

## **Committee Report**

**Item No:** 1

**Reference:** B/17/00091

**Case Officer:** Kathryn Oelman

**Ward:** Boxford.

**Ward Member/s:** Cllr Bryn Hurren.

---

### **Description of Development**

Erection of up to 24 dwellings (including up to 8 affordable dwellings) with access

### **Location**

Land To The South of, Daking Avenue, Boxford, CO10 5AA

**Parish:** Boxford

**Site Area:** 1.6 Ha

**Conservation Area:** Boxford

**Listed Buildings:** Within setting of

**Received:** 23/01/2017

**Expiry Date:** 31/10/2017

---

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Environmental Impact Assessment:** Not required

**Applicant:** Landex Ltd

**Agent:** Artisan PPS Ltd

---

## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to drawing number 4862\_LP received 23/01/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Proposed Site Plan 4862\_SK03 E - Received 18/04/2017

Survey Plan 11279SE 03 - Received 19/05/2017

Defined Red Line Plan 4862\_LP - Received 23/01/2017

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

---

---

---

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

---

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

It is a “Major” application for:

- A residential land allocation for 15 or more dwellings

---

## **PART TWO – APPLICATION BACKGROUND**

---

### **History**

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

B/11/00148: Land South Of Daking Avenue And West Of Swan Street: Outline - Erection of 21 no. dwellings with new access road and off street parking for Swan Street: Granted 09.10.2012

B/13/01017: Land South Of Daking Avenue And West Of Swan Street: Reserved Matters: Granted 29.11.2013

B/13/01346: Land South Of Daking Avenue And West Of Swan Street: Change of use of horse grazing land to landscaping buffer strip, provision of local area for play, and extension of residential curtilages of Plots 12, 16 and 17 approved under permission B/11/00148/OUT: Granted 17.07.2014

### **All Policies Identified As Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

- CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
  - CS02 - Settlement Pattern Policy
  - CS03 - Strategy for Growth and Development
  - CS11 - Core and Hinterland Villages
  - CS12 - Design and Construction Standards
  - CS14 - Green Infrastructure
  - CS15 - Implementing Sustainable Development
-

CS16 - Town, Village and Local Centres  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
CS21 - Infrastructure Provision  
CN01 - Design Standards  
CN06 - Listed Buildings - Alteration/Ext/COU  
CN08 - Development in/near conservation areas  
CR07 - Landscaping Schemes  
HS21 - Goodlands Farm, Daking Avenue, Boxford  
HS28 - Infilling/Groups of dwellings  
HS31 - Public Open Space (1.5 ha and above)  
HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)  
CR04 – Special Landscape Area  
TP15 - Parking Standards - New Development  
EN22 – Light Pollution – Outdoor Lighting

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Historic England**

Do not object, but voice concerns. Consider that the river valley is important in the historic character of Boxford and development in it has the potential to harm the significance of the Boxford Conservation Area. Suggest that development should be set back further from the southern boundary in order to better preserve the character of the river valley and better minimise the harm.

##### **Boxford Society**

Objection summarised as follows: concerned regarding cumulative effect of development upon traffic congestion and pedestrian safety on Swan Street. Request more comprehensive traffic survey. Request off road parking is provided for the village centre to alleviate traffic issues. Identify that the open space area proposed will need to be levelled and landscaped. Pedestrian routes, including the route along the boundary with Goodlands should be secured under S106 agreement and their provision during construction and ongoing maintenance ensured.

##### **Boxford Parish Council**

Following a Parish Council meeting on Monday 20<sup>th</sup> February 2017, **Boxford Parish Council objects to this Outline Application** and submits the following comments;

The overwhelming response from 50+ villagers in attendance was negative, primarily in relation to two associated issues; 1. Location of the proposed development and (because of) 2. The negative impact on existing infrastructure (specifically road and footpaths on Swan Street) and the historic environment of the village / Boxford's Conservation Area.

In this light the application becomes disproportionate and unsustainable and should be rejected for failing to meet the terms of the following policies;

##### **CS1:**

Whilst Boxford is a Core Village and, by definition, a sustainable location, the land South of Daking Avenue and West of Goodlands Phase 1 is not a sustainable location within Boxford – it would not be “well integrated” (Ref. Objective 6 of the Core Strategy and Policies). The existence of Saved Policy HS21 and its content and context clearly highlight the limitations of the site as a whole.

---

Take into account that this was proven to be the case in 2006 – and that robust evidence exists to demonstrate the issue of congestion on Swan Street has deteriorated since that time – and it's obvious that the adverse impacts of granting permission would significantly outweigh the benefits.

CS2:

The capacity of existing physical infrastructure on the west side of Boxford (including Church Street and School Hill) is incapable of meeting the demands of additional vehicular traffic generated by ANY new development on the Goodlands site – or in its vicinity; this application fails to consider, nor respect, cumulative scale of development elsewhere in this settlement or its Functional Cluster.

The mediaeval nature of Swan Street (narrow road; narrow footpaths; property (almost entirely Grade 2 Listed) immediately on the road, allows no capacity for provision of new and enhanced infrastructure. (N.B. the site for potential off-street parking for Swan Street residents marked on the Outline Proposal for Goodlands Phase 1 has since received approval for additional residential development (and more cars) and no other convenient sites are obvious.)

CS11:

- The scale and location of the proposal are inappropriate, as evidenced by the existence of Saved Policy HS21
- Any additional traffic generated by this – or any – development requiring access South via Swan Street will be significantly detrimental to environmental and heritage characteristics of the village and will diminish the existing and surrounding environment (CS&P 3.3.4.1)
- The locational context of the proposed development is inappropriate, as evidenced by Saved Policy HS21
- Site location and sequential approach to site selection is inappropriate, as evidenced by Saved Policy HS21 and further demonstrated by additional development in the vicinity of Goodlands Farm since 2006 – including HomefieldCort, Cygnet Court and Partridge Close, Groton (Boxford Hinterland but immediately adjacent to Boxford and Swan Street) (all of which were in breach of Saved Policy HS21)
- Cumulative impact of additional development is inappropriate, per all of the above

CS15:

