

BABERGH DISTRICT COUNCIL

From: Development Management Officer – Growth & Sustainable Planning	Report Number: PL/17/23
To: Planning Committee	Date of Meeting: 22 November 2017

RESPONSE OF BABERGH DISTRICT COUNCIL TO THE CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND AT STAFFORD PARK CLARE ROAD LONG MELFORD FOLLOWING DEVOLUTION OF DECISION-TAKING POWERS TO BRAINTREE DISTRICT COUNCIL.

1. Purpose of Report

- 1.1 To agree response to Braintree District Council following devolution of the Council's powers to determine a planning application at Land at Stafford Park, Clare Road, Long Melford.

2. Recommendation

- 2.1 That Babergh District Council write to Braintree District Council advising of the following;

- That had Babergh District Council determined this application, the Council would have been minded to approve the application subject to appropriate conditions and a Section 106 agreement.
- That should Braintree District Council approve the proposal, that Babergh District Council wish to be party to the wording of conditions and the terms of the Section 106.
- That all mitigation identified as necessary in this report to mitigate the impacts of development on the Babergh district, including those relative to education, highways, affordable housing and rights of way improvements, be secured through the section 106 agreement.
- That the Section 106 include obligations that ensure the delivery of the decontamination of the landfill site within the Babergh district area.

3. Financial Implications

- 3.1 There are no financial implications arising directly from this report.
- 3.2 However, it is recognised that the development would bring about Community Infrastructure Levy liability.

4. Risk Management

- 4.1 There are no significant risks arising directly from this report.
- 4.2 It should be noted that the risk of failure to achieve a suitable means of decontaminating the landfill site associated with this development site can have significant environmental impacts. This matter is being monitored by the Environment Agency.

5. Equality and Diversity Impact

- 5.1 There are no Equality and Diversity implications arising directly from this report.

6. Key Information

- 6.1 On 20th December 2016, Babergh District Council resolved to devolve powers to Braintree District Council for the determination of a planning application seeking Outline planning permission (with all matters reserved except for access) for the proposed development of up to 100 dwellings and the change of use of an existing buildings to create up to 22 apartments and a community centre, to enable remediation of the adjoining licensed landfill site to the north.
- 6.2 Proposals also include the demolition of the other existing buildings, associated works to remediate the land on the application site, flood attenuation measures, reinstatement of the River Stour to include the removal of the sluice gate and the creation of a series of rock riffle weirs and associated infrastructure improvements, landscaping and provision of public open space, as amended by Flood Risk Assessment received 29th October 2015.
- 6.3 The significant majority of the application site is in Braintree District.
- 6.4 However, within part of the Babergh district lies a licensed landfill site associated with the former operations at this site. The proposed development would seek to enable the decontamination of this landfill site.
- 6.5 As Babergh District is the smaller area of the site, it has received none of the application fee. In addition, it is good planning practice to allow the majority authority to determine as it promotes cooperation between authorities, as envisioned by Localism, and avoids conflicts between what would otherwise be two planning permissions and two legal agreements; potentially two different decisions.
- 6.6 As such, work on any necessary planning obligation under section 106 of the 1990 Act will also be delegated to Braintree District Council, subject to Babergh District Council's final approval.
- 6.7 BDC will benefit from CIL contributions, the amount has not yet been confirmed due to the Outline nature of the scheme.
- 6.8 The proposed application has been the subject of a 21 day period of consultation with all consultees and interested parties being notified.
- 6.9 The assessment of the application is considered later in this report.

7. Consultations

- 7.1 Those consultation responses received are summarised as follows:-
- 7.2 **BDC Consultant Ecologist (James Blake Associates Ltd)** – An updated and consolidated response to the proposal, taking into consideration the updated Ecology and Nature Conservation Chapter for the ES and the updated Ecology Assessment that was included as Appendix 8.1 has been provided.

They state that their initial assessment of the application was set out in their letter to BDC dated 15th December 2015. They identified three main areas where further information was required to enable them to fully assess the likely significant effects of the proposed development on ecological receptors, these were:

1. The quality of the ecological reporting and specifically a request for information to identify the level of expertise of the report authors and the ecological surveyors who collected data to support the reports;

2. Protected species surveys and assessment of impacts. They requested that further survey evidence be provided and analysed to assess the potential effects of the proposed development on water vole, otter, great crested newt and bat populations (all of which are European Protected Species, EPS) and reptiles and other Species of Principal Importance. In their opinion, the information provided was not sufficient to determine the likely significant effects on the populations of these protected species;

3. The assessment of impacts on statutory protected sites. They requested that the ecological assessment should be revised to take into consideration the potential effects of the proposed development on all Sites of Special Scientific Interest that may be affected both during the construction and operational phases of the development, including Glemsford Pits SSSI and Kentwell Woods SSSI which are both within 2km of the site.

Furthermore, they recommended that:

- A Construction Environmental Management Plan (CEMP) is produced by the applicants to detail what precautionary measures would be put in place to minimise the risk of impact to protected species and sites during the construction phase;
- An assessment is undertaken of the potential increase in recreational use of sensitive areas of the site post-development. Details of appropriate mitigation should be included where appropriate; and
- Measures to enhance the biodiversity at the site are required in accordance with Paragraph 118 of the NPPF, and Section 40 of the NERC Act (2006).

At the request of the LPAs, they subsequently responded to a letter from the applicant dated 22nd January 2016 which provided an initial response to the matters above. In their response to the LPA dated 25th February 2016 they provided further justification for the need to address the matters set out above, before the LPA could determine the planning applications.

Both the National Planning Policy Framework (NPPF 2012) and Circular 06/2005 which still forms a part of the NPPF, require that LPAs must assess the effects of planning proposals on protected sites and species before considering granting planning permission, and should only approve proposals where the effects on such protected sites and species can be avoided, mitigated or as a last resort, compensated for. In summary they recommended that further surveys for bats, reptiles and water voles were undertaken pre-determination, as best practise advises that baseline information should be fit to inform the decision making process (BS:42020 6.2.1).

However, they also acknowledged that any mitigation requirements resulting from these further surveys and assessments of effects would likely be achievable within the site boundary and therefore could be made subject to suitable planning conditions, if a detailed mitigation strategy is provided and appropriate conditions are attached to any permission. The details of the necessary mitigation could be agreed at the Reserved Matters application stage once the further surveys recommended have been carried out.

Consequently, the LPA received further ecological reports and a revised and updated Ecology and Nature Conservation ES Chapter to support the submitted planning application. They reviewed these revised and updated documents at the request of the LPA and provided their response in a letter dated 16th February 2017. In summary they advised the LPA that:

1. The quality of the ecological reporting.

The revised and updated reports included the requested details and qualifications of all personnel involved with the ecology surveys, and therefore demonstrate that the surveys were carried out by competent individuals. They consider that this conforms with BS:42020 and therefore the results of the surveys can be relied upon;

2. Protected species surveys and assessment of impacts.

Water voles

Water vole surveys were undertaken at the site in June 2016. It is stated that banks were steep and vegetation cover abundant causing in-channel inspections to be difficult to undertake and progress slow. However no discussion of the impacts of these constraints on the findings was included, therefore it is assumed that the survey conditions did not constrain the results. It would be useful to have confirmation of this as part of the final submission. Although no signs indicating the presence of water voles were recorded, the precautionary recommendations for working practices and updating surveys is welcomed and should be conditioned if the Council is minded to approve the application. The inclusion of Mink control at the site is also welcomed to prevent the spread of this species to the future detriment of water vole populations.

Otters

The Ecology and Nature Conservation ES Chapter has been updated to include an assessment of potential impacts to otters from increased domestic animals and it is concluded that there is unlikely to be a significant effect. Additional planting and access to the northern bank of the river and adjacent habitat would provide areas that are not readily accessible to domestic animals.

Updated surveys recorded several spraint across the site, no holts or couch sites were recorded. Precautionary working methodologies have been proposed to minimise the risk of causing harm or disturbance to otters during the construction phase and these should be included within a CEMP that should be conditioned if the Council is minded to approve the application. Updating surveys, as recommended, should be carried out throughout the Reserved Matters applications stage to assess the continuing use of the site by otters.

Bats

The internal and external inspections have been updated in 2016 and have reported no change to the conditions reported in 2014. It is understood that it has been agreed that further surveys are not required to inform the outline application, but that surveys will be undertaken in support of the Reserved Matters applications.

Precautionary working methods are welcomed and should be included within a CEMP, which should be conditioned if the Council is minded to approve the application.

Reptiles

Reptile surveys have been undertaken to cover both the proposed residential areas and the area to the north of the river. No reptiles were recorded, however it is recommended within the reports that surveys are updated at the Reserved Matters applications stage to inform the detailed application. This approach is welcomed and any precautionary methods proposed following these updated surveys should be incorporated into the CEMP.

Great crested newts

Updated eDNA surveys were undertaken in 2016 and returned inconclusive results for one of the ponds surveyed. However, given the lack of evidence in the other ponds surveyed and the inconclusive evidence returned from the one pond, it is recommended in the reports that the surveys are updated to inform the Reserved Matters application.

Further surveys should be conditioned and any avoidance and mitigation recommendations arising from the outcome of these surveys should, if required, be subject to further appropriate conditions including updating working methods within the CEMP.

Overall, they consider that the updated reports cover the majority of the issues raised previously, and are sufficient to support the outline planning application. Further surveys and an appropriate CEMP should be conditioned if the Council is minded to approve the application, to ensure that the impact to Ecology is updated accordingly and suitable precautionary working methods are detailed.

3. The assessment of impacts on statutory protected sites.

The revised and updated Ecology and Nature Conservation ES Chapter assesses both the construction and operational effects on the two SSSI's within 2km of the site, which conclude that there would unlikely be any significant adverse effects upon these.

7.3 **BDC Environmental Protection** – No objection raised, subject to the imposition of planning conditions controlling site clearance, demolition and construction work, along with matters of controlling the remediation of contaminated land.

7.4 **BDC Housing Research & Development** – Policy CS2 of adopted Core Strategy seeks a target of 40% for affordable housing on schemes 5 or more units in the rural areas of the District. The outline proposal for this site is for up to 100 new residential homes to be constructed and creation of 22 flats from the conversion of existing buildings. This means that 48.8 of the homes should be provided as affordable housing.

Although Braintree generally has a high level of housing need, evidence from the housing register in this part of the District does not justify seeking 48 affordable homes on site. As the site is located at the northern most boundary of Braintree and neighbours Babergh District, they have liaised with Babergh District Council over whether there is scope for a cross-boundary approach to meeting need for affordable homes in both Districts. Geographically, the nearest large settlement is Long Melford where it is understood that there are more than 60 applicants registered seeking affordable homes. However, BaDC have advised caution over numbers of units that are sought on site because of the remote location and lack of amenity.

It is acknowledged that details set out in the application are indicative, but they recommend that 10 affordable homes be provided on site, along with a commuted payment in lieu of 38.8 units, subject to viability. It is considered that 6 x 1 bedroom flats and 4 x 2 bedroom houses would be an appropriate mix to match housing need.

As regards a commuted payment, applying the commonly used approach illustrated below, this would amount to £970,000. This sum is higher than that advised in pre-application advice owing to the figure per unit being revised to reflect higher levels of grant needed to procure units from the open market for affordable housing.

122 units x 40% = 48.8 units
48.8 units – 10 units (provided on site) = 38.8
38.8 units x £25,000 = £970,000

Payments would be held in an account and used specifically to assist in providing funding to registered housing providers for the provision of new affordable homes at other locations in the District.

Additional factors concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy;
- Affordable homes should conform to standards acceptable to the Homes and Communities Agency at the point of construction; and
- House type units should meet Lifetime Homes Standard.

- 7.5 **BDC Waste Services** - The design of the access road needs to accommodate turning movements for waste collection vehicles up to 26T and will need to be offered up for adoption to ECC as public highway. If the access road is to remain private then each household will need to present their waste bins at a suitable location near (no more than 20m) or on the public highway.

External Responses

- 7.6 **Anglian Water** – No objection, as the nearest waste water treatment plant at Long Melford and the foul sewerage network both have capacity to accommodate the flows from the site.
- 7.7 **Babergh & Mid Suffolk Economic Development** – Its disappointing to see the loss of an employment site, and would have liked to have seen an employment use maintained. They suggest that part of the Community building could provide some internal office/work space for future residents' use.
- 7.8 **Babergh & Mid Suffolk Environmental Management (Contaminated Land)** – In reviewing the application they have not responded to any elements relating to the former landfill area, as the Environment Agency are regulators for this part of the site owing to the existence of an Environmental Permit, and which is also subject to a separate planning application. They have not commented on those areas outside Babergh District either (within the Braintree District where the housing is proposed to be).

The area within the application site that is within the Babergh District and outside the area of the environmental permit, includes just those areas surrounding the proposed community centre and the sludge lagoons to the east of the landfill area.

The principal risk drivers in respect of the sludge lagoons are the impact on groundwater from the former uses of the site, into which waste from the factory site was pumped. Remedial works undertaken on this area will be required to ensure that the residual soil within the beds is not impacting on the groundwater or future end users of the site. Any remediation of the sludge beds would need to be done in conjunction with the remediation of the landfill, but the investigation undertaken by Wren and Bell in March 2015 has mainly centred on the landfill site, so is outside the scope of the application.

The investigation into the effluent treatment plant states that the area would be de-silted and in-filled to make it suitable for public access. However, the details of the remediation in respect to the effluent treatment plant are insufficient to state that the site would be suitable for its intended use. The Wren and Bell report states that the area may be suitable for the importation of waste material from the landfill site, however as this site is outside of the permitted area, this may require a variation to the existing permit to cover the Effluent Treatment Plant, and may not be acceptable with the EA.

They go on to state that any imported material would need to demonstrate suitability for use in terms of the area that would be designated as Public Open Space (POS) south of the River Stour, as it would seem as though there have only been limited investigations into the presence of contamination in this area and the potential impact on end users. Whilst POS is no doubt less sensitive an end use when compared with residential with plant uptake, nonetheless the developer needs to demonstrate that the land designated for POS is suitable for use.

They recommend that this information is secured from the applicant by way of condition, and also that any remediation that may be necessary to bring these areas back to a state where they become suitable for their use as POS. They believe that the conditions proposed by the Environment Agency should suffice in achieving this goal.

Finally they advise that whilst they can only comment on the areas for which Babergh District Council has control, they state that the site now requires a comprehensive approach to remediation.

7.9 **Babergh & Mid Suffolk Environmental Protection Team** – Thank you for passing me the Technical Note from Peter Brett Associates ‘response to EHO comments’ (note number TN-EHORESPONSE_01, dated May 2016). I therefore have the following additional comments to make about noise.

I accept the proposed plant noise emission criteria as given in item 3 of the note, on the basis that these have been calculated at receptors closer to the proposed development than Cranfield Cottage, and that the proposed limits are low.

I understand from item 4 of the note that the construction traffic assessment has now been revised and the number of construction traffic movements anticipated is now greatly reduced. I accept that the resulting overall sound levels anticipated at Cranfield Cottage are now within BS8233:2014 levels.

Finally, I note from point 5 that construction noise at Cranfield cottage is predicted, at ‘worst case’ during the ‘worse case month’ to be 71dB. This is above the 65dB threshold value for a ‘significant effect; as given in BS5228:2009. However, the note goes on to state that “*in practice, much of the plant is likely to be mobile and unlikely to operate continuously throughout a typical daytime period. The magnitude of construction noise impacts is therefore likely to be reduced throughout the majority of the construction period. Scope therefore exists for the main contractor to provide a detailed construction plan that considers potential noise impact on nearby noise sensitive receptors*”. I would strongly advise that such a plan be required by means of condition as in my opinion further action will be needed to mitigate construction noise at Cranfield cottage.

