identifies appropriate measures to mitigate significant effects. Such measures can be secured by planning condition.

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<sup>17</sup> Paragraph: 002 Reference ID: 4-002-20140306

255. Temple Group have highlighted that the ES could have provided additional information with respect to 'Agriculture and Farm Viability' and 'Landscape and Visual' matters, however your officers consider that the submitted information is sufficient to determine environmental effects and understand the impacts associated with the scheme.
256. Under the Regulations, a decision-taker is not permitted to grant planning permission, or any subsequent consent, unless it has taken the environmental information into consideration. In light of the above, officers consider that the submitted ES/Addendum and related clarifications provided by the applicant meet the minimum requirements set out under the necessary EIA Regulations. Further, such information is sufficiently detailed to allow for a decision to be made on the application, having regard for the likely environmental effects that the development would pose.
257. It is therefore considered that the determination of the application may proceed, taking into account those other considerations within this report; considerations that are themselves considered within the submitted environmental information.
258. Members will note, however, that due to the outline nature of the application, it is necessary to condition a number of parameters and controls that will ensure that future applications and the final development fall within the scope of assessments pertaining to the submitted environmental information; i.e. that the EIA forms an 'envelope' around the development to be carried out.<sup>18</sup> Such parameters would include but are not limited to: the LUPP, the BHP, and other matters relating to noise and construction disturbance. Specific issues relevant to this, and supporting the approach taken, are considered at various points within this report.

### **Highway Impacts, Connectivity, and Sustainable Transport**

259. The highway impacts of the proposed development are such that they comprise one of the main areas of concern for consultees and local residents in their representations on the application. Whilst access is the subject of detailed consideration at this stage, it is the traffic impacts and associated likely effects which are the main focus for many respondents.
260. Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all and that transport networks should be improved in a cost-effective way to limit any significant impact of the development on the surrounding area, whilst taking account of sustainable transport options. A key planning principle within the NPPF is that local planning authorities should support a transition to a low-carbon future through, *inter alia*, planning for the reduction of greenhouse gas emissions.
261. Paragraph 32 also makes it clear that proposals must *only* be refused on transport grounds where residual cumulative impacts would be 'severe'. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety, notwithstanding that safety is of course a significant consideration in itself<sup>19</sup>.
262. The lead policies to consider from the development plan, in addition to Policy CS4, are CS14 and CS15 of the Babergh Core Strategy and saved policies TP15 and TP16 of the Babergh Local Plan. These policies seek to secure development that is well laid out in terms of site access and highway safety, traffic flow and the environment, with the need to secure sustainable travel planning details.

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<sup>18</sup> R v Rochdale MBC ex parte Tew [1999] 3 PLR 74 and R v Rochdale MBC ex parte Milne [2001] 81 PCR 27].

<sup>19</sup> 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.

263. As described, access is a detailed matter for consideration and approval at this stage in the planning process. If Members are minded to grant planning permission then the Reserved Matters would accord with these details; there is therefore a degree of certainty in understanding and assessing highway impacts at this stage, acknowledging that it is also recommended to secure other parameters under any permission granted, to ensure that this is the case.
264. In this instance, there are several access points serving the development:
- a) A new roundabout access junction, west of Tesco on to the A134;
  - b) An extension of Aubrey Drive into the proposed development;
  - c) A new connection across Acton Lane;
  - d) An extension of Reynolds Way, across Acton Lane, into the proposed development;
  - e) A private drive access for the new sports pavilion and pitches on the northern section of Acton Lane within the proposed development.
265. The acceptability of those entry/egress points relates to both the design and layout of the development as it relates to internal design and external environs, and specific matters of safety and capacity. In these respects, the detail provided pursuant to a) – e) is considered as acceptable, where officers endorse the view presented by the Local Highway Authority.
266. Due to the scale and nature of the scheme, the likely highway impacts are far-reaching. Where spatial planning and development management can function as an iterative process, Members will note that the assessment supporting the position taken in respect of wider highway impacts has followed a lengthy process of comment, amendment, and amplification between the applicant, the Local Highway Authority and the LHA's appointed consultants, AECOM (as well as taking into account the representations of other consultees and the public).
267. That iterative process has resulted in the applicant submitting detailed Technical Notes to complement the original Transport Assessment, which remains unaltered<sup>20</sup>. The Technical Notes seek to address four key points of contention that had been raised in 2016:
268. Firstly, the revision of mitigation proposals at two off-site highway junctions; Acton Lane/Springlands Way traffic calming and signalisation, and at the Waldingfield Road/Northern Road/Springlands Way roundabout.
269. Secondly, additional modelling and reasoning to properly provide for adequate bus provision as a sustainable transport measure. It is agreed that the quantum development necessitates the provision of a new bus service, with support provided during the construction phases.
270. Thirdly, clarification and acceptance that greater improvements are necessary at the Valley Road/A134 junction given the pressures posed by the development.
271. Lastly, additional assessment in respect of accidents. The accident assessment concludes that there are no significant safety issues in respect of highway design or maintenance, subject to the mitigation measures identified. That assessment is accepted.
272. The finalised, necessary off-site highway improvement measures are outlined as follows:
- 1) Acton Lane works: a traffic calming scheme, revised priority and new signalised junction (including pedestrian crossing) to help promote direct access on to Springlands Way and discourage northbound traffic through Newman's Green and Acton.

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<sup>20</sup> The Technical Notes submitted in support of this application are available online.

- 2) Valley Road/A134 works: widening of the A134 to create additional space for right turners into Valley Road to improve safety.
- 3) B1115 Waldingfield Road/Aubrey Drive/Church Field Road (Homebase roundabout): widening the entry lanes to this roundabout, including removal of existing hatching.
- 4) A134 Springlands Way/B1115 Waldingfield Road (McDonalds roundabout): creating a white lined two lane circulatory carriageway with improvements to the respective arms (including two lane exit on the Northern Road arm and two lane exit on Springlands Way).
- 5) Newton Road/Northern Road/Shawlands Road (Esso/Halfords roundabout): widening the entry lanes from the Northern Road arm, Newton Road (western arm) and Shawlands Avenue arm, plus realignment of the central island.
- 6) A131 Melford Road/York Road/Girling Street: construction of a designated slip lane for traffic entering the gyratory from the A131 Melford Road.
- 7) A131 Gregory Street/Gainsborough Street/School Street: construction of a designated slip lane for traffic entering the gyratory from the A131 Stour Street.
- 8) East Street (east and west) and A131 Girling Street: optimising the timing of traffic signals at this junction.

273. As Members will note, the LHA consider it necessary that those improvements are carried out early within the construction period for the residential development; the applicant has subsequently agreed to accommodate all of the works within Phase 1 of the residential build-out. Naturally, the financial pressures of doing so impacts upon the viability and deliverability of the scheme; such considerations are discussed later in this report.
274. The final position of the LHA is provided within the consultation bundle and is summarised at the beginning of this report; the views presented are endorsed by your officers. Essentially, the issues raised with the applicant in 2016 have been addressed. In the third Technical Note the applicant has provided additional information relating to the effect of the development on the junction between the A134 and Valley Road, accepting that additional improvements need to be made to avoid the conclusion of 'severe' cumulative impact. The LHA note that this information identifies that a satisfactory scheme to mitigate the effects of the development can be provided within the highway land available, subject to detailed design and consideration of an additional safety audit. Such matters can be secured by way of planning condition, and it is considered reasonable to do so, however as 2), above, the applicant has indicated that this improvement will involve widening a section of the A134 to allow more space for right turners into Valley Road, creating additional highway space.
275. Members will note that no improvements are planned to rural routes or junctions north of Acton Lane; careful consideration has been given to the views of the local Parish Council in that respect. This is due to the fact that the transport strategy, which includes the detailed access points submitted, is prioritised to discourage northbound traffic from Chilton Woods as far as possible. This would be assisted by the suite of junction improvement measures that affect the southern and eastern routes to the site, and in turn provide more attractive and accessible routes for highway users.

276. Considerations relating to the delivery of the 'western employment access' have been a source of significant local concern. However, the applicant proposes to help encourage the delivery of this access via a range of measures, not least securing detailed permission for the junction and the first 180m of road into the employment area. This will provide certainty to both developers and investors.
277. Importantly, the modelling assessment and proposed mitigation is satisfactory to allow consideration of the effects of occupation of the residential development with no western employment access. This flexibility is crucial should residential and employment development to come forward at a different pace. It is considered acceptable, in transport terms, for the western employment access to be delivered within Phase 1 of the employment element.
278. In reviewing the ES and its related transport data, it was noted that the year 2024 has been used as a baseline for the purposes of the Transport Assessment, rather than 2035 when the scheme is expected to be completed (in accordance with the updates provided by the applicant in May 2017). In return the applicant has explained that *"...2024 is used in the Transport Assessment and assumes that the whole development is in place at this point (all the homes, jobs and community facilities) for testing purposes. The highway authority agreed that there is little certainty in trying to model scenarios beyond 2024."*
279. Crucially, the consequence of this is that the impact of the development has essentially been considered twice: a Transport Assessment baseline that incorporates the projected growth within the Babergh Core Strategy (which includes the Chilton Woods Strategic Land Allocation) and then the development proposal that is now before Members pursuant to that Allocation policy.
280. Officers therefore concur with the applicant that the evidence presented is robust as it presents a significant worst-case scenario of traffic impacts. Being the case, the recent addition of fifty new dwellings (with a decreased employment offer) makes a negligible impact upon the approach undertaken by the applicant, as appraised by the LHA and its appointed consultant, AECOM.
281. Highways England have raised no objection to this proposal. This is an additional consideration that sits within the context of the test of severity set out at paragraph 32 of the NPPF, as described above.

#### Construction Traffic

282. The management of construction traffic has also featured in a significant number of representations received from the public and consultees. Given the outline nature of the application, it is considered reasonable to approach the security of this by way of planning condition i.e. that those details are provided concurrent with the Reserved Matters or prior to the commencement of any development.
283. The use of a planning condition is reasonable in circumstances such as this, where the detailed layout is not yet known (albeit future applications will accord with the LUPP and other parameters) and the finalised phasing of the entirety of the development is not fixed, notwithstanding the indicative phasing information already provided.
284. The applicant has accepted that an agreed Construction Environmental Management Plan (CEMP) (incorporating a Construction Traffic Management Plan (CTMP)) be in place prior to the commencement of development. This would not only provide for the adequate management of environmental impacts such as noise, dust, waste, hours of operation etc. but also the management and precise routing of construction traffic and HGV. Further, it is necessary to secure such matters to ensure that the detail and assessment within the ES continues to dovetail with the development; that the assessed likely effects of the development remain as such when the scheme is implemented.

285. If the construction of the employment aspect of the scheme was to run wholly concurrent with the residential, which is feasible, then the western access could indeed be used. The applicant is seeking to enable this, however has reasonable cause to explore other options, which would could utilise the strategic highway network i.e. the A131, A134 and B1115. The applicant has additionally suggested that options could include:
- “...establishing a haul route from the proposed access into the western employment area, using the southern section of Acton Lane, using a combination of Reynolds Way and Aubrey Drive and making use of the existing access road into Chilton Grain, establishing a temporary haul route. It is likely that a combination of these options will be used to deliver the scheme.”*
286. Such options might ‘wax and wane’ depending on the phase of construction and the type of building/feature to be constructed or installed. The appraisal of the submitted CEMP/CTMP would be undertaken in consultation with the LHA and Environmental Protection colleagues, and might also include consultation with affected parishes. As above, it is considered acceptable that once the precise details of the scheme and its phased construction are known, that the CEMP/CTMP be provided and assessed.
287. The way that such a condition might function or be drafted, to adequately mitigate impact whilst facilitating the acceptable, viable and timely delivery of the scheme, has been afforded considerable reflection. The detailed wording, agreed with the applicant, is within the schedule of planning conditions appended.
288. Issues relating to emissions and residential amenity follow a similar consideration, however are discussed in greater detail later in this report.