- This proposal entirely disrespects the local context and character of Swan Street / the Conservation Area's streetscape, heritage assets and historic views. The applicant has been present in Boxford for a considerable time (re. Goodlands Phase 1 build) and it is inconceivable that the developer is unaware of – and not directly experienced – the excessive existing congestion on Swan Street
  - As the Government's "Sustainable Development Strategy: "Securing the Future" (2005)" defines, *"the goal of sustainable development is to enable all people... to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations"*. Escalating an already significant congestion problem can only serve to diminish the quality of life for current and future generations.
  - This proposal will make a significantly negative contribution to local character and shape of its immediate area, as evidenced by Saved Policy HS21.
  - Further, continued development of the Goodlands site will increase the impact on the cherished landscape view of the village approaching Boxford from the West along the A1071. Prior to Goodlands Phase 1 it was possible only to see the church tower and steeple rising above the river valley driving West – the Goodlands Phase 1 is now clearly visible. Extension of the Goodlands site into Phase 2 can only make this worse. This is an important visual window towards the historic context of the village and should not be further diminished.
  - There is no way to ensure an appropriate level of infrastructure – specifically road and pavements – on Swan Street or Daking Avenue. Whilst the proposed development is within easy walking distance of the village centre (and the application acknowledges this) there is no way to avoid additional vehicular use; the only direct access to the A1071 for travel to Hadleigh, Ipswich, Sudbury and Colchester will be via the residential estate on Daking Avenue and South on Swan Street.
-

- Concerns have been raised that surface water run-off may impact the quality of the site (Goodlands Phase 1 has existing surface water run-off and retention issues – please refer to correspondence with Mrs Thorpe at Weavers House Swan Street (planning will have copies)) – and, more significantly, increase the potential flood risk in the village centre. This should be considered a cumulative issue in relation to the increased size of the overall Goodlands site (Phases 1 & 2). We welcome especial diligence and enforcement in this regard should permission be granted –with reference to both the required environmental enhancement of Babergh’s river valleys (CS&P 3.3.4) and key environmental issues re. mitigating flood risk (CS&P 1.3.2)

CS21:

There is no way to develop the Goodlands site further as a “sustainable place”, nor a safe one, when no adequate provision can be made to improve existing, poorly-performing infrastructure. Should the applicant have alternative suggestions on how to provide non-Swan Street access to the site then a different view might prevail.

General comments;

- We would also ask that due consideration be given to all original development requirements stipulated as Conditions for approval of Goodlands Phase 1; have all Conditions been met and have any of the Conditions been made impractical or been retracted as a consequence of this Outline Application?
- The application does not live-up to Babergh’s own Spatial Vision; additional congestion on Swan Street will contribute to a poorly connected network of places
- Whilst it may be unfair to level the following observation with reference to this application, it is entirely worthy of note to highlight Section 2.2.2 of the Core Strategy and Policies document. Section 2.2.2.3 states that “*the preferred approach is to plan for growth*”. Recent development in Boxford has been Developer-led, submitted and considered / approved on a case-by-case basis. This approach has resulted in development not following any kind of logical, “joined-up” plan and has been, in some respects, detrimental to the village as a whole – the weight of development accumulating on one side of the village where it can least be sustained – especially in regard to Section 2.2.2.5 and its stress on necessary infrastructure.

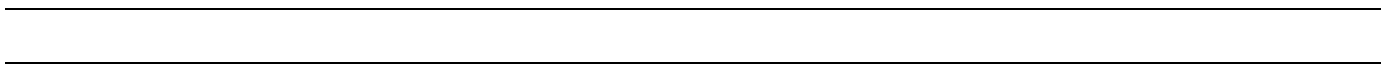
This application would impose a burden on the existing community – specifically and immediately re. road, traffic and pavements – particularly the site’s immediate neighbours.

The absence of a Boxford Neighbourhood Development Plan does not mean that there should be no plan. Boxford Parish Council would be grateful if all due consideration be given to the above comments in light of cumulative development within Boxford’s Functional Cluster – and its location – since 2011.

You will recall this Parish Councils objections to the first phase at this location. These objections remain.

**SCC - Highways**

Do not object, referring to the additional traffic data and survey work which has been carried out by the applicant on Swan St in Transport Agreement Revision C (May 2017). Conclude that the traffic impact of 24 dwellings will not be "severe" and request that standard conditions are applied. They would like to accept the offer from the developer to secure a S106 Contribution of £10,000 to be held for a period of 5 years to address potential traffic management problems on Swan Street, stating that this would allow the potential introduction of formal parking control on Swan Street if required/desired.



**SCC - Flood & Water Management**

Do not object. Once the spoil has been removed from the site they request further testing, but do not anticipate there to be any fundamental issues which would prevent a solution being found regards surface water drainage.

**Environmental Health - Land Contamination**

No objections.

**Environmental Health - Noise/Odour/Light/Smoke**

No objections, request construction management plan, lighting scheme and that the choice and siting of play equipment has regard for potential impact upon residential amenity.

**Strategic Housing (Affordable/Major Dwell/G+T)**

No comments received to date. Applicant has suggested a mix of 5 affordable rented and 3 shared ownership. Applicant suggests that they partnership with Orwell Housing and a charity which caters for those with long term disabilities in order to specifically design three of the homes to meet their needs. Any further comments received will be reported to the committee.

**Arboricultural Officer**

No objections, notes that "there are no significant trees affected by this proposal, although additional new planting is likely to be necessary in order to integrate this development into the surrounding landscape."

**Landscape - Place Services**

In terms of likely visual effect on the surrounding landscape, the proposal will inevitably have an impact on the exiting western rural edge of Boxford...suggest more details on landscaping.

**SCC - Strategic Development - Resource Management**

No objections; identify that funding will be claimed under the CIL for education provision as there is capacity for catchment schools to expand.

**Heritage Team**

Responded initially on 27.03.17, requesting additional assessment of impact upon heritage. This information was provided by the agents and the Heritage Team comment that "whilst the site is distinct from the Conservation Area Boundary, the cumulative impact and encroachment onto features such as the river valley, which contribute to the character of the Conservation Area and its wider setting, there could be potential for a level of harm". The Heritage Team are not comfortable that the proposal is in outline form as this does not allow a specific assessment to be made of the exact potential for harm.

**SCC - Archaeological Service**

No objections, standard archaeological conditions to be applied.

**Anglian Water**

No objections, the foul drainage and sewerage network has capacity to accommodate this development.