7.10 **Babergh & Mid Suffolk Housing Development Officer** – No objection subject to 35% of the proposed dwellings being provided as Affordable Housing. Whilst the development would be located within the Braintree District, it is likely that residents of the development would use services in Glemsford and Long Melford; and therefore the affordable housing should be offered to residents of these villages.

7.11 **Dedham Vale and Stour Valley Project** – The site rests within the Stour Valley Project area and as such is covered by the Dedham Vale AONB & Stour Valley Management Plan of which both Braintree and Babergh District Councils are signatories. There are a number of objectives within this plan which they consider to be relevant to the site and would expect the plan to be taken into consideration when determining the application to ensure that the landscape and special qualities of the Stour Valley are protected and enhanced.

They have a number of comments relating to the proposal under the following headings:

Principle of suitability

While the concept of redevelopment of the brownfield site is welcome in principle, the isolated location does appear likely to cause considerable difficulties and they query the principle that the site is suitable for major residential development.

Landscape and ecology

Proposed development within the Stour Valley should be of an appropriate scale and take into account the landscape quality of the area. The proposal is considered to be major development and whilst in landscape terms, suitable planting could mitigate the visual impact of the development over time, the landscape impacts are wider reaching. The site is particularly sensitive, encompassing the River Stour and bordering the Glemsford Pits SSSI. The site therefore falls within the impact risk zone for the SSSI.

The River Stour passes through the site and forms an important feature in the local landscape character of the area. Development within close proximity of the river presents a concern in relation to flood risk, both at the site and further afield as a result of the development. Measures for ecological enhancements as part of the proposal are welcomed as an improvement to the current situation, for example, the proposed fish pass would have a beneficial impact on the river ecology in this location.

Isolation of site

The nature of the site is isolated and separate from any existing settlement. They do not consider the site to be a sustainable location for a significant housing development, given that issues surrounding transport, social isolation, access to schools and other community facilities are poor. Whilst various measures have been proposed to overcome these issues, they do not consider that the isolation of the site can be fully mitigated and there would be a strong reliance on cars as the primary mode of travel to and from the site for all daily requirements.

Transport and access

Major residential development will result in increased road traffic through the lanes of Liston and surrounds, and has not been satisfactorily addressed. The measures to improve cycling/walking will most probably involve third party land and cannot be guaranteed. An increase in road traffic on single track lanes will result in them becoming much less attractive for non-motorised road users, reduced tranquility, impacts on the special quality of the landscape. One of the access routes is via a protected lane and increased volumes of traffic using the lane is likely to have a negative impact on its qualities.

It is proposed that the access to the north of the site via the 'private track' be used during the construction phase only. They question whether enough consideration been given to this as a permanent means of access to the site, although note that this too presents concerns about road safety and connectivity to nearby settlements.

Remediation of former landfill site

Although the proposed remediation of the former landfill site may be desirable in environmental terms, it is not clear that the benefits of this outweigh the loss of habitats, and the ecological risks associated with soil stripping and vegetation removal. It appears that the LPA will need to seek detailed ecological advice in respect of these matters. It is noted that the former landfill site is outside the 'red line' boundary. They suggest, if the overall outline application involves the former landfill site, this too should be within the 'red line' boundary to facilitate appropriate conditions being placed on this part of the proposal.

Enabling development

The concept of the development as enabling development to allow the remediation of the site seems disproportionate. They state that the enabling element should only apply to the minimum requirement for remediation of the site.

7.12 Environment Agency -

Flood Risk

Their flood maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

They have no objection to this planning application, but highlight that the proposal requires the raising of land to provide development that will be situated in Flood Zone 1. As a result, compensatory storage is required which is intended to be provided on the opposite bank of the river to the area being raised. The Flood Risk Assessment (FRA), prepared by Millard Consulting, reference 12760/AB/237 Rev C and dated February 2017, includes details of the flood mitigation proposals and associated river engineering works. The proposals will ensure that floor levels of any buildings are raised above the 1% (1 in 100 year) and 0.1% (1 in 1000) year annual probability flood levels, inclusive of climate change and that dry access can be maintained to and from the development.

The conclusion of the FRA is that the development and associated works would not result in an increase in flood risk to the site or neighbouring land. The EA are in the process of having their 2011 River Stour model updated, and have compared the outputs of the above report with the draft outputs of their model update. The draft model outputs and technical note provided to them provide confidence that the proposed development works would not have an effect on third party interest and support the findings of the submitted FRA.

Land Contamination

In principle the EA support the carrying out of the development as a means of environmental improvement for both the former manufacturing area, and enabling remediation of the former landfill area.

They have reviewed the Remediation Strategy and Summary of Site Investigations report of February 2017 (ref: 12.062, second edition, version 5) and the latest version of Chapter 10 of the Environmental Statement. They have no additional comments from the changes made in this revision of the proposal as much of these documents are identical to the document reviewed as submitted with the original planning application. They state that it should be noted that the points raised in their letter of 7 August 2015 (ref: AE/2015/119311/01-L01) were not addressed in this revision of the documents and these are expected to be addressed prior to discharge of planning conditions, namely:

The site is underlain by a Secondary A aquifer (sands and gravels) followed by a principal aquifer (chalk). A source protection zone 3 also underlies the site, a groundwater abstraction is located on site, is also in an EU Water Framework Directive Drinking Water Protected Area and is adjacent to the River Stour. The underlying sands and gravels aquifer, chalk aquifer and River Stour are therefore considered to be highly environmentally sensitive.

Overall, they agree with the recommendations, but have a few additional comments detailed below:

Following the additional delineation works, remedial targets for remediation will be required. They will require justification for parameters used for risk assessment, using site specific where possible. The broad concept of groundwater treatment and soil treatment as a method of remediation is acceptable, with the finer details to be determined at a later stage following further site investigation and risk assessment to refine the conceptual site model.

They note that the upgradient and downgradient monitoring points for the river for surface water quality were distant from the site. It may be beneficial to the risk assessment if monitoring points near to the site are used.

It should be noted that there would be an increased infiltration in the south of the river, which may increase leaching of contaminants. It appears that no leachate testing has been carried out to date.

They disagree with the 'unlikely' source-pathway-receptor linkage discussed on pages 17 and 18 of the Remediation Strategy and Summary of Site Investigations report (Groundwater (Chalk measures – Major Aquifer)), they believe this is 'likely'.

With respect to ground gas emissions dropping from 21% in 2008 to 15% in 2012, they state that other factors such as atmospheric pressure at the time of monitoring should be considered as this can lead to false conclusions.

However, they consider that planning permission could be granted to the proposed development as submitted subject to the imposition of planning conditions, without which, the scheme on the site poses an unacceptable risk to the environment and they would object to the application.

Ecology

They recognise that the planning application seeks to resolve the dereliction at the former factory site and remediate its industrial legacy. Whilst many of the issues have been assessed and some designs and proposals have been included as part of the outline application, they state that these alone will not necessarily guarantee a favourable outcome for biodiversity, habitats and landscape issues on the site. In order to secure a viable and enhanced landscape setting and biodiversity outcome, they wish to see conditions imposed to any outline planning permission granted, to ensure that dereliction and negative manmade impacts on habitats are resolved positively.

They state that not all biodiversity and protected species issues have been completely resolved to all parties' satisfaction and suggest that a way forward would be to condition further protected species and Phase One ecological surveys for delivery before the detailed planning stage. They therefore wish to see protected species surveys for otter and water voles at the appropriate time, to ensure that the presence or otherwise of these mobile species is accurately recorded. Their presence and the way they use the site could vary with time and could affect the way that the site might be developed.

The proposed fish pass at the lower weir would need to be assessed by the Environment Agency's Fish Pass panel for approval before final design and construction. This could be done at the Flood Risk Activity Permit application stage.

Fish pass designs have to be suitable for the specific site and full range of species in the locality. Maintenance of a working fish pass can be laborious and they require regular checks. They can be a considerable financial outlay and on-going cost in perpetuity. If one gets blocked for any reason, (woody debris, algae, pump failures can be persistent problems) eels and other fish can be trapped and become desiccated. For this reason they recommend a full options appraisal of the lower weir to consider ecological, financial and Water Framework Directive issues. Weir removal and restoration of the channel to a more natural gradient and channel would likely be a better option on all fronts in the longer term here and will have wider benefits to the whole river ecosystem.

Their response of 7 August 2015 requested the production of a brief management plan setting out plans for the control of invasive non-native species on the land and proposed a condition to address this issue.

Water Framework Directive

In their response dated 19 May 2016 they withdrew their previous objection on the need for a Water Framework Directive (WFD) assessment following the receipt and review of the WFD Technical Note prepared by Peter Brett Associates (PBA) dated March 16. This Technical Note was sufficiently detailed for an outline application, but they state that further assessment will be required to inform any detailed reserved matters application.

While there are potential enhancements proposed to the River Stour at this location, they consider that there remains the potential, depending on the detailed planning designs, for the deterioration in WFD quality measures. This would need to be further considered at the detailed stage, and the Technical Note states that additional surveys and studies will be undertaken which can inform any further WFD assessment. They therefore wish to see a suitable condition attached to any outline permission granted.

They consider that the scheme presents an opportunity for river restoration to a more natural river corridor free of unnatural impediments to fish passage and designed to deliver long term sustainable habitats along the river corridor. There has been agreement with the applicant to replace the redundant moving sluice gate with a series of gravel and cobble riffles. This would be a significant habitat and landscape improvement which they welcome and support, subject to the imposition of an appropriate condition.

The EA also state that there has been discussion between the applicant and themselves, but as yet no agreement has been reached for, the removal of the downstream concrete weir (downstream of the aforementioned sluice) and potential replacement of this redundant structure with a further series of stone riffles. Whilst the current proposal is to build a fish pass there, they state that this appears a bit of an anomaly in that it means building an extra concrete structure in order to bypass an old redundant concrete weir. They consider that the weir is an obsolete unsightly remnant of the factory process and old mill site and wish to see an options appraisal for the sustainable resolution of this old weir that further contributes achieving the objectives of the Water Framework Directive.

This options appraisal should consider landscape issues, river habitat and habitat enhancement, as well as fish passage, and whether building a new concrete fish pass is the most sustainable way forward in tackling the weir and the problems it presents to river habitat continuity. They have proposed a following condition in respect of this issue.

Further conditions

Their response of 7 August 2015 included a number of further conditions in relation to Groundwater and Land Contamination, and Pollution Prevention and Control. These are still considered applicable.

- 7.13 **Essex County Council (ECC) Education** – Whilst the appropriate authority for the provision of primary and secondary education for the site they support Suffolk County Council's conclusion that schools in Suffolk are better placed to provide for pupils who would live within the proposed development.

They would however remain responsible for transporting children to/from school and a financial contribution would be sought from the developer to meet travel costs for the first 5-years - £356,664 for primary pupils and £99,588 for secondary school children.

- 7.14 **ECC Flood and Water Management** – Initially registered a holding objection requesting additional information, as the submitted drainage strategy contained insufficient information in respect of storage and run-off rates from the site; information on flow routes and outfalls; and information to show that the site is safe from groundwater flooding.

Following assessment of the further information submitted by the applicants they have stated that they no longer object to the application, subject to a number of recommended planning conditions.

- 7.15 **ECC Highways** – Following a recommendation of refusal on highway grounds the applicant submitted further information to address the concerns of the Highway Authority. There were previously three recommended reasons for refusal, a summary of the assessment of the additional information is provided below:

1. Further evidence was required on trip generation and impact on the highway.

To address this, the applicant undertook a sensitivity test of trip generation in TRICS, using a selection of sites more appropriate for a rural setting. This showed that there was a slight increase in traffic generation for the permitted use and the proposed residential use, but not enough to take the local junctions over or near to capacity. It is also noted by ECC that the junctions have been tested with full forecasted proposed residential trip generation. From this basis, the Highway Authority is content that evidence has been provided to show that the development would not impact on the junctions to an extent that would cause them to go over capacity.

2. The unsuitability of the roads that access site to accommodate the traffic safely given their narrow width.

To address this, the developer has provided a proposal for a scheme of works on Liston Lane leading from the development to Long Melford. This would provide passing places at regular intervals, in most places approximately 100m apart (with one exception of 200m), giving a minimum road width of 5.5m. The applicant has confirmed and provided evidence that the passing places are all deliverable within the highway boundary.

Officers of both BDC and ECC are content that the proposal for a scheme of laybys on Liston Road from the site access to Long Melford is sufficient to mitigate the impact of traffic generated by the proposed development along that route.

However, the impact on the other routes to the application site has not been addressed. The most significant of these being the section of road between Liston and School Lane, which is the primary route from the site onto the wider highway network.

3. The accessibility of the site and lack of measures to address this.

ECC states that this still has not been adequately addressed. The applicant is proposing to fund a minibus for unspecified length of time and is investigating the option that it provides a service that will connect with bus services in Long Melford. However, no details have been supplied as to whether this will be viable in the long term and therefore there is no certainty that this is a long term provision. Unless it can be proved otherwise it is the Highway Authority's view that a bus/community bus service, even limited in nature, will not be viable in this location.

Furthermore, the walking and cycling options are still limited by the nature of the roads and the distance to the nearest facilities.

Therefore from a highway and transportation perspective they consider that the impact of the proposal is not acceptable as it does not demonstrate connectivity to the surrounding area and there are no feasible options provided as alternatives to the private car.

Further Response to be provided through the addendum or be the subject of a verbal update at the meeting.

- 7.16 **ECC Historic Buildings & Conservation** – The development would not directly affect individual heritage assets or their settings, including Lapwing Cottages near the site. Such a development would however affect the character of the area and lead to cumulative impacts which would erode the quality of the rural landscape which is characterised by old buildings, mostly listed, and historic settlements.
- 7.17 **ECC Minerals & Waste Planning** – Have no comment to make against this application.

7.18 **ECC Place Services Historic Environment Officer (HEO)** – The desk-based assessment, provided with the application has provided a good appraisal of the surviving 20th century industrial buildings and history of the site which has been a prominent feature in the local areas industrial heritage. A basic visual record has been completed along with some documentary research which has highlighted the unique and site-specific industrial use of the site over the last 200 years or more from milling to the extraction of essential oils.

A more comprehensive industrial heritage report is required, prior to demolition, which would include recording of all the industrial buildings with inspection and recording of internal fixtures and fittings that may survive, and all external features and fixtures relating to the historic industrial heritage use of the development site. This would include structures associated with the infrastructure, and water management on the site.

The report recognises that there may be waterlogged areas which may contain palaeoenvironmental remains within the development site and that there is some potential for waterlogged archaeological remains within the river and its tributaries which may be physically impacted upon by the removal of existing structures and construction. The report states that the construction works should not impact on the potential waterlogged deposits, however it is also stated that the location of these deposits is unknown.

In addition it is unclear as to how the planned remediation works may impact upon these deposits. There will need to be some form of below ground assessment of the site stratigraphy in order to determine the impact of the development on potential palaeoenvironmental deposits, including the impact of the remediation works and all water management proposals. This could incorporate existing information from borehole logs and trial pits that were submitted with the information for the remediation work.

There is an indication that peats survive on site within the illustrations supplied with the remediation report, however the full borehole logs were not included and it is unclear whether they lie within an area where they may be impacted upon. The impact of the remediation works on potentially buried palaeoenvironmental deposits will need to be assessed and a mitigation strategy proposed prior to remediation.

The report submitted considers the archaeological and cultural heritage significance of the site to be low because 20th century development is considered likely to have truncated any older remains. However the remediation report states that “Natural ground was encountered in all areas of the manufacturing area. This comprised alluvial silts and sands together with river terrace gravels.” This appears to suggest that the stratigraphic sequence has not been as heavily truncated as the application proposes and the degrees of disturbance are likely to vary significantly across the entire development site area. The level of truncation across the site will need to be established in order to substantiate the claims made within the report submitted through intrusive archaeological fieldwork methods.

