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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Elisabeth Room - Endeavour House, 8 Russell Road, Ipswich**

DATE: **Wednesday, 21 March 2018
9.30 am**

Members

Sue Ayres
Peter Beer
David Busby
Michael Creffield
Luke Cresswell
Derek Davis
Siân Dawson

Kathryn Grandon
John Hinton
Michael Holt
Adrian Osborne
Stephen Plumb
David Rose
Ray Smith

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AGENDA

PART 1

ITEM	BUSINESS	
		<u>Page(s)</u>
1	<u>SUBSTITUTES AND APOLOGIES</u>	
	Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.	
	To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS</u>	
	Members to declare any interests as appropriate in respect of items to be considered at this meeting.	
3	<u>PL/17/33 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2018</u>	1 - 6
4	<u>PL/17/34 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2018</u>	7 - 12
5	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	

ITEM	BUSINESS	
6	<u>SITE INSPECTIONS</u>	<u>Page(s)</u>
	<p>In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections.</p> <p>The provisional date for any site inspections is Wednesday 28 March 2018.</p>	
7	<u>PL/17/35 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	13 - 16
	<p>An Addendum to Paper PL/17/35 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.</p>	
a	<u>DC/17/05332 - Land to the North West of Mackenzie Place, Cockfield</u>	17 - 54
b	<u>DC/17/06289 - Land east of St Georges Field, The Street, Raydon</u>	55 - 70
c	<u>B/16/00928 - Stoke By Nayland Golf Club, Keepers Lane, Stoke By Nayland</u>	71 - 82

Notes:

1. The next meeting is scheduled for Wednesday 4 April 2018 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

<http://baberghmidsuffolk.moderngov.co.uk/documents/s9230/20161130BDCPublicSpeakingArrangementsADOPTED30112016.docx.pdf>

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

ITEM	BUSINESS
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Page(s)

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on 01473 296372 or via e-mail at Committees@baberghmidsuffolk.gov.uk.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer on: 01473 296372 or Email: Committees@baberghmidsuffolk.gov.uk

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3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
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Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN THE ROSE ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 7 FEBRUARY 2018

PRESENT: Nick Ridley - Chairman

Sue Ayres
Peter Beer
Luke Cresswell
Kathryn Grandon
Michael Holt
Stephen Plumb

Simon Barrett
David Busby
Derek Davis
John Hinton
Adrian Osborne

Alan Ferguson and Ray Smith were unable to be present.

120 DECLARATION OF INTERESTS

None declared.

121 PL/17/26 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2017

RESOLVED

That the Minutes of the meeting held on 8 November 2017 be confirmed and signed as a correct record.

122 PL/17/27 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2017

RESOLVED

That the Minutes of the meeting held on 22 November 2017 be confirmed and signed as a correct record.

123 PL/17/28 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 DECEMBER 2017

RESOLVED

That the Minutes of the meeting held on 6 December 2017 be confirmed and signed as a correct record, subject to the inclusion of the following sentence in Minute No 113 after the third paragraph:-

“In the course of Members’ deliberations, discussion took place as to the merits of an alternative access over land owned by another party.”

- 124 PL/17/29 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 DECEMBER 2017

RESOLVED

That the Minutes of the meeting held on 20 December 2017 be confirmed and signed as a correct record.

- 125 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

- 126 SITE INSPECTIONS

The Corporate Manager recommended a site inspection in respect of Application Nos DC/17/06235/FUL and DC/17/05687/OUT – Former Sugar Beet Factory, Sproughton Road, Sproughton.

Derek Davis, Ward Member for Berners, requested site inspections in respect of Application No DC/18/00236/OUT – erection of 24 dwellings on land adjacent to Woodlands, Main Road, Chelmondiston (to view the proposed access and the context of the site in relation to the AONB) and Application No DC/17/06286/FUL – erection of nine dwellings, land to north of Queens Road, Erwarton (to view the site in relation to its proximity to the AONB).

Following brief presentations, the Committee agreed to hold site inspections.

RESOLVED

- (1) That site inspections be held on Wednesday 14 February 2018 in respect of Application Nos DC/17/06235/FUL and DC/17/05687/OUT, and DC/18/00236/OUT and DC/17/06286/FUL.**
- (2) That a Panel comprising the following Members be appointed to inspect the sites:**

**Sue Ayres
Simon Barrett
Peter Beer
David Busby
Michael Creffield
Luke Cresswell
Derek Davis**

**Kathryn Grandon
John Hinton
Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
Ray Smith**

127 PL/17/30 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/30 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the Items in Paper PL/17/30 and the speakers responded to questions put to them as provided for under those arrangements.

<u>Application No.</u>	<u>Representations from</u>
DC/17/04049/FUL	John Gill (Objector) Dean Pearce (Agent for the Applicant)
DC/17/02111/OUT	Alastair McCraw (Ward Member)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/30 be made as follows:-

a HARTEST

Application No. DC/17/04049/FUL Paper PL/17/30 – Item 1	Full Application – Erection of 6 single storey dwellings, associated outbuildings, improvements to existing vehicular access and highway improvements. As amended by agent's email dated 17/8/17 and amended drawings numbered 17/60/02A, 03A and 12A showing changes to proposed footpath arrangement. Further amended drawings received 9/11/17 numbered 17/60/02B, 03B, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12B, and 14B showing changes to layout and form of dwellings, The Paddocks, Lawshall Road.
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The Case Officer John Davies in presenting the application, and the Chairman, both referred Members to the letter from Councillor Richard Kemp which was reproduced in full in the Addendum. Councillor Kemp's comments were made in his capacity as the County Councillor for the Melford Division and because the local Ward Member was not able to express a view because of his local connections.

Notwithstanding the officer recommendation of refusal, a motion to grant planning permission was proposed and seconded on the grounds that the proposal represented sustainable development which would support existing services and that there would be benefits to this hinterland village because of the type and scale of housing proposed, particularly for those wishing to downsize. Philip Isbell, Corporate Manager – Growth and Sustainable Planning confirmed that, if Members were minded to approve the application, standard conditions would be attached including any as identified in the report by relevant consultees.

The motion was carried on being put to the vote.

RESOLVED

That planning permission be granted subject to conditions including:

- **Standard Time limit**
- **Approved Plans and Documents**
- **Materials**
- **Hard and Soft Landscaping**
- **Environmental Health**
- **Lighting**
- **Sustainability**
- **Archaeology**
- **Levels**
- **Ecology**
- **As required by Highways Authority**
- **As required by Heritage Team**

b STUTTON

**Application No. DC/17/02111/OUT
Paper PL/17/30 – Item 2**

Outline Application for 14 dwellings, children's play area and public open space (Access, Layout and Scale to be considered) land adjoining the Village Hall, Manningtree Road.