**The Environment Agency**

No objection, subject to LPA making a judgement of their own on whether the development can be safe for its lifetime. Comment that the flood risk assessment submitted is acceptable and that development is all sited within Flood Zone 1 with access and egress in Flood Zone 1 too.

**SCC - Fire & Rescue**

No objections, request condition on fire hydrants.

**Suffolk Wildlife Trust**

No objections, request that proposed ecological mitigation implemented in full.

---

### **Groton Parish Council**

Objects as the application will add significantly to the traffic congestion already existing on Swan St; this already causes significant inconvenience and disruption to all those using Swan St and includes the residents of Groton. In addition, there have been occasions already where emergency vehicles have had severe difficulties going up Swan St owing to parked vehicles and the amount of traffic using the road. This will only get worse if development proceeds.

### **Edwardstone Parish Council**

Edwardstone Parish Council strongly objects to the proposals on the grounds that access to the additional housing will place an impossible burden on Swan Street, Boxford, which is already dangerously congested. The increase in vehicle numbers will also add to the problems caused by lack of sufficient parking in the village centre.

### **Suffolk Preservation Society**

Raises concerns regarding additional traffic which will impact the setting and character of the Boxford Conservation Area and surrounding buildings. Consider that the development fails to fully consider the impact upon the historic core of the village.

## **B: Representations**

36no. Letters of objection and comment were received, their concerns are summarised below:

- Contravenes saved policies in development plan, notably HS21 which limited development on the site
  - Contrary to CS2 - inappropriate scale and location having regard for the existing capacity of physical and social infrastructure of Boxford
  - Fails to meet requirements of CS15 - narrow pavement on Swan Street forces pedestrians into the road and therefore appropriate levels of infrastructure are not ensured, does not address locally distinct characteristics of this area
  - Does not meet CS11 due to impact upon landscape and heritage assets - views from the A1071 of the Church Spire will be interrupted by this development and the tree screening will be ineffective, as the tree screening for the existing Goodlands development has been.
  - Future development cannot be 'safe and healthy' due to unsafe road and additional traffic pollution, therefore contrary to CS21
  - Cumulative increase of vehicle movements on Daking Avenue estate
  - Cumulative impact of development upon traffic and congestion on Swan Street, significant number of dwellings consented to since cap was placed on development under HS21, including developments on Partridge Close, Homefield Court, Cygnet Court and in Edwardstone. Waldringfield and Groton
  - Narrow sections of Swan St result in vehicles frequently having to mount pavement to pass
  - Junction of Swan St accessing Daking Ave unsafe, poor visibility due to hairpin junction and bend in road immediately afterwards
  - Request imposition of 20mph speed limit on Swan St
  - Request by-pass connecting to A1120 and taking traffic away from Swan St
  - Footpath from Goodlands Phase 1 to Swan St unsafe
  - Traffic noise and air pollution
  - Anecdotal evidence of accidents between cars / pedestrians and cars / cyclists
  - Application not sustainable development due to congestion it will cause to Swan Street
  - Traffic survey concentrates on peak vehicle movements, but this isn't the busiest time, school drop off and pick up is the busiest times
  - Loss of woodland strip along boundary with existing Goodlands; this would exacerbate surface water drainage problems of neighbours
  - Loss of open space provided for under HS21
  - Tree screening at bottom of the valley will not hide houses proposed at the top of the hill
- 
-

- Harm to conservation area and damage to historic character of the area/key views
- Increased surface water flooding and impact upon flood zone of River Box
- Pressure on facilities and services, including doctor's surgery and primary school
- Houses not needed; developer hasn't managed to sell those on Phase 1 yet
- Open space to be provided is a thin strip of waterlogged land
- Mix of housing unacceptable; too many luxury large properties, not enough small or affordable (rented) dwellings
- Loss of barn owl foraging habitat
- Query whether footpath to Primrose Wood would be affected by the development

Comments of support were also received as follows:

- Existing Goodlands estate has well laid out landscaping
- Welcome the open space area to be provided and footpath links
- General support for new housing in Boxford

Concerns were also raised that the plans were incorrect and did not show the Woodland strip correctly, new plans have now been received which show this.

Non planning reasons were given such as damage to the surface of Daking Avenue and illegal parking on Swan St, which is a matter for the highway authority and the police respectively. The conduct of the developer in relation to Phase 1 is also not a material consideration.

---

## **PART THREE – ASSESSMENT OF APPLICATION**

---

### **1. The Site and its Surroundings**

- 1.1 The site is an agricultural field to the south of Daking Avenue. To the west of the site lies open countryside, to the south, the river Box. To the east lies new development known as 'Goodlands' and in the north housing on Daking Avenue built circa 1960.
- 1.2 The site is classified Countryside in planning terms and is within a Special Landscape Area. It is understood that the land is Grade 2 -3a Agricultural Land. A small portion of the site, adjacent the river Box is classified Flood Zone 2 and 3. The site lies outside, but within the setting of the Boxford Conservation Area which includes listed properties on Swan St and the Grade I listed church of St Mary in the village centre.

### **2. The Proposal**

- 2.1 The application proposes to provide 24 dwellings, eight of which would be affordable dwellings. The proposal is in outline form with all matters reserved except access. A single access is proposed in the north of the site onto Daking Avenue.
  - 2.2 The mix of dwellings is indicatively shown to be 2x1bed, 6x2bed and 16x3bed (7 bungalows). An indicative layout has been provided and an indicative landscaping is shown to be provided along the western and southern boundaries of the site. An indicative open space area is shown in the south adjacent the river Box. The existing 'Local Area for Play', footpath and woodland strip along the eastern boundary are shown indicatively to be retained.
-



### **3. The Principle Of Development**

- 3.1. The site forms part of a saved local plan allocation which was covered by Saved Policy HS21. The policy wording and the preamble are included in full below for your reference:

***“3.87 Goodlands Farm, Daking Avenue, Boxford –***

*Several roads in Boxford suffer traffic congestion. Swan Street, the feeder road into Daking Avenue is recognised as being congested by Suffolk County Council which, for transport reasons, stipulates an upper limit of 20 dwellings which is below the standard density range. A higher number would be unacceptable. The District Council accepts the restriction on the number of dwellings, and considers this a valid reason for not complying with its density policy. The Transport Authority has also specified that the cul-de-sac on Daking Avenue will need extending. Several local people have raised concerns about the need to provide land for off-street parking behind properties on Swan Street. The District Council would support this initiative if it was self financing as a residents shared car park or one owned and managed by the local community. A potential site has been marked on the Proposal Map.*