This application is an outline application and the report states that the majority of the proposed development is ‘anticipated’ to be confined to the existing hard standing and demolition layers that are below the existing buildings within the Stafford Works. It is not made clear whether this material will need to be removed as part of the remediation process and therefore, in the process, uncover potentially undisturbed deposits. A programme of trial trenching across the site would provide evidence of location, depth and survival of potential archaeological horizons in order to determine the impact of the remediation works and other groundworks which may cause a greater degree of disturbance on more deeply buried deposits than the construction works. They raise no objection, subject to conditions requiring detailed archaeological investigation and recording of the site prior to the commencement of the development; mitigation strategy (as required) and post excavation recording.

7.19 **ECC Place Services Landscape Consultant (LC)** – The proposed development is mostly contained within the same footprint of the existing buildings and the site is generally well contained by existing vegetation and the surrounding valley slopes. The following suggestions are made which could be taken into account at the reserved (detailed) matters stage in the event that Members are minded to grant outline planning permission:

- Explore links from the residential development over the proposed lade system to the community facility (T2) and associated open green space;
- There are opportunities to have avenue tree planting on primary routes through the development;
- The development layout could benefit from more open spaces within the residential development
- There are opportunities to use the proposed node areas shown on the submitted illustrations to accommodate seating and planting, creating additional communal/pocket park areas;
- It is expected that the detailed development proposals incorporate the proposed mitigation measures stated on Chapter 7 Landscape & Visual Impact report;
- A detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), would need to be produced as part of any further detailed reserved matters application. They recommend a landscape maintenance plan for the minimum of 3 years, to support plant establishment. SuDS features such as detention basin and others with landscaping elements should also be included as part of the landscape management plan to ensure appropriate management is carried out and to maintain functionality, as well as aesthetics;
- If the outline application is approved a detailed boundary treatment plan and specification would need to be submitted as part of any future detailed reserved matters application and
- The scheme would need to ensure that the new footpath links are reprovved within an adequate landscape setting to maintain a degree of openness and rural character. Further detailing should be provided in terms of surface treatment along this route and in particular where it meets with existing road network; opportunities for passive surveillance should also be a key consideration.

7.20 **ECC Public Rights of Way** – The entrance into the site is to be from the unclassified road adjacent to the southern boundary of the site. It is noted that the applicant states that no new public rights of way are to be provided within or adjacent to the site but that diversions/extinguishments and/or creation of rights of way are required by the proposal.

One public right of way, Footpath 10, Liston, is shown on the Definitive Map of Public Rights of Way as crossing part of the site. No width is recorded for this footpath in the Definitive Statement. Footpath 10 commences within the application site from the abovementioned unclassified road and runs in a north easterly then generally westerly then northerly direction to terminate at the County boundary of Suffolk. It appears to exit the application site before reaching the County boundary.

This public right of way must be safeguarded as it forms an important local and strategic link with the public rights of way network in Suffolk and must be kept open and available for use by members of the public at all times during the development period.

Because this application is for all matters reserved except for access, at the present time, the opportunities mentioned in the application documents for improvements to the PROW network cannot be assessed.

The aforementioned public right of way must be kept open and available for use by members of the public at all times. No construction work must impede the route for users and no construction operations or apparatus must be allowed to overhang the route of Footpath 10. If any construction works, such as for the work described above or for any other construction procedures, are likely to encroach on the existing route of this footpath, arrangements must be made for a temporary diversion order to accommodate the route by way of an application submitted to this authority.

7.21 **Essex Police** - No objection. If planning permission were granted then the developer should liaise with Essex and Suffolk Police Crime Prevention Design Advisors in the early stages of the planning and throughout the development, and that the properties achieve Secured by Design accreditation. The objective being to ensure that the security of these properties, potential residents and neighbours is relevant to the location and anticipated risk.

7.22 **Foxearth and Liston Parish Council (FLPC)** – Objects to the proposal for the following reasons:

1. The application contains many anomalies and incorrect statements, which can be construed as misleading;

2. The application does not fulfil the requirements necessary for a Sustainable Development, as per government and regional guidelines;

3. The Traffic Management assessment is flawed and gives an incorrect interpretation of the real situation vis-à-vis traffic movements and the suitability of local roads for the number of households proposed. There is no public transport in easy walking distance, the traffic plans proposing routes A,B,C are not feasible and will: a) Erode existing verges; b) The peak traffic estimate is some 2.5 times higher than the peak when it was a factory; and for much of its economic life the factory was served by a railway line. Will add to the average hourly vehicle movements along the former B1064 (currently 200 per hour) as evidenced by vehicle movement logs as part of the weekly Speedwatch monitoring exercises in Foxearth; c) Will affect a protected lane; d) Will add to the bottlenecks for traffic using the bailey bridge (temporary) at Rodbridge, which has single carriageway with priority from Foxearth & Liston & Borley directions; e) The 2 bus stops shown as being in Foxearth are only for school buses and 2 (weekly service) shopper buses to Sudbury (only allow 2hrs in Sudbury before return);

4. The application does not take account of BRLP 78 Countryside and BRLP 79 Special Landscape Areas policies. The proposed site is not an urban brownfield site and does not have the appropriate infrastructure for such a proposed new neighbourhood. The site was not included in the BDC Site Allocation Plan and is currently on a recognised Flood Plain area;

5. The proposals infer that, although in Essex, the new housing will be a satellite for Suffolk and therefore have no benefits for Essex villages. Following extensive consultations with parishioners in Foxearth & Liston, the overwhelming view is that the majority of residents are opposed to the development, as currently proposed. The Parish Council wishes to draw attention to the many objections already received by BDC from both individuals as well as local & national bodies;

6. The hydrology report is very equivocal with unquantified risks downstream on the Stour;

7. There is concern how the local schools will cope with such an influx of families;

8. The contamination that requires remedial action was there when the developer purchased the site. Indeed there was significant concern that BDC and the Environment Agency had not enforced action before now. Some residents had heard suggestions that IFF had provided a bond to cover the costs of decontamination and felt that BDC should investigate this;

9. Residents fully accept that more houses are needed and that brownfield sites should form a significant share of sites. However brownfield usually implies an urban site and much policy, including the latest White Paper from the Government, caveats brownfield sites with the word 'suitable'. The residents consider the site wholly unsuitable for residential development and suggest that the developer look again at a proposal within the existing B8 and B2 planning permission;

10. The application site falls outside the spirit and the perceived definition of a brownfield site;

11. The development is in a sensitive natural environment with protected species and of high environment value;

12. The NPPF on brownfield site states not to permit development on sites of high environmental value.

7.23 **Glemsford Parish Council (GPC)** – Recommend refusal on the grounds that they consider the proposal to amount to unsustainable development.

7.24 **Historic England (HE) - Historic England** – No objection. The proposed development would not cause harm to the significance of the nearby designated heritage assets – the grade II listed Lapwing Cottages and grade I listed Liston Parish Church.

7.25 **Long Melford Parish Council (LMPC)** – Agreed that although the proposal is a good use of brownfield land, and they acknowledged the requirement to redevelop the site, but they recommend refusal: They consider that along with the rural isolated location, the proposed development is unsustainable due mostly to the access/highways issues (including lack of passing places) and a lack of infrastructure. They further state that there have been a high number of fatal and non-fatal accidents which have occurred on the roads in the area in previous years. They are in complete support of the objections submitted by Suffolk Preservation Society and all the issues that they raised. In addition, and in response to the latest revisions made to the scheme they highlight the following:

1.The area has constantly flooded over the years and sits on a flood plain;

2.The road system is totally inadequate and in no way should the main access be through Liston Lane Long Melford. Severe consequences would be felt by the parishes of Liston, Long Melford and Foxearth - A new access from the Clare Road must be created;

3.The site should have been remediated before it was sold by the previous owner IFF Ltd. Please investigate;

4.There are weight restrictions on the two bridges in Liston Lane; and

5.Liston Lane is part of the Suffolk Cycle route and speeding cars would ruin this.

7.26 **Marine Management Organisation** – No comments on application. The applicant is advised that a marine licence would be required for activities involving the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water spring marks or in any tidal river to the extent of the tidal influence.

7.27 **Natural England** – They have sought to ensure that the proposal would not have damaging indirect impacts on the Glemsford Pits Site of Special Scientific Interest (SSSI), through changes in the river levels and river behaviour upstream of the application site. Throughout this process, they have liaised closely with the Environment Agency, working with their flood risk team on the river level models, to understand the risks arising to the SSSI.

Notwithstanding the nature and scale of the proposal, they are now satisfied that there is not likely to be an adverse effect on this site provided that the proposal is carried out in strict accordance with the details of the application as submitted.

Consequently they no longer object to the proposed development, subject to suitably worded planning conditions which seek to achieve a river level monitoring programme (before and after development), and a riffle weir monitoring and maintenance programme securing the condition of the structures (and consequently, upstream river levels) in perpetuity.

In respect of the additional information submitted in May 2017 NE state that they have no further comments to make, but advise that BDC take full account of representations made by the Environment Agency.

- 7.28 **NHS England Essex Area Team** – The proposal is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation:

NHS England has recently carried out a review of GP services to identify capacity issues throughout Essex. This development is likely to have an impact on the services of 1 GP Practice within the Braintree locality, the Bridge Street Surgery in Great Yeldham. This GP practice does not have capacity for the additional growth as a result of this development.

There is a capacity deficit in the catchment practice and a developer contribution of £32,900 is required to mitigate the ‘capital cost’ to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.

- 7.29 **NHS England Midlands and East (East)** –The local GP surgery in Long Melford has insufficient capacity to accommodate the additional demand arising from the proposed development. However they have no objection to the application, subject to a financial contribution of £40,180 towards increasing capacity at the Long Melford Practice being made.

- 7.30 **Pentlow Parish Council (PPC)** – They support the redevelopment of brownfield sites, but the impact on the local rural community should be minimal. They state that appropriate access should be available to all users, and the transportation infrastructure able to support any change in traffic safely, with a neutral or, ideally, a positive impact to the area. They state that the conclusions in the Transport Assessment do not address the impact on the residents, both current and future, of a single lane access road to the site. The addition of 122 residences would generate a significant, negative impact on access for all of these people: the road access with few passing places, no pavements, no other pedestrian considerations and no cycle paths is dangerous now; and are not acceptable, practical or safe for any increase in traffic.

They also highlight that the site has not run at full capacity for many decades and the local road infrastructure has been down-graded during that time. They state that the current approved uses for the site may, in theory, generate a significantly higher level of “shift worker” and “HGV” traffic than is normally seen today, and the current roads would have to deal with that, but in reality it has not had to support that level of traffic for many years. If “full” capacity was to occur then an upgrade back to the standard previously provided by Essex Highways would be the minimum requirement. The current viability study shows that the current users’ leases run through April 2017 so there is no imminent change that would suggest this hypothetical industrial traffic pattern will be realised. The lack of users of the site since it was last a factory is partly due to the current access issues.

The Transportation Assessment is inaccurate in at least one area; it states that the Essex side, Sudbury to Foxearth, has three buses daily. This counts the community bus return trip as two buses and mis-states ‘weekly’ as ‘daily’. During July/August 2015 the road closure in Clare, Suffolk provided an actual assessment of the impact of additional commuter traffic on the road infrastructure under review. The lanes and passing places are insufficient for these additional vehicles. The verges are now littered with wing mirrors and other broken pieces of cars, pedestrians have been forced into ditches, hedges and fields and the warning bollards

have been knocked down repeatedly. Pentlow Parish Council does not agree that the minimal proposed changes and a Framework Travel Plan for potential residents, as laid out in this Transport Assessment, are sufficient to meet access requirements of either the current or potential future residents.

- 7.31 **Suffolk County Council (Archaeology)** – The application area generally affects a large site in a valley location, which is topographically favourable for occupation of all periods. The site is surrounded by cropmark evidence for early occupation in the form of circular and rectangular enclosures and linear features. Despite previous land use and construction history, data presented with the application indicates the presence of un-truncated deposits which have the potential to contain archaeological remains at varying depths across the site, as well as peat deposits. Waterlogged deposits have the potential to contain palaeo-environmental information relating to the development of the areas, as well as waterlogged archaeological remains (such as preserved timbers) which may be early or may relate to historic mills: Amyce's 1580 map of Long Melford records the site of Hun Mill in the area.

The proposed remediation involves groundworks which will have the potential to damage any archaeological deposits that exist. Whilst the desk-based assessment suggests that impacts on these deposits will be limited, there is in fact at present insufficient available information on the exact depth/quality and location of potential archaeological deposits, and on the exact nature of aspects of the development. Further evaluation work prior to construction is required, followed, if appropriate, by a mitigation/investigation strategy.

They state that whilst there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets 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.

- 7.32 **Suffolk County Council (Education)** - With regard to Pre-school provision they would anticipate up to 12 pre-school pupils at a cost of £6,091 per place. There is 1 provider in this area with no surplus spaces available, therefore a financial contribution of £73,092.00 is required to mitigate the impacts of the development.

The Long Melford CEVCP School (Primary) has insufficient capacity to accommodate the projected 28 primary age children arising from the development. A financial contribution sought of £341,068 to cover the provision of additional places.

There is sufficient capacity at Ormiston Sudbury Academy so no financial contribution is sought for secondary education.

- 7.33 **Suffolk County Council (Highways)** – Initial Response

They have several concerns regarding the proposal. They state that the Transport Assessment has undertaken a comparative assessment to compare the difference between the proposed residential use with the permitted industrial use and concluded that the impact on the local roads is likely to be negligible in comparison. They highlight that although this maybe the case in theory using the TRICS trip generation rates originally used, there was concern that this site is more rural in its location and not representative of many of the sites used within the TRICS database. This would likely lead to a lower estimation of generated vehicle flows and subsequent impact on the local highway and therefore would be misleading. They also say the following:

The vehicular access proposed for the site is via an unclassified road, Liston Lane. Although there is an established permitted use for this site, the site has not been fully occupied for many years and therefore local road users have become accustomed to lower traffic flows on the adjacent road network, which in many locations is narrow without room for two vehicles to pass, with tight bends and with sub-standard visibility. Liston Lane is part of the South Suffolk Cycle Route A1 which has been assigned due to the suitability of the quiet lanes. There have been a number of recorded RTA's on the A1092 and B1064 where Pentlow Road and Borley

Road join the main roads, which become difficult junctions to exit at peak times of the day. It is therefore undesirable to introduce additional traffic onto the minor roads in the surrounding area.

There may be an alternative vehicular access option to consider helping mitigate the safety issues caused by promoting additional vehicles on the minor roads. There is a private access from the A1092 into the site named as Cranbrook Lane. This route has been identified for use during the construction phase. It would be preferable for this route to be widened to a suitable width and maintained for use as a private access road into the new housing site. An emergency vehicular access could be retained to the south via Liston, but promoted primarily as a cycle and link, or for a limited number of dwellings. It is suggested that this option is investigated further.

The Stafford Park Travel Plan in Liston dated April 2015 is not sufficient to mitigate the highway impact that the 122 dwelling proposed development will create. The proposed 5% mode shift target would also not be sufficient to achieve sustainable development and is unlikely to be met due to the lack of suitable sustainable transport infrastructure proposed.

The site is completely isolated from the nearest schools, shops, employment and other amenities in Long Melford, which is the nearest settlement to the site, as there are no footways connecting the site to the village. Cycling may also be difficult to promote due to the existing narrow roads which is subject to the national speed limit, that also connect the site to Long Melford. Bus travel will also be difficult to promote due to the distance the proposed bus stop will be located from the site (greater than the desired 400 metres and accessed from an unsurfaced public right of way). Also the existing two hourly services to Sudbury and Haverhill would not act as much of an incentive, even with the provision of the bus vouchers as it may not fit in with the residents' commute. Also some residents may not work in Sudbury and Haverhill and specific measures will need to be targeted towards them. This therefore limits the only viable mode of transport as the car.