The Case Officer, Gemma Pannell, in presenting the application, referred Members to the correction in the Addendum to the number of affordable units referred to in paragraph 58 which should read '5' and not '11' as stated.

RESOLVED

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

- **Affordable Housing**
- **RAMS Contribution**
- **Public Open Space**

and that such permission be subject to conditions including:-

- **Time limit for reserved matters application**
- **Approval of reserved matters**
- **Approved plans and documents**
- **Concurrent with reserved matters: Compliance with recommendations of the ecological report**
- **Prior to occupation: lighting design scheme**
- **Materials**
- **Action required prior to occupation: use of fire hydrants**
- **Construction management plan to be agreed**
- **Lighting scheme**
- **As recommended by Highways**
- **Suds water drainage details**
- **Archaeological works**

128 PL/17/31 REVIEW OF PLANNING CHARTER AND PUBLIC SPEAKING ARRANGEMENTS

Philip Isbell, Corporate Manager – Growth and Sustainable Planning introduced Paper PL/17/31 asking Members to consider adopting a revised Planning Charter (Appendix A to the report) – recommendation 2.1 refers. Under recommendation 2.2, no changes were suggested to the current Public Speaking Arrangements.

The Corporate Manager referred to the background to the proposed changes to paragraphs 7.6 and 7.7 of the Charter and the positive experience which had been reported by a neighbouring authority which has been operating a similar Delegation Panel system for some time. Members raised a number of questions about the detail of the proposed arrangements, particularly in relation to the requirement for an application being ‘of more than local significance.’ Members noted that the Corporate Manager was happy to assist Members with this aspect as well as referral requests generally and overall the Committee agreed to accept the revised Charter, subject to the removal of the underlining in paragraph 7.7.

Members did not accept recommendation 2.2 of Paper PL/17/31 as they considered that the current arrangements should be reviewed, to include consideration being given as to whether questions should be allowed to Ward Members and County Councillors addressing the Committee under the public speaking arrangements.

RESOLVED

- (1) **That the revised Planning Charter (attached as Appendix A to Paper PL/17/31) be adopted, subject to the underlining in paragraph 7.7 being omitted.**

- (2) That the Public Speaking Arrangements at Planning Committee be reviewed by the Corporate Manager – Growth and Sustainable Planning, as requested by the Committee.**

The business of the meeting was concluded at 12.30 p.m.

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Chairman

Agenda Item 4

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN ELISABETH ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 21 FEBRUARY 2018

PRESENT: Peter Beer - Chairman

David Busby
Derek Davis
John Hinton
Jennie Jenkins
Stephen Plumb

Michael Creffield
Kathryn Grandon
Michael Holt
Adrian Osborne
David Rose

The following Members were unable to be present: Sue Ayres, Luke Cresswell, Siân Dawson and Ray Smith.

129 SUBSTITUTES

It was noted that, in accordance with Committee and Sub-Committee Procedure Rule No.20, a substitute was in attendance as follows:-

Jennie Jenkins (substituting for Ray Smith).

130 DECLARATION OF INTERESTS

None declared.

131 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

132 PL/17/32 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/32 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/17/32 and the speakers responded to questions put to them as provided for under those arrangements,

Application No.

DC/17/05793/FUL
DC/17/06286/FUL

Representations from

Kate Wood (Agent for the Applicant)
Roger Balmer (Agent for the Applicant)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/32 be made as follows:-

a

LONG MELFORD

**Application No. DC/17/5793/FUL
Paper PL/17/32 – Item 1**

Full Application – Erection of 15-unit sheltered apartment block (amended application to 11-unit block approved under reference B/15/01043/FUL Sheltered Accommodation Site at Orchard Brook, Hall Street.

The Case Officer John Davies in presenting the application informed Members of the following updates which were received after the Addendum had been issued:-

- SCC – Flood and Water Management holding objection now withdrawn and no objection subject to conditions.
- Disability Group Optua has identified possible improvements to the internal layout, which are covered by Building Regulations – however, the Applicant is aware and will take into account where possible.

He also confirmed that the Applicant had agreed the commuted sum of £10,242 towards the provision of affordable housing, as detailed in the officer recommendation.

RESOLVED

That authority be delegated to the Corporate Manager – Growth and Sustainable Planning to Grant Planning Permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- **Commuted sum of £10,242 towards affordable housing**

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

- **Implementation within 3 years.**
- **Submission and approval of window details.**
- **Submission and approval of all external materials.**
- **Submission and approval of details including mortar mix, joinery colour and render colour.**
- **Precise details of boundary treatments and retention thereof**
- **Submission and approval of location and detail of solar panels.**
- **Submission and approval of lighting details.**
- **Submission of signage proposed to Hall Street and inside site.**

- Submission of biodiversity enhancement measures, to include locations of bat and swift boxes
- Conditions as agreed with the County Archaeologist.
- Sheltered Housing to be provided in accordance with paragraphs 2.9 and 2.10 of the submitted Housing Needs Statement, for no other use within use class C3 and to thereafter be retained as such.
- Sheltered Housing only to be occupied by persons over the age of 55
- Provision of fire hydrants.
- Submission of waste minimisation and recycling strategy.
- Implementation in accordance with construction management plan.
- As recommended by the LHA including provision of cross over, footpath realignment, maintenance of visibility splays, prior approval of arrangements for discharge of surface water.
- As recommended by the EA, including contamination risk assessment, verification reporting and long-term monitoring and maintenance plan and surface water management/drainage details.
- Precise details of soft landscaping, open space and play equipment.
- Implementation of soft landscaping, open space and play equipment.
- Precise details of boundary treatment with erection prior to occupation.
- As recommended by the Arboriculture Officer in relation to protection of existing trees.
- Removal of PD rights for conversion of garages
- Retention of estate roads and retention of internal layout as agreed (unless otherwise agreed in writing).
- Retention of private visitor and parking, including two spaces available for local businesses
- Access on Cock and Bell Lane to be pedestrian, cycles and emergency vehicle provision only; no regular day to day vehicle access.
- As required by SCC Flood and Water Management

b ERWARTON

**Application No. DC/17/06286/FUL
Paper PL/17/32 – Item 2**

Full Application – Change of use of agricultural land (part site), Erection of 9 dwellings with associated access to Queens Road, landscaping and parking, land to north of Queens Road.

The Case Officer Samantha Summers in presenting the application referred to the recent site visit carried out by Members. There were no updates to report, however during the course of the debate on this item the description of Erwarton which has a Parish Meeting, not a Parish Council, was corrected. The Case Officer informed Members that the comments of the Heritage Team as referred to in Part Two of the report had still not been confirmed in writing.

Members considered the officer recommendation of refusal for reasons relating to failure to accord with Policies CS2 and CS15, together with the unsustainable location outweighing the benefits of the development, as set out in the report.