***HS21***

*Approximately 0.7 hectares of land at Goodlands Farm, Boxford, are allocated for 20 houses. Proposals for development will be required to provide for:*

- vehicular access from Daking Avenue;*
- a footpath and cycleway connecting the site to Swan Street*
- 2.4 hectares of land to the south and west of the site, to be conveyed into public ownership for recreational use, and surrounded by extensive tree landscaping to mitigate the impact of development and to provide adequate public open space for the development; the adjacent barn (which is a listed building), to be retained and refurbished, and incorporated into the overall redevelopment; and*
- a small informal car park for visitors to the recreational area and overspill car parking for residents of Daking Avenue.*

*Note: The District Council will seek a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure, amongst other things, the provision and long term maintenance of the public open space.”*

- 3.2 Published in 2006 Local Plan, the site formed part of an allocated site. The site was shown in this allocation as an open space area with a footpath running through it connecting Daking Avenue to the bridge over the river Box. A resident’s Car Park was shown in the east behind properties on Swan Street.
- 3.3 Application was originally made on the eastern portion of the allocated site for 25 dwellings in 2011 and following a reduction in numbers proposed to 21, permission granted in 2012. This application provided 7 parking spaces to the north of the allocated site for general use by visitors and residents of Daking Avenue. 2.6Ha of open space south of the river Box was also provided, adjacent the local woodland known as Primrose Wood in lieu of the land originally allocated in the west of the site. The gifted land was adopted and is now managed by the Woodland Trust, however the land in the west remained in the ownership of the applicant and now forms the site which is the subject of this application.
-

- 3.4 Condition 12 of B/11/00148 required that a cyclepath and footway link was provided from the site to Swan St and the provision of a woodland strip was secured to the western and southern boundaries of the Goodlands estate. Officers have not been able to find evidence that the footpath connecting Daking Avenue with Primrose Wood was legally bound to be provided under the S106 and therefore it may only remain permissive upon the landowner.
- 3.5 At the time of the application in 2011 the Local Highway Authority objected on the basis that only 20 dwellings should be considered given the “sub standard nature and traffic congestion on Swan Street the main access route to the site.”

### **The Status of HS21 & Core Strategy Policies**

- 3.6 As members will be aware, the NPPF (Paragraph 49) states that relevant policies for the supply of housing “should not be considered up-to-date” if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Currently Babergh has a land supply between 3.1 and 4.1 years depending upon which method is used to calculate it. This has the effect of engaging Paragraph 14 of the NPPF which directs that planning permission should be granted unless
- i) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
  - ii) *specific policies in the NPPF indicate development should be restricted.*
- 3.7. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as HS21, CS2, CS3 and CS11. It is necessary to decide whether the application departs from these policies and therefore, to what degree material considerations, such as Paragraph 14 of the NPPF over-ride these considerations and indicate departure is justified. Provided no harm is identified to heritage assets, the presumption in favour of sustainable development is an over-riding consideration in the absence of tangible adverse impacts. The weight of Policy CS15 is not affected by the absence of a 5 year supply.
- 3.8 HS21 is a saved policy and this application represents a departure from it. It is noted however that this policy preceded the highway principles which were set out in the NPPF in 2012. For your consideration, the NPPF considerations are set out below and it is recommended that any decisions in regard to highway matters are framed within this context in order to remain sound and capable of withstanding scrutiny:

NPPF Paragraph 32:

*“Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
  - *safe and suitable access to the site can be achieved for all people; and*
  - *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
-

NPPF Paragraph 34:

*“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.”*

#### **The status of the site reference the Site Allocations DPD**

- 3.9 The site has been put forward in the first draft of the Strategic Housing and Economic Land Availability Assessment (SHELAA). The SHELAA is currently under consultation and will eventually form the basis of a Site Allocations DPD, however this document carries no weight in respect of the material considerations pertinent to this application.
- 3.10 It is noted that two sites West and East of Sandhill have not been carried forwards at this stage within the SHELAA because, whilst the sites are within walking distance to local services, the sites were judged to have “poor pedestrian access with limited opportunities for improvement.” The SHELAA represents an initial judgement which has been based on a limited evidence base and investigation of the issues. The considerations of the SHELAA do not reflect in totality the decision making process required for a planning application. Furthermore, the creation of a Site Allocations DPD is an iterative process whereby if one site was found to be unsuitable, or generated significant local resistance from the consultation process, other sites may become more suitable. Any accommodation of the principles expounded by the SHELAA into the decision making process on this site would therefore be inappropriate and pre-emptive of what might arise from the plan making process.

#### **4. Sustainability Assessment Of Proposal**

- 4.1. Policy CS2 (Settlement Pattern Policy) identifies Boxford as a Core Village and the suggestion is that Boxford should take “an appropriate level of development”. Policy CS2 also limits development in the countryside so that it will only be permitted *in exceptional circumstances subject to a proven justifiable need*. As this site is designated Countryside this application represents a departure from Policy CS2 as there are no exceptional circumstances evident.
- 4.2 Policy CS3 (Strategy for Development and Growth) sets out that the Council must provide a minimum of 1,050 dwellings in Core and Hinterland Villages for the period between 2011 and 2031. Policy CS11 seeks to provide a framework to direct this growth outside Built up Area Boundaries (BUABs). CS11 establishes principles of flexibility which are supplementary to the Site Allocations process, therefore intended to be operational whether a five year supply has been demonstrated or not. Despite its intention to CS11 liberate sites around BUABs, CS11 also has the effect of requiring housing development to meet additional criteria in addition to those specified in paragraph 14 of the NPPF and for that reason the decision maker must decide the degree of weight to attribute to it.
- 4.3 It is your officer’s opinion that policies CS2, CS3, CS11 and CS15 provide a relevant framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. The adopted 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") is also a material consideration.
-

## **CS11 Criteria for Core Villages:**

### 4.4 The landscape, environmental and heritage characteristics of the village

The site lies on the western side of Boxford and is currently an agricultural field. The site is visible in glimpse views from the A1071 Sudbury road and can be seen on the valley side against the backdrop of the village, its Conservation Area and the Grade I listed church of St Mary. A footpath passes from Daking Avenue along the northern boundary of the site, turning along the western boundary to continue south across the River and into Primrose Wood where there are several formally designated footpaths. There exist a number of Grade II listed buildings on Swan Street, the closest being Goodland's Farmhouse, for which inter-visibility is largely prevented by the Goodland's Phase 1 development.