#### Connectivity and Sustainable Transport

289. The Masterplan and LUPP identify connection from the western employment land to the residential ‘blocks’ that are, in general terms, arranged around the Village Centre, school(s), and sports provision. Despite layout being reserved, the LUPP gives surety that the key community facilities within the site all fall within walkable distances from the residential areas; in addition to careful highway planning and presentation, this would dissuade occupants from relying on the private car to visit the Village Hall or retail offer, for example.
290. 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”*. In respect of the above and the internal presentation of the scheme, this is patently achievable.
291. The Masterplan/LUPP identifies a number of links that provide for permeability both through the application site and into existing development (by virtue of the five detailed access points) adjacent to the south and east, thereby enabling connectivity from/to the development to/from nearby services and higher order infrastructure.
292. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The Site is well-connected with surrounding settlements and to Sudbury via the local highway and PROW network. Sudbury has its own bus and railway station and is only a short distance from Bury St Edmunds, which itself has a railway station with onward connections to destinations including London and Cambridge. Therefore, future occupants of the Site would have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

293. The Institute for Highways and Transportation's (IHT) 'Guidelines for Providing Journeys on Foot', which has in turn influenced and been carried through by the DfT, identifies that 800 metres is the preferred maximum walking distance in a town centre (according with the Manual for Streets above). In rural areas, this figure can be increased to 1200m and then 2000m for commuting or schools. It should be pointed out, however, that such distances are *preferred* as a maximum and that any increase would not necessarily be unacceptable, dependent upon circumstance.
294. The IHT and DfT document 'Cycle Friendly Infrastructure: Guidelines for Planning and Design' provides a guide on suggested cycle speeds associated with cyclists of varying confidence and ability. Using a modest speed of 10mph (16kph) a catchment of 5km would be available within approximately 20 minutes' cycle time, which would not be onerous. This immediately brings the town/urban areas of Sudbury and Great Cornard, and the Core Village (see Policy CS2 of the Core Strategy) of Long Melford within an acceptable range for commuting and connecting to other facilities and services.
295. It is acknowledged that the state and presentation of the local highway network must be considered in order to reach a conclusion as to how accessible routes to key destinations would be for pedestrians and cyclists. In this respect, higher order facilities in the centre of Sudbury would be around 2.5 – 3km from the residential blocks of the development; a distance unlikely to be attractive to pedestrians and in its present state, dissuasive to cyclists.
296. As the LHA note, the existing pedestrian and cycle links between the site and the nearest schools and town centre facilities are substandard, with no formal cycle routes. These require improvement to encourage sustainable travel, and those improvements are necessary given the significant scale of the development.
297. The wider connectivity or sustainable transport context is greater than simply assessing walking or cycle distances, however. A number of well-served bus stops are within walking distance of the residential blocks within the site (judged against the guidance framed above), however there are concerns in respect of capacity, and the capacity of the Sudbury bus station.
298. On that basis, it is necessary to secure high-quality sustainable links between the development and the town centre in the form of improved bus infrastructure and service, and better walking and cycling links to: minimise the impact of the development on the highway network and forward the positive green agenda enshrined within the development plan and directed under national planning policy. The suite of contributions necessary to make the development acceptable in planning terms is detailed within the recommendation for Members and the comments of the LHA within the consultation bundle.
299. Given the scale and nature of development and the potential impacts posed to the local highway network, the agreement of a full Travel Plan (employment and residential) is also considered necessary and this has been confirmed and agreed with the applicant.
300. The requirement for a Travel Plan is supported by the NPPF at Paragraph 32, as referred above. Other relevant paragraphs of the NPPF include 34, 35, 36 and 37 as well as the 'Travel Plans, Transport Assessments and Statements in Decision-taking' section of the PPG. Securing such a Travel Plan is further supported under the development, particularly Policy CS4. The mechanisms to secure such details would involve planning condition and obligation through the s106 legal agreement; the precise details are included later within, and append to, this report.

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301. Internally, with regards to parking, there would be sufficient space at the quantum and density of development proposed to achieve off road parking in accordance with adopted parking standards. Likewise, there is no inherent reason why a safe internal layout could not be achieved. The detailed layout and design would be dealt with at the reserved matters stage, and the LHA have recommended the imposition of planning conditions upon any outline planning permission granted in order to secure this.

### Conclusion

302. Officers endorse the views of the LHA who have assessed that the impact of the development upon the local highway network would be severe – within the meaning provided by the NPPF – without adequate mitigation. Following extensive discussion and negotiation, the applicant has allowed for appropriate measures to be secured (by way of planning obligation and condition) which would satisfactorily address those concerns.
303. The application is accompanied by an acceptable Transport Assessment (TA) when read alongside the amplified Technical Notes, which concludes that there would be no unacceptable highway effects subject to those agreed mitigation measures. This is accepted. The details provided within the application are considered to be adequate and therefore the development is considered favourably in respect of highway impact.

### **Heritage**

304. With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have “*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*”.
305. Case law pertaining to the application of that duty acknowledges that the consideration of the impact of a proposed development upon the significance of a designated heritage asset is a matter for a local planning authority’s own planning judgement, but that a local planning authority is required to give any harm that it identifies considerable importance and weight; such harm as may be identified gives rise to a strong presumption against planning permission being granted<sup>21</sup>.
306. The NPPF sets out the Government's national planning policies for the conservation of the historic environment and builds upon the 1990 Act referred to above. Paragraphs 132-134 state, *inter alia*, that when considering the impact of works or development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification.
307. Policy CS4 notwithstanding, Policy CS15 of the Core Strategy and Policy CN06 of the Babergh Local Plan seek to secure the preservation or enhancement of the historic environment. In accordance with the NPPF due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. The aforementioned policies are considered to be consistent with the NPPF and so are afforded a strong weighting.
308. Whilst matters relating to scale, layout, appearance and landscaping are not for approval at this stage, the indicative details provided by the applicant, supported by relevant assessments of impact within the ES and later addenda submitted in 2017, provides adequate opportunity to make an assessment as to the potential impacts of the development upon the historic environment.

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<sup>21</sup> R. (on the application of Lady Hart of Chilton) v Babergh DC [2014] EWHC 3261 (Admin).

This is especially true given the recommendation that future applications be tied to the LUPP and other parameters discussed within this report and this section.

309. 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 principle assets affected are those discussed by Historic England in their responses over the life of the application, and referenced by the Council's own Heritage officer. Due to the nature of the development, separation distances and intermediary features involved (and likely to be strengthened through Reserved Matters and a robust landscaping proposal), officers are satisfied that other assets within the vicinity, and not specified below, would not be 'harmed' by this proposal, within the meaning provided by Historic England guidance<sup>22</sup> and expanded by the NPPF.
310. The impacts upon those key assets that would be affected by the development are discussed under the headings below:

#### Chilton Hall (Registered Park and Garden, and Highly Graded Listed Buildings)

311. The individually listed (Grade II) garden/park land of Chilton Hall lies to the south east of the application site. Within that land is the Grade II\* Chilton Hall and related (and individually listed) Grade II garden wall, however all of these assets are separated from the application site by hard and soft intermediary features, including those parcels of land that, whilst within the Strategic Land Allocation, fall outside of the application site.
312. There is disagreement between parties as to the extent that the scheme is likely to impact upon these assets and, understandably, it is the 'Bird land' and the land parcel adjacent to the south west that are held to have potential for the greatest impact and also opportunity for mitigation. However, that land is not under the control of the applicant, nor is it part of the application site. Should future applications affecting that land be submitted pursuant to Policy CS4 or otherwise, those applications will be considered on their own merits. On that basis, it is considered reasonable to consider those measures that could be undertaken within this application site to mitigate impacts.
313. It is agreed between parties that a planting buffer would help to reduce the visibility of the new development. Whilst landscaping is a reserved matter, there is no reason to consider that a high-quality scheme, supported by a detailed Design Code and the recommended CEMP, would harmfully disrupt the setting of those assets. Additional certainty would be provided through requiring that the development substantially accords with the LUPP and Building Heights Plan. To that end, it is considered reasonable to take the position that inter-visibility between sites could be reduced to the extent that any 'harm' could be ameliorated or as a worst-case, would be 'less than substantial'. Members must attach considerable importance and weighting to this harm.

#### Long Wall (Grade II)

314. Long Wall is a Philip Dowson-designed 'contemporary' dwelling; as such it is one of the few post-war listed buildings in the country and is located north-north-west of the Site. The building is accessed from an unmade track, west of Newman's Green. Its 'very rural' setting is considered to contribute to its significance.
315. The initial comments of Historic England did not object on the grounds of likely harm to this asset, rather the lack of information supplied in understanding its significance and the likely impacts that the development would pose.

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<sup>22</sup> English Heritage, 'Conservation Principles, Policies and Guidance' (2008).

Subsequently, the applicant provided additional information to address this; it is noted that in return Historic England have not included Long Wall within their most recent response or concerns in respect of impacts and harm.

316. Nevertheless, officers have considered the recent ES addenda alongside the previously submitted details in respect of this heritage asset carefully: The magnitude of effect is considered to be low. The topography is such that the more open aspects affecting the asset are oriented away from the Site. As above, it is considered that careful control over any permission granted combined with careful consideration at Reserved Matters would limit the potential for any 'harm' to this asset. Any such harm, albeit unlikely, would be 'less than substantial'. Members must attach considerable importance and weighting to this harm.

#### St Bartholomew's Chapel (Scheduled Monument)

317. Following the initial comments of Historic England, the applicant has made amendments and proposals to incorporate the recommendations made. This includes the retention of a section of banked hedgerow and a height restriction for buildings on the A134 frontage. To be satisfied, Historic England have sought comfort that this can be secured. To that end, the applicant has recommended the following planning condition:
318. *"No building, structure or other paraphernalia shall exceed 18m above existing ground levels on the frontage zone identified in Figure 11.3 (35223-Lea264.dwg)."*
319. The 18m threshold has been tested through the submission of sectional drawings identifying that such a control would adequately restrict visibility between sites.
320. Officers are content that such a condition is acceptable and meets the tests set out under the NPPF at Paragraph 206 and within the PPG, specifically that it is: *"necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects."* Equally, officers are satisfied that the preservation of the banked hedgerow can also be secured through condition. The precise conditions to be applied to any permission granted are appended to this report.
321. Further suggestions made by Historic England in respect of the CEMP are noted and considered acceptable. Officers would be pleased to involve Historic England in the assessment as to the adequacy of any CEMP once it is forthcoming.
322. Having regard for the details available and the comments received, officers consider that, subject to the identified controls, impacts upon the Chapel would be negligible/unlikely to pose 'harm' within the meaning provided by Historic England and expanded by the NPPF.