Following their deliberations, a majority of Members concluded that the development would not harm the adjacent AONB or the heritage assets, and that the scheme was well-designed with the type and size of dwellings proposed meeting a need on the Shotley peninsula.

Having regard for the 'presumption in favour of sustainable development' as identified within Policy CS1 of the Core Strategy and Paragraph 14 of the NPPF, a motion to approve the application was moved on the grounds that the adverse impacts in allowing the development to proceed would not significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole, and no specific policies within the NPPF indicated that the development should be restricted. The motion was carried by a majority vote.

RESOLVED

That planning permission be granted subject to conditions including:-

- **Commencement time limit**
- **Approved plans / documents**
- **Landscaping timing**
- **As required by the Highways Authority**
- **Ecology**
- **Archaeology**
- **RAMS Contribution / Mitigation**

c

ACTON

**Application No. B/17/0180/OUT
Paper PL/17/32 – Item 3**

Outline Application for industrial and commercial development (means of access to be considered) land east of Bull Lane, Acton Place Industrial Estate.

The Case Officer Natalie Webb in presenting the application referred to the information in the Addendum which included the comments of Councillor William Shropshire in support of the officer recommendation of refusal. The Chairman read out comments from the Ward Member, Councillor Maybury, also in support of the officer recommendation. Jen Candler, Senior Planning Policy Officer was present at the meeting in support of the Strategic Planning comments included in the officer report.

The Case Officer clarified the Economic Development and Tourism response in the Addendum which focused on the need for further information to be provided by the Applicant. Members were advised that the additional information had been requested but nothing further had been provided to date. The further comments of the Highways Authority on the amended plans confirmed that the reasons for refusal as set out in officer recommendation 3 were still relevant. Members were in agreement with all three reasons for refusal as set out in the recommendation.

RESOLVED

That outline planning permission be refused for the following reasons:-

- 1. The proposed development is contrary NPPF Paragraphs 19 and 20 which state inter-alia that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. In addition, NPPF Paragraph 22 states that the policy framework should ensure that there is not a surplus of employment sites in the District; that any sites which come forward should have a realistic prospect of what will be occupied. The proposal set out above adjoins a current employment site which has a number of vacant units. Additionally, a review and allocation of suitable sites for employment has recently been completed by the Council, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA), which consequently concluded that there is a surplus of employment land. With no justification of requirement for further expansion of the site, the development constitutes unsustainable development in the countryside.**
- 2. The proposed development does not demonstrate that there is a viable surface water drainage system that can meet National (NPPF) and Local (CS15) Planning Policies, which state inter-alia that new development 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 and; minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate. As there is a history of surface water flooding in close proximity to the site and an existing predicted risk to the site itself; in addition to ongoing issues with undersized culverting of the watercourse, without the information requested to ensure that a viable surface water drainage system can be provided, the development may be considered to be at risk of surface water flooding.**
- 3. The proposed development would be contrary to Policy CS15 of the Babergh Core Strategy, which seeks inter-alia to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars). In addition, Policy CS1 states that Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. In this instance insufficient information has been provided to show that a safe access can be provided to the highway and insufficient information in regards to alternative sustainable transport modes.**

Note:

The meeting adjourned for a comfort break between 10.55 a.m. and 11.00 a.m.

The business of the meeting was concluded at 11.20 a.m.

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Chairman



PL/17/35

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

21 MARCH 2018

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATION REQUIRING REFERENCE TO PLANNING COMMITTEE

1.	17-54	DC/17/05332	COCKFIELD – Land to the North West of Mackenzie Place	LB
2.	55-70	DC/17/06289	RAYDON – Land east of St Georges Field, The Street	GP
3.	71-82	B/16/00928	STOKE BY NAYLAND – Stoke by Nayland Golf Club, Keepers Lane	EF

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager – Growth and Sustainable Planning, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - GROWTH AND SUSTAINABLE PLANNING

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

Agenda Item 7a

Committee Report

Item No: 1

Reference: DC/17/05332

Case Officer: Lynda Bacon

Ward: North Cosford.

Ward Member/s: Cllr Clive Arthey.

Description of Development

Planning Application - Hybrid planning application - Erection of 42 no. dwellings (Full Planning Application); Erection of 9 no. self-build plots (Outline Planning Application), including access road, shared surface roads, community open space and footpath connections to existing community meadow.

Location

Land To The North West Of, Mackenzie Place, Cockfield, Suffolk

Parish: Cockfield

Site Area: 4.2ha

Conservation Area: Not in a Conservation Area

Listed Building: Not Listed

Received: 21/10/2017

Expiry Date: 24/01/2018

Application Type: HYBRID – Part Full Planning Application/Part Outline Application

Development Type: Major Small Scale - All Other

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Suffolk County Council

Agent: Rees Pryer Architects LLP c/o Mr Chris Wilkie

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1471 Location Plan as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Planning Application Forms and Certificates;

Planning Statement 1471 - Received 26/10/2018;

Plans and other drawings relevant to the planning application (including Site Location Plan received 1st March 2018 and revised elevations and floor plans received 8th February 2018);

Landscaping Plan Landscape Strategy 1471-03 A - Received 07/02/2018

Street Scene - Proposed Street Elevations 1471-04 A - Received 07/02/2018

Proposed Site Plan 1471 02 A - Received 08/02/2018

Block Plan - Proposed 1471 01 B - Received 01/03/2018
Landscape and Visual Impact Assessment LSDP February 2018 - Received 19/02/2018
Preliminary Ecological Appraisal February 2018 Version 2 - Received 02/02/2018
Flood Risk Assessment 209400 P2 - Received 31/01/2018
Land Contamination Assessment 209400 P2 - Received 21/10/2018
Traffic Statement 209400 P1 - Received 21/10/2018
Arboricultural Assessment OAS/17-095-AR01 - Received 21/10/2018
Soakaway Infiltration Test Report GC21057 - Received 22/02/2018

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a “Major” application for:

- a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site.

All Policies Identified As Relevant

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

Summary of Policies

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

NPPF - National Planning Policy Framework

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development

CS18 – Mix and Types of Dwellings
CS19 - Affordable Homes
CS20 – Rural Exception Sites
CS21 - Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CN01 - Design Standards
CR07 - Landscaping Schemes
HS31 - Public Open Space (1.5 ha and above)
HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
TP15 - Parking Standards - New Development

SUPPLEMENTARY PLANNING DOCUMENTS

Affordable Housing SPD
Rural Development & Core Strategy Policy CS11 SPD
Suffolk Guidance for Parking 2014

List of other relevant legislation

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

Details of Previous Committee / Resolutions and any member site visit

Not applicable in this case.