4.5. Officers have consulted Place Services (PS) for their guidance in regard to the relative impacts of the development upon the surrounding countryside and Special Landscape Area. PS have identified three key views of the site from the surrounding countryside; 1) from the A1071 looking north, 2) from Sherbourne Street looking south and 3) from Swan St across Cygnet Court looking west. Noting the effects on views from the A1071, PS state the proposal will "inevitably have an impact upon the existing western rural edge character of Boxford." PS are clearly satisfied that these impacts can be suitably mitigated by sufficient landscaping. They have requested further information on the detail of landscaping to be provided and, as landscaping is a reserved matter; this can be submitted at reserved matters stage. As the landscaping will be an important part of the layout to be retained a condition would be adequate to ensure it is provided. This was the approach taken with Goodlands Phase 1 to secure the existing woodland strip along its boundary.

4.6 The parish council and local community clearly have concerns that the landscape mitigation proposed will not be adequate, as it has not been adequate to screen the existing Goodland's development in the key views from the A1071 and that the trees will not be high enough to 'hide' the houses on the top of the site from view even in the long term. It is arguable that cumulatively this proposal would harm the quality of the Special Landscape Area as it will be situated further from the settlement and along a greater part of the valley side. Officers consider that there will be a degree of incongruence caused by this development when viewed from the A1071 and that this incongruence will be pronounced in the short term before landscaping establishes. With good landscaping and sympathetic roof materials and house forms this can be mitigated acceptably over time, however, a minor degree of environmental harm may remain in the long-term which should be weighed in the planning balance in accordance with Paragraph 14 of the NPPF and judged against the requirements of Local Plan Policies CR4, CS11 and CS15.

4.7 Decision-takers must be mindful of the specific legal duties upon the local planning authority with respect to the special attention which shall be paid to the desirability of preserving or enhancing the listed building or its setting or any features of special architectural or historic interest which it possesses; and/or the desirability of preserving or enhancing the character and appearance of the Conservation Area, [as set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively]. In the Barnwell Manor High Court case, The Honourable Mrs Justice Lang stated that 'in my opinion the addition of the word 'desirability' in Section 66(1) [of the P(LBCA)A1990] signals that 'preservation' of setting is to be treated as a desired or sought after objective...' Case law has established that the principle of preservation must be afforded 'great or considerable weight', therefore be treated as a high priority in the decision making process and any harm must be weighed heavily in the balance when the public benefits are weighed against it. Paragraph 129 of the NPPF directs that LPAs should seek to "minimise conflict between the heritage asset's conservation and any aspect of the proposal."

---

- 4.8 Historic England's advice is that the river valley is important in the historic character of Boxford and that development within it has the potential to harm the significance of this heritage asset. It can be deduced they do not consider the harm to have been minimised as they consider that if the proposed development were set back from the southern boundary it would better preserve the character of the River valley. They have concerns on heritage grounds, but cite the existing harm caused by the Goodland's estate as setting a precedent in their consideration, however, as the Heritage Team points out, *cumulative* harm is a consideration and in accordance with the NPPF the *additional* impact of this harm over and above the existing situation must be considered. It is clear that Goodland's Phase 1, both visually and in relation to the significance of heritage assets, has changed the character of the area. It is noted that from the A1071 the proposed development has potential to compete in views of the Church tower, but it will not directly interfere with visibility of the Church tower. As a result, it is the impact of development when situated in the River valley which appears to be the main consideration relative to the significance of the setting of the Conservation Area and how it is experienced.
- 4.9 The Council's Heritage Team are uncomfortable with the submission of an outline application, arguing that this makes it difficult to fully assess the harm to the river valley, setting of listed buildings and significance of the Conservation Area, and as a result it cannot be ensured that this harm is minimised. The application is in outline form, which means that the ultimate question for the decision maker is whether there is a possibility 24 dwellings can be provided on the site in a form which minimises sufficiently the impact upon heritage assets as to outweigh the public benefit. It is unlikely 24 dwellings cannot be provided on the site AND their southernmost extent be amended to meet Historic England's advice. Therefore it follows there is a likelihood of harm to the setting of the Conservation Area by virtue of intrusion into the river valley which may be contrary to the historic pattern of development, open character and historic morphology of the settlement. The decision taker must decide if, imagining the most sympathetic development that can be provided for 24 dwellings on this site, this would:
1. Cause harm to the afore mentioned considerations?;
  2. Evaluate this degree of harm?; and
  3. Weigh this harm heavily in the balance in comparison to the public benefits?
- 4.10 CS11 criteria direct the decision maker to consider whether the scale of development (24 dwellings) and location of the development (into the southern half of the site along the valley side) is appropriate. Policy CS15 similarly requires that, "where appropriate to the scale and nature of the proposal, [it] should respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views." CS15 requires the development to "make a positive contribution to the local character, shape and scale of the area." The decision taker must decide whether this particular proposal ensures "adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's build and natural environment", notably the impacts upon Conservation Areas and Special Landscape Areas. In accordance with Saved Policy CR4, proposals should also harmonise with their landscape setting.
- 4.11 It is noted that there exist no stated objections from professional consultees, namely Historic England, the Heritage Team or Place Services. On that basis refusal is not advised in relation to the policy considerations set out above. The character and density of this proposal is not different from that adjoining on Daking Avenue or Goodlands phase 1. Whilst this may not represent the most logical extension to the village in Landscape and Heritage terms, this would be mitigated to an extent by the imposition of landscape screening to its boundaries, therefore it is concluded there is arguable compliance with this element of CS11 and the full planning balance is covered in Part four of this report.
-

The locational context of the village and the proposed development (particularly AONBs, Conservation Areas and heritage assets)

- 4.12 The potential impacts of this development upon the character of the Conservation Area and qualities of the Special Landscape Area are a function of the sites location on the western side of the village situated along the valley side. It is arguable that the site is functionally well related to the village by virtue of its proximity to the existing settlement boundary and existence of pedestrian routes to the village centre, as the site lies in easy walking distance. The local community suggest the quality of these connections are poor however, and this is discussed more fully in Part Four and Section 5 of this Report. It is noted that the supplementary guidance on CS11 (page 7) requires that walking distances should be considered alongside the quality and continuity of the footpath connection. It is clear that this proposal would, irrespective of the quality of connections to the village centre, have capacity to support the services and facilities existing in Boxford and on that basis, given that the Highway Authority do not raise pedestrian safety concerns, there is a degree of compliance with this element of CS11.