#### Wood Hall Moated Site (Scheduled Monument)

323. Members will note that in response to the initial comments provided by Historic England, the revised Masterplan and LUPP have removed the employment land from immediately to the north of the Moat Site in lieu of 50 additional dwellings. This change has been well-received by them, stating that:

*"We are supportive of the approach to add an additional block of housing to the north of the moat and to place these houses so as to create an active settlement frontage that faces the monument. We also however want the development to deliver better management and interpretation for the monument itself by way of enhancement and mitigation."*

*We are therefore seeking assurances and conditions to ensure that the design of the layout will be consulted upon in the full application stage and we are seeking assurances that there will be an opportunity to influence the design of these houses that face the monument once outline permission has been granted.”*

324. Following further discussions with the applicant, and noting the additional residential pressures posed upon the asset that might present risk of harm, a planning obligation will be sought to secure the provision of an interpretation board for the Moat Site to better reveal its significance and encourage respect of its setting.
325. Further, as noted above, the requirement of a Design Code to influence the final presentation of the scheme will assist in securing a design that positively responds to the asset. Future developers would be directed to liaise with Historic England in the formulation of such a Code, and in any event Historic England would be consulted again at the Reserved Matters stage where the layout and appearance of the scheme would require the approval of Members.
326. Comments relating to the present state of the Moat are noted. This land is owned by the Babergh District Council and is not therefore within the control of the applicant. Nevertheless, the combination of a detailed CEMP and interpretation board are considered sufficient to promote the active preservation of the site and reduce risk to its significance in the future. It is not considered appropriate or necessary to require the developer to contribute to addressing the *existing* state of the site.
327. The Babergh District Council's Public Realm team have indicated that they would welcome discussions with developers in respect of the future management of the site.
328. Whilst no objection has been made by Historic England, the significant urbanisation to the north of the Moat Site which would effectively remove the last open prospect that it has, is likely to harm its setting albeit such harm would be 'less than substantial'. Members must attach considerable importance and weighting to this harm.
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329. The high threshold that has been established through case law in relation to identifying 'substantial' harm<sup>23</sup>, and the views of Historic England in stating that Paragraph 134 of the NPPF is applicable, leads officers to conclude, having had regard for the nature of the development, supporting application detail, its surrounding environs and the comments received through consultation, that any harm posed by the development would be 'less than substantial' within the meaning provided by the NPPF; there would be no physical intervention or destruction to designated assets through the construction and reasonable occupation of the development, rather the likely impacts relate to impingement of setting that in itself could be significantly reduced through careful control of any outline permission granted, and at the Reserved Matters stage.
330. The most recent response of Historic England is noteworthy, where they have “...*accepted the development in principle*” despite likely harmful impact and effect upon designated heritage assets. Further, they no longer recommend refusal of the application as they did in 2016.
331. With no detailed plans to consider at this stage (other than access) the likelihood of 'less than substantial' harm being posed by the development is a matter of debate. However, the potential prominence of buildings within the employment land, and the significant urbanisation of previously undeveloped land, have been considered carefully.

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<sup>23</sup> Bedford Borough Council v Secretary of State for Communities and Local Government ([2013] All ER (D) 380(Jul)).

It is, however, considered that a high quality and design-led scheme could mitigate the potential impacts of the proposal upon the historic environment. It is on that point that officers reiterate the essential need for an agreed Design Code to inform the detailed scale, appearance, landscaping and layout of the development at Reserved Matters. This is in addition to fixing the heights of buildings within A134 frontage and requiring the development to accord with the overall Building Heights Plan.

332. Even if Members were to infer from the above that the impacts of the scheme could be mitigated to the extent that any 'harm' could be ameliorated, officers consider that it would be prudent to exercise caution and consider the alternative; that the development is likely to pose 'less than substantial' harm, as officers recommend that this is the most realistic outcome, even if that harm is of a very limited nature.
333. Where it is considered that the proposal would pose 'less than substantial harm' to the significance of designated heritage assets, the NPPF requires that such harm be balanced against the public benefits of the proposal. Imposed statutory duties and responsibilities require that the harm identified be afforded considerable importance and weighting in that balancing exercise.
334. The definition of what amounts to a 'public benefit' is not provided within the NPPF. However, the PPG offers the following advice:

*"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

*Public benefits may include heritage benefits, such as:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long-term conservation.<sup>24</sup>*

335. On that basis, and with due regard to the submitted application and the measures to be secured to provide certainty in the event that outline planning permission is granted, the public benefits of the proposal can be broadly summarised as including the following:

- 1) Delivery of up to 1,150 dwellings: a significant boost to Babergh land supply.
- 2) Significant job creation and economic benefit throughout the construction phase.
- 3) Significant economic benefits to Sudbury and surrounding area.
- 4) An overall affordable housing provision of 25% (up to 287 dwellings): promotes healthy and inclusive communities.
- 5) The delivery of 15ha of employment land and additional retail/office provision: regardless of final mix, A1-5, B1, B2 and B8 uses would inherently offer significant benefit through job creation and economic stimulation.
- 6) A suite of community leisure, and open space benefits.
- 7) A significant infrastructure contribution: whilst necessary to make the development acceptable, the contributions would additionally benefit the wider public.
- 8) An access, layout (LUPP) and transport strategy to encourage sustainable travel patterns.
- 9) Ecological enhancements.
- 10) The provision of an interpretation board to reduce risk of harm to the Wood Hall Moat Site.

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<sup>24</sup> Paragraph: 020 Reference ID: 18a-020-20140306

336. Considered in isolation, it is unlikely that many of these public benefits would, individually, be sufficient to outweigh the potential harm that has been identified, even if only 'less than substantial'. However, it is considered that in combination and cumulation these public benefits are substantial and sufficient to outweigh the potential 'less than substantial harm' to the designated heritage assets identified, even when considerable importance and weight is given to that harm and the desirability of preserving those relevant designated heritage assets.
337. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having paid special regard to the desirability of preserving the historic environment as required by the Planning (Listed Buildings and Conservation Areas) Act 1990 and given the harm that has been identified considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight.
338. A positive recommendation in relation to heritage impacts can therefore be made having regard to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities.

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339. Framed against the considerations in the preceding sections and the significance of the 'presumption in favour sustainable development', it is important to note that officers consider that the planning policies pertaining to the historic environment accord with Footnote 9 of the NPPF i.e. as specific policies that might indicate that development should be restricted.
340. However, as above, officers have concluded that the 'less than substantial harm' identified is outweighed by the substantial public benefits of the proposal, despite the considerable weight attached to that harm. As such, those policies within the NPPF no longer indicate that development should be restricted.
341. Consequently, the 'tilted balance' under Paragraph 14 remains engaged, to be considered in greater detail at the conclusion of this report.

### **Landscape Impact and Open Spaces**

342. The NPPF states that the intrinsic character and beauty of the countryside should be recognised in decision-taking. Policy CS15 of the Core Strategy requires development proposals to protect the landscape of the District.
343. In addition to the requirements of Policy CS4, Policy CS14 also seeks to protect and enhance existing green infrastructure and states that on larger sites it will be central to the character and layout of the development. Additionally, it requires that particular consideration be given to ensuring that new provision links to existing green infrastructure. Policy HS31 of the Local Plan requires residential developments on sites of 1.5ha or more to provide 10% of the site area as open space, notwithstanding that Policy CS4 is the lead policy for determining this application.
344. The Site predominantly comprises arable land defined by hedgerows, with small ponds, areas of scrub and some tree cover. As well as that farmland, the north-eastern area of the Site includes part of a former WWII airfield.

345. Residential development bounds the site to the south/south east, along with the Wood Hall Business Park and Tesco superstore that run adjacent to the A134. Sporadic residential developments and recognised settlements (designated within the Development Plan) lie in proximity to the west, north and east: Long Melford is to west, connected by the B1064; Newman's Green (before reaching Acton) is to the north, served by Acton Lane, and; Great Waldingfield lies to the east, connected by the B1115 that runs adjacent to the south-eastern portion of the Site.
346. In addition to Acton Lane, the highway that bisects the site through connecting Sudbury to Acton, a number of Public Rights of Way (PROW) run through, or adjacent to, the Site. Part of the Stour Valley Project Area is located within the western part of the Site. The Suffolk Landscape Character Assessment defines the site and the surrounding area as part of the Ancient Rolling Farmlands landscape character type.
347. It is inevitable that developing the land would pose an impact upon the character of the site and its immediate landscape setting. However, the development plan envisages that there will be development in this location, as noted in consideration of the principle of development elsewhere in this report where the Site represents a Strategic Land Allocation; the key question, acknowledging the principle of development, is whether the visual impact of the development can be reasonably contained or mitigated as it relates to the wider landscape setting.
348. As previously identified, the Site provides a significant land budget in respect of open spaces, landscaping, and the Community Woodland; around 40ha in total, of the overall site area of 117ha. The Masterplan and LUPP clearly identify those areas and how they would relate to the broad internal layout of the development, noting the specific details relating to layout and landscaping are nevertheless reserved.
349. The Community Woodland envelops the built aspects of the development, generally sweeping around the northern fringe from the western access around to the eastern employment land at Waldingfield Road. It would serve multiple functions: as structural landscaping and screening; ecological enhancement/habitat, and; 'green' public amenity. The bulk of woodland planting lies immediately to the north of the Village Centre, within the parishes of Chilton and Acton. The detailed access points (for approval under the cover of this application) aid with permeability through the site and to connecting footways and highways. In addition, PROW permeate the site and run adjacent; it is considered that the detailed scheme could adequately connect-into surrounding green infrastructure. In addition, Members will note the significant contributions required to upgrade PROW and improve sustainable transport links.
350. Public open spaces are considered to be key elements of 'major' residential schemes, which accord with those garden suburb principles supported by the NPPF. As noted, the Masterplan/LUPP identifies that a generous provision of such space can be achieved within the proposed development. Within the residential areas, a number of LAPs are to be provided; in addition to the provision for a NEAP, MUGA, and LEAP within the 'Other Green Spaces' identified on the LUPP.
351. The precise design and layout of such spaces would be dealt with at the reserved matters stage but obligations are recommended to secure the public open space, the provision of those areas of play and their ongoing management, including commuted sums as a medium-term maintenance contribution. At this time, it is considered reasonable to allow flexibility in determining the appropriateness of a long-term management strategy at a later date. However, it is noted, and welcomed, there is aspiration within the local community to take on the management of such spaces and other community facilities.

352. Where Members are recommended to secure the development against the LUPP, the information supplied, which includes a comprehensive Landscape and Visual Impact Assessment (LVIA), is considered to be sufficient to enable an assessment to be made against the likely landscape and visual effects of the proposal, with your officers having also undertaken an extensive visit to the application site and its surroundings.
353. Whilst the LPA has not commissioned an independent review of the LVIA, the views of an external consultancy, Place Services, were sought in respect of the landscape impacts of the proposal and that has included a review of all of the submitted documentation pertaining to this application. Your officers endorse the views that this expert consultancy has provided, and have considered carefully the potential for the future expansion of the Dedham Vale AONB.
354. In terms of the likely visual effect on the surrounding landscape, the proposals will have an impact on the existing rural edge character of Sudbury as it will transform that character into residential and employment areas. However, the creation of the Community Woodland and inclusion of substantial landscaping - noting the significant land budget afforded - within the proposed development will contribute to mitigating the visual impact. The development is effectively an extension to the urban fringe of Sudbury, where Members have already approved the principle of a significant mixed-use development on the Site in the adoption of Policy CS4.
355. Contextually, from longer views of the development from the surrounding area, the proposal 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. Opportunities can be taken to ensure that any existing screened boundaries to the site are retained in their naturalised form, and where possible those boundaries can be reinforced and complemented through the planting identified on the LUPP.
356. If Members are minded to grant planning permission, a number of detailed conditions would be applied to ensure that the final development is acceptable in landscape terms, not forgetting that landscaping is a reserved matter. This would include the requirement for a CEMP (as discussed previously) and fixing such parameters as the LUPP and the Building Heights Plan, in addition to requirements for maintenance and planting timescales as they relate to the phasing of the development, and lighting/illumination.
357. The comments of the Sudbury Area Green Belt Group have been taken into account. Members should note that 'Green Belt' is a nationally-significant land designation that seeks to prevent/control the sprawl of significant urbanised areas; there are no areas of Green Belt in Babergh, or Suffolk. Therefore, Members are advised to set aside the specific directions and policies in respect of Green Belt land laid out under the NPPF and PPG, as they do not apply to this proposal.
358. Nevertheless, the comments submitted by that Group have been considered carefully. In respect of the additional residential land incorporated into the recent application amendments, your officers accept that to have designated such land as open space would have been positive, and welcome. However, the LPA is tasked with determining the application that is before them; the inclusion of development to the north of the Moat Site has been determined on its own merits (noting the comments of Historic England), along with those other matters and considerations relevant to this application.
359. In any event, notwithstanding the outline nature of this application the provision of access, with the land budget of open spaces and green infrastructure available, applied to the LUPP, gives adequate comfort that the open spaces and green space network delivered by this proposal would be accessible both to future occupants of the Site and those of neighbouring settlements.