The April 2015 dated travel plan would not be sufficient to mitigate the highway impact this development is likely to generate. Measures would be required such as routing an improved bus service around the site and providing a continuous footway connection to Long Melford. More information is required on how the proposed residents mini-bus will work, as it will need to list what locations it will serve, how much it will cost and what incentives will be offered to encourage residents to use the service.

National Planning Policy Framework (paragraph 32) sets out that plans and decisions should take account of whether:

1. 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;
2. Safe and suitable access to the site can be achieved for all people. Other relevant paragraphs include 34, 35, 37 and 38.

It is considered that this proposal does not comply with NPPF in respect of sustainability and access arrangements. Therefore given the drafted travel plan and lack of associated measures this authority would support a recommendation of refusal on poor sustainability and road safety grounds.

They however state that they understand that as well as Highways issues there are other considerations that the Planning Authority may need to take into account in determining this application. They state that should the Planning Authority be minded to grant planning approval they would recommend the imposition of a number of conditions and obligations.

With regard to Public Rights of Way (PRoW) they highlight that the proposed development will have a direct impact on the local network. They note from the Transport Assessment proposals to upgrade PRoW to provide cycle links to Long Melford, look forward to working with the developer to achieve this aim and are open to discussions.

They highlight that PRoW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism; in particular Long Melford to the east and Glemsford to the north-west. Passing through Long Melford are the promoted long distance routes, the Stour Valley Path and St Edmund Way. To that effect they recommend that planning obligations are sought to facilitate their upgrading.

Subsequent Response

Following discussions with the Essex County Council (ECC) and Braintree Borough Council, as the road network mainly affected the highway network in Essex County, we will align with ECC. However, we are requesting conditions to mitigate the impact on the highway in Suffolk.

The development may have a direct impact on the highway network in Long Melford and our initial response had concerns with regard to capacity and safety specifically the junctions of Little St Mary's junctions with Liston Lane and St Catherine's Lane. It is considered likely that some residents of the proposed development will look for some day to day services and these junctions caused most concern which has led to a discussion with the applicant's Highway Engineer around how the applicant could mitigate this potential impact. We will be seeking a financial contribution towards surveys and potential TRO's in Long Melford which will effectively address our concerns regarding highway capacity and safety.

7.34 S106 CONTRIBUTIONS

Public Rights of Way Requirements

The proposed development will have a direct impact on the local public rights of way (PROW) network, please refer to the map. We note from the Transport Assessment proposals to upgrade public rights of way to provide cycle links to Long Melford, we look forward to working with the developer to achieve this aim and are open to discussions.

PROW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism; in particular Long Melford to the east and Glemsford to the north-west. Passing through Long Melford are the promoted long distance routes, the Stour Valley Path and St Edmund Way.

The anticipated increased use of the PROW network of as a result of the development will require the following offsite improvement works as this PROW provide cycling and walking opportunities to Long Melford and Glemsford for local services or out into the wider countryside:

- Upgrade and resurface of Long Melford Public Footpath 21, 22 and 30 to Bridleways
- Resurface Public Bridleway 24

Proposed resurfacing material is to be a hoggin type surface.

Legal orders are required to upgrade Public Footpaths 21, 22 and 30 to bridleway status and divert Bridleway 24 onto the track at Bulney Moors, approx cost £8,000.

Compensation to landowners where public footpaths are upgraded to bridleway (increase in route width), approx. cost £6,431.25

The subtotal of these works is £194,806.25 Officer time @ 12% = £23,376.75 Contingency @ 10% = £19,480.63

Total ROW s106 funding requested from this development = £244,094.88

Highway Improvements

The proposed development will have a direct impact on the highway network in Long Melford, specifically Little St Mary's junctions with Liston Lane and St Catherines Lane. We are requesting a contribution of £60,000 to fund traffic surveys and monitoring of the junctions and fund any works to mitigate the impact of this development on the highway:

- £10,000 is to be given prior to occupation,
- £20,000 on the 51st occupation then
- Balance on completion.

If it considered there is not an impact from this development, the balance will be returned to the applicant

- 7.35 **Suffolk County Council (Public Rights of Way)** – The proposed development would affect existing public rights of way and require temporary closure/diversions. Further details are sought regarding the proposals to upgrade an existing PRow to Long Melford to provide cycle links to/from the site. Further details also sought about the construction of a fish by-pass to the north of the existing weir which could affect an existing PRow.
- 7.36 **Suffolk Fire and Rescue Service** – Development will need to comply with Building Regulations. Recommend a condition requiring the provision of fire hydrants within the site.
- 7.37 **Suffolk Preservation Society (SPS)** - Suffolk Preservation Society are concerned with the possible impact of the proposal upon Long Melford, an historic town which has a high concentration of Listed Buildings and is designated as a Conservation Area, approached from Liston by narrow and winding lanes. Whilst in principle they welcome the use of Brownfield Land over Greenfield sites and acknowledge the requirement to develop this redundant site, they object to the proposal on the grounds of the unsustainable location for a substantial number of new dwellings in a rural and isolated location that would fail to relate well to existing settlement patterns.

They consider that residential development in this location would not support a rural land use and, moreover, the proposed dwellings, together with lighting and domestic paraphernalia would be detrimental to the character of the landscape of this part of the Stour Valley which is characterised by its open and rural nature. The proposal of 122 dwellings, together with a community building, is tantamount to a new settlement rather than representing sustainable incremental growth of an existing village. With the exception of the community building there would be no services within the new development or Liston and, therefore, residents would rely on those services provided by Long Melford with a distance of 1.6km or further afield.

The Transport Statement accompanying the application assesses the potential number of cars as being less than those resulting from the site's current use. However, this conclusion is based upon the site's current use at its full capacity which is far from the current situation. Therefore, it is misleading to suggest that the proposal could result in a reduction of traffic on the single track country lanes.

The Society is concerned that the proposal would result in a significant increase in traffic on the lanes leading into Long Melford and the narrow exits onto the High Street at St. Catherine's Lane and Liston Lane which have no pavements for pedestrians. The proposed provision of a shuttle bus, electric bicycles and improvements to footpaths is laudable, however, they consider that such unrealistic measures to reduce the number of car journeys to the nearest schools, public transport and other services in Long Melford would be impractical.

- 7.38 **Suffolk Wildlife Trust** – They do not hold any records of designated sites or protected and/or UK Priority species for Essex and therefore their comments are predominantly based on potential impacts on the Suffolk side of the boundary, along with comments they consider are generally applicable across the whole site.

They raise concerns as they consider that the application fails to demonstrate that the proposal will not result in an adverse impact on protected and UK Priority species, in particular with regard to insufficient information on reptiles. They recommend consultation with the EA and Natural England regarding the SSSI at Glemsford Pits.

Following correspondence with the applicant's ecological consultant they remain concerned that the site has reptile potential, given the findings of historic surveys of the site. They also advise that consideration should be given to potential impacts on otter and water vole and other UK priority species such as hedgehogs.

8. Representations

The representations made in respect of this development are set out in Appendix 1 to this report.

9. Assessment

Site

- 9.1 Stafford Park can effectively be subdivided into two areas as follows:

- The former factory site which currently has planning permission for B1, B2 and B8 industrial uses, and retains a wide range of buildings; and an effluent treatment plant (the latter being within Babergh District); and
- A licensed landfill site and composting area; also within Babergh District and outside the red line for this planning application, but within the ownership and control of the applicant.

- 9.2 The planning application the subject of this report concerns the redevelopment and remediation of the former factory site which extends to approximately 19 hectares (47 acres).

The Factory Site

- 9.3 According to the Archaeological and Cultural Heritage chapter of the submitted ES, prior to the Stafford Mill opening in the late 19th century, the development site was in use as a parchment and then paper mill from the post-medieval period. There was also a short-lived flax mill on the site which appeared to have opened during the 1870s before its conversion for the extraction of essential oils.

- 9.4 Stafford Allen & Sons opened its manufacturing plant and distillery as well as a farm at the site in 1899. Whilst operational, locally grown herbs and plants were used to make pharmaceutical, fragrance and food flavourings. DDT was also manufactured at the site from around 1940. Known as Bush Boake Allen Ltd. from the 1960s, and then being bought out by International Flavourings and Fragrances (IFF (Great Britain) Ltd) in 2002, the factory closed in 2004 ending over 100 years as a major local employer.

- 9.5 The Stafford Works is a complex of 20th century purpose-built industrial buildings, mostly dating from a period of development in the 1950s-1960s, about the time Stafford Allen & Sons Ltd. merged with two other companies to form Bush Boake Allen Ltd. A few existing buildings appear to date from a period of inter-war expansion by Stafford Allen & Sons Ltd, when most of the earlier mill buildings were removed and the first purpose-built buildings constructed. No buildings now survive from the earlier mill period. There are also some more recent buildings on the site dating from the last few decades of the 20th century.

- 9.6 Most of the larger buildings from the later Stafford Allen & Sons Ltd/early Bush Boake Allen expansion periods have a fairly uniform appearance and are simple, red brick and concrete framed industrial buildings with limited decoration. Stylistically, many of the buildings appear older than they are, appearing pre-Second World War but, in some cases, of proven post-war date. Some are named providing evidence of their original use, but all have been largely stripped of interior fixtures and fittings, and many are now in poor condition. The majority of buildings currently in use on site are being used for the storage of PIR insulation boards. There are substantial areas of hardstanding on the site and therefore it can be considered to be previously developed (brownfield) land. No listed buildings are present on Stafford Park.

Landfill Site

- 9.7 A separate planning application has been submitted (ref. B/15/00671/FUL) for the remediation of the landfill site, the description of development is as follows: “*Remediation works to licensed landfill site north of the River Stour (to enable the surrender of the landfill license), conjunction with the residential development of land to the south of the River Stour (Stafford Works).*”
- 9.8 Both areas of Stafford Park are known to contain contaminates, but the landfill site has been classified by the Environment Agency (EA) as a High Risk site (Controlled Water).
- 9.9 Biodegradable wastes were permitted to be dumped in the landfill, but also non-compliant wastes were deposited. It is characterised by shallow waste deposits, with elevated contaminants detected in them. With no basal, side wall or capping lining systems present it also has poor surface restoration cover.
- 9.10 The EA set the landfill site’s current status thus:

Complex geology & hydrogeology:

- Multi layered aquifer system;
- Glacial channel cutting through the site;
- Groundwater and surface water interactions;

Site located in a highly sensitive water environment:

- Principal (chalk) & Secondary A aquifer (sands & gravels) units;
- Within in a Source Protection Zone (SPZ3) public water supply;
- EU Water Framework Directive Drinking Water Protected Area
- Adjacent to River Stour;
- Adjacent to SSSI water meadow (Glemsford Pits).

With the landfill site having an impact on local groundwater, including the detection of hazardous and non-hazardous substances within it the EA requires the permit holder to undertake necessary remedial works, these include:

- Reducing current pollution impact on local groundwater systems;
- Reducing impact on surface waters;
- Reducing possible impact from landfill gas emissions;
- Improving current monitoring schemes; and
- Restoring the surface of the landfill.

- 9.11 The Environment Agency’s ultimate aim is to move the site to being of low risk and leading to the surrender of the site permit.

Location

- 9.12 The majority of the site is situated within the Parish of Foxearth and Liston in Braintree District, and is situated approximately 1.6km (1 mile) west of the village of Long Melford and 3.5km (2.2 miles) north of the market town of Sudbury, both in Suffolk. It is accessed via a single track road known as Borley Road and School Lane some 2.9km (1.8 miles) in length with limited passing places leading from Rodbridge Corner on the B1064 to the property. There is also access from Liston Lane, and an unnamed road (protected lane) leads via Liston Gardens to the A1092 approximately 2.7km (1.7 miles) to the north east.
- 9.13 Included within the application site (red line) area is a track which runs north from the factory site to join the A1092, being within Babergh District and which connects Long Melford to the east with Clare to the west. It is understood that use of this track is limited to construction vehicles only and that it is not intended or permitted to upgrade this to an adoptable vehicular highway.
- 9.14 Long Melford itself is well serviced by public transport. Daily bus services run to nearby settlements including Sudbury, Bury St Edmunds, Colchester and Haverhill. The nearest railway station to the site is in Sudbury which operates services to Marks Tey on the outskirts of Colchester. Marks Tey in turn has direct services to Ipswich and London Liverpool Street amongst others.
- 9.15 In addition, Long Melford is defined as a 'Core Village' in the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (CSP). Local services and facilities include a primary school, public library, post office, numerous shops, public houses and restaurants, and a regular bus service connecting the village with surrounding settlements. Higher level shops and services can be found in Sudbury including a secondary school and variety of supermarkets. No such facilities can be found within Liston however.
- 9.16 With the exception of the small village of Liston (approximately 1km/0.6 miles from the site) to the south east, the predominant land use in the immediate locality is agricultural and grazing, with interspersed isolated residential dwellings and hamlets bordering their respective roads. One exception to this is the Philips Avent factory which is located approximately 1.5km to the north west of the site on the A1092 within Glemsford and employs around 650 people locally.
- 9.17 As denoted on the Proposals Map of the Braintree District Local Plan Review (BDLPR), the site is located in a rural area and immediately adjoins the River Stour. The majority of the site is currently within the functional floodplain (Zones 2 and 3) as designated by the Environment Agency's flood mapping. The elements of the site that fall within the jurisdiction of Babergh DC are also covered by a Special Landscape Area (SLA) designation, as highlighted within the Babergh Local Plan Alteration No.2 (2006) (BLP). The site also falls within the area of the Dedham Vale and Stour Valley Area of Outstanding Natural Beauty (AONB) Project.
- 9.18 Upstream of the site along the River Stour is the Glemsford Pits Site of Special Scientific Interest (SSSI) which comprises a series of water filled disused gravel pits to the south of the River Stour and is noted for its dragonfly population.
- 9.19 Protected species are present on the site (see below), and four local ecologically sensitive sites are within 2km of the site: Glebe Meadow, Liston Hall Meadow, Valley Walk and Weston Hall Meadow District Local Wildlife Sites.
- 9.20 In terms of heritage assets, Lapwing Cottage, the closest listed building, is located to the south of the application site on Glemsford Road and is a Grade II listed house built circa 1550 or earlier. The associated stables, barn and adjacent Hartsbuckle House are within the curtilage of the cottage and are therefore listed in association. Approximately 200 metres west of the site are the Grade II listed Liston Garden and Liston Barn. Liston Garden is a house built circa 1500 whilst the barn was built in the 1700s.

- 9.21 Slightly further afield, Park Farm Cottage and Barn comprise a 19th century cottage to the northeast of The Walled Garden and Liston Hall; and a late 15th or early 16th century barn located immediately northwest of Park Farm Cottage and forming group.
- 9.22 The site is also visible from The Walled Garden which is located to the north of Liston Hall and forms a loose group with these heritage assets comprising a late 18th or early 19th century wall enclosing a modern house. The site is also just visible from the Long Melford Conservation Area.
- 9.23 With respect to landscape context and topography the submitted Design and Access Statement (DAS) states the following:

“The existing topography of the site is fairly flat with the level of the built up area varying from approximately +31.5m to approximately +33.0m. Over a distance of more than 450m east to west this works out at a gradient of around 1 in 300. To the north of the built up area of the factory site the ground level rises slightly towards the A1092. The topography rises from +31.5m in the south along the Stour Valley corridor to +47.0m in the north along the road. Over a distance of over 700m this works out at a gradient of 1 in 45. The elevated position in the north provides a view over the site with only the roofs of the existing factory buildings visible above the trees.”