Site location and sequential approach to site selection

- 4.13 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB and requires an assessment under Paragraph 14 of the NPPF in any regard. However, it is clear that there are no sequentially preferable sites in the BUAB which could enable development of a similar scale to this and there is no requirement to look at alternative sites adjoining the built up area boundary as sequentially they are within the same tier. This element of CS11 is satisfied.

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

- 4.14 "*Locally identified need*" or "*local need*" should be construed as the development to meet the needs of Boxford and its wider functional cluster. The sequential approach requires new development for "*rural growth*", first be directed into Core Villages and in this sense the proposal is compliant.
- 4.15 In this case the Applicant has not submitted a housing needs assessment. The layout plan is indicative, but properties could be tied under condition to the following mix:
- 1 bed x 2
  - 2 bed x 6
  - 3 bed x 16 (7 bungalows).
- 4.16 A mixture of 35% of the dwellings indicated as being affordable housing, with a mix that the strategic housing team support. It is considered that the proposed housing mix would help with the identified need for the smaller affordable homes and the presence of a high number of smaller open market properties and bungalows is welcomed. There is compliance with CS18 and CS19 and this compliance contributes positively in the planning balance.
- 4.17 The development has not been subject to a housing needs survey. It is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale. As such, the proposal cannot be considered to accord with this element of policy CS11.
-

### Locally Identified Community Needs

- 4.18 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.
- 4.19 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

- 4.20 Policy CS11 requires the cumulative impact of development, both within the village and its the functional cluster, to be a material consideration. Given the responses from statutory consultees and the small scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts upon the capacity of local schools or health services. CIL provides a mechanism for GP surgeries and schools to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be significantly adversely impacted by the development. It is therefore considered that the evidence suggests this development will be easily accommodated within the existing infrastructure of the village. However, there exists a difference of opinion as to the extent that the proposal, in combination with other developments consented to in Boxford and surrounding villages would have upon traffic generation and highway safety on Swan Street. In this sense there is a wider judgement to be made as to whether this proposal would be detrimental to the social, physical and environmental wellbeing of the village. With the absence of objection from the Highway Authority it would appear difficult to provide sufficient evidence to tangibly demonstrate this detrimental impact upon the local highway and pedestrian network, and on that basis it is concluded there is compliance with this element of CS11.
- 4.21 Overall it is concluded that there is a degree of compliance with Policy CS11. In terms of CS15, the application would help retain, protect and enhance local services and facilities as required by the policy. The application would also make provision for open space, amenity, and leisure and play through the provision of an open space area which could be tied under condition to be provided. The surface water drainage scheme would also ensure, provided the SCC Flood and Water Engineer raises no objection, that there would be no increase in surface water drainage from the site over and above greenfield run-off rates. In this sense there is obvious compliance with some of the criteria of CS15 and arguable compliance with the landscape, heritage and character considerations of CS15 (other remaining criteria in CS15 including energy and water conservation being irrelevant until reserved matters stage).

## **5. Highway Safety**

- 5.1 A Transport Statement has been submitted with the application and this document was revised to reference to address the recent Parish traffic count on Swan St in 2017. A full Transport Assessment is not usually required for developments of this scale, therefore the cumulative impact, impact upon potential que lengths on Swan St, delay and specific vehicle visibility are not analysed in detail.
-

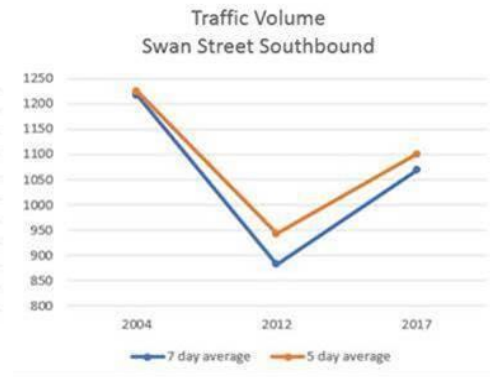
The Transport Statement contains the results of a traffic count taken in 2013 and again in 2017 at the junction of Swan St and Daking Avenue during peak morning and afternoon periods. The Statement points out that traffic levels turning onto/off Daking Avenue recorded in these surveys are not markedly different from 2013 to 2017 and therefore they do not evidence a rise in overall traffic using Swan Street.

- 5.2 The Transport Statement argues that Saved Policy HS21 was originally founded on conjecture and not evidenced through survey. There seems to be little evidence to refute or deny this, but both the 2006 Local Plan and the saved policies were subject to assessment by the Inspectorate and therefore were subject to a degree of scrutiny over their 'soundness'. Officers advise that HS21 is not used as a primary basis upon which to refuse this application as whilst the policy raises relevant considerations, traffic should be assessed relative to the tests set out in the NPPF as this document supersedes the saved policy.
  - 5.2 The Transport Statement makes the point that there are no recorded accidents on Swan Street and suggests this is a result of the low speed environment created by on-street parking. It is expected that the additional housing proposed would generate approximately 15 additional vehicle movements at peak periods. A proportion of these vehicles will travel down Swan Street in the direction of Ipswich or Sudbury.
  - 5.3 The Transport Statement qualitatively assesses parking levels on Swan Street from a survey taken in 2015 and finds that, whilst parking has an effect on the free flow of traffic there is sufficient kerbside space for vehicles to pass at peak times. The report notes that the parking has a traffic calming impact as well.
  - 5.4 There exist no hard and fast rules in relation to what constitutes a "severe" highway impact. In the absence of clear guidelines it seems appropriate to reach a judgement relative to the particular characteristics of a case and locational context; the impacts should not be debased in order to be compared to relative traffic levels in London or Ipswich, for example and some regard must be had for the derived character of this rural, village environment. On the other hand, it is noted that there is simply not 'congestion' on Swan Street in the literal sense – vehicles do not stand stationary for prolonged periods in the day for example.
  - 5.5 The Highway Authority is aware of the restricted nature of the footway in places along Swan Street. They are aware of the visibility issues which arise from parked cars at the junction on Swan Street where this meets Broad Street and Church Street. There is an acknowledgement that the parked cars are necessary to facilitate visitors to the village shops, for parking for onward journey by bus and for residents on Swan Street as many do not have off-road parking available.
  - 5.6 Whilst a full Traffic Assessment has not been submitted, this has not proved essential as traffic levels on Swan Street because have been the subject of three surveys conducted in 2004, 2012 and 2017. It is presumed there has been a focus on monitoring traffic on Swan Street on account of its perceived sensitivity and it is fortunate these results are in the public domain. In assessing these surveys the Highway Authority makes the point that overall numbers of traffic on Swan Street have reduced in the 2017 survey in comparison to 2004:
-