Details of any Pre Application Advice

Officers have given pre-application advice on matters of principle of development, housing design and layout, open space provision and access/parking. There has been planning policy input into this scheme for a number of years.

Consultations and Representations

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

A: Summary of Consultations

Cockfield Parish Council

The Cockfield Village Growth and Development Survey 2014 was well supported by the village. The respondents recognised the need for sustainable growth and identified the requirements for modest and controlled development; enabling a range of local people to remain living within the local community whilst supporting existing local businesses and services, e.g. the School, Post Office, Church and local groups; and residents expressed demands for improved and enhanced open space with links to and between other parts of what is a dispersed village settlement.

Cockfield has previously been successful in introducing a range of twenty local needs houses on four sites. Mindful that funding arrangements for such developments has changed away from the Housing Corporation/Homes and Communities Agency to self-financing projects, to progress this initiative further, the Parish Council approached both Babergh District Council and Suffolk County Council for guidance.

The 4.4479 acre site to the north west of Mackenzie Place, owned by Suffolk County Council, with the extent and shape of the development as required by Babergh District Council planners, is ideal for meeting the current and forthcoming housing needs of Cockfield. This, therefore, became the preferred site giving opportunity for a self-sustaining diverse project to bring far-reaching enhancements to an area of the village lacking in recent support.

Though submitted by Suffolk County Council, the application encompasses a partnership between that authority, Babergh District Council, Orwell Housing Association and Cockfield Parish Council. The Parish Council has worked successfully with these organisations on the earlier developments in delivering sympathetic solutions across the varied sites.

The Parish Council has continued to keep villagers informed of the scheme via the parish magazine, village Website and Parish Council meetings.

The Parish Council has worked closely with the development team to ensure that the proposed mix and style accords with the character of Cockfield. Early feasibility proposals were offered to the village at a consultation day held in the Village Hall, where in excess of one hundred residents and local people attended. The event was held with housing enablers, Orwell Housing Association, architects and members of the Councils involved. Key concerns raised were the layout, mix, overall design and style, parking and open space. Having taken on board this feedback the final layouts and designs have evolved and these were publicised at a further information event, held recently. This event was attended by over forty people who showed real enthusiasm, with many residents expressing interest in the properties for the village, themselves and family.

Whilst placed in an abutment site the overall scheme is seen as having no detrimental or detracting landscape impact. The final mix of dwellings offers real potential for villagers with the additional bonus of community space and an enhanced speed restriction on the main access road. There are genuine and tangible benefits for existing as well as new residents, not least the proximity of the eight acres of open space and managed natural habitat (Earl's Meadow).

The proposal will bring a wider contribution and greater use of our existing local services to aid their viability - the Post Office, shop, primary school, pre-school, church and public houses etc.

The development is also located on a primary bus route to local services' centres. Within the village there are good links to other areas via the 'railway' footpath and pathways along the A1141.

The developer should engage with the consultee agencies to agree matters of detail under the discharge of any planning conditions going forward and the Parish Council would wish to be involved in this process.

The Parish Council fully supports the application that is the culmination of a tremendous amount of hard work from many parties and allows the further provision of affordable homes for local people.

The Environment Agency

Offer advice on flood risk and foul drainage.

Flood Risk:

The applicant has sequentially sited all proposed development within Flood Zone 1.

Our maps show the site boundary lies within Flood Zones 1, 2 and 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a low, medium and high probability of flooding respectively. We are satisfied that the flood risk assessment, referenced 209400 and dated September 2017, provides you with the information necessary to make an informed decision.

Incorporating New Climate Change Allowances:

As the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, it is unnecessary to request the applicant to re-model the watercourse to the north of the site in order to incorporate the new climate change allowances.

Other Advice:

The Sequential and Exception Tests are not required.

Other Sources of Flooding:

The site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Foul Drainage:

It is not explicitly stated in the application documents to which sewerage network the applicants wish to connect, we assume it will be the local network at Cockfield. This is a small network and Water Recycling Centre (WRC) serving in the region of 30 houses, and as such will have a descriptive consent. The addition of 51 houses will not be enough to require a numerical permit to be issued, but the applicant should check with Anglian Water that the WRC will be able to accept the additional flows without breaching its descriptive consent.

Natural England

Natural England confirms it has no comments to make on this application. The LPA is however referred to standing advice in respect of impacts on protected species and on ancient woodland and veteran trees.

NHS England

The proposal comprises a development of 51 residential dwellings, which is likely to have an impact of 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 would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

There is 1 branch surgery within a 5km radius of the proposed development. This GP practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

Anglian Water

Offer advice in relation to AWS assets affected by the development.

Wastewater Treatment:

The foul drainage from this development is in the catchment of Cockfield McKenzie Place Water Recycling Centre which currently does not have capacity to treat the flows from this development. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Foul Sewerage Network:

The sewerage system at present has available capacity for these flows via a gravity regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal:

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

SCC – Flood and Water Management

Maintain a holding objection because the applicant has not provided sufficient detail of the surface water drainage system for a full application element of this hybrid application. They also have not address points from previous comments and the amendment to the surface water drainage plan show a direct discharge to the River Brett without any treatment stages.

The Applicant has submitted additional information in response to the above comments and the SCC – Flood and Water management have been reconsulted. Any response received will be reported via the Addendum Paper.

SCC - Travel Plan Co-ordinator

SCC Travel Plan Officer confirms that a Travel Plan would not be required for this development and there is therefore, no objection to this development.

Highways England

Highways England offers no objection.

BMSDC - Planning Policy

There has been planning policy input into this scheme for a number of years. The proposal developed following a local needs survey in 2010 and there has been ongoing local consultation on the proposals which are understood to have support from the majority of the local community. Following the adoption of the Babergh Core Strategy in 2014, planning policy advice was provided through the Steering Group on the current proposal (DC/17/05332).

The Planning Statement submitted in support of the application sets out that the scheme should be judged in the context of Babergh Core Strategy CS11. However, whilst there are elements of the proposal that could be related in context to Policy CS11 (as well as policies Core Strategy 1, 15, 18, 19 and 20), it is advised that the scheme should simply be considered in accordance with the NPPF and as a departure from local policy, considering the proposal on its merits and in accordance with other material considerations.

The NPPF sets out the presumption in favour of sustainable development. This is a scheme developed with the intention of addressing housing requirements in accordance with NPPF and Core Strategy objectives (including affordable requirements). It has been developed with community engagement and input. The principle of the development therefore meets a number of policy objectives.

Overall there spatial policy support the principle of the proposed development as an exception to planning policy.

Please note that the proposal include starter home provision on a number of plots. It is advised that advice is sought from the CIL team to check that the proposal accords with the regulatory exemptions.