- 9.24 The issue of views into and out of the site are considered in more detail in the Landscape and Visual Impact Assessment within the EIA, and have been vetted by the Braintree’s EIA Consultants. A summary of their response to the ES is included later in this report.

Proposal

- 9.25 Outline planning permission is sought for the construction of up to 100 dwellings and the change of use of two of the existing buildings to create up to 22 apartments (building ‘X’) and a community centre (building ‘T’ which is located within Babergh District). The proposals include the demolition of the other existing buildings, ongoing works to remediate the land on the application site and on the adjoining licensed landfill site, flood attenuation measures, the reinstatement of the River Stour which would include the removal of sluice gates and the creation of a rock riffle weir, associated infrastructure improvements, as well as landscaping and the provision of public open space.
- 9.26 Ground investigations have been ongoing on the landfill site since 1990 and if further remediation works are not undertaken, it is stated that there is a risk to groundwater and soils, which over time could affect the local potable water supply (groundwater aquifer) in the area, as well as polluting the river.
- 9.27 The proposal is being promoted by the applicant as an enabling form of development, to enable the remediation of the landfill site to a standard that would allow the Environment Agency (EA) to surrender the existing permit. A legal agreement between the applicant and both Braintree and Babergh District Councils could ensure remediation takes place in conjunction with the redevelopment of the factory site. It is proposed that the landfill area would be provided to the community as public open space and nature reserve following remediation, if planning permission were granted.
- 9.28 The planning application is submitted in outline with all matters bar access reserved. Specific details in relation to layout, scale, appearance and landscape would be agreed at the stage of determining the reserved matters. Notwithstanding this, a detailed suite of documentation was submitted with the planning application, in addition to additional and revised technical evidence during the processing period, including the following:
- Planning Application Forms;
 - Covering Letter;
 - Sustainable Urban Drainage (SUDS) forms & Certificates;
 - Planning Statement;

- Application Plans comprising:
 - Location Plan
 - Indicative Master Plan
 - Parameter Plan
 - Block Plan
 - Residential Phasing Plan
 - Remediation Phasing Plan
 - Passing Places Plan
 - Topographical Survey
- Design & Access Statement;
- Statement of Community Involvement;
- Viability Assessment;
- Sustainability Assessment;
- Transport Assessment;
- Travel Plan;
- Environmental Statement.

9.29 The Environmental Statement has been updated following the request by Braintree District Council under Regulation 22 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to provide further information. The following sections have been updated:

- Volume 1 – Non Technical Summary
- Volume 2 – Chapter 1: Introduction
- Volume 2 – Chapter 4: Policy Context
- Volume 2 – Chapter 5: Scoping and Consultation
- Volume 2 – Chapter 7: Landscape and Visual Impact
- Volume 2 – Chapter 8: Ecology and Nature Conservation
- Volume 2 – Chapter 9: Flood Risk and Hydrology
- Volume 2 – Chapter 10: Contaminated Land and Remediation
- Volume 2 – Chapter 11: Traffic and Highways
- Volume 2 – Chapter 12: Noise
- Volume 2 – Chapter 13: Air Quality
- Volume 2 – Chapter 14: Socio-Economics Chapter
- Volume 2 – Chapter 15: Conclusions
- Volume 3 – Chapter 5: Scoping and Consultation (Technical Appendix 5.3)
- Volume 3 – Chapter 7: Landscape and Visual Impact (Appendices 7.1-7.5)
- Volume 3 – Chapter 8: Ecology and Nature Conservation (Appendices 8.1 and 8.2)
- Volume 3 – Chapter 9: Flood Risk and Ecology (Appendices 9.1, 9.4 and 9.5)
- Volume 3 – Chapter 10: Contaminated Land and Remediation (Appendix 10.1)
- Volume 3 – Chapter 11: Traffic and Transport (Appendix 11.1)

9.30 The applicant states that the proposals seek to create an attractive and sustainable residential community which would significantly improve the current character and appearance of the site and its surrounding environment.

9.31 Key benefits of the scheme cited by the applicant include:

- The delivery of a mixed housing scheme providing for varied local housing needs;
- Remediation of the factory site and landfill area;
- Reinstatement of the River Stour to reduce flood risk on site and areas further downstream through flood attenuation measures;
- Ecological benefits on the site and the adjacent SSSI; and
- Investment in community facilities.

- 9.32 By virtue of its location, the accessibility of the site is clearly one of the key issues with this proposal. The main access to the site is proposed to be taken from the unclassified road leading to School Lane/Borley Road and the junction of the B1064 at Rodbridge Corner.
- 9.33 In response to objections raised by ECC Highways, further evidence was submitted on trip generation and impacts on the highway. To address this, a sensitivity test of trip generation in TRICS using a selection of sites more appropriate for a rural setting was undertaken. This showed that there was a slight increase in traffic generation for permitted use and proposed residential use, but not enough to take the local junctions over to or near to capacity. The applicant states that the junctions have been tested with a full forecasted proposed residential trip generation.
- 9.34 In addition, the applicant has submitted further information showing schemes for improvements to the local highway network by the addition of carriageway widening and formal passing places providing sufficient room for two vehicles to pass at pinch points and at locations on the network where visibility is reduced.
- 9.35 The agricultural track (Cranbrook Lane) which runs between the site and the A1092 (included within the red line boundary) would be used for construction traffic to service remediation works are undertaken on land north of the River Stour. It is however envisaged that the majority of the remediated material would be reused and therefore remain on site. This would significantly reduce construction traffic during the remediation and build process whilst ensuring the sustainable reuse of materials.
- 9.36 With regard to the accessibility of the site the applicant has secured agreement to utilise a local community transport service. The DaRT 3 operated by Arrow Taxis currently covers the parish of Liston on a demand responsive basis. The routing of the service to the site has been discussed with the operator and agreed to access the development from School Lane/Borley Road onto the B1064 at Rodbridge Corner. The applicant proposes to fund this service for an agreed period of time through a planning obligation.
- 9.37 It is also proposed to facilitate and encourage car sharing amongst future residents through the establishment of a Stafford Park community database that would be promoted through a Travel Plan.
- 9.38 Furthermore, a public footpath/bridleway runs between the site and Long Melford. This is currently in poor condition and parts of the path are not currently suitable for cycles. It is intended that this and other Public Rights of Way (PRoW) in the locality would be improved and upgraded to bridleway status along the whole route, where possible.
- 9.39 Full details of the transportation impacts and mitigation measures, remediation works and reinstatement of the River Stour are contained within the ES which covers the following issues under respective chapter headings:
- Heritage & Archaeology
 - Landscape & Visual Impact
 - Ecology & Nature Conservation
 - Flooding & Hydrology
 - Contaminated Land & Remediation
 - Traffic & Transportation
 - Noise & Vibrations
 - Air Quality
 - Socio Economics
 - Mitigation and Conclusions

9.40 Whilst an an outline planning application, the DAS sets out a masterplan for the redevelopment of the site, this proposes three character areas, in order to create pockets of development with a unique character dependent on the location within the site. The masterplan has identified 3 key character areas which are described thus:

1. Woodland Edge

The streets and lanes around the woodland edge would be developed to respect the existing landscape and maximise the potential for connection. The woodland would provide opportunities for new footpaths which could be used to access the new neighbourhood and the surrounding area. The streets would also be orientated to maximise views out towards the existing surrounding woodland, thus providing a backdrop to the new housing. It is stated that the existing mature woodland varies in height, but would be high enough to screen the proposed two storey development from the surrounding area; and that it would also provide valuable amenity for the new neighbourhood and for the wider community.

2. Water Edge

The DAS states that the buildings around the edge of the existing and proposed water courses within the new neighbourhood should have a positive, active frontage which relates to the river and the existing and proposed lades. The masterplan layout has been developed to maximise the connection to the water's edge and bring this important feature of the site into the street environment. This has been done by addressing the existing water courses and by forming new channels through the proposed streets. It shows that the buildings along the existing lade would front onto a footpath which would provide access throughout the neighbourhood. The houses within the new streets would also front onto the new lade system and associated landscaping which would provide valuable amenity, as well as providing a practical use as part of the SUDS for the site.

3. Streets and Lanes

The streets and lanes shown within the masterplan have been developed to maximise the building frontage and create spaces which prioritise pedestrians. Varying carriageway widths, building lines and street trees would reduce forward visibility and vehicle speeds, meaning that the streets would be a safer place to walk and play. Positive boundary treatments such as hedges and railings would define the boundary between private and public realm.

Buildings would front onto the streets and lanes, increasing activity and natural surveillance. The streets and lanes would form legible routes through the neighbourhood, providing maximum opportunity for connections within the site and to the surrounding area. Vehicle speeds would be reduced and limited to 20mph within home zones.

'T 'building has been identified as a focal point of the new neighbourhood with the potential to be utilised as a building for the community. It is located on the northern part of the site within the proposed open space and would be easily accessible from the proposed housing. The facility would be suitable for a range of community uses.

9.41 Finally, in response to the submitted statutory declaration of Mr Clayton, Liston Mill (see below), Mr Macpherson has also submitted a statutory declaration. This states that at no time did Philip Gardiner of IFF or any person involved in the sale/purchase of the Stafford Park site suggest that IFF would contribute towards the remediation of the site or participate in any of the required site works following the sale to Redding Park.

Principle of Development

- 9.42 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this matter, Braintree DC will formally determine the application, but will be required to determine the application in accordance with the development plan in both authorities.
- 9.43 In this case, the application site falls across the Braintree and Babergh districts. As such, the decision taker (Braintree DC) must take account of the development plan in force in both districts. However, for the purposes of this report, the extent to which the proposal affects the Babergh district is the key issue. For that reason, this report will relate primarily to the Babergh Core Strategy 2014 and the saved policies of the Babergh Local Plan Alteration No.2 (2006), except where the Braintree development plan might warrant a differing approach being taken.
- 9.44 Turning to the specifics of this proposal, there can be little contention that the site lies in an isolated position and is set well within the countryside. It should be noted that the site was considered as an allocation within the emerging Braintree Draft Local Plan (DLP), but was excluded from the DLP as an allocation for any form of land use at the Local Plan Sub Committee of 25th May 2016, the minutes of which state *“That Liston remains as a village within the countryside and that site LIST339 - Land at Stafford Park, Liston continues to be determined through the planning application process”*. The reason for this, as cited within the Agenda report was as follows:
- “17.5 Officer comments - In principle the further development of Liston is unsustainable due to the significant reliance on private transport that would be required for access to the key facilities needed for day to day living. The site is also located in the Stour River Valley landscape character assessment area which is visually sensitive to change.*
- 17.6 Site LIST339 is a large site which is situated across the boundary between Essex and Suffolk. It sits in a relatively isolated rural position with poor quality roads and virtually no access to facilities or public transport. The site had been the home of chemical and fragrance works for at least 100 years. A number of buildings associated with that use remain on the site and there is some low level occupation of some of the better preserved buildings. The site is contaminated due to its previous uses and a large landfill site is located to the Suffolk side of the boundary. The River Stour runs through the site and therefore much of the site is also at risk of flooding. A triple SSSI is also present in close proximity to the site and would be sensitive to changes in the water course and development here.*
- 17.7 The site is currently pending consideration of a planning application and due to the complex nature of issues related to the site including contamination, it is recommended that the site continues to be dealt with in that way; taking advantage of more detailed consultations with statutory and non-statutory consultees.”*
- 9.45 Therefore, as a matter of principle the development is contrary to the development plan, although the application must be assessed on its own merits, having regard to the development plan and all material considerations, including the NPPF’s presumption in favour of sustainable development (see next section).

5 Year Housing Land Supply

- 9.46 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. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

- 9.47 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 countryside protection policies.
- 9.48 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-03020140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.
- 9.49 A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 9.50 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."
- 9.51 In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Core Planning Principles

- 9.52 Furthermore, one of the core planning principles of the NPPF is that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value. However, this must be tempered against the other principles set out within the NPPF, which include, but are not limited to:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate, taking full account of flood risk... and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources...
 - contribute to conserving and enhancing the natural environment and reducing pollution...;

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Environmental Impact Assessment

- 9.53 As highlighted by the Planning Practice Guidance, the aim of Environmental Impact Assessment (EIA) 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. The regulations set out a procedure for identifying those projects which should be subject to an EIA, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 9.54 The process of EIA in the context of Town and Country Planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations'). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.
- 9.55 These regulations apply the amended EU directive "on the assessment of the effects of certain public and private projects on the environment" (usually referred to as the 'Environmental Impact Assessment Directive') to the planning system in England. Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (referred to as 'the 2011 Regulations').
- 9.56 However, the 2017 Regulations include transitional provisions for procedures which were initiated before they came into force. Where, before 16 May 2017 an applicant has submitted an ES, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 continue to apply (regulation 76(2) of the 2017 Regulations).
- 9.57 In this case, it was concluded that due to its scale, nature and location, the proposed development would require an EIA and an Environmental Statement (ES) would be required to be submitted to support a planning application for this development.
- 9.58 A request by the applicant to both Councils followed as to the scope of the EIA required, the scoping opinions for which were issued by BDC and BaDC on 31 October 2014 and 4 November 2014 respectively.
- 9.59 Furthermore, as highlighted above, and following the advice of Land Use Consultants (LUC), commissioned by Braintree DC, the ES has been updated by virtue of a request under Regulation 22 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to provide additional information.
- 9.60 In respect of decision making the ES together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority and/or the Secretary of State in deciding whether or not to grant consent for the development.

9.61 In advising the Council, LUC undertook a criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as 'the IEMA criteria', was used to undertake the review. The criteria include general criteria looking at the information contained in the ES, including the presentation of the results and the non-technical summary. Issue-specific criteria address:

- the baseline conditions;
- assessment of impacts; and
- mitigation measures and management.

9.62 The ES identifies a number of technical chapters and the report is structured under the relevant headings below:

Cultural Heritage and Archaeology

9.63 Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development, and as highlighted above, the appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.

9.64 Paragraph 127 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

9.65 NPPF para. 129 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

9.66 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.67 Further clarification on the meaning of 'setting' in the NPPF has been provided in *Steer v SSCLG* [2017] EWHC 1456 (Admin) where the Judge stated that the lack or indeed existence, of a visual and/or physical connection of a development site to a heritage asset should not be the determining factor when considering the 'setting' in terms of the NPPF definition being an identification of 'surroundings in which a heritage asset is experienced'. The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual.

9.68 In its glossary, the NPPF highlights that *"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them."*

9.69 Policy CS15 of the Core Strategy states that proposals for new development must respect the local context and character of the different parts of the district and, inter alia, respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views.