## Economic Impact

360. In addition to the specific employment parameters set by Policy CS4 and detailed in a preceding section of this report (Principle of Development - Policy CS4), Policies CS1, CS3, CS15 and CS16 of the Core Strategy support the significance of safeguarding and enhancing the District's economy. Those policies are broadly consistent with the aims of Section 3 of the NPPF which seeks to support economic growth as a dimension of sustainability. In particular, Paragraph 19 requires plan-makers and decision-takers to place *"significant weight... on the need to support economic growth through the planning system"*.
361. There are two areas of employment land identified on the Masterplan/LUPP, combining to form 15ha of land provision. The greatest portion of land lies to the west of the Site and would be served by the proposed western access roundabout from the A134/Springlands Way.
362. The western employment land would comprise use classes: B1, B2 and B8 on an area of approximately 12.6ha. The precise mix is as of yet unknown, however for reasons to be addressed in the next section (Residential Amenity), it is considered necessary to set parameters in respect of the uses permitted and associated operations. In addition, and in accordance with the LUPP, the western employment area would host a hotel identified at the gateway to the western access. The Household Waste Recycling Centre would be located to the north of this area.
363. The eastern employment land amounts to around 1ha, indicated on the Masterplan and LUPP to be of B2 and B8 use classes. The total employment land area amounts to 5ha; however, the majority has already been developed due to the Chilton Grain operation. This land would be accessed as it is now, via the Waldingfield Road and terminate at this land parcel.
364. Aside from the consideration that the quantum of employment land provided would accord with the lead policy relating to the Strategic Land Allocation - Policy CS4 - the nature of the businesses proposed have been a source of considerable local interest. To this end, the comments of Councillor Lawrenson are noted, along with those of other consultees including the Council's own Economic Development team: the former objects to the application; the latter does not. Members should have equal and open-minded regard for all comments when assessing the merits of this application.
365. There has been criticism of the manner in which the proposed business units would be developed, with particular regard to a lack of demand or economic value of B8 uses - 'low paid jobs', and also the impacts upon existing employment options. Particularly, comments have been raised that the employment offer runs against the grain of advice contained within the Suffolk Growth Strategy (SGS). The Babergh District Council has committed to the plan set out within that Strategy, and it is not the place of this report to assess the merits of this; suffice to acknowledging that the aspirations within are positive and clearly within the interests of the District as a whole.
366. Nevertheless, the SGS is not part of the development plan. It is, however, a consideration. Taking this into account, officers afford it a lesser weighting when assessing this application, where it is acknowledged that Policy CS4 makes no prescription over land uses, and that the applicant has commissioned a location-specific evidence base which is considered to adequately address need and appropriate use. Whilst the operation of the SGS is positive, it does not render the submitted application as unacceptable or direct that such an application be refused.

367. As noted, the applicant relies upon evidence contained within a location-specific assessment commissioned by them and produced by estate and land agents, Fenn Wright<sup>25</sup>. The Fenn Wright assessment has shaped the employment offer indicated on the Masterplan and LUPP: a significant provision of employment floor space comprising approximately 19% B1 uses, 33% B2 uses and 39% B8 uses, of a 15ha total land budget. In addition, further employment generating uses are included within the Village Centre, including managed workspace and community facilities. The allocation of a hotel within the western employment area of the Site has also followed the assessment provided by Fenn Wright and a further assessment produced by Carter Jonas.
368. Whilst the assessment undertaken can only represent a snapshot in time, officers nevertheless consider that the mix outlined is wide enough to allow for market fluctuations. The reserved layout and wider building height parameter is set to encourage as many potential occupiers and investors as possible. It is also necessary that permission follow the mix identified, to provide certainty that is tied to the assumptions and conclusions reached within the ES and other supporting assessments including the Transport Assessment.
369. The overall range of employment generating uses on the Site has the potential to provide up to approximately 1,900 jobs, based on the indicative mix and evidence base provided by the applicant: this is a significant provision that warrants consideration.
370. In addition, noting a policy-compliant allocation of employment land, the development plan and the NPPF still require that due weighting be afforded to the inherent economic benefits that this scheme would pose.
371. Whilst it would be appropriate for the District Council to seek to secure more technology-based and skilled kinds of employment provision, officers consider that the scheme before Members must be considered on its merits and based on its own 'offer'. Given that it is reasonable to conclude that the uses proposed by the applicant are responding to market needs, it would be difficult to sustain an objection on the basis that other uses are preferred from an aspirational rather than planning-land use perspective.
372. The likely impacts of commercial uses upon the local highway network have already been considered alongside those of the residential element. Your officers endorse the view of the LHA, who raise no objection subject to securing appropriate mitigation.
373. Comments in relation to Policy EM08 of the Local Plan and its application to the proposal have been considered. Specifically, the policy states that:
- “Proposals for warehousing, storage and distribution will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.”*
374. Policy CS4 is the lead policy for the determination of this proposal and is a land allocation that, through its terms, expressly allocates new employment land. Therefore, in accordance with the first limb of Policy EM08, the provision of warehousing, storage and distribution would be acceptable subject to an assessment of that proposal having regard to its location and impact upon surrounding environs i.e. its individual merits.

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<sup>25</sup> Fenn Wright, Employment Land Delivery Strategy (2015).

375. On that basis, it is noted that the proposal and indicative quantum responds to market need and forecast, and would not be unacceptable in highway terms. Whilst not a trunk road, the A134 is nevertheless an attractive route for commercial operators and offers connection to the A14. Other matters relating to scale, layout, appearance and landscaping are reserved. However, through fixing scale by the Building Heights Plan, securing an acceptable Design Code to shape the appearance and presentation of the development, and a detailed and robust landscape strategy built upon the LUPP, it is considered that an acceptable scheme could be secured in respect of its impact upon surrounding environmental characteristics.

376. Furthermore, and again with reference to Policy EM08, the proposed B8 use is not adjudged to take up an 'excessive amount of land', comprising 6ha within the application site and 15ha employment land budget.

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377. The provision of the hotel within the western employment area is based upon the commissioned advice from Fenn Wright. 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. Subject to a reasonable profile and an appropriate form and scale, it is expected to be well received in the market.

378. Where a hotel is a 'main town centre' use, Paragraph 24 of the NPPF is applicable:

*"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."*

379. As set out within the PPG<sup>26</sup>, the onus is on the applicant to demonstrate compliance with this test and the application of the test should be proportionate and appropriate for the given proposal. Further, the relevant paragraph of the PPG sets out the considerations that should be taken into account in determining whether a proposal complies with that test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

380. In this instance, the applicant has provided a detailed assessment following the above guidance and principles. Consequently, officers are satisfied that with regard to the proposal, the Site is the next sequentially preferable, and available, location.

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<sup>26</sup> Paragraph: 010 Reference ID: 2b-010-20140306

381. As the floor space of the hotel does not exceed 2,500m<sup>2</sup>, a more rigorous 'Impact Assessment' is not required.<sup>27</sup> This is due to the submitted assumption that the hotel would hold an approximate floor space of 2,000m<sup>2</sup>. Without reasonable assessment and understanding of such impacts, the proposal would be unacceptable. It is therefore considered necessary to condition the maximum scale of the hotel, in addition to the Building Heights Plan and '18m from ground limit' (see Heritage section), in order to ensure that this element of the proposal accords with the assessments that have been undertaken.
382. The delivery and phasing of the employment area(s) is considered in a later section of this report.
383. In light of the preceding assessment, and notwithstanding the compliance of the proposal with Policy CS4, the development is considered to be acceptable in respect of its impacts upon the local economy. However, in order to remain as acceptable, officers recommend that in the interests of certainty, and in accordance with the evidence base and impact assessments (including ES) submitted, that the employment mix of the development be limited as such, alongside the LUPP:

#### Western Employment Area

- 2.9ha B1 (a, b, and c);
- 4.4ha B2;
- 5.3ha B8;
- 0.6ha - Hotel;
- 0.6ha - Household Waste Recycling Centre;
- 0.2ha – District Heating Network.

#### Eastern Employment Area

- 0.5ha B2;
- 0.5ha B8.

384. This would be in addition to those other conditions recommended throughout this section and the body of this report.

#### **Residential Amenity**

385. One of the core planning principles within paragraph 17 of the NPPF is that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by policy CN01 of the Local Plan.
386. As such, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbours, or future occupants, by reason of impacts including loss of light, privacy, or outlook, or other potential impacts associated with the proposed development and its construction; such as emissions of noise, light or dust. 'Air Quality' is discussed under its own heading within this section.
387. In producing this aspect of the report, officers have paid due regard to all comments and representations received, including those submitted by the Environmental Protection (EP) team, and Temple Group who reviewed the ES that contained much of the supporting evidence base for this application.

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<sup>27</sup> The NPPF allows for locally set, potentially lower, thresholds to trigger an impact assessment, however no such threshold is identified in the Development Plan.

388. The application is in outline form with the layout, amongst other matters, reserved. However, the LUPP, which would be tied by planning condition, sets an expectation of how the Site would be arranged, by its land uses. Taking into account that arrangement, the relationship to existing development, and the quantum of available land budgeted across those uses, officers consider it reasonable to conclude that there is adequate scope to ensure that residential amenity is safeguarded for existing neighbours and future occupiers, in respect of the residential element of the scheme and its physical presentation i.e. outlook, privacy, loss of light, amenity space. Such details would be considered at Reserved Matters, alongside a Design Code to be secured by condition.
389. The five detailed points of access would most likely route future residential traffic along the existing residential roads of Aubrey Drive, and Reynolds Way. Naturally, this will significantly alter the character of those roads and the amenity afforded to those occupants.
390. Having regard to the configuration and presentation of the detailed access points, and the nature of the local highway network in respect of its presentation and relationship to existing properties, it is considered that traffic speeds along those access routes are very likely to be low and therefore unlikely to generate such noise, or disturbance through vibration, to the extent that it would pose significant effects to the *majority* of existing residential properties.
391. However, a residual significant noise effect is predicted in the ES for approximately three properties on Aubrey Drive by virtue of the magnitude of change posed in respect of the transition from an existing *cul-de-sac* to a through-road into the new development. The issue is recognised both by Temple Group and the EP officer. The creation of a through road from a quiet *cul-de-sac* will inevitably change the character of the road and noise environment. The severity of those impacts is a matter of debate between professionals. Officers nevertheless accept that there is a potential for adverse impact and this must be weighted appropriately.
392. Nevertheless, officers concur with the outcome of the ES Review and EIA/consultation process in finding that whilst the change in noise levels would be significant, this does not have to equate to an unacceptable level of adverse impact. Rather, the predicted noise levels could be within the acceptable thresholds set by British Standard, assuming that all reasonable steps have been taken to mitigate and minimise adverse effects on health and quality life.
393. In respect of this, additional controls by way of planning condition are recommended to more accurately model noise impact at the detailed design stage and explore appropriate mitigation options as may be required. Without a detailed layout, and further supporting noise assessments which would be forthcoming at Reserved Matters/prior to the commencement of development, it is not possible to determine with certainty the extent of residual severity upon those three properties.
394. Nevertheless, officers consider it prudent for Members to adopt a precautionary approach, as a 'worst-case scenario'. The harm identified should be weighed in the overall planning balance.
395. As part of pre-application diligence, the applicant considered the use of alternative means of connectivity, the options identified were considered to present greater adverse impacts than the proposal before Members. In any event, Members are recommended to determine the application that is before them.