## Boxford - Swan Street

Northbound		
	7 day average	5 day average
2004	1246	1260
2012	877	941
2017	1065	1106
Southbound		
	7 day average	5 day average
2004	1217	1225
2012	882	943
2017	1069	1100



- 5.7 The Parish Council, comparing the surveys, argues that overall numbers of vehicles has increased 20-25% from 2012 to 2017. This increase is particularly marked in the northbound vehicle movements and cars and vans using Swan Street. In their view, cumulatively the increase proposed would be significant and, in combination with the restricted footway and traffic visibility issues, indicative of the poor functional relationship between the site and the settlement such that there is not compliance with the overall aims of sustainability in the meaning set out in the NPPF or the objectives of CS11 and CS15.
- 5.8 Whilst the Parish Council acknowledge vehicle speeds are generally low (under 30mph) on Swan St, they argue the on-street parking situation induces vehicles to accelerate fast as they seek to jump into passing places, to regularly mount the pavement to avoid oncoming vehicles and that narrow pavements present risks to pedestrians. They also argue that the junction in the centre of Boxford has poor visibility which means vehicles frequently having to reverse once they have committed to passing the parked cars.
- 5.9 Having considered the professional advice from the Highway Authority, it cannot be concluded that this development, when taken cumulatively with other committed developments, would result in a “severe” transport impact – those impacts having to be supported by demonstrable evidence. However, some weight is attributed to HS21 and the issues mentioned above, as they appear indicative of a reduction in the positive social impact of the development when weighed in the planning balance (as opposed to the weight that might be attributed to a better connected site for example). Overall however, there remains a substantial social benefit gained by the provision of 24 dwellings which would meet the district need.

## **6. Environmental Impacts (Ecology/Trees etc)**

- 6.1 Woodland Trust notes that the indicative layout shows the current footpath across the site moved from its current position. They are concerned that the current footpath has not been laid out in accordance with the S106 and that it has not been surfaced to be traversable in all weather conditions or routed to be accessible to everyone. The Trust objects on the basis that the current footpath is not as agreed, but notes that the path shown in the indicative layout would be an improvement in theory. The layout is to be agreed at reserved matters stage, but the recommendation makes provision for this to be set out in the S106 agreement to legally ensure its provision.
- 6.2 The Ecological Report submitted with the application acknowledges that there would be a minor adverse impact caused by the loss of foraging habitat for Barn Owls. However, the report suggests that these impacts can be compensated for through a habitat management plan for the site and the removal of the spoil heap on the site which is currently providing a suboptimal habitat. The Suffolk Wildlife Trust is content with this assessment provided the management plan is implemented in full – conditions are proposed to require specific details of this once the layout is finalised.

## **7. Residential amenity**

- 7.1 The indicative layout provided demonstrates that 24 dwellings can be provided on the site at a distance from neighbouring properties as to not significantly adversely affect their outlook, light or privacy. Whilst concerns have been raised regards traffic impact upon air quality and noise experienced by those living in properties on Swan Street, having regard for existing levels it is not concluded that these impacts would be significant.

## **8. Other Issues**

### **Surface Water Drainage**

- 8.1 The stated objectives of the surface water drainage strategy are that surface water run-off from the site will not be increased relative to existing levels. There are some existing issues with drainage in the surrounding area, which the Parish associate with Goodlands phase 1, but it is not the role of this application to remedy that. Early indications are that the soil has an adequate infiltration rate as to allow surface water to be piped into attenuation basins located in the open space with water then soaking into the soil delaying its passage into the river in a high rainfall event.
- 8.2 Soil classifications indicate that the soil is made up of a sand/gravel superficial layer over a clay bedrock. When subsoil from the first phase of Goodlands was deposited on the site this has caused some surface drainage issues. The applicant has agreed to remove this spoil, reinstating the site to its former topographical profile and undertaking further percolation tests. A new topographical survey is expected shortly and infiltration results have already been submitted for the consideration of the Suffolk County Council Flood and Water Engineer. The Engineer is broadly supportive of the overall drainage strategy for the site and therefore it is anticipated this will not raise any fundamental issues. The recommendation is therefore subject to 'no objections' being confirmed by the Flood and Water Engineer.
- 8.3 Whilst the lower portion of the site is designated Flood Zone 3, the indicative layout demonstrates that 24 dwellings can be provided in Flood Zone 1 and that access and egress routes can also be located in this zone. In the current layout the dwellings would site approx. 6m higher than the river level in the higher portion of the site. The Environment Agency raises no objections having appraised the Flood Risk Assessment.