BMSDC Landscape (Place Services)

In terms of the likely visual effect on the surrounding landscape, the proposal will inevitably have an impact on the existing character of Cockfield. From a landscape standpoint the main development constraint is the requirement to ensure the development is "sensitively designed with high standards of landscaping, layout and careful choice of materials to minimise impact" (according to Babergh Local Plan 2006 CR01).

The following points highlight our key recommendations for the submitted proposals:

- 1) There is no clear justification of allocation of POS within the development area. Should the intention be to offset within the northern land we would not deem this accessible open space.
- 2) As outlined above, the landscape approach requires further justification. It would be encouraged that a stronger landscape proposal within the residential development is needed to enhance its rural character.
- 3) The landscape strategy needs expanding to include the following sections:
 - a. Context and character
 - b. Landscape Design strategy
 - c. Landscape masterplan (already included)
 - d. Public open space
 - e. Boundary treatments (inc. sections)
 - f. Hard landscaping specification
 - g. Soft landscaping specification
- 4) If approved, a detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), We recommend a landscape maintenance plan for the minimum of 5 years, to support plant establishment. This is to ensure appropriate management is carried out and to maintain functionality as well as aesthetics.

5) If approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition, if the application is approved.

The Applicant has submitted additional information in response to the above comments and BMSDC – Landscape have been reconsulted. Any response received will be reported via the Addendum Paper.

BMSDC Ecology (Place Services)

No objection subject to conditions to secure ecological mitigation and enhancements.

The submitted Preliminary Ecological Appraisal includes sufficient ecological information to assess the impacts of development on designated sites, protected species and priority species/habitats.

Recommendations:

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. The recommendations within the ecological report will particularly benefit bats, nesting birds, swifts and hedgehogs. A Lighting Design Scheme has also been advised to be implemented prior to occupation. This will mitigate the potential impacts of lighting on foraging and commuting bats which may potentially use the boundary features.

Impacts will be minimised such that the proposal is acceptable subject to the above conditions based on BS42020:2013. In terms of biodiversity net gain, the proposed integrated swift boxes and hedgehog friendly fencing will contribute to this aim.

Conditions should be imposed to secure compliance with the recommendations in the submitted Ecological Report and to require the submission of a lighting design scheme for approval and implementation.

BMSDC Urban Design (Place Services)

Based on the submitted documents there are concerns surrounding several aspects of the layout proposal as outlined in the overview below:

Frontage - Further review and justification is required regarding the layout of the property arrangement fronting Lavenham Road. It is felt units 1-8 require setting back to mirror that of neighbouring development and the western layout. Parking deterrents can be designed into the scheme to satisfy concerns.

Access - It is understood as to the justification of access from a single point. Further review is required regarding the entrance design including feature housing units.

Road layout - There are concerns regarding the design of a single access point feeding several cul-de-sac areas. It would be encouraged a loop road is explored along with mews court developments. These will create destinations rather than dead ends, parking courts and turning heads.

The Applicant has subsequently amended the scheme in response to the comments made above.

BMSDC Environmental Health - Land Contamination

The Environmental Protection Team have reviewed the Phase I investigation undertaken by Canham Consulting (ref. 209400).

The report concludes that additional investigations are recommended however it is believed that given the evidence presented this is largely a precautionary recommendation given the history of the site being agricultural for as long as records are present. In light of this there is no objection to the proposal from the perspective of land contamination. It is however requested that the Environmental Protection Team are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the safe development of the site lies with them. If the developer wishes to undertake the precautionary investigations then Environmental Protection would be willing to review the documents but do not feel that we can require this by means of a condition.

BMSDC Environmental Health - Noise/Odour/Light/Smoke

The Environmental Protection Team confirms that with respect to noise and other environmental health issues there is no objection to the proposed development.

It is however, recommend that construction hours for the site are restricted to those hours between 08:00 hours and 18:00 hours Monday to Friday, 08:00 hours and 13:00 hours Saturday and no working on Sundays and Bank Holidays in order to protect the occupiers of existing dwellings and future noise sensitive premises from adverse noise of construction work.

BMSDC Environmental Health - Sustainability Issues

There is no objection to this proposal but note that sustainability issues connected to the dwellings themselves (ie construction materials, sources of heating, renewable energy generation, design and orientation provision for electric vehicles) have not been mentioned.

Therefore request that either; the applicant provides information and assurances in this regard or a condition is included in any grant of permission to secure environmentally friendly dwellings are constructed.

BMSDC Strategic Housing

No objection – strongly supported as will meet a wide range of local housing needs across several tenures as identified in Community Action Suffolk Local Housing Needs Survey, the and the Council's CBL housing register data.

The application although submitted by Suffolk County Council is a partnership scheme to provide a varied range of tenure options and deliver housing to meet local housing needs. The application has been made following extensive partnership work between Orwell HA, Suffolk County Council, the Parish Council and the Strategic Housing service of the Council.

SCC - Corporate S106 and Education

Detailed comments in relation to the requirements for CIL including;

1. Education. Refer to the NPPF paragraph 72 which states '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'.

The NPPF at paragraph 38 states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'

SCC anticipates the following **minimum** pupil yields from a development of 51 dwellings, namely:

- a. Primary school age range, 5-11: 12 pupils. Cost per place is £12,181 (2017/18 costs).
- b. Secondary school age range, 11-16: 8 pupils. Cost per place is £18,355 (2017/18 costs).

c. Secondary school age range, 16+: 2 pupils. Costs per place is £19,907 (2017/18 costs).

The local catchment schools are Cockfield CEVC Primary School, Ixworth Free School, and Thurston Community College.

Based on existing forecasts SCC will have surplus places available at the catchment schools to accommodate all of the pupils arising from this scheme.

The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs. The figures quoted will apply during the financial year 2017/18 only and have been provided to give a general indication of the scale of contributions required should residential development go ahead. The sum will be reviewed at key stages of the application process to reflect the projected forecasts of pupil numbers and the capacity of the schools concerned at these times.

2. Pre-school provision. Refer to the NPPF 'Section 8 Promoting healthy communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4-year-olds. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2-year olds. From these development proposals SCC would anticipate up to 6 pre-school children arising.

This development falls within the ward of North Cosford and there is a predicted surplus of 14 places in September 2017. Therefore, the 6 children this will generate will be accommodated within existing provision

From September 2017, working families may get an additional 15 hours' free childcare entitlement per week on top of the current 15 hours, giving a total of 30 hours a week for 38 weeks of the year.

3. Play space provision. Consideration will need to be given to adequate play space provision. A key document is the 'Quality in Play' document fifth edition published in 2016 by Play England.

4. Transport issues. Refer to the NPPF 'Section 4 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via section 38 and section 278. Suffolk County Council FAO Sam Harvey will coordinate this.

Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014.