- 9.70 Saved policy CN06 of the Babergh Local Plan Alteration No.2 (2006) provides a criteria based approach to the assessment of developments affecting the setting of listed buildings. It provides that development within the setting of listed buildings should retain a curtilage area and/or setting which is appropriate to the listed building and the relationship with its surroundings.
- 9.71 As part of the statutory consultation process Historic England and ECC Historic Buildings and Conservation both state that the proposed development would not cause harm to the significance, or setting of the nearby designated heritage assets, namely: the grade II listed Lapwing Cottages and grade I listed Liston Parish Church.
- 9.72 The latter consultee does however opine that such a development would affect the character of the area and lead to cumulative impacts which would erode the quality of the rural landscape which is characterised by old buildings, mostly listed, and historic settlements. This is essentially a landscape matter, the subject of assessment in the following section of this report.
- 9.73 Consequently it is considered that the proposal would preserve the setting of listed buildings located within area that surrounds the site.
- 9.74 LUC state that it is accepted that the extant building complex on the site is generally of low heritage value and significance, combining to produce an asset of local interest. The impacts of demolition have been properly assessed and are reasonable; impacts of conversion on retained structures would be assessed in detail at reserved matters stage.
- 9.75 In respect of archaeology, it has been confirmed by ECC's HEO that the desk-based assessment, provided with the application has provided a good appraisal of the surviving 20th century industrial buildings and history of the site which has been a prominent feature in the local areas industrial heritage.
- 9.76 A basic visual record has been completed along with some documentary research which has highlighted the unique and site-specific industrial use of the site over the last 200 years or more from milling to the extraction of essential oils.
- 9.77 A more comprehensive industrial heritage report is therefore required, prior to demolition, which would include recording of all the industrial buildings with inspection and recording of internal fixtures and fittings that may survive, and all external features and fixtures relating to the historic industrial heritage use of the development site. This would include structures associated with the infrastructure, and water management on the site.
- 9.78 The report recognises that there may be waterlogged areas which may contain palaeoenvironmental remains within the development site and that there is some potential for waterlogged archaeological remains within the river and its tributaries which may be physically impacted upon by the removal of existing structures and construction. The report states that the construction works should not impact on the potential waterlogged deposits, however it is also stated that the location of these deposits is unknown.
- 9.79 In addition it is unclear as to how the planned remediation works may impact upon these deposits. There will need to be some form of below ground assessment of the site stratigraphy in order to determine the impact of the development on potential palaeoenvironmental deposits, including the impact of the remediation works and all water management proposals. This could incorporate existing information from borehole logs and trial pits that were submitted with the information for the remediation work.
- 9.80 There is an indication that peats survive on site within the illustrations supplied with the remediation report, however the full borehole logs were not included and it is unclear whether they lie within an area where they may be impacted upon. The impact of the remediation works on potentially buried palaeoenvironmental deposits will need to be assessed and a mitigation strategy proposed prior to remediation.

- 9.81 The report submitted considers the archaeological and cultural heritage significance of the site to be low because 20th century development is considered likely to have truncated any older remains. However the remediation report states that “Natural ground was encountered in all areas of the manufacturing area. This comprised alluvial silts and sands together with river terrace gravels.” This appears to suggest that the stratigraphic sequence has not been as heavily truncated as the application proposes and the degrees of disturbance are likely to vary significantly across the entire development site area. The level of truncation across the site will need to be established in order to substantiate the claims made within the report submitted through intrusive archaeological fieldwork methods.
- 9.82 ECC highlight that the report states that the majority of the proposed development is ‘anticipated’ to be confined to the existing hard standing and demolition layers that are below the existing buildings within the Stafford Works. However, it is not made clear whether this material will need to be removed as part of the remediation process and therefore, in the process, uncover potentially undisturbed deposits. A programme of trial trenching across the site would provide evidence of location, depth and survival of potential archaeological horizons, in order to determine the impact of the remediation works and other groundworks which may cause a greater degree of disturbance on more deeply buried deposits than the construction works.
- 9.83 In addition, SCC’s Archaeological department state that as the application area generally affects a large site in a valley location, it is topographically favourable for occupation of all periods. The site is surrounded by cropmark evidence for early occupation in the form of circular and rectangular enclosures and linear features.
- 9.84 Whilst both consultees on this issue confirm that there are no grounds to consider refusal of permission, in order to achieve preservation *in situ* of any important heritage assets, any permission granted should be the subject of planning conditions requiring detailed archaeological investigation and recording of the site prior to the commencement of the development; mitigation strategy (as required) and post excavation recording.
- 9.85 LUC also recommend that a watching brief be maintained during ground-breaking operations and that a detailed assessment of impacts on heritage assets, based on final design solutions be submitted by way of the imposition of appropriate planning conditions. Subject to this, it is considered that the proposal would not give rise to detrimental effects upon Cultural Heritage or Archaeology.

Landscape and Visual Impact

- 9.86 The site is located within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project area, but does not fall within the AONB itself. However, concerning developments in such undesignated areas, one of the core planning principles in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside.
- 9.87 NPPF para. 109 stipulates that the planning system should contribute to and enhance the natural and local environment by, *inter alia*, protecting and enhancing valued landscapes.
- 9.88 The element of the site which falls within Babergh District is subject to a Special Landscape Area (SLA) designation. This is pursuant to Policy CR04 of the Babergh Local Plan Alteration No2 (2006) (BLPA) which stipulates that development proposals in such areas will only be permitted where they maintain or enhance the special qualities of the area and are designed and sited so as to harmonise with the landscape setting.
- 9.89 The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England’s National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

- 9.90 Policy CS15 states that development proposal should “*respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views*”.
- 9.91 The site is not covered by any specific landscape designation in Braintree District, although the 2006 Landscape Character Assessment (LCA) highlights the landscape character and type as being ‘A - River Valley Landscape’, with the site itself falling within ‘A2 – Stour River Valley’. Furthermore, the Suffolk LCA identifies the site as falling within Landscape Character Typology (LCT) 26 Valley Meadowlands.
- 9.92 In terms of overall character, the Stour Valley is a wide valley with a broad flat floor and in the north and west arable farmland tends to dominate the valley. A mixture of settlement sizes characterise the valley floor from farmsteads to large sprawling settlements with modern extensions and industrial units and derelict water mills; and that the re-use of past industrial/mill site is one of the key planning and land management issues.
- 9.93 The LCAs therefore identify the special qualities of the receiving landscape and its high sensitivity to change: the assessment of the proposed development incorporates both the proposed works within the site and the adjacent landfill site to the north.
- 9.94 The site as it exists today quite clearly has a visual impact, it is an industrial complex comprising a wide range of large scale buildings, in differing states of repair, including paraphernalia associated with its former use as a food flavourings factory which has evolved over its lifetime. There are also large expanses of concrete hardstanding throughout the site which add to its nature as previously developed land : “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land*” (NPPF Annex 2: Glossary).
- 9.95 This also needs to be balanced against the requirements of NPPF para. 55 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- 9.96 The visual baseline that underpins this chapter of the ES is represented through a series of 12 viewpoints, of which 3 are chosen to demonstrate restricted visibility from sensitive receptor locations. The photographs indicate the location and extent of the proposed development site and its potential visibility.
- 9.97 The applicant states that the impact of the development on the landscape in terms of the Stour Valley Project Area is assessed as Moderate and beneficial; and that the proposed development would ‘provide improvement to the existing situation’ due to the proposed enhancements to the setting, the river and the public amenity of the area which ‘would not be possible in the absence of this proposed development’.
- 9.98 In response to this LUC state that the additional information provided within Table 7.3 Landscape Character on the reasoning for judgements on landscape value and susceptibility on landscape character types/areas is acceptable, with an assessment of the value of the site and its context in terms of its relationship with the Stour Valley Project Area being provided.
- 9.99 Effects in winter have now been assessed and winter photographs provided to illustrate a worst case scenario; and an assessment of the effects of the proposed development on the local characteristics of the landscape of the site is considered broadly satisfactory and identifies beneficial impacts as a result of the proposed development.

9.100 This is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations, therefore it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Ecology and Nature Conservation

9.101 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 109 which recognises that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

9.102 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.

9.103 With respect to Green infrastructure, the PPG defines this as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.

9.104 Criteria vii) and x) of the Babergh Local Plan Core Strategy and Policies (2014) (BCS) Policy CS15 seek to protect and enhance biodiversity, and state that the use of brownfield land should be prioritised, whilst creating green spaces to increase the connectivity of habitats. BCS Policy CS14 stipulates that in new developments, green infrastructure will be a key consideration and on the larger sites it will be central to the character and layout of development.

9.105 The Environment Agency state that they recognise that the planning application seeks to resolve the dereliction at the former factory site and remediate its industrial legacy. Whilst many of the issues have been assessed and some designs and proposals have been included as part of the outline application, they state that these alone would not necessarily guarantee a favourable outcome for biodiversity, habitats and landscape issues on the site. In order to secure a viable and enhanced landscape setting and biodiversity outcome, they would wish to see conditions imposed to any outline planning permission granted, to ensure that dereliction and negative man-made impacts on habitats are resolved positively.

- 9.106 Furthermore, the proposed fish pass at the lower weir would need to be assessed by the agency's Fish Pass panel for approval before final design and construction. This could be done at the Flood Risk Activity Permit application stage. Their response of 7 August 2015 also requested the production of a brief management plan, setting out plans for the control of invasive non-native species on the land and propose a condition to address this issue.
- 9.107 Natural England state that throughout the application process, they have liaised closely with the Environment Agency, working with their flood risk team on the river level models, to understand the risks arising to the SSSI. They have sought to ensure that the proposal would not have damaging indirect impacts on the Glemsford Pits Site of Special Scientific Interest (SSSI), through changes in the river levels and river behaviour upstream of the application site.
- 9.108 Notwithstanding the nature and scale of the proposal, they are now satisfied that there is not likely to be an adverse effect on the SSSI site provided that the proposal is carried out in strict accordance with the details of the application as now submitted. This is subject to the imposition of suitably worded planning conditions which seek to achieve a river level monitoring programme (before and after development), and a riffle weir monitoring and maintenance programme securing the condition of the structures (and consequently, upstream river levels) in perpetuity.
- 9.109 With regard to protected species Water vole surveys were undertaken at the site in June 2016. Although no signs indicating the presence of water voles were recorded, the precautionary recommendations provided within the revised submitted documentation for working practices and updating surveys should be conditioned if Members are minded to approve the application.
- 9.110 The Ecology and Nature Conservation ES Chapter has been updated to include an assessment of potential impacts to otters from increased domestic animals and it has been concluded that there would unlikely be a significant effect. Additional planting and access to the northern bank of the river and adjacent habitat would provide areas that are not readily accessible to domestic animals.
- 9.111 Updated surveys recorded several spraint across the site, no holts or couch sites were recorded. Precautionary working methodologies have been proposed to minimise the risk of causing harm or disturbance to otters during the construction phase and these should be included within a CEMP that could be conditioned. However, updating surveys should be carried out throughout any Reserved Matters application stages to assess the continuing use of the site by otters.
- 9.112 Concerning Bats, the internal and external inspections have been updated in 2016 and have reported no change to the conditions reported in 2014. It has been agreed that further surveys are not required to inform the outline application, but that surveys would be undertaken in support of Reserved Matters applications. Again, precautionary working should be included within a CEMP.
- 9.113 Reptile surveys have been undertaken to cover both the proposed residential areas and the area to the north of the river. No reptiles were recorded, however it is recommended within the reports that surveys are updated at the Reserved Matters applications stage to inform detailed proposals. any precautionary methods proposed following these updated surveys should also be incorporated into a CEMP.
- 9.114 On the subject of Great crested newts, updated eDNA surveys were undertaken in 2016 and returned inconclusive results for one of the ponds surveyed. However, given the lack of evidence in the other ponds surveyed and the inconclusive evidence returned from the one pond, it is recommended in the reports that the surveys are updated to inform the Reserved Matters application.

- 9.115 Subject to the above, overall JBA consider that the updated reports cover the majority of the issues raised previously, and are sufficient to support the outline planning application. Consequently, it is considered that the proposal would have no adverse impact upon protected species.
- 9.116 In addition, as part of their work in vetting the ES, LUC stated that the assessment of impacts for nesting birds was considered inadequate. The assessment would be expected to consider the size, diversity, scarcity and fragility of the bird population in informing impacts. For example, the habitats present within the application boundary and adjacent areas were considered suitable for supporting a range of Birds of Conservation Concern and specially protected Schedule 1 species. There was no detailed consideration of the importance of this site for birds within the ES, whereby the assessment would be expected to consider direct effects (habitat loss) and indirect effects (e.g. pet predation, human disturbance) during both the construction and operation phase. In addition, specific measures would be expected to be provided to adequately mitigate any of the impacts identified.
- 9.117 In light of a lack of forthcoming information from the applicant, residual concerns remained as detailed above. However, following discussions with Officers, it was agreed that the residual concerns could be adequately addressed through the use of reserved matters and planning conditions.
- 9.118 Therefore, it is recommended that should Members be minded to support the Officer recommendation, that planning conditions be attached to the outline planning permission to include the preparation of an Ecological Mitigation Strategy (EMS), CEMP, Landscape and Habitat Management Plan, along with a detailed lighting strategy, as well as undertaking breeding bird surveys and updating surveys for protected species.

Flooding and Hydrology

- 9.119 Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.
- 9.120 Para. 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.121 NPPF Para.103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 9.122 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding (NPPF para. 101).

- 9.123 If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment¹ where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.124 Both elements of the test will have to be passed for development to be allocated or permitted (NPPF para.2).
- 9.125 The PPG highlights that residential development falls within the 'More Vulnerable' category of the Flood risk vulnerability classification in its Table 2. As it stands, the EA confirm that their flood maps show the development site lies within fluvial Flood Zone 3a defined by the PPG as having a high probability of flooding. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests, as well as being supported by a site specific Flood Risk Assessment (FRA).
- 9.126 Criterion xi) of BCS Policy CS15 identifies that development proposals should minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk.

Sequential Test

- 9.127 As highlighted above, the Sequential Test seeks to ensure that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding), but where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered.
- 9.128 The Council cannot currently demonstrate a five year housing land supply, and therefore it is a situation whereby each case must be assessed on its own merits, having regard to the presumption in favour of sustainable development. In the absence of a sufficient amount of deliverable housing land being available within the District within flood zones 1 and 2, it is considered that there are no other reasonably available sites for residential development, notwithstanding a need to assess fully all other material planning considerations. Therefore, from this basis, it is considered that the sequential test is passed.

Exception Test

- 9.129 For the Exception Test to be passed, amongst other things, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. The proposal would provide such benefits in the form of a reduced risk of flooding to the site its self, as well as both up and down stream along the River Stour; decontamination of the application site and the adjoining landfill site; and enhanced ecology once groundworks have taken place.

¹ The site was not included in the Level 2 Strategic Flood Risk Assessment for the DLP as it is not an allocated site.

- 9.130 The exception text also requires the site-specific flood risk assessment to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.131 In response to this, the EA state that they have no objection to this planning application, but highlight that the proposal requires the raising of land to provide development that will be situated in Flood Zone 1. As a result, compensatory storage is required which is intended to be provided on the opposite bank of the river to the area being raised. They state that the FRA includes details of the flood mitigation proposals and associated river engineering works; and that the proposals would ensure that floor levels of any buildings are raised above the 1% (1 in 100 year) and 0.1% (1 in 1000) year annual probability flood levels, inclusive of climate change and that dry access can be maintained to and from the development.
- 9.132 The EA agree with the conclusion of the FRA that the development and associated works would not result in an increase in flood risk to the site or neighbouring land. Further, they are in the process of having their 2011 River Stour model updated, and have compared the outputs of the FRA with the draft outputs of their model update. The draft model outputs and technical note provided to them provide confidence that the proposed development works would not have an effect on third party interest and support the findings of the submitted FRA.
- 9.133 Therefore, having regard to the proposal, which would 'lift' the area of proposed residential development out of Flood Zone 3a into a zone of low probability of flooding (zone 1) it is considered that the development would pass the Exception Test and there are no substantive reasons to withhold planning permission on the basis of fluvial flood risk.

Surface Water

- 9.134 The PPG states that when considering major development the local planning authority should consult the lead local flood authority on surface water drainage.
- 9.135 ECC as LLFA confirm that following their assessment of further information submitted by the applicants in respect of storage and run-off rates from the site; flow routes and outfalls; and to show that the site is safe from groundwater flooding, that they no longer object to the application. This is subject to the imposition of a number of recommended planning conditions.