### **Open Space and Play Provision**

- 8.4 There is an existing Locally Equipped Area of Play (LEAP) which has been provided immediately north-west of the site. Saved Policies HS31 and 32 require that sites over 1.5 Ha in area provide items of play equipment in proportion to the number of dwellings provided and this is likely to be judged cumulatively in respect to the existing Goodland's site. This may necessitate enhancement of the existing LEAP or extension to it. Environmental Protection notes that the choice of play equipment will need to have regard for the residential amenity of nearby neighbouring properties. The provision of play equipment is to be secured within a Section 106 agreement. It is likely the area will be managed by a resident's management company formed in a similar way to with the Goodlands phase 1 development.
-

## Loss of agricultural land

- 8.5 Paragraph 112 of the NPPF states 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.”* The definition of best and most versatile agricultural land is classified as Grade 1, 2 and 3a.
- 8.6 Overall the site falls within the category of Best and Most Versatile (BMV) Agricultural Land for the purposes of the NPPF. However, it is understood that much of Boxford and its surroundings benefit from agricultural land of an equivalent quality. As housing sites are not likely to present within the settlement boundary to any scale, it follows that some loss of BMV agricultural land will be inevitable in the Boxford area to accommodate the aims of the development plan.
- 8.7 While, paragraph 112 of the NPPF indicates that account be taken of the economic and other benefits of BMV land, and where significant development of agricultural land is necessary, advises that LPA's should seek to use areas of poorer quality. It does not however impose a bar on the development of such land and does not define what might comprise 'significant'.
- 8.8 A number of recent appeal decisions which have considered this point, all of which like the situation here were determined against the background of a deficient 5YHLS. Two of the decisions relate to sites of equivalent size to the application site at around 5ha, while a further SoS decision is considerably larger at 10.4ha. None were considered 'significant' for the purposes of the NPPF, with the Weston appeal decision noting the need to consult DEFRA on applications which involve the loss of 20ha of BMV land, and that the loss of 5.21 ha would not be considered significant in that context.
- 8.9 While some negative weight can be applied to the localised harm arising from the loss of some BMV land in these cases, the loss of this site, which comprises 1.6Ha, is not considered significant within this context. Furthermore the applicant argues that the site in its present condition does not benefit from a field access therefore is compromised in relation to agricultural use.

---

## PART FOUR – CONCLUSION

---

### Planning Balance and Assessment

9. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
10. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.
-

11. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. However, in consequence of the Council's heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
  12. As set out in the judgement on *Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited* (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
  13. The NPPF (para. 134) states that 'where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use.'
  14. As required by paragraph 134, in the determination of this application consideration should be given to weighing whether the public benefits are sufficient to justify the presumption against harm to the listed building. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), provision of affordable housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh the less than significant harm to the heritage asset.
  15. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, having given considerable importance and weight to the harm identified. Having regard for Footnote 9 of the NPPF, where the balancing exercise has returned a positive outcome there are no policies within the Framework which indicate that development should be restricted. The presumption in favour of sustainable development, or 'tilted balance', presented under Paragraph 14 of the NPPF and Policy CS1 of the Core Strategy, remains engaged.
  16. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134. In the absence of specific policies in the Framework that indicate that development should be restricted, paragraph 14 can be engaged.
  17. The application proposes 24 dwellings, eight of which would be affordable dwellings, in a location that is within walking distance of a Core Village. It is acknowledged that pedestrians travelling from the development would need to use a length of footway which is of substandard width and that there will be a minor increase in traffic using Swan Street, where highway safety and traffic conditions have previously been acknowledged to be a concern. Whilst the location of the site reduces the social benefits slightly, the benefit of provision of dwellings to meet the district wide housing supply weighs substantially in the balance.
-

18. The development would provide a temporary modest benefit through construction of the dwellings and a longer term, moderate economic benefit as the occupants would contribute to the sustenance of existing businesses, services and facilities in the village and the wider cluster. A minor adverse economic and environmental impact from the loss of best and most versatile agricultural land, however, this particular factor is not judged to weigh heavily in the balance.
19. There would be an environmental benefit through provision of an open space area designed to enhance biodiversity value of the site. There would be minor environmental harm caused by the development to the qualities of the Special Landscape Area in key views from the surrounding countryside; the level of this impact being dependent upon the successful via sympathetic design and extensive landscape planting. There would be minor environmental harm as a result of the loss of the open, rural character of the site and a level of social/environmental harm caused through the loss of this character to the significance of the Boxford Conservation Area.
20. Crucially, there would be harm to the morphology and setting of the Boxford Conservation Area and historic character of the River valley. This cumulative additional harm has been graded as being towards the lower end of the 'less than substantial' classification. This harm has been weighed heavily in the balance, but it is concluded that the public benefits listed above outweigh this harm.
21. This proposal is contrary to CS11, CS2, and Saved Policy HS21. This development broadly complies with the objectives of the NPPF, having regard for the absence of a 5 year supply, and there is broad compliance with the majority of Local Plan Policies: this provides the material consideration to depart from CS11, CS2 and HS21. Whilst Officers conclude this application is recommended for approval it is acknowledged that this is an extremely finely balanced decision to which members must reach their own conclusions having independently weighed the above considerations carefully in the balance.

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

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

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

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

## **Recommendation:**

That authority is delegated to the Corporate Manager - Growth & Sustainable Planning to Approve Outline Planning Permission, subject to confirmation from the Suffolk County Council Flood and Water Engineer that they raise 'no objection' to the application, and prior to completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following, and that such permission be subject to the conditions as set out below:

### Section 106 Undertaking:

1. Provision of 8 affordable dwellings.
2. Sum of £10,000 to be paid to Highway Authority for improvements as necessary to Swan Street (to be returned if not used within five years).
3. Play Equipment – details of LEAP to be provided together with timetable for its provision.
3. Improved footpath link across the site to link Daking Avenue with footpaths in Primrose Wood – details to be submitted with timetable for its provision, to thereafter be retained and maintained for use by the public in perpetuity by applicant, or transferred to a resident's management company.
4. Woodland belts in south and west of site and Open Space Area – details to be submitted with timetable for their provision, to thereafter be maintained in accordance with an agreed maintenance scheme and retained in perpetuity and maintained by applicant, or transferred to resident's management company.

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

1. Standard time period for outline
  2. Standard time period for submission of reserved matters
  3. Listing of approved plans
  4. Indicative layout to be adhered to in relation to position and area of open space in south, affordable and market mix and number of bungalows to be provided
  5. Indicative layout to be adhered to in relation to location and extent of planting along western and southern boundaries with full details of species, number, size and location of plants to be planted to be submitted concurrently with reserved matters
  6. Construction Management Plan prior to commencement
  7. Lighting scheme prior to commencement
  8. Highways conditions: details of estate roads and footpaths, construction of carriageways and footways prior to occupation, details of bin storage prior to occupation, retention of parking
  9. Standard archaeology conditions
  10. Prior to commencement detailed Surface Water Drainage scheme and its implementation
  11. Revised habitat management plan submitted concurrently with reserved matters for Landscaping and implemented to increase Biodiversity over site
  12. Provision of fire hydrants prior to occupation
-