5. Libraries. The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e. £11,016, which will be spent on enhancing provision at the nearest library. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of $(30 \times £3,000) = £90,000$ per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling. Refer to the NPPF 'Section 8 Promoting healthy communities'.

6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

7. Supported Housing. In line with Sections 6 and 8 of the NPPF, homes should be designed to meet the health needs of a changing demographic. Following the replacement of the Lifetime Homes standard, designing homes to the new 'Category M4(2)' standard offers a useful way of fulfilling this objective, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the local planning authority's housing team to identify local housing needs.

8. Sustainable Drainage Systems. Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems.

On 18 December 2014 the Secretary of State for Communities and Local Government (Mr Eric Pickles) made a Ministerial Written Statement (MWS) setting out the Government's policy on sustainable drainage systems. In accordance with the MWS, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. The MWS also provides that, in considering planning applications:

"Local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."

The changes set out in the MWS took effect from 06 April 2015. A consultation response will be coordinated by Suffolk County Council.

9. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow SCC to make final consultations at the planning stage.

10. Superfast broadband. Refer to the NPPF paragraphs 42 – 43. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability. As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

11. Legal costs. SCC will require an undertaking from the applicant for the reimbursement of its reasonable legal costs associated with work on a S106A for site specific mitigation, whether or not the matter proceeds to completion.

SCC - Highways

The County Council as Highway Authority does not object to the proposal subject to a S106 Agreement to its satisfaction and inclusion of conditions to secure provision of specified visibility splays, access details, estate road/footpath details and submission of a Deliveries Management Plan for the construction period.

The existing bus stops on Lavenham Road would benefit with the following improvements:

- New raised kerb to DDA standards on both stops
- New Bus shelters

Total Public Transport contribution from this development - £15000

The following additional comments are also provided.

The proposal to extend the 40mph speed limit to the north of the site will be for the developer to enter into an unilateral undertaking with SCC to create the Traffic Regulation Order (TRO) to extend the speed limit in advance of determination of a planning application. Once implemented, the visibility splay distances can be as conditioned below.

The parking provision is to be to The Suffolk Guidance for Parking 2015 - although the guidance does not state that tandem layout is acceptable in front of a garage on a 4-bedroom dwelling, this is to be discouraged as it will lead to on-street parking.

The parking philosophy is to provide spaces where demand is likely. The design submitted suggests that sufficient overall numbers of visitor spaces are provided but many spaces are positioned where demand is least required. Also, unsupervised cars left in laybys away from the properties and are not visible from dwellings, can be prime targets for vandals and thieves. We feel the current proposal will only result in on-street and nuisance parking.

SCC - Fire & Rescue

The plans have been inspected by the Water Officer and advice is offered to the applicant in relation to access and fire fighting facilities, and water supplies.

Suffolk Police

Observations are that the recently extended 40mph speed restriction along the A1141 may not prove sufficient protection for the new access road, particularly in the initial stages of the build when materials are being delivered to site. I would suggest that a speed survey is carried out prior to the build start date to identify whether motorists are adhering to the speed limit in place. Given the nature of the road and its layout, there could be a tendency for motorists to fail to adhere to the restriction.

The width of the road and potential obstruction points should be considered if residents or their visitors choose to park on the roadside. More and more newer developments provide off road parking for at least one car per household, however, as families grow, or others visit the site, roads can become congested with parked cars, or cars obstructing corners and pavements. The layout suggests a winding road, so it may be worth considering whether some physical barriers, or yellow lines are considered early on.

B: Representations

Responses received from 6 neighbours summarised as follows:

June 2014 Cockfield Parish Council survey results concluded that the village should grow larger with a preference for development to be close to existing built up area boundaries and a stronger preference for that development to be spread around the village rather than concentrated on large sites. This application ignores these results as houses are concentrated on a single site.

The concentration of housing means the new development will not be integrated into the village.

By placing this density of houses on the outskirts of the village there is no way for residents without a car to access their relatives on the other side of Cockfield. Cockfield garage is now closed, meaning the nearest petrol station is at Bury. Limited facilities are spread across a 5-mile radius and the only general store is not within easy walking distance. Community facilities in the development appear inadequate, mentioning only 'community open space'.

Density/number of homes proposed is not in keeping with either the present number of houses on surrounding estates or throughout the whole of Cockfield village. Cockfield does not have any infrastructure or community facilities to support this volume of houses in one location.

51 properties on one site represents an increase of 13% and is the easy option to meet a quota of houses built ASAP and not what the residents of Cockfield want. This number is completely out of proportion with the village particularly when the site has no access to the limited village facilities. It is much more like an urban development within a town not a rural village.

The village has one small post office which is not within safe or easy walking distance of the site. The only "community" facilities (school, park, playing fields etc.) are not within a safe or easy walking distance and do not have a bus route to them from the proposed site.

This also begs the question of shop/supermarket, post office, GP, none of which are adequate now for residents, how will an extra 150 residents manage.

The A1141 is not a safe road for pedestrians or car drivers. There have been several road traffic accidents and 2 fatalities along this stretch of road. The recent fatality outside Crowbrook Cottages in 2015 has been omitted and there was also another fatality near the junction of the A1141 and Howe Lane in 2007 which is before the surveys scope. Many vehicles regularly exceed the 40mph speed limit and combined with no street lighting, high and wide hedgerows that regularly force pedestrians to walk in the road and a long stretch of road with no pathway, results in an unsafe walking environment for residents. If the school is considered to be viable then the footpath issue needs to be dealt with as a matter of priority or these families will get in their car and drive to other schools instead.

The alternative path being created through the woodland and fields behind the development site is unlit, uneven ground and very remote and is highly impractical and unsafe.

Local authorities have a responsibility under the 1996 amended Education Act to provide alternative means for pupils to access schools if a safe walking route is not available.

Suggest a properly designated route to the school is provided by extending and widening footpaths, with visible school warning signage and appropriate traffic control measures.

The Suffolk County Council Rights of Way Committee meeting (25/01/17) approved a Traffic Regulation Order of a 40mph limit for traffic travelling south without considering alternative options put forward in the residents' consultation, including a 30mph limit, traffic control measures and access to alternative routes.

The development will generate at least 100 cars bringing an extraordinary increase of volume of traffic to this small site, increasing noise and traffic pollution and a larger risk on an already dangerous main road. There would not be room for additional off road parking and it would be dangerous for cars to park on the A1141.

A smaller development of between 20 and 30 houses is suggested with the remainder of houses being built spread throughout the rest of the village. A bus route that goes into Cockfield village could be considered too? The foot paths need to be made wider and safer for residents to get to and from the main part of Cockfield village.

Existing pedestrian access from the rear of properties in Mackenzie Place should be retained.

Why, now do we have several flats being proposed?

Why are the proposed bungalows only for 'downsizers'?