Contaminated Land and Remediation

- 9.136 NPPF para. 111 stipulates that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.
- 9.137 Para. 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 9.138 Planning decisions should also ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
 - after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

- adequate site investigation information, prepared by a competent person, is presented (NPPF para. 121).
- 9.139 On this subject, the PPG stipulates that failing to deal adequately with contamination could cause harm to human health, property and the wider environment. It could also limit or preclude new development; and undermine compliance with European Directives such as the Water Framework Directive.
- 9.140 It goes on to state that when dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including:
- The system for identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990. The government has published statutory guidance on Part 2A which concentrates on addressing contaminated land that meets the legal definition and cannot be dealt with through any other means, including through planning;
 - Building Regulations, which require reasonable precautions to be taken to avoid danger to health and safety caused by contaminants in ground to be covered by buildings and associated ground; and
 - Environmental Permitting Regulations under which an Environmental Permit from the Environment Agency is normally required to cover the treatment and/or redeposit of contaminated soils if the soils are 'waste'.
- 9.141 The contaminated land regime under Part 2A of the Environmental Protection Act 1990 (EPA) provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. The regime does not take into account future uses which could need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development need to be considered by the local planning authority to the extent that it is not addressed by other regimes.
- 9.142 CS Policy CS15 states that all development proposals should protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources.
- 9.143 Notwithstanding that contaminants do exist on the proposed developable area of the site, their true extent is not currently known due to the amount of the site that is covered by the former factory buildings and hardstanding. Further, it is important to note that, for the purposes of the EPA, the Stafford Park industrial complex has not to date been identified as contaminated land by either District Council. The adjacent landfill site to the north of the river is, however, the subject of a permit which is regulated by the Environment Agency.
- 9.144 In responding to the proposal, on the areas within Babergh District (excluding the landfill site), Babergh & Mid Suffolk's contaminated land specialist states that the principal risk drivers in respect of the sludge lagoons are the impact on groundwater from the former uses of the site, into which waste from the factory site was pumped. Remedial works undertaken on this area would be required to ensure that the residual soil within the beds are not impacting on the groundwater or future end users of the site. Any remediation of the sludge beds would need to be done in conjunction with the remediation of the landfill, but the investigation undertaken by Wren and Bell in March 2015 has mainly centred on the landfill site, so is outside the scope of the application.

- 9.145 The investigation into the effluent treatment plant states that the area would be de-silted and in-filled to make it suitable for public access. However, the details of the remediation in respect to the effluent treatment plant are insufficient to state that the site would be suitable for its intended use. The Wren and Bell report states that the area may be suitable for the importation of waste material from the landfill site, however as this site is outside of the permitted area, this may require a variation to the existing permit to cover the Effluent Treatment Plant, and may not be acceptable with the EA.
- 9.146 They go on to state that any imported material would need to demonstrate suitability for use in terms of the area that would be designated as Public Open Space (POS) south of the River Stour, as it would seem as though there have only been limited investigations into the presence of contamination in this area and the potential impact on end users. Whilst POS is no doubt a less sensitive end use when compared with residential gardens with plant uptake, nonetheless the developer would need to demonstrate that the land designated for POS is suitable for use. They recommend that this information is secured from the applicant by way of condition, and that the conditions proposed by the Environment Agency should suffice in achieving this goal.
- 9.147 In respect of contamination, the EA in principle support the carrying out of the development as a means of environmental improvement for both the former manufacturing area, and enabling remediation of the former landfill area. The applicant is Bonnington Investments Ltd, whereas the landowner is Redding Park Development Co Ltd therefore the blue land ie the landfill site is not within the ownership of the applicant, and both companies would need to be party to a planning obligation pursuant to S106 of the Town and Country Planning Act 1990 to ensure that phased remediation takes place, in accordance with the submitted Remediation Phases plan.
- 9.148 The site is underlain by a Secondary A aquifer (sands and gravels) followed by a principal aquifer (chalk). A source protection zone 3 also underlies the site, a groundwater abstraction is located on site, is also in an EU Water Framework Directive Drinking Water Protected Area and is adjacent to the River Stour. The underlying sands and gravels aquifer, chalk aquifer and River Stour are therefore considered to be highly environmentally sensitive by the EA.
- 9.149 Following the additional delineation works, remedial targets for remediation would be required, as would justification for parameters used for risk assessment, site specific where possible. The broad concept of groundwater treatment and soil treatment as a method of remediation is acceptable, the finer details could be determined at a later stage following further site investigation and risk assessment to refine the conceptual site model.
- 9.150 The EA note that the upgradient and downgradient monitoring points for the river for surface water quality were distant from the site and stated that it may be beneficial to the risk assessment if monitoring points near to the site are used. They also state that it should be noted that there would be an increased infiltration in the south of the river, which could increase leaching of contaminants. It appears that no leachate testing has been carried out to date.
- 9.151 Furthermore, they disagree with the 'unlikely' source-pathway-receptor linkage discussed on pages 17 and 18 of the Remediation Strategy and Summary of Site Investigations report (Groundwater (Chalk measures – Major Aquifer)), they believe this is 'likely'.
- 9.152 In their response dated 19 May 2016 the EA withdrew their previous objection on the need for a Water Framework Directive (WFD) assessment following the receipt and review of a WFD Technical Note from the applicant. They state that this note was sufficiently detailed for an outline application, but that a further assessment would be required to inform any detailed reserved matters application. While there are potential enhancements proposed to the River Stour at this location, they consider that there remains the potential, depending on the detailed planning designs, for the deterioration in WFD quality measures. This would need to be further considered at the detailed stage, and the technical note states that additional surveys and studies would be undertaken which can inform any further WFD assessment.

- 9.153 They consider that the scheme presents an opportunity for river restoration to a more natural river corridor free of unnatural impediments to fish passage and designed to deliver long term sustainable habitats along the river corridor. There has been agreement with the applicant to replace the redundant moving sluice gate with a series of gravel and cobble riffles. This would be a significant habitat and landscape improvement which they welcome and support which could be secured by way of a planning obligation.
- 9.154 The EA also state that there has been discussion between the applicant and themselves, but as yet no agreement has been reached for, the removal of the downstream concrete weir (downstream of the aforementioned sluice) and potential replacement of this redundant structure with a further series of stone riffles. Whilst the current proposal is to build a fish pass there, they state that this appears a bit of an anomaly in that it means building an extra concrete structure in order to bypass an old redundant concrete weir. They consider that the weir is an obsolete unsightly remnant of the factory process and old mill site and wish to see an options appraisal for the sustainable resolution of this old weir that further contributes achieving the objectives of the Water Framework Directive.
- 9.155 This options appraisal should consider landscape issues, river habitat and habitat enhancement, as well as fish passage, and whether building a new concrete fish pass is the most sustainable way forward in tackling the weir and the problems it presents to river habitat continuity.
- 9.156 However, the EA consider that planning permission could be granted for the proposed development, subject to the imposition of planning conditions, without which, the scheme on the site poses an unacceptable risk to the environment and they would object to the application.

Traffic and Transportation

- 9.157 Where concerning the promotion of sustainable transport, the NPPF in para. 29 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 9.158 Para. 32 of the NPPF stipulates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe.
- 9.159 Furthermore, the NPPF in para. 34 seeks to ensure that 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 the Framework, particularly in rural areas.
- 9.160 On this subject, the PPG goes into more detail into the overarching principles on Transport Assessments, with criteria xvi), xviii) and xix) of BCS Policy CS15 promoting accessibility for all and sustainable travel.
- 9.161 LUC highlight that extensive post-application correspondence has taken place between the applicant's transport consultants and the highway authorities. Assurances as to the adequacy and accuracy of the traffic generation rates have been sought while Suffolk County Council has challenged the basis upon which the impact of the proposed development has been assessed, namely that the proposed traffic generation should be compared with traffic generation from the permitted uses rather than the existing traffic flows to and from the site. They state that the applicant's response has provided a robust review of the traffic generation rates used, which appear acceptable, and has responded that the capacity of the junctions on the network is sufficient whether or not traffic generated by permitted uses is considered.

9.162 A summary of the Reg.22 request through LUC centred upon the need to assess: impacts on users of any parts of the existing cycle and walking networks; the effectiveness of mitigation measures suggested in Residential Travel Plan; the effects of varying the construction vehicle routing; improvements to PRow network to east of the site; the impact of proposed passing places on roads around the site, with regards to other environmental impacts that could occur; and the impacts of traffic flow changes without reference to flows from permitted land uses.

9.163 In response to this, following their reassessment conclusion on the updated ES (May 2017), LUC state that:

- The baseline traffic flows used to determine the environmental effects are now presented in the ES;
- The applicant has provided sufficient information taking into account the likely impact of the predicted number of cycling and walking trips;
- Although the type and extent of some of the mitigation measures suggested in the Residential Travel Plan has been expanded upon, their effectiveness has not been assessed in detail. There is however a commitment to monitor and evaluate the effectiveness of the Residential Travel Plan and to take action to mitigate any adverse impacts that may arise as a result of missing targets. It is considered that the measures suggested have the capability to minimise the impact of the development;
- The applicant has stated that a variation to the proposed construction routing is not considered feasible due to legal constraints associated with use of the alternative access to the north of the Site. In addition, there is a road safety concern associated with the visibility of and for turning traffic at the access point onto the A1092. The applicant has also identified that construction traffic on the existing road network would be lower than the HGV movements associated with current permitted development. As the proposal is to route construction traffic in one direction only thereby avoiding conflicting movements, it is considered that the applicant does not need to submit any more information regarding this matter;
- The applicant has added further information regarding the type of improvement to and likely users of the PRow. Selective improvements in conjunction with the monitoring of travel behaviour through the Residential Travel Plan should enable appropriate use of the PRow to be optimised;
- The applicant has included an assessment of the impacts of the passing places which has focussed on ecology specifically. It is considered that the level and quality of assessment is in appropriate. Typically, it would be expected that each passing place would have been surveyed and a judgement made as to the ecological value and the predicted level of impact, both in terms of habitat loss, but also the effect on protected and notable species. It is evident that this hasn't been done as there is no description of the habitat type and quality, or the potential importance to features such as bats, reptiles, dormouse etc. Notwithstanding this lack of detailed assessment, each of the passing places has been reviewed by LUC and it is considered that they are restricted to areas of low ecological value. Given that the passing places are localised and restricted to widening/upgrading of existing informal passing places, the level of ecological impact would be negligible;
- The impact of traffic on the network against this lower baseline has not been assessed however data has been added to Tables 11.9, 11.10 and 11.11 to enable a visual comparison to be made. Although the applicant has not included an impact assessment it can be deduced that the thresholds for different impact significance criteria to be applicable are not reached.

9.164 Consequently LUC conclude that the above is considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations. No additional information is therefore required in respect of the ES.

- 9.165 In respect of the specific impacts within the Babergh district area, the Local Highway Authority raised concerns from their original consultation response and significant further work was required to be undertaken by the applicant's Transport specialists. This has resulted in discussions between Essex CC, Suffolk CC and the applicant's representatives over a period of some months prior to the most recent responses from ECC and SCC Highways.
- 9.166 In respect of SCC, they have confirmed that following discussions with the Essex County Council (ECC) and Braintree Borough Council, as the road network mainly affected the highway network in Essex County, they will align with ECC. However, they request conditions to mitigate the impact on the highway in Suffolk.
- 9.167 They acknowledge that the development may have a direct impact on the highway network in Long Melford and their initial response had concerns with regard to capacity and safety specifically the junctions of Little St Mary's junctions with Liston Lane and St Catherine's Lane. They consider it likely that some residents of the proposed development will look for some day to day services in Long Melford and these junctions caused most concern, leading to a discussion with the applicant's Highway Engineer around how the applicant could mitigate this potential impact. SCC are seeking a financial contribution towards surveys and potential TRO's in Long Melford which will effectively address their concerns regarding highway capacity and safety.
- 9.168 It is considered that this provision would satisfy the tests for planning obligations set out in the CIL Regs as it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind.
- 9.169 Finally on this issue, the Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 spaces per dwelling are required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The development would be laid out in a manner that adheres to these standards.
- 9.170 Therefore in conclusion, the proposed effects of the development can be mitigated such that the development would not give rise to severe highway impacts, and the proposal would therefore accord with the provisions of the NPPF and saved policy TP15 of the Babergh Local Plan Alteration No.2 (2006).

Noise and Vibration

- 9.171 As previously referred to in this report, NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment, in this case by, *inter alia*, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution.
- 9.172 Para. 123 of the NPPF stipulates that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 9.173 The PPG states that noise needs to be considered when new developments may create additional noise and when taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment. It goes on to say that decision taking should take account of the acoustic environment and in doing so consider:
- Whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved.

- 9.174 LUC confirm that Baseline noise surveys have been carried out at the nearest noise sensitive receptors over relevant time periods and at locations agreed with the Local Authorities. The assessment has taken account of a worst case regarding the parameter plans on phasing of the development, layout of buildings, landscaping, building heights and vehicle movements.
- 9.175 The assessment establishes the magnitude of the noise and vibration effects of the scheme during construction and operation. Consistent descriptors are used for the significance of impact assessment and relevant national planning guidelines have been taken into account.
- 9.176 The construction noise assessment takes account of ambient noise levels at sensitive receptors and adequate consideration has been given to noise generated by construction traffic. The assessment considers a worst case and typical case for the assessment of demolition and construction activities, showing minor adverse effects as a worst case.
- 9.177 Furthermore, operational noise levels due to road traffic and building services plant have been adequately assessed and showing negligible impact. The recommended WHO standards for noise in amenity areas would be met throughout the proposed development.
- 9.178 Measures to control demolition construction noise and vibration are described which are likely to result in minor adverse effects remaining. These measures can be agreed with the local authorities in a CEMP prior to the commencement of construction. Although measures to control internal noise and external noise in amenity areas are advised not to be required by LUC, they also recommend that conditions be imposed which place limits on construction working hours; and limit any noise from external plant so as not to exceed 5dB below background levels.

Air Quality

- 9.179 NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, *inter alia*, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels air pollution.
- 9.180 Para. 124 of the NPPF stipulates that planning decisions should aim to ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. The site isn't within an AQMA, however Dust Assessment and Mitigation Measures specified by The Institute of Air Quality Management (IAQM) can be secured by way of planning condition.
- 9.181 The PPG provides more detailed advice on air quality and Criterion xvii) of Policy CS15 also seeks to protect air quality.
- 9.182 LUC advise that the scope of the ES is acceptable as it covers the demolition, construction and operational phases of the development. The site does not lie in or near an AQMA and there are no air quality monitoring stations or diffusion tube sites in the vicinity of the site. The nearest monitoring site is 15 km distant, while the nearest diffusion tube site is within an AQMA and therefore not relevant to the location of the proposed development.
- 9.183 They state that the Defra background air quality database for the location indicates pollutant concentrations ranging from 26 – 45% of the Air Quality Objective (AQO) for the three main pollutants assessed. These levels are so far below the AQO that no further background measurements are required to substantiate the assessed levels which are considered acceptable. The operational phase assessment indicates that changes in traffic flows will fall below the threshold for significant air quality effects and that therefore no quantitative assessment is required.

- 9.184 In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms. The assessment does not include the significance criteria that would normally be adopted for an operational air quality assessment, but since the effects will be insignificant, the omission is considered acceptable in the circumstances.
- 9.185 Therefore it is considered that the proposal, during either the demolition/construction or operational phases would not have a detrimental effect upon the air quality of the surrounding area.

Socio-Economics

- 9.186 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report.
- 9.187 Ultimately, para. 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 9.188 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 204 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.189 The final core planning principle as set out within para. 17 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 9.190 Policy CS21 of the Core Strategy states that the District Council will work with service providers, developers and other partners to develop sustainable places in the Babergh District with safe and healthy communities and secure the appropriate social, physical and green infrastructure needed to support these places and safeguard the environment. The Council will protect, safeguard and enhance existing services, facilities and amenities that are important to the sustainability of local communities.
- 9.191 The ES, as originally written, considered the potential effects of the development on employment, housing, open space, education and healthcare. The scope of the assessment generally covered what would be expected in a socio-economic assessment, although the effects of the development on the provision and demand for community facilities and children's playspace was not included.
- 9.192 It was also a request of both Councils in their respective Scoping Opinions that the socio-economic assessment should include socio-cultural impacts, such as quality of life and community integration and the potential impact on community identity. The applicant was therefore asked to make reference to these and the effect that the development would have on these aspects, as part of the Reg.22 request for further information.