## Construction Traffic and Noise

396. The movements of construction and HG vehicles during the build-out phases have been considered very carefully and reflect a key area of local concern. Officers accept that such impacts in relation to noise, dust and vibration will have a significant adverse impact upon existing residential amenity if not managed appropriately.
397. As discussed elsewhere in this report, officers strongly recommend the imposition of a condition securing an agreed and comprehensive Construction Environmental Management Plan (CEMP) prior to the commencement of development. A Construction Traffic Management Plan (CTMP) could be subsumed within this control, for matters of clarity and simplicity, and where construction traffic is so intimately related to wider environmental effects in this instance. The use of a CTMP is supported by the EP officer.
398. The CEMP (and CTMP) would set out the management measures which the developer will require its contractors to adopt and implement for the construction of the development to avoid, and manage any construction effects on:
- the environment;
  - surrounding residents and occupiers;
  - future residents and occupiers of the development.
399. This will include how environmental impacts are to be managed, as well as the impacts of construction traffic and noise, and is essentially committed to ensuring the development follows and accords with the parameters and assumptions made within the ES and the needs dictated by the finalised Reserved Matters.
400. Routes for construction traffic would be restricted so that traffic would, where possible, be routed to minimise effects on existing sensitive receptors in the vicinity of the Site (such as the occupants of Aubrey Drive and Reynolds Way). The ES identifies that construction traffic would need to be initially routed via Acton Lane and/or Aubrey Drive/Reynolds Way until such time as a temporary 'haul road' can be constructed from the A134.
401. As will be discussed later in this report, the finalised routes undertaken by construction traffic would depend upon the area being developed, the item being constructed, and the particular phase of the development. It is essential that as much traffic utilises the western access (employment land) as possible, and as early as possible. However, officers accept a balanced approach may be required, driven by need and timely delivery.
402. Officers then additionally recommend that the CEMP is 'Phase Specific' and so planning conditions require that a refreshed CEMP (and incorporating CTMP) is provided for each of the construction phases. This is to allow for making best utility of the environmental situation at each stage; thereby reducing adverse impact upon neighbouring residents as much as possible. This is especially true given that, as will be discussed later in this report, the delivery of the employment and residential land may move at different paces; the latter likely enabling the former due to viability.
403. In addition, and noting the outcome of the ES Review/EIA process, controls are recommended to require a noise assessment to be undertaken when the construction details are known. As agreed between the applicant and Temple Group, necessary mitigation will be specified within an agreed Code of Construction Practice, as part of applications for prior approval under S61 of the Control of Pollution Act 1974. The requirement for a noise assessment can be secured by planning condition and would all inform the CEMP, to run concurrent with the Reserved Matters and relevant phasing.

404. It is, in the opinion of your officers, unavoidable that a degree of harm would be posed to residential amenity in respect of the construction of the development. As acknowledged, this can be mitigated as far as practicable, however there is no certainty that it could be wholly eliminated, depending upon the stage of construction and the relevant phase of development. It is not, however, considered likely that such impacts would be chronic or severe throughout the entire construction period.
405. The harm identified shall be weighed within the overall planning balance later at the conclusion to this report.

#### Employment Noise

406. The EP officer does not object to the proposal. The EP officer does however raise a number of points related to detailed design in respect of the assessments undertaken and the need to adequately control future uses on the site. The comments submitted in respect of recommended conditions are endorsed and it is considered reasonable that a suite of conditions can be applied to safeguard the residential amenity of nearby occupants; existing and future. This has been supported by the views of the Temple Group who recommend a condition securing a hierarchy of mitigation adhering to the best-practice standard, BS8233.
407. The comments provided by the EP officer in respect of the siting of B1, B2 and B8 units are noted. This aspect is not yet fixed, other than the quantum of floor space for those uses (by planning condition), and so it is reasonable to consider this aspect in more detail at the Reserved Matters when such a layout would be known and supported by such additional assessments as may be required and as considered in the preceding paragraph.
408. The Household Waste Recycling Centre (HWRC) has been positioned in the north-west corner of the Site in order to provide a reasonable separation distance from the nearest dwellings (approximately 250m). The noise assessment included in the ES shows no significant adverse effects associated with the HWRC, subject to more detailed matters relating to control and related layout and screening. At this outline stage, the submitted details are considered as reasonable and acceptable.
409. In respect of parameters, the applicant accepts the need to present a layout and mix at the Reserved Matters that accords with the relevant measures set out under technical guidance and controlled by way of planning condition.
410. One of the key parameters that the EIA is based on is an overarching maximum noise limit for the employment area ("not to exceed background levels by more than 5 dB(A)") under which the noise-related environmental effects associated with the scheme are concluded to be not significant.
411. Temple Group (and the EP officer) raise an alternative methodology, whereby the EIA includes an assessment of the most likely type of B2 use to define the operational noise parameter which would effectively 'envelop' the site. The applicant disagrees with this approach highlighting that at this stage there is no certainty as to the type of B2 use which could come forward so the approach adopted in the ES is pragmatic and provides the necessary certainty by testing a fixed parameter (which can be controlled by way of planning condition).
412. Officers favour the applicant's approach (rather than the alternative methodology proposed by Temple Group) as it would permit a reasonable combination of both flexibility and certainty, set within the assumptions and parameters of the ES, and would allow Members to take a decision that would ensure the safeguarding of residential amenity.

413. In addition, the applicant has committed to accepting a planning condition requiring the developer(s) to take all reasonable steps to minimise noise as far as possible below that limit i.e. not to approach the site-wide limit as a 'speed limit', rather work as far below such a limit as possible instead of consistently operating at that level. The developer would be required to set out a proposed hierarchy of mitigation and provide a commitment to adhering to the relevant British Standard (BS8233), as referred above.
414. Such an approach would accord with the principles within the Control of Pollution Act 1974, which requires the use of Best Practicable Means to reduce noise rather than set a limit. Additional conditions to require detailed noise modelling to be undertaken at the Reserved Matters application stage, when details of operational noise sources will be better defined, are recommended.

#### Noise from Existing Employment Areas

415. Future proposed dwellings have the potential to be affected by noise emissions from the existing commercial uses to the south of the Site off Drury Drive, the Tesco supermarket to the south, and those at the eastern end of the Site comprising 'Chilton Grain'. A number of baseline data have been provided by the applicant in respect of this.
416. Noting comments from professional consultees and the Temple Group, it is considered that whilst a potential for adverse impact is present, the Outline nature of the scheme coupled with planning conditions, gives sufficient comfort that there is scope to design-out the potential for unacceptable effects at the Reserved Matters stage and prior to the commencement of development. This might include, for example, a requirement that more detailed noise surveys (to an appropriate British Standard) are completed prior to development occurring at those relevant areas of the site. There is no reason to consider that an acceptable solution cannot be achieved in this regard.

#### Air Quality

417. The air quality assessment included as part of the ES shows no significant adverse effects on air quality, which includes consideration of the Air Quality Management Area (AQMA) at Cross Street, west of the town centre. These conclusions are accepted by the Temple Group.
418. Whilst the construction phases have the potential to risk some harm to air quality, with good site practice and mitigation measures the impact on air quality would be negligible. With regards to the potential impact of development-generated traffic, the conclusion is that it would not cause any exceedance of accepted air quality objectives.
419. The amendments submitted in relation to an increase in dwelling numbers (50 no.) and decrease in employment land (1.4ha) do not alter this position.

#### Lighting

420. Policy EN22 of the Local Plan relates to lighting. It aims to minimise light spill and pollution to safeguard residential amenity, the character of an area and highway safety. The baseline condition for the site is generally unlit and the proposed residential development in the outline area may be at risk of loss of amenity from lighting at the existing and proposed commercial uses; likewise, existing residential properties adjacent to the site could be affected by the final presentation of the scheme within this Site.

421. As acknowledged, the application is in outline with all matters save for access reserved. It is considered reasonable to treat the consideration of lighting by planning condition and through assessment at the Reserved Matters stage such that the proposal is not considered to be unacceptable in this respect.

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422. Potential impacts upon residential amenity that would be posed by the uses and operations surrounding the Village Centre, Allotments, Sports Pavilion, and Playing Pitches, have all been considered. It is considered that such matters could be adequately controlled through condition, as recommended by the EP officer.

### **Design and Layout**

423. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with particular regard to the scale, form and nature of surrounding development and the local environment.

424. Core Strategy Policies CS12 and CS15 set out the requirements for sustainable design and construction standards (energy efficiency is dealt with in the next section of this report).

425. Policy CS12 requires strategic site allocations, such as this Site, to achieve the Building for Life Silver Standard. However, this standard was based on the previous Building for Life Assessment, which has since been replaced by Building for Life 12 (BfL), which is a 'traffic light' scheme with red, amber and green standards based on 12 questions. Nevertheless, despite the defunct status of this aspect of the Policy, it nevertheless accords with current principles concerned with assessing the urban design quality of a scheme.

426. The BfL criteria outline a number of urban design principles and questions against which a development should be considered, which includes examining how well a development integrates, looks and functions in order to provide a more objective assessment of the quality of a proposed development. Achieving 9 green standards attains 'Built for Life' and achieving 12 green standards 'Outstanding'. The BfL clearly states that there is no correlation to the gold and silver standards used previously.

427. Policy CS12 also states that:

*"All new non-residential developments will be expected to achieve, as a minimum, the BREEAM 'Excellent' standard or equivalent."*

428. Whilst this aspect of the policy is aspirational as an 'expectation', rather than a fixed requirement, officers have no reason to consider that this standard cannot be met by any future developer.

429. Policy CS15 of the Core Strategy requires, *inter alia*, that new development should be well designed and of an appropriate size/scale, layout and character in relation to its setting and to the village. Development should also respect the landscape, landscape features, streetscape/townscape heritage assets, important spaces and historic views of the locality.

430. Delivering quality urban design is also a core aim of the NPPF which states (at Paragraph 56) that good design is a key aspect of sustainable development and is indivisible from good planning. At paragraph 64, the NPPF further states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions. The NPPF also encourages the use of local Design Review.