What about local residents who are currently living in a 2 or 3 bed council property and have lived in it for most of their life....do they have to move away from the village when they can no longer afford or manage to live in their family home and will not be in a position to buy a 'downsizer' bungalow? Isn't this development supposed to be helping residents like this?

Local Needs?

How is the sewerage/waste from this site going to be dealt with? The waste site at the back of Mackenzie Place is not adequate to deal with the size of this proposed development. Has this been looked at yet? The smell from this area is quite overpowering and unpleasant on an average day weatherwise.

Various parties are obviously keen to push ahead with the proposed development. However, misrepresenting the facts and selective use of the information available is not the way forward.

Ecological Preliminary Appraisal incorrectly states there is "no evidence of latrines, tracks or setts was observed during the survey and there are no records of Badger within 1Km of the survey area". Badgers are in the area where the North West end of the railway footpath exits onto the field edge and also Earls Meadow where several badger setts have been taped off for public protection.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site is comprised of an area of agricultural land located to the north-western side of Mackenzie Place, which itself is situated to the west of Crowbrook Place; both are existing cul-de-sac developments of two-storey semi-detached properties that were originally constructed by the local authority in the immediate post-war period and form a small cluster of housing development, along with earlier properties in the immediate vicinity.
- 1.2. The site fronts onto the A1141 Lavenham Road between Mackenzie Place and the property known as Mill Farm and extends north-east wards towards the former railway line located to the rear of the application site. There are bus stops providing connections to Bury St Edmunds, Lavenham and beyond on either side of the A1141 located near to the site. The former railway line is now maintained by the Parish Council and provides a pedestrian connection to the village centre, approximately 1.0km away, which includes the village primary school, church village hall and post office. To the south is located the Horseshoes Pub, also within 1.0km of the site.
- 1.3. The site area totals 4.2 hectares and is owned by Suffolk County Council as part of the county farmland and is currently grassland. Generally the site falls from west to east, a total of 13 metres to the bottom of the valley to the north-east. The fall through the proposed residential development is approximately 5 metres from the A1141 to the existing woodland behind 8 Mackenzie Place.
- 1.4. To the north-west of the site is Mill Farm which includes the recently converted former windmill, now bed and breakfast. The opposite southern side of Lavenham Road is open agricultural land.
- 1.5. The landscape generally in the vicinity is agricultural, predominantly arable, with some pockets and ribbons of woodland. Field patterns are irregular. A native field hedgerow fronts the site onto Lavenham Road.
- 1.6. Cockfield is a village made up of 4 separate 'settlements', each with their own defined Built Up Area Boundary (BUAB). The application site adjoins the western extent of the Crowbrook/Mackenzie Place BUAB for the village. Cockfield is identified as a Hinterland Village by policy CS2 of the Council's adopted Core Strategy with the village falling within two wider 'functional clusters', centred on the Core Villages of Lavenham and Long Melford.

2. The Proposal

- 2.1. The application seeks planning permission for the erection of 51 dwellings with associated parking, landscaping and an area of open space and community land to the north (rear) of the housing development. The proposal has been submitted as a hybrid planning application whereby full planning permission is sought for the erection of 42 dwellings together with a proposal for 9 self-build dwellings that seeks outline planning permission with all matters reserved for future consideration. The application comprises a range of detached, semi-detached and terraced houses, with flats and bungalows, including both market and affordable units.

The housing mix consists of 4 No. 1 bed flats, 2 No. 2 bed flats, 20 No. 2 bed units, 12 No. 3 bed units and 4 No. 4 bed units as follows:

- 6 no. affordable rented flats
- 6 no. affordable rented houses
- 6 no. shared ownership/discounted market houses

- 10 no. detached 3 and 4 bedroom open market houses
- 4 no. semi-detached open market houses
- 5 no. first time buyer open market houses
- 5 no. open market bungalows (targeted for 'down-sizing')
- 4 no. self-build plots for larger houses
- 5 no. self-build plots for smaller houses

In addition, the application also proposes:

- 2no. parking spaces to be provided for each 2 and 3 bed dwellings
- 3no. parking spaces to be provided for each 4 bed dwelling
- 1no. parking space to be provided for each 1 bed dwelling
- Minimum 12no. visitor parking spaces required; total of 21no. provided
- Total of 126 car parking spaces provided across the development for 51 dwellings
- Secure cycle parking
- Pedestrian/cycle link to dismantled railway footpath and Earls Meadow

Community space:

Creation of additional community open space connected to Parish Meadow to the rear of the proposed housing development; the larger area to the northwest will be retained as a grassed field and includes an attenuation pond for a Sustainable Drainage System and will be enclosed by native hedgerow. The grassland will be managed by grazing, or as meadow cut twice annually. The Community Land area is to the north eastern side and is an area of grassland that will be retained and planted with occasional trees, and subsequently managed to encourage wildlife and to provide a quiet public green space connected to the local footpath network.

2.2. The submitted Design and Access Statement explains that the proposed layout is a response to

- The position of the access road to the development, set by visibility splays and topography of the A1141
- The required visibility splay and presentation of a strong development frontage
- An agreed rear development boundary to preserve rural views from adjoining property

The visibility requirement resulted in the development being set back from the main road and natural traffic calming would be provided by siting the new houses to the splay. The existing speed limit zone is also to be extended via a Traffic Regulatory Order, already approved by the Highways Authority subject to a time limit and development of the proposed dwellings.

The southern end of the site layout fronting the A1141 follows a similar grain and pattern to Mackenzie and Crowbrook Places, being a more rectilinear arrangement permeated by pedestrian routes from Lavenham Road and with vehicle access from the rear. The remainder of the site layout adopts a 'softer' more informal approach. The scheme layout provides access and permeability with connections to the existing footpath on Lavenham Road (and hence adjacent development, bus stops and pub) and the dismantled railway footpath which in turn connects to Cockfield village.

2.3. The new primary access from Lavenham Road is positioned towards the centre of the site frontage and is an adoptable road with formal footpaths to either side. Private, on plot parking is proposed for most dwellings with some shared/lay-by parking and visitor spaces and a total of 126 car parking spaces (for both full and outline elements) are proposed comprising 83 allocated parking spaces for the 42 'full' dwellings including 15 visitor spaces. The proposed development provides areas of private amenity space for each unit, as well as cycle and refuse storage, and hard and soft landscaping.