9.193 The assessment has been updated to include information on quality of life, community integration and community identity and LUC confirm that no further clarification is sought on these matters with no potential significant adverse effects reported, subject to the mitigation below.

Affordable Housing

9.194 Para. 50 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

9.195 Braintree CS Policy CS2 requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas. Babergh Core Strategy Policy CS19 stipulates that in order to promote inclusive and mixed communities all residential development will be required to provide 35% affordable housing, although as all of the residential development would be located within Braintree District it is considered appropriate to apply the higher percentage figure upon the scheme.

9.196 Furthermore Policy CS18 provides that the mix, type and size of the housing development will be expected to reflect established needs in the Babergh district.

9.197 Braintree DC's Housing Research & Development confirm that as the proposal for this site is for up to 100 new residential homes to be constructed and the creation of 22 flats from the conversion of existing buildings, it means that 48.8 of the homes should be provided as affordable housing.

9.198 However, they states that although Braintree generally has a high level of housing need, evidence from the housing register in this part of the District does not justify seeking 48 affordable homes on site. As the site is located at the northern most boundary of Braintree, they have liaised with Babergh DC over whether there is scope for a cross-boundary approach to meeting need for affordable homes in both Districts.

9.199 Geographically, the nearest large settlement is Long Melford where it is understood that there are more than 60 applicants registered seeking affordable homes. Babergh's Strategic Housing Team have also advised caution over the number of units that are sought on site because of the remote location and lack of amenity; they also say that it is likely that residents of the development would use services in Glemsford and Long Melford; and therefore the affordable housing should be offered to residents of these villages.

9.200 It is acknowledged that details set out in the application are indicative, but it is recommended that 10 affordable homes be provided on site, along with a commuted payment in lieu of 38.8 units, subject to viability. It is considered that 6 x 1 bedroom flats and 4 x 2 bedroom houses would be an appropriate mix to match housing need.

9.201 As regards a commuted payment, applying the commonly used approach illustrated below, this would amount to £970,000. This sum is higher than that advised in pre-application advice owing to the figure per unit being revised to reflect higher levels of grant needed to procure units from the open market for affordable housing.

122 units x 40% = 48.8 units
48.8 units – 10 units (provided on site) = 38.8
38.8 units x £25,000 = £970,000

9.202 Payments would be held in an account and used specifically to assist in providing funding to registered housing providers for the provision of new affordable homes at other locations in the Districts.

9.203 Additional factors concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy;
- Affordable homes should conform to standards acceptable to the Homes and Communities Agency at the point of construction; and
- House type units should meet Lifetime Homes Standard.

9.204 It is considered that this provision would satisfy the tests for planning obligations set out in the CIL Regs as it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind.

Community Facility & Employment

9.205 Whilst Stafford Park is not an allocated site within either Development Plan, the NPPF in para. 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

9.206 In support of this, policies CS15 (criterion iii) and CS17 seek to protect or create jobs and sites to strengthen or diversify the local economy, including rural businesses, which is also reflected in para. 28 of the NPPF.

9.207 Saved policy EM24 of the Babergh Local Plan Alteration No.2 (2006) stipulates that planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:

1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.

9.208 As part of the evidence base for the DLP, the Viability Review of Employment Sites in Braintree District produced by Lambert Smith Hampton makes explicit reference to Stafford Park, giving it the reference ELR5. The Market Appraisal comment as set out therein states:
“Stafford Park in Liston is a former chemical factory in a rural location, accessed via narrow lanes which are the subject of protection in terms of traffic generation. The site is considered to be an unsustainable location for a B1/ B2/ B8 employment use and as such should be considered for alternative uses.”

9.209 The poor and dated condition of the majority of buildings on the site is a barrier to economic re-use of Stafford Park, which although partially occupied by businesses doesn't currently render it attractive to high value end users. Clearly greater investment could be made in the site, although its location, being a symptom of its historic use is also a barrier and in reality it is unlikely that it would ever be occupied (or employ the historic number of workers) to the extent that it would continue as an employment site in the long term.

- 9.210 However, as highlighted within the indicative site layout plan, it is proposed to convert building 'T', which is located within Babergh District, into a community centre. In response to this and the demolition of other commercial buildings within the site, Babergh DC's Economic Development team state that it is disappointing to see the loss of an employment site, and would have liked to have seen an employment use maintained. They suggested that part of the community building could provide some internal office/work space for future residents' use. Pursuant to the Reg.22 request, the applicant has stated that this building would provide approximately 10 jobs, and therefore it is considered that the proposal would not conflict with the spirit of the aforementioned policies.
- 9.211 NPPF paragraphs 69 and 70 state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 9.212 As highlighted above, Policy CS11 of the Core Strategy and BCS Policies CS15 (criterion iv) and CS21 seek to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered, and which can include the provision of local community facilities.
- 9.213 Taking the above into account, it is considered that the proposal to utilize the Community Facility as a multi functional social and workspace would go some way to mitigate the loss of the wider employment site. Further, Policy CS12 (Sustainable Design and Construction Standards) requires all new non-residential developments to achieve, as a minimum, the BREEAM "Excellent" standard or equivalent. In the interests of maximising the environmental performance of the Community Facility, both through its conversion and operational phases it is considered that a planning condition to this effect would enhance the sustainability credentials of this 'hub' building.
- 9.214 It is considered that this provision of the community facility would satisfy the tests for planning obligations set out in the CIL Regs as it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind.

Crime

- 9.215 NPPF paragraph 69 states that planning decisions should also aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 9.216 Essex Police confirm that they raise no objection to the proposal, but that if planning permission were granted then the developer should liaise with Essex and Suffolk Police Crime Prevention Design Advisors in the early stages of the planning and throughout the development, so as to ensure that the properties achieve Secured by Design accreditation. The objective of this being to ensure that the security of these properties, potential residents and neighbours is relevant to the location and anticipated risk.
- 9.217 This could be secured by way of a planning condition, which Officers consider to be both reasonable and necessary.

Education

- 9.218 NPPF paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and Work with schools promoters to identify and resolve key planning issues before applications are submitted.

- 9.219 This is supported by Policies CS15 (criterion iv) and CS21 of the Core Strategy.
- 9.220 It will be noted from the consultation section above that ECC, as Education Authority states that whilst the appropriate authority for the provision of primary and secondary education for the site, they support SCC's conclusion that schools in Suffolk are better placed to provide for pupils who would live within the proposed development.
- 9.221 SCC states that with regard to Pre-school provision they would anticipate up to 12 pre-school pupils generated from future occupation of the proposed development, at a cost of £6,091 per place. There is 1 provider in this area with no surplus spaces available, therefore a financial contribution of £73,092.00 would be required to mitigate the impacts of the development.
- 9.222 Furthermore, the Long Melford CEVCP School (Primary) has insufficient capacity to accommodate the projected 28 primary age children arising from the development. A financial contribution of £341,068 would be sought to cover the provision of additional places. There is however sufficient capacity at the Ormiston Sudbury Academy so no financial contribution would be sought for secondary education.
- 9.223 ECC would remain responsible for transporting children to/from school and a financial contribution would be sought from the developer to meet travel costs for the first 5-years - £356,664 for primary pupils and £99,588 for secondary school children.
- 9.224 It is considered that this provision would satisfy the tests for planning obligations set out in the CIL Regs as it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind.

Healthcare

- 9.225 NPPF paragraph 69 highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities which is supported by policies CS15 (criterion iv) and CS21.
- 9.226 In response to Braintree's consultation process, the NHS England Essex Area Team states that the proposal is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
- 9.227 They have recently carried out a review of GP services to identify capacity issues throughout Essex. This development would likely have an impact on the services of 1 GP Practice within the Braintree locality, the Bridge Street Surgery in Great Yeldham which does not have capacity for the additional growth as a result of the proposed development. They request a developer contribution of £32,900 to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.
- 9.228 However, in response to Babergh's consultation process on the joint application NHS England Midlands and East stipulate that the GP surgery in Long Melford has insufficient capacity to accommodate the additional demand arising from the proposed development. They state that they have no objection to the application, subject to a financial contribution of £40,180 towards increasing capacity at the Long Melford Practice being made.

9.229 In view of the fact that Long Melford is the closest settlement which contains key community facilities and services to Stafford Park, it is considered reasonable to assume that future occupants would seek to register at the Long Melford Practice, rather than Great Yeldham. Therefore, Officers recommend that a planning obligation in tune with NHS England Midlands and East's request is sought to mitigate the impacts of this development.

9.230 It is considered that this provision would satisfy the tests for planning obligations set out in the CIL Regs as it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind.

Public Open Space

9.231 NPPF para. 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

9.232 Criterion ix) of Policy CS15 requires proposals to make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district, whilst Policy CS21 states that Babergh will work with service providers, developers and other partners to develop sustainable places in the Babergh District with safe and healthy communities and secure the appropriate social, physical and green infrastructure needed to support these places and safeguard the environment.

9.233 Furthermore, Local Plan Policy HS31 requires proposals for residential development on a site of 1.5 hectares and above to provide 10% of the gross site area as public open space. This must include providing play equipment, which has been agreed in advance with the District Council

9.234 Due to the location of the site, it is also considered appropriate to require the provision of allotments on site, the potential location of which is identified on the Indicative Site Layout Plan, these are considered to be a positive feature of the scheme and would serve future residents of the development.

9.235 In addition it would be necessary for the S106 to include an obligation for the applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Equipped Play Area and the allotments.

9.236 It is considered that this provision would satisfy the tests for planning obligations set out in the CIL Regs as it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind.

9.237 In totality in respect of socio-economic impacts, LUC confirm that as the chapter has been updated to include an assessment of demand for playspace, pre-school education, and community facilities, no significant adverse environmental effects are identified. This is therefore considered acceptable and does not constitute 'further information' under Regulation 22 of the EIA Regulations and no additional information is required.

Other Planning Considerations

Viability

9.238 As set out through this report, the site gives rise to a number of competing requirements, each of which affect the viability of the proposal in varying ways including, but not limited to, the conversion of existing buildings, land contamination, works to the river, affordable housing, education, highways works and public rights of way.

- 9.239 The viability appraisal provided by the applicant has been updated to reflect various alterations to factors affecting the viability of the scheme, and this has been independently assessed and scrutinised. An important facet in this element of the proposal is ensuring that the development can deliver the decontamination of the landfill site given that the development is seen as enabling development in that regard.
- 9.240 In light of the viability assessment carried out and the external consideration of the figures provided, it is considered that the proposed development (including those obligations in terms of affordable housing, highways, education etc set out through this report) would facilitate the required decontamination. The scheme can, therefore, deliver the necessary infrastructure to mitigate the development and deliver the environmental benefits resulting from the decontamination of the landfill site.

Appearance, Layout and Scale

- 9.241 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'.
- 9.242 The provisions of policies CS15 of the Core Strategy, and saved policy CN01 of the Local Plan, set a framework for the expected appearance, layout and scale of new development. The current application is an outline application with all matters reserved except access. The applicant has submitted indicative layout and parameter plans, which set out their vision for developing the site, demonstrating along with the Design and Access Statement one way in which the site could be developed.
- 9.243 The applicant describes this as a residential development of up to 122 dwellings, giving rise to a density of approximately 15 dwellings per hectare. The Braintree DLP states that "*As a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land*". This density needs to be taken in the context of the site having some large areas of undevelopable land.
- 9.244 The scheme would be built to a maximum of 2 storeys over the majority of the site, with the exception of the 3 storey apartment blocks to be created through the conversion of the existing building 'X'.
- 9.245 Whilst illustrative, the proposal would take cues from the local vernacular, and it is considered that it has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house types with well-defined public and private spaces.
- 9.246 The public realm through additional landscaping, street furniture and other distinctive features, including use of the lades would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 9.247 Although appearance, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and would be in keeping with the site's location within the countryside.

Residential Amenities

- 9.248 One of the Core planning principles set out in the NPPF is that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants. Para. 57 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 9.249 In terms of promoting healthy communities, para. 69 of the NPPF states that planning decisions should aim to achieve places which promote
- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
 - safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 9.250 The environmental impacts upon occupants of existing dwellings in the locality have been assessed as part of the EIA process (see above).
- 9.251 Whilst matters of layout and scale are reserved for future determination, with regard to privacy and outlook, the Essex Design Guide states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*.
- 9.252 The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers do not consider that there are any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development.
- 9.253 Consequently, adherence to these standards would ensure that the living conditions of future residents would be protected from overlooking; and the indicative layout of the proposal would also ensure that the existing and future occupants of the closest two residential properties, Lapwing Cottage and Hartsbuckle House could be protected from a material loss of privacy, outlook and sunlight/daylight.

10. Planning Balance

- 10.1 Whilst the main 'built' elements of the development lie primarily in the Braintree District, the proposal gives rise to environmental benefits (in terms of the remediation of the contaminated landfill site) in the Babergh District, social benefits (in terms of meeting need within the Babergh District) and economic benefits (in terms of the construction of the development and the resultant use of services and facilities in Glemsford and Long Melford. This is an unusual situation where, having devolved its powers to determine the duplicate application submitted to it, Babergh District Council now takes on the role of consultee. In reaching a recommendation on this proposal, the Council should consider the entirety of the benefits of the scheme and weigh them against any identified harm.
- 10.2 This application brings about a number of issues which require careful attention in reaching a recommendation upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
- 10.3 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

10.4 The development plan includes the Babergh Core Strategy (2014) and saved policies in the Babergh Local Plan (2006). In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that both Babergh and Braintree do not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

10.5 Paragraph 14 of the NPPF states;

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

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted".

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

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

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

10.8 It is considered that policy CS3 is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.

10.9 However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.

- 10.10 It is identified that there would not be harm to designated heritage assets such as listed buildings or conservation areas, and the site is not within an AONB. As such, it can be concluded that there are not specific policies in the NPPF that would indicate that development should be restricted. As such, consideration turns to the presumption in favour of sustainable development.
- 10.11 The proposal would result in the reuse of brownfield land, on a site that has been mostly vacant for some time. It is, however, in an isolated position where there are concerns with regards to the accessibility of the site and its connectivity to local facilities and services. The proposal would seek to bring about the comprehensive redevelopment of the site, and generate significant environmental improvements through the decontamination of the factory site and the adjacent landfill. In this regard, it is considered that, notwithstanding the harm resulting from the traffic generation associated with the development, the proposal brings about environmental benefits that would, overall, result in a negligible impact in environmental terms.
- 10.12 In terms of the social dimension, the proposal brings about the delivery of housing that would meet the needs in two districts that do not have a five year supply of housing land. Whilst the development does not deliver policy compliant affordable housing, it does make a positive contribution in this regard. As such, the proposal is considered to deliver social benefits.
- 10.13 From an economic viewpoint, whilst the proposal results in the loss of an employment site, the NPPF is clear that the long term protection of employment sites should be avoided and alternative uses should be explored where there is no reasonable prospect of the site being used for those (employment) purposes. There would be a positive benefit from employment generated by the construction of the development and the viability of facilities and services in the locality through the occupation of the development. To this end, the proposal also brings about economic benefits.
- 10.14 Therefore, in applying the tilted balance, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of 'minded to approve' is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

11. Appendices

Appendix 1 - Representations
Appendix 2 - Location Plan (showing County Boundary)
Appendix 3 - Indicative Layout Plan

12. Background Papers

Relevant papers of Planning File B/15/00649/OUT

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