431. This application is submitted in outline where the matters of layout and building design are reserved. However, it is good practice for an applicant to demonstrate that the site can be developed in an acceptable way. To this end the applicant has submitted an indicative Masterplan and a detailed Design and Access Statement (DAS) that provide an indication as to how the development is envisaged to occur, with design principles for the development parcels comprising the site.
432. The DAS includes the following reference(s):
- “The scheme will incorporate landmark features and focal squares at key junctions to create a memorable identity within the site, to aid legibility and to create a sense of place. Special emphasis will be given to buildings at landmark or gateway locations through the use of higher buildings and contrasting details and materials. Working with the site’s topography will naturally create character and provide a varied roofscape...*
- Chilton Woods creates a mix of residential, commercial, community uses and open spaces that will be accessible to a range of people. All homes are arranged around the perimeter of development parcels forming overlooked streets that connect to the main spine road which runs through the heart of the scheme. The spine road runs on an east-west alignment, converging on the village centre to maximise activity around it, enabling passing trade to assist the viability of the uses within it....*
- Through the detailed design of the development there will be an opportunity to further strengthen the sense of place at Chilton Woods. Whilst there is currently no strong identity to the areas immediately adjoining the site, the development of Chilton Woods creates the opportunity to tap into the rich tradition of distinctive Suffolk vernacular design. Through the use of traditional local materials and colours and in the form and detailing of buildings, whether in a traditional or more contemporary style. the design of Chilton Woods will be able to create to reflect this Suffolk character to create an improved identity.”*
433. The indicative layout and illustrative details within the DAS have articulated these values by showing a clear and defined vehicular route through the development, from commercial to residential, connecting a number of well-spaced and ‘active’ residential blocks to existing highways; providing a legible hierarchy of streets framed around a dense Village Centre at the heart of the development.
434. Despite its scale, the layout is simple and is built on ‘walkable neighbourhood’ principles. The medium density of the development is considered appropriate for this edge of town/urban fringe location and allows space for soft landscaping and open spaces that would ensure that the development would not have a cramped appearance.
435. Despite the outline nature of the scheme, the Masterplan was subject to review by the Design South East Panel in 2016, to critique the overall design quality and approach taken by the applicant in composing the Masterplan for the Site. Within the application documents, the applicant has included summarised comments of the Panel, along with their own response. The applicant has also provided their own assessment of the design qualities of the scheme, against the BfL standard of assessment.
436. Whilst the two outcomes do not necessarily correlate, it is considered that the general presentation of the scheme is acceptable and has been informed through wide design consideration, and response to local feedback. The submission of a Design Code is, however, essential to secure the best design outcome possible, based upon the LUPP that would provide a clear framework for future development. Further BfL and/or Design Panel reviews could be undertaken at Reserved Matters.

437. Officers therefore conclude that the applicant has demonstrated that the indicative design and layout of the scheme is underpinned by sound design principles, and there is no reason to consider that an acceptable scheme cannot be presented at Reserved Matters. The requirement for those Matters to accord with an agreed Design Code will ensure that this is the case.

### **Resilience to Climate Change: Flood Risk and Building Performance**

438. The NPPF is built upon the principle purpose of contributing to the achievement of sustainable development, in-line with Resolution 42/187 of the United Nations General Assembly i.e. *“meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

439. Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. Policy CS4 notwithstanding, this is echoed throughout the Core Strategy, primarily through Policies CS1, CS12 and CS15, which require that development should be designed to a high sustainable development standard.

440. The proposal’s resilience to climate change can be broken down into a number of key issues, such as the accessibility of the proposed development and its design quality (discussed above), its resilience to climate and social change, and building performance. Other important aspects of sustainable development, such as ecology, open space provision and safeguarding heritage are discussed elsewhere in this report.

441. An issue when considering ‘resilience’ is whether the development has been designed to adapt to issues presented by climate change, such as an increased risk of flooding from heavy rain or high energy prices/centralised energy reliance. In this instance, the Site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding.

442. However, the scale and nature of the development poses significant urbanising effects that would undoubtedly impact upon the way that the land copes with drainage and run-off. The NPPF requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Concerns in relation to flood risk were a key part of local comment.

443. In a Written Ministerial Statement dated 18<sup>th</sup> December 2014, the Secretary of State for Local Communities and Local Government made it clear that the Government’s expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. The PPG underlines this by stating that on major developments, it is expected that SuDS for the management of surface water run-off are put in place, unless demonstrated to be inappropriate.<sup>28</sup>

444. Further, local planning authorities should consult the relevant lead local flood authority on the management of surface water.

445. SuDS are important as they are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.<sup>29</sup>

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<sup>28</sup> Paragraph: 079 Reference ID: 7-079-20150415

<sup>29</sup> Paragraph: 051 Reference ID: 7-051-20150323

446. To support the proposal, and acknowledging this guidance and policy direction, a detailed flood risk and drainage assessment has been submitted by the applicant. In addition, the application seeks approval for the development of a Sustainable Drainage System (SuDS). Whilst precise details would be secured as a part of Reserved Matters and through planning conditions, it is indicated that the strategy would include the provision of: attenuation ponds incorporated within green spaces; swales within residential areas, and; permeable paving.
447. Members should note that the Environment Agency (EA) published revised climate change allowances in February 2016, after the Chilton Woods outline planning was validated in January 2016. The EA's guidance replaced the 2013 climate change allowances upon which the Chilton Woods drainage strategy was based. However, recognising that the revised allowances could impact upon schemes already submitted, the EA have allowed temporary exceptions for planning applications where a valid application had already been received prior to 19th February 2016. This temporary exception applies to the Chilton Woods outline planning application.
448. In any event, the details submitted by the applicant in May 2017 account for those changes. The revised drainage strategy now includes additional surface water storage and can be incorporated within the green infrastructure network, so no changes are required to the LUPP.
449. This is an outline application and therefore it is not appropriate to consider the detailed design of the scheme or the specific requirements of that. As advised, the outline application seeks to establish the acceptability of the principle of the development (plus the detailed access matters), but the principle of the drainage system to be provided is, however, dependent on the nature of the ground conditions and filtration rates. Whilst the detailed design of the system is not necessary, a degree of certainty that such a scheme could be provided is required.
450. The submitted detail demonstrates that the proposed site is at a low risk of flooding from all sources, is not required to meet the sequential and exception tests during the decision-taking process, and proposes a suitable surface water drainage strategy (based on the site layout) to drain the site and reduce flood risk overall based on the SuDS principles and evidenced by clear drainage calculations. By attenuating flows to 'better than current greenfield rates', once the drainage system is built discharge rates will be lower than existing flows from the site.
451. Following a review of the submitted details, including the revised and amplified details submitted in May 2017, the Lead Local Flood Authority has raised no objection to the scheme and is content that based on the evidence provided and assumptions made, a viable SuDS strategy is securable to support the development and would not lead to flood risk off-site. Planning conditions imposed upon the outline planning permission would ensure that this is the case.
452. In addition, the Environment Agency raise no objection to this application.
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453. Policy CS13 requires that all new development minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change, through adopting a sustainable approach to energy use. Specifically, development within the Strategic Allocations will be required to use on-site renewable, decentralised, or low carbon energy sources with the aim of achieving a 10% reduction in the predicted carbon dioxide emissions of the development.

454. As a part of the application, permission is sought for a District Heating Network. No specific details are provided within the LUPP or Masterplan, however a feasibility study supports the proposal. Its delivery is predicated upon developer interest; it is not considered to be an integral part of the overall scheme, and is not a requirement of the development plan. Such a proposal would, however, provide an on-site source of decentralised (i.e. locally connected) low carbon heat.
455. Nevertheless, and where the application has been made in outline form, details relating to building performance and the overall energy efficiency of the scheme cannot be objectively determined at this stage. However, such matters can be dealt with at the Reserved Matters stage when certainty around the DH network, passive solar gain or renewable energy details, as examples, can be explored and building performance would be better known. Concurrently, conditions are recommended to secure this in relation to both the residential and employment elements of the development.

### **Utility Infrastructure**

456. The scale and nature of the development means there is potential for significant disruption to utilities infrastructure and the capacity of services to meet the demands placed upon them by the end users of the development. In particular, this relates to electricity, gas, water, telecommunications and foul drainage.
457. To that end, the applicant has provided a detailed Utilities Statement that explains the physical constraints of service, alongside connectivity considerations and financial implications. The conclusion reached for all major utility types is that the development can be served, and therefore remains deliverable.
458. Comments received in relation to electricity infrastructure and the financial burden that it would place upon the development, have been considered alongside concerns in respect of network capacity. Given the importance of this issue the applicant has been involved in discussion with UK Power Networks.
459. It is noted that demand created by initial development could be met by existing capacity, albeit this is limited. However, to accommodate peak loading from the development as it nears completion and occupation, the applicant proposes a transfer of the relevant 11kv line to the Cornard Primary Sub Station. This would ensure that supply can meet demand.
460. There is no reason to consider that such works are unachievable and therefore that the development would not receive an adequate electrical supply; it is natural that it is in the interests of the developer to secure such infrastructure in order to develop the site.
461. The effect of this is that any developer would need to allow approximately £730,000 to fund those works alongside the following further approximate costings:
- Gas connection - £35,000.
  - Water - £300,000; new main and pumping station, and connection.
  - Foul Water - £74,000; upgrade works.
  - Telecoms/Superfast Broadband connection - £140 per dwelling (up to c.£160,000).
462. The above costings (albeit approximate due to the potential for change through the delivery phases) are necessary to service the Site and make the development deliverable. As such, they have been included within the financial appraisal for the proposal that has been produced by the applicant's appointed consultant, Deloitte, and verified by the Council's own appointed consultant, Aspinall Verdi.

463. Considerations relating to the viability and deliverability of the scheme are included later in this report.

### **Ecology and Biodiversity**

464. 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.

465. Following amplifications, amendments, and additional information submitted by the applicant during 2017, the Suffolk Wildlife Trust has withdrawn its objection to the application. This view is supported by the Council's own appointed ecologist. Officers consider that there is sufficient ecological information available to understand the impacts of development; the likely impacts of development have been adequately surveyed and assessed, particularly relating to Priority Habitats and Protected Species.

466. Pursuant to the requirements of the development plan, noting policies CS4 and CS15, and the wider objectives enshrined within the NPPF, officers consider that it is reasonable and necessary to secure that the applicant implement, in full, the suite of mitigation measures identified within the ES and related Addendum.

467. Officers also acknowledge the need for a suite of additional planning conditions, as recommended by their appointed ecologist, in the interests of safeguarding and enhancing biodiversity. This would include the requirement of a CEMP (as previously advised elsewhere in this report) and Landscape and Ecology Management Plans (LMP and EMP).

### **Land Contamination and Unexploded Ordnance**

468. The applicant has submitted a Phase 1 Contaminated Land Assessment of the potential contamination risks on this Site, which has been assessed by the Council's Environmental Protection officer. It is considered that the assessment made is sufficient to identify that there would be no unacceptable risks from contamination, subject to conditions to ensure the safe development and future occupancy of the site.

469. As such, the proposal is considered to comply with Policy CS15 insofar as it relates to land contamination, and the NPPF.

470. The NPPF states, at Paragraph 172, that planning policies should be based on up-to-date information on the location major hazards and on the mitigation of the consequences of major accidents. Evidently the need to safeguard the public from the potential for major accidents is a key planning principle, which is why officers have considered the potential impacts arising from the relationship between the site and the historic WWII airfield.

471. The applicant has submitted a risk assessment and survey in support of this application. There is a risk of unexploded ordnance, however where such risks have been identified it is reasonable to conclude that the developer and others operating on the Site will be aware of this and will take appropriate measures to safeguard contractors and the public whilst groundworks and construction are carried out. It is considered that such matters can form part of the required CEMP.

472. Officers are content that this 'risk' does not pose a constraint to the occupation of the Site, post construction.

## Loss of Agricultural Land

473. Paragraph 112 of the NPPF refers to the development of agricultural land stating that:
- “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*
474. The Agricultural Land Classification (ALC) system classifies land into five grades (Grade 1: excellent, to Grade 5: very poor, inclusive), with Grade 3 subdivided into sub-Grades: 3a (good quality) and 3b (moderate quality). ‘Best and Most Versatile’ (BMV) agricultural land is land in grades 1, 2 and 3a of the ALC. Natural England advises that the best and most versatile agricultural land should be protected<sup>30</sup>.
475. The Site comprises approximately 117ha of Grade 3 agricultural land. The submitted ES does not determine whether the land is Grade 3a/good quality or not. Following ‘worst-case’ principles, as have been adopted throughout the ES, the land is considered as 3a and therefore BMV land. Officers consider that the nature of the scheme means that it is reasonable to take a more cautious approach in concluding that such a loss would be permanent. This is especially true given the arrangement of the LUPP: it is highly unlikely that the Community Woodland or Other Green Spaces land budgets would be returned to agricultural use in the future.
476. Therefore, development of the Site would result in the permanent loss of approximately 117ha of agricultural BMV land, as a worst-case scenario. The Core Strategy makes no direct reference to the loss of BMV agricultural land, so the application must be primarily assessed against the test in the NPPF.
477. The evidence within the ES, based on Defra/Natural England mapping, identifies that within the Babergh District area there is approximately 32,000ha of Grade 3 land. The loss of 117ha would therefore represent around 0.5% of all Grade 3 land within the District, which is considered to be a modest amount in such a context.
478. However, the loss of 117ha of land, when framed against the NPPF (at Para. 112) is nevertheless a significant one and so it is proper that the Council seek to use areas of poorer quality, especially as such a loss relates to BMV land. Officers have considered this national policy direction carefully, despite the fact that the land in question is allocated under Policy CS4 of the Core Strategy, and so its development (and consequent loss as agricultural land) is already accepted in planning terms.
479. Noting that the proposal relates to the development of a Strategic Land Allocation, which has already been tested and forms part of the development plan, and that no other site for this scale or nature of mixed-use development - comprising lower quality agricultural land - has come forward, this consideration forms part of the overall planning balance at the conclusion of this report.
480. It is also the case that the great majority of land in the District is of a good quality, such that opportunities to locate poorer land that could accommodate the nature of this development are limited. This is especially true when also considering the connectivity of the site as it relates to Sudbury and key services and infrastructure provision.

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<sup>30</sup> Paragraph: 026 Reference ID: 8-026-20140306

## Crime and Disorder

481. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues. The NPPF, at Paragraph 58, states that developments should “*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*”.
482. In accordance with the preceding section addressing Design and Layout, officers have no reason to consider that the scheme could not be presented acceptably at the Reserved Matters stage so as to meet those policy requirements relating to crime and safety. It is considered that ‘secured by design’ and other crime-reducing principles could be presented within the required Design Code.
483. Officers have given consideration to the comments provided within the submission of the Suffolk Constabulary (SC), where financial obligations amounting to £564,347 to support capital infrastructure are sought, broken down as follows:
- Recruitment and equipment - £40,274;
  - Police vehicles - £41,500;
  - ANPR - £60,073;
  - Premises - £422,500.
484. Police infrastructure is an essential element of sustainable development that is supported by national planning policy (see para. 69 of the NPPF). Paragraph 156 of the NPPF identifies the need to provide infrastructure associated with security and the community, which also reinforces the relevance of contributions towards policing.
485. Impact posed by this development relates not only to population increase but the substantial provision of new residential and commercial buildings and other associated infrastructure. The sheer scale of the scheme would likely pressure the existing police infrastructure to the extent that officers, and the applicant, accept the need for contributions.
486. Members should note that the premises contribution could be a capital contribution - £422,500, or a contribution of accommodation and/or shared working spaces within the development, for example at the Village Centre. This could be explored in greater detail prior to, or concurrent with, the Reserved Matters. The planning obligations will be suitably worded on that basis.

## Archaeology

487. Policy CS15 of the Core Strategy seeks to secure the conservation and/or enhancement of the historic environment. It further states that “*...Proposals for development must ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets...*”.
488. This is consistent with Paragraph 141 of the NPPF, which states that:

*“Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.”<sup>31</sup>*

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<sup>31</sup> Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

*However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*

489. The ES shows a significant effect associated with the impact on Romano-British archaeological remains, however the NPPF, at Paragraph 135, is clear that a balanced judgement can be made reflecting the scale of any harm or loss. The proposed development includes provision for the excavation and recording of these features to protect them in the longer term.
490. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. Therefore, in accordance with the NPPF, 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.
491. In light of the above, conditions are recommended in line with the requirements of the County Archaeological Service, in order to make the development acceptable in planning terms.

**Planning Obligations and the Community Infrastructure Levy**

492. The Site forms part of a Strategic Land Allocation within the Babergh Core Strategy, as identified in the Babergh District Council CIL Charging Schedule (2016) and CIL Regulations 123 List (2016). This development is therefore treated as exempt from CIL by the Council, where it is considered to fall outside of the CIL charging regime. Instead, it is required to deliver infrastructure and other mitigation measures necessary to make the development acceptable in planning terms, through a s106 Legal Agreement (or other such mechanism).
493. As identified throughout this report and within the consultation bundle, a significant suite of obligations are considered necessary to make the development acceptable, in addition to planning conditions. The precise items to be secured are listed below. In the ‘Contributions’ column, commuted sums are identified alongside a land transfer alternative, which provides flexibility until further details are known.

<u>Obligation</u>	<u>Contributions</u>
Affordable Housing	<ul style="list-style-type: none"> <li>• 25% provision; 12% in P1, 35% in P2 and P3.</li> </ul>
Allotments	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Long-term management of/transfer</li> </ul>
Community Woodland	<ul style="list-style-type: none"> <li>• Provision/planting of</li> <li>• £457,800 maintenance (10 yr)</li> <li>• Long-term management of/transfer</li> </ul>
Playing Fields	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• £661,540 maintenance (10 yr)</li> <li>• Long-term management of/transfer</li> </ul>
Open Spaces	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• £481,500 (10 yr)</li> <li>• Long-term management of/transfer</li> </ul>
Sports Pavilion and Car Parking	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• £150,000 maintenance (10 yr)</li> <li>• Long-term management of/transfer</li> </ul>

Play Provision: 1 x NEAP, 5 x LEAP, 1 x MUGA, 7 x LAP	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• £340,500 maintenance (10 yr)</li> <li>• Long-term management of/transfer</li> </ul>
Village Hall	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• £50,000 maintenance (5 yr)</li> <li>• Long-term management of/transfer</li> </ul>
Police Infrastructure	<ul style="list-style-type: none"> <li>• Recruitment and equipment - £40,274</li> <li>• Police vehicles - £41,500</li> <li>• ANPR - £60,073</li> <li>• Premises - £422,500 (or contribution of accommodation and/or shared working spaces within the development, in-line with need)</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Primary Schooling - £5,005,728</li> <li>• Temporary classroom (1 x double) - £250,000</li> <li>• Pre-schooling - £500,000 + additional places within community facilities or a further £500,000 plus 0.2ha of land</li> </ul>
Libraries	<ul style="list-style-type: none"> <li>• £187,000</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• £126,500</li> </ul>
NHS	<ul style="list-style-type: none"> <li>• £417,151</li> </ul>
Travel Plan	<ul style="list-style-type: none"> <li>• Implementation/monitoring of</li> <li>• £495,229 (Total value bond, in full or £50,000 'rolling')</li> <li>• £1,000 - payable annually on occupation of the 100th dwelling until one year has passed after occupation of the final dwelling</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• Public Rights of Way - £225,340 + revetment costings.</li> <li>• Toucan Crossings x 3 - £225,000 total.</li> <li>• Town Centre Bus Infrastructure - £250,000.</li> <li>• Bus Service Contribution - £600,000.</li> <li>• RTPI Screens - £60,000.</li> <li>• Pedestrian/Cycle Improvements - £130,000.</li> </ul>

494. To allow for the development of the site over time, bearing in mind the viability of the proposal and the incremental impact that would result as the development progresses, a scheme for the phasing of the payments is required that would accord with the agreed viability and delivery details. Such provision would include a date at which a pro-rata amount would be payable if the development has not reached the amount of development expected, such that services can be supported appropriate to the level of development. Such details as set out below have been agreed with the applicant.

495. The precise trigger points are yet to be agreed, however they would be proportionate in respect of appropriately mitigating according impact. Nevertheless, it is agreed with the applicant that matters relating to education would be delivered within P1; not only is this considered a necessity, but it would also meet public expectation.

496. The early (within P1) delivery of off-site highway works would be secured by planning conditions.

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497. The Community Infrastructure Levy (CIL) Regulations (2010) state that after 6 April 2015 no more than five s106 obligations can be 'pooled' for the funding or provision of an infrastructure project or type of infrastructure. The Regulations require that s106 obligations must be specific and identify the infrastructure project that the contribution will fund.

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

### **Delivery and Viability; Affordable Housing**

499. The delivery of the western access into the employment area, highway improvements and the primary school were the subject of a significant number of representations received on the application. The comments received focus primarily on the early delivery of these elements as an important part of mitigating the highway impacts and meeting the educational needs of the development through delivery of pre-school and primary school places.

500. Whilst these positions are understood and acknowledged, delivery of these elements of infrastructure form an important part of the viability of the proposal and, in turn, need careful consideration in terms of their triggers for delivery and their phasing into the development. In this regard, it is necessary to consider both the practicalities of their delivery early in the scheme, as well as the necessity for early delivery, against the effects that this has on the scheme's overall viability; consequently, this can affect its delivery.

501. In respect of affordable housing, Policy CS19 states that:

*"In order to promote inclusive and mixed communities all residential development will be required to provide 35% affordable housing....The onus is on developers to provide documentary evidence to support cases where development viability is a proven issue, and where such cases are accepted the local planning authority will determine an appropriate proportion of affordable homes, tenure mix and/or appropriate levels of commuted sums on a site-by-site basis."*

502. A key principle of planning is that proposals for residential development must be deliverable; an all the more pressing consideration given the present lack of a five-year housing land supply of deliverable sites within the Babergh District, and the requirement at Paragraph 47 of the NPPF that authorities boost significantly the supply of housing. This is encapsulated by Paragraph 173 of the NPPF, which states the following:

*"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."*

*To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable development to be deliverable.”*

503. The PPG states that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary<sup>32</sup>. This should be informed by the particular circumstances of the site and proposed development in question. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. Where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that the planning obligation would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations.
504. In this instance, the applicant has submitted a viability appraisal which has been assessed by the Council’s own appointed viability consultant. Whilst the applicant/developer could account for and meet those costs associated with the planning obligations outlined in the preceding section above, there has been difficulty in providing a balance that would both secure a reasonable level of profit, against the Council’s requirement for a 35% affordable housing provision. This is especially true where greater capital funds are required upfront or within the first phase of construction, to secure those key infrastructure items identified above and as requested by the public and affected Parishes.
505. Following a significant level of discussion, it has been demonstrated to the satisfaction of your officers that the scheme cannot be viewed as being viable and deliverable where a requirement for 35% affordable housing is rigidly held, given the high costs associated with meeting those infrastructure requirements and the need to service the site in order for it to be developed.
506. The submitted scheme, with all required obligations to mitigate the impacts of the development, and an overall delivery of 25% affordable housing does, however, offer an acceptable landowner return and profit for the developer(s) (both factors central to the viability and delivery of the scheme). The first residential phase would provide 12%, accounting for the higher costs associated with P1 (to invest in off-site highway works and education), however the second and third phases would both deliver the full 35%.
507. Given the scale of the development and likely length of the construction period, a review mechanism has been agreed with the applicant to be carried out prior to the commencement of residential phases 2 and 3, to assess whether or not more than 35% affordable housing would be viable for those phases. This mechanism accords with guidance set out by RICS<sup>33</sup>. The aim would be to see if more than 25% is achievable for the scheme as a whole. The detail of the review mechanism will be set out as part of the legal agreement to be secured with the applicant prior to the granting of planning permission.
508. The proposal does then represent a reduction in the level of affordable housing from that required by the development plan at Policy CS19, as a *starting point*. However, the terms of the policy clearly envisage scenarios such as this where the testing of evidence is required to score an appropriate balance between infrastructure needs. The NPPF is clear at Paragraph 173 that development should not be subject to such obligations and policy burdens that their ability to be developed viably is threatened; developer profit is therefore a key element of a scheme’s viability.

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<sup>32</sup> Paragraph: 016 Reference ID: 10-016-20140306

<sup>33</sup> RICS (2012) Financial viability in planning.

509. Furthermore, at Paragraph 176 the NPPF goes on to state that “*where safeguards are necessary to make a particular development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements*”. In light of this it is considered that the infrastructure requirements are necessary for the development, and the reduction in affordable housing is necessary to ensure that this development is both viable and capable of delivery.

510. It is therefore considered that the proposal, with a reduced level of affordable housing, should not be considered as unacceptable in this respect.

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511. A key consideration relating to the overall viability and deliverability of the scheme relates, as implied above, to the approach to phasing adopted. The delivery of the employment land area(s) requires investment; it is acknowledged and accepted that the coterminous and concurrent delivery of both the residential and commercial aspects of this proposal is a significant undertaking and so it is necessary to consider ways to enable this.

512. For this reason, and to enable employment land delivery, the applicant is seeking detailed permission for the western employment access, plus first 180m of road, to provide certainty to developers and investors. In addition, the residential element of the scheme will fund all of the off-site highway works necessary to mitigate the impact of both residential and employment land. The residential and employment elements of the scheme are then able to come forward at their own pace, subject to the market.

513. The County Council controls all of the residential land and can enter into a S106 Agreement with the Babergh District Council to secure the off-site highway works plus other investment in community facilities.

514. With respect to the other land which forms part of the application site (controlled by other landowners), there is no requirement that all persons with an interest in the land must enter into a planning obligation; only that a person with an interest "may" enter into such an agreement. Whilst it is usual practice on smaller developments for all parties with an interest in the land to execute a planning obligation, that is often not possible for larger, more complex development sites, for a variety of reasons. That is the case here.

515. The delivery approach proposed is positive in that it ensures that necessary mitigation is delivered when it is needed, and the residential element of the scheme effectively funds the works required to bring the employment land forward. To allow those two connected elements to move at different paces if needed (and where there are multiple landowners), an ‘Arsenal’<sup>34</sup> planning condition is recommended to allow the s106 agreement to progress for the residential land, unencumbered by an agreement and related obligations affecting the employment land.

516. Such a condition would be ‘negatively-worded’, limiting the development that can take place until a supplemental obligation or other agreement has been entered into. In this instance, such a condition would allow for the residential element to proceed before the completion of a supplemental agreement affecting the employment land.

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<sup>34</sup> London Borough of Islington – Arsenal FC Emirates Stadium Regeneration Project.

517. Whilst officers endorse this approach, further support is found in the PPG where it is stated that:

*“In exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.”<sup>35</sup>*

518. Given the clear and acknowledged history relating to this site and its deliverability, alongside its importance as a strategic site, officers consider that circumstances are exceptional such that this approach is advocated and recommended to Members. This is especially the case in allowing permission to be granted at the earliest opportunity.

#### **Details of Financial Benefits / Implications (\$155 Housing and Planning Act 2016)**

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

- New Homes Bonus
- Council Tax

520. These considerations are not held to be material to the recommendation made on this application, nor its decision.

#### **Planning Balance and Conclusion**

521. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal, and this includes taking into account the weight of local opinion that has been expressed. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

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

523. Core Strategy Policy CS4 of the Development Plan is the lead policy for the determination of this proposal as it specifically relates to the Strategic Land Allocation that is subject to this application. In light of this it is acknowledged that certain aspects of the Plan may well support the proposal, notwithstanding Policy CS4, and that other considerations might pull in a different direction; it is natural that not every development will accord with every policy within a development plan.

524. Officers have nevertheless undertaken to review the merits of this proposal framed against the entirety of the Development Plan, comprising the Core Strategy (2014) and the Local Plan (2006). After careful assessment, your officers consider that the application complies with Policy CS4 and the wider thrust of the suite of planning policies that comprise the Development Plan, noting those elements of harm that have been identified.

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<sup>35</sup> Paragraph: 010 Reference ID: 21a-010-20140306

525. Officers have identified that the scheme would pose substantial economic and social benefits, through the significant delivery of housing (including 25% affordable) and employment provision, associated green infrastructure and community/leisure provision which would also pose wider public benefit as a whole. Off-site highway works would mitigate the traffic effects associated with the development. There are also environmental benefits through the creation of habitat and landscape improvements and green travel initiatives.
526. Conversely, the scheme results in the loss of up to 117ha of BMV land (with consequent adverse impacts upon farming viability), would harm the landscape (and losing existing fields), and pose harm to residential amenity including harm through construction disturbance and then road traffic noise post-occupation. That being said, the harmful impacts identified are capable of being mitigated to a considerable degree; controls imposed through the planning process can secure this. Nevertheless, officers consider that the amenity afforded to a minority of properties on Aubrey Drive would be irreversibly adversely affected, as a cautionary stance, however such adverse impact would not likely be unacceptable or severe<sup>36</sup>. The loss of BMV land would, however, be permanent but the principle of loss has already been established through the Core Strategy and the Council has carefully considered the implications in light of paragraph 112 of the NPPF.
527. Nevertheless, those elements of harm that have been identified are considered to be outweighed by the substantial benefits that would accrue through allowing development to proceed.
528. In respect of the historic environment, officers have identified that it would be prudent to accept that the scheme would pose 'harm' to heritage assets that surround the site, within the meaning provided by Historic England and expanded by the NPPF. Such harm would be 'less than substantial' within the context of NPPF paragraph 134.
529. Following an exercise in a preceding section of this report, NPPF paragraph 134 requires for the public benefits of the development to be weighed against the 'less than substantial' harm posed to designated heritage assets. The identified benefits are numerous and substantial. The application therefore passes the exercise in respect of paragraph 134. Acknowledging Footnote 9 of the NPPF, where that public benefit-to-harm balancing exercise has produced a positive outcome, those relevant heritage policies within the NPPF do not indicate that development should be restricted.
530. Nevertheless, notwithstanding the NPPF tests, officers have still afforded considerable importance and weight, as required by statutory duty, to this less than substantial harm to heritage assets. However, again, this harm is considered to be outweighed by the substantial public benefits identified.
531. Where the application accords with the development plan, as is the case referred above, the presumption in favour of sustainable development is engaged, in accordance with Policy CS1 of the Core Strategy and Paragraph 14 of the NPPF. This requires that planning permission be granted, without delay.
532. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking in the NPPF. Paragraph 186 of the Framework requires Local Planning Authorities to "*approach decision taking in a positive way to foster the delivery of sustainable development*". Paragraph 187 states that Local Planning Authorities "*should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible*".

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<sup>36</sup> As identified within the relevant section of this report, the harm posed may in fact be limited, however officers consider it prudent to adopt a cautionary approach.

533. Notwithstanding the above, and since there is not, by any measure, a 5-year supply of deliverable housing sites, Paragraph 49 of the NPPF deems the relevant housing policies of the Development Plan to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.
534. As such, the proposal is considered to be sustainable development, and officers do not consider that the adverse impacts identified in relation to this proposal would significantly or demonstrably outweigh the benefits of it, when framed against the NPPF as a whole, and in respect of statutory duty and the balancing of public benefit to the harm posed to heritage assets. Officers do not consider that there are any specific policies within the NPPF that indicate that the development should be restricted.
535. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm.
536. A positive recommendation to Members is therefore given below.

**STATEMENT REQUIRED BY ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

537. 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 authority has worked with the applicant to resolve issues including highways, ecology, heritage, drainage, and other environmental impacts.

**RECOMMENDATION**

- (1) That the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission, subject to the prior completion of a Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990, or accepted Undertaking, to secure the following obligations and related terms to his satisfaction:**

<u>Obligation</u>	<u>Contribution</u>
Affordable Housing	<ul style="list-style-type: none"> <li>• 25% provision; 12% in P1, 35% in P2 and P3 (subject to review mechanism)</li> </ul>
Allotments	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Long-term management of/transfer</li> </ul>
Community Woodland	<ul style="list-style-type: none"> <li>• Provision/planting of</li> <li>• Contributions towards/requirement for, management and maintenance</li> </ul>
Playing Fields	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Contributions towards/requirement for, management and maintenance</li> </ul>
Open Spaces	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Contributions towards/requirement for, management and maintenance</li> </ul>

Sports Pavilion and Car Parking	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Contributions towards/requirement for, management and maintenance</li> </ul>
Play Provision: 1 x NEAP, 5 x LEAP, 1 x MUGA, 7 x LAP	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Contributions towards/requirement for, management and maintenance</li> </ul>
Village Hall	<ul style="list-style-type: none"> <li>• Provision of</li> <li>• Contributions towards/requirement for, management and maintenance</li> </ul>
Police Infrastructure	<ul style="list-style-type: none"> <li>• Recruitment and equipment - £40,274</li> <li>• Police vehicles - £41,500</li> <li>• ANPR - £60,073</li> <li>• Premises - £422,500 (or contribution of accommodation and/or shared working spaces within the development, in-line with need)</li> </ul>
Education	<ul style="list-style-type: none"> <li>• New primary school - £5,005,728; the land reserved for education use is to be capable of use i.e. with access/services at any time after 150 dwelling occupations.</li> <li>• Temporary classroom (1 x double) - £250,000 and paid prior to occupation of 1<sup>st</sup> dwelling.</li> <li>• Pre-school - £500,000 + additional places within community facilities <i>or</i> a further £500,000 plus 0.2ha of land.</li> </ul>
Libraries	<ul style="list-style-type: none"> <li>• £187,000 towards enhancement and improvement of facilities at Sudbury Library.</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• £126,500 towards the SCC local Household Waste Recycling Centre provision.</li> </ul>
NHS	<ul style="list-style-type: none"> <li>• £417,151 towards capital cost of premises expansion of the Hardwicke House Group Practice (including 1 main and 4 branch surgeries)</li> </ul>
Travel Plan	<ul style="list-style-type: none"> <li>• Implementation/monitoring of</li> <li>• £495,229 (Total value bond, in full or £50,000 'rolling')</li> <li>• £1,000 - payable annually on occupation of the 100th dwelling until one year has passed after occupation of the final dwelling</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• Public Rights of Way - £225,340 + revetment costings.</li> <li>• Toucan Crossings x 3 - £225,000 total.</li> <li>• Town Centre Bus Infrastructure - £250,000.</li> <li>• Bus Service Contribution - £600,000.</li> </ul>

	<ul style="list-style-type: none"> <li>• RTPI Screens - £60,000.</li> <li>• Pedestrian/Cycle Improvements - £130,000.</li> </ul>
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and, that such planning permission be subject to conditions, to the satisfaction of the Corporate Manager - Growth and Sustainable Planning, requiring the following:

- Approval of reserved matters for each phase, to include appearance, landscaping, layout and scale, all to be in accordance with the approved plans and parameters
- Provision of a detailed phasing plan
- Details for the on-site highway infrastructure (internal roads, bins, cycle storage etc.)
- Phasing details for the off-site highway infrastructure to be delivered in residential phase 1
- Approval of a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP)
- Site investigations to identify the extent of remediation required
- Landscape Management Plan
- Ecological Management Plan
- Drawings to show finished slab and floor levels
- Detailed surface water drainage strategy
- Detailed foul water drainage strategy
- Off-site utility works (e.g. water and power supply)
- Heritage mitigation, including limiting the height of buildings north of St Bartholomew's Priory, provision of an information board north of Wood Hall SM and archaeological recording
- Hard and soft landscaping details
- Lighting strategy
- Detailed noise assessment
- Energy strategy
- Design code

**(2) That, in the event of the Legal Agreement or Undertaking referred to in Recommendation (1) above not being secured or accepted to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, he be authorised to refuse planning permission, for reason(s) including:**

- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and acceptably mitigate its wider impacts, contrary to the Development Plan and NPPF.