- 2.4. The majority of the proposed dwellings are two storeys in height although single storey dwellings are also proposed. The dwellings are generally arranged in informal clusters of varying density. The dwellings have been designed to incorporate elements of traditional Suffolk features and materials – steeply pitched roofs, gables, brick, render, etc. but uses them to create a contemporary style of architecture rather than a pastiche of Suffolk vernacular.
- 2.5. Proposed facing materials comprise a varied palette of traditional materials to include two types of brick (red and buff/white), traditionally coloured render, slate and pantiled roofs to reflect the materials found elsewhere in the locality with simple and modern detailing. Chimneys are included to some plots to punctuate elevations and promote the link to a vernacular style.
- 2.6. The application was amended following receipt of additional information and revised plans in February and March 2018, which sought to address issues raised by consultees in terms of urban design and requested alterations to the layout and design of individual dwellings; the parking has been amended parking to provide spaces adjacent to each dwelling with layby parking areas located where good surveillance is possible; additional ecology information has been submitted and a revised landscape strategy and drainage strategy information has been submitted. Re-consultations have been carried out on the amended plans and any outstanding consultee responses will be reported on the Addendum Sheet circulated prior to the meeting.

Main Considerations

The following are identified as the main considerations in assessing this application.

3. The Principle of Development

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.2. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 3.3. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
- 3.4. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies.

However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 3.5. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...' 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.
- 3.6. 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.
- 3.7. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) 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.
- 3.8. 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
- 3.9. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.
- 3.10. 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."*

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

4. Sustainability Assessment Of Proposal

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

4.2. Policy CS2 (Settlement Pattern Policy) identifies Cockfield as a Hinterland Village within both the Lavenham and Long Melford functional clusters. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.

4.3. Policy CS3 of the Core Strategy identifies 1050 homes for rural areas, this quantum of development is unallocated at present (in either district development plan documents or Neighbourhood Plans) so there is a reliance at present on windfall sites to deliver this growth.

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

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

1. *the landscape, environmental and heritage characteristics of the village;*

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

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

1. *is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
2. *is adjacent or well related to the existing pattern of development for that settlement;*
3. *meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
4. *supports local services and/or creates or expands employment opportunities; and*
5. *does not compromise the delivery of permitted/identified schemes in adopted community/village local plans within the same functional cluster.*

The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria listed above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

- 4.5. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies.
- 4.6. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.

- 4.7. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
- 4.8. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

i. The landscape, environmental and heritage characteristics of the village

Impact on Landscape

- 4.9. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. In addition, the NPPF provides (para 187) that *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”*
- 4.10. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district. Also of relevance to this proposed development is the Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015), which seeks to improve the quality of development coming forward ensuring that it fits with its surroundings, but also helps to retain and enhance the distinctive character of the area.
- 4.11. The Planning Practice Guidance advises that *“The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape”*.
- 4.12. The Suffolk County Landscape Character Assessment (SCLA) shows the site located at the intersection of two ‘Landscape Character Types’: Area Type 4: Ancient Rolling Farmlands and Area Type 18: Rolling Valley Farmlands. The key characteristics of Ancient Rolling Farmlands are identified in the SCLA as: rolling arable landscape, dissected widely, and sometimes deeply, by river valleys with regular fields associated, native hedges and a dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin. The key characteristics of Rolling Valley Farmlands are gentle valley sides with some complex and steep slopes, well-drained soils and areas of regular field patterns.
- 4.13. As part of the application submission, the applicant prepared a Landscape Strategy, which was been expanded into a Landscape and Visual Appraisal in response to the comments received from BMSDC Landscape (Place Services). The Landscape and Visual Appraisal describes existing key features from various viewpoints and goes onto explain the proposed landscape design strategy in relation to the existing context. For example the proposed dwellings to the west of the access will be set back behind a new roadside green area that will extend the recently formed roadside green area fronting Mill Farm. The area to the north of the housing development is proposed to be retained as an open meadow/ field area with augmented and new boundary hedgerow planting and occasional trees will be planted in the community land area and subsequently managed to encourage wildlife and to provide a quiet public green space connected to the local footpath network.

- 4.14. The site is not within a nationally designated landscape such as an Area of Outstanding Natural Beauty (AONB) or a locally designated Special Landscape Area (SLA). Therefore, the main development constraint is the requirement to ensure the development is sensitively designed with high standards of landscaping, layout and careful choice of materials to minimise impact. The broader strategy, including the siting of the open spaces areas to the north of the proposed built development instead of being incorporated within the development is considered acceptable in this context given the relationship of the site to existing built development at Makenzie/Crowbrook Place and in order to connect with the existing footpath to the dismantled railway walk. Full details of the planting specification and future maintenance of the landscaped areas will be secured by condition.
- 4.15. In summary, Policy CS11 activity encourages rural growth and the consequence of this is some impact on the countryside. However, the impacts should be minimised and the key question is therefore whether the impact of the development is reasonably contained. In this case, whilst the development would have an adverse impact on the undeveloped character of the site itself, it would not appear prominent in the wider landscape setting as the site is visually connected with the adjacent built form. Furthermore, the design approach of the development has been influenced by the sensitivities identified in the Landscape and Visual Appraisal to further mitigate impacts. Consequently, on balance, and subject to the mitigation identified, the development is considered to have an acceptable impact on the countryside landscape.

Impact on Heritage Assets

- 4.16. There are no designated heritage assets in the vicinity of the application site that would be affected by the development in terms of impacting the setting of a listed building or harming the character or appearance of a conservation area; the nearest listed building is Ivy Cottage; a grade 2 thatched building to the south at Willow Bridge, whilst further away to the north there are listed buildings in Cockfield village at the junction of Church Lane with Howe Lane and also off the A1141 to the north west of the Howe Lane/Lavenham Road Junction. The nearest conservation area is at Lavenham.
- 4.17. There is therefore, no impact on heritage assets and it is considered that the proposal would comply with this element of policy CS11.

Impact on Environment

- 4.18. The application has been reviewed by the Environmental Protection Team and it is confirmed that the submitted land contamination information is such that there is no objection to the proposal from the perspective of land contamination. In addition, neither The Environment Agency or Natural England have objected to the proposal and, subject to conditions to secure appropriate mitigation and enhancements, there is no ecological impact to warrant refusal.
- 4.19. The surface water drainage strategy and landscape strategy has recently been amended and is under current review by consultees; it is anticipated that the consultation responses received will be reported via the Addendum papers circulated prior to the meeting.
- 4.20. In view of the above, the proposal is considered to comply with policy CS11 and criterion vii of policy CS15 insofar as it relates to land contamination and impact on the Environment.

ii. The locational context of the village and the proposed development.

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

4.22. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:

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

4.23. The application site is adjacent to the north western extent of the defined BUAB for the Mackenzie /Crowbrook Place area of Cockfield and is well related to that part of the settlement and could be viewed as a logical extension to it. However, the site is located approximately 1km from those services available within the village to the north (Church, School, Post Office and Village Hall) and about 750m from the village pub in the opposite direction to the south. Cockfield is within the Lavenham and Long Melford functional clusters; both area core villages with a range of services including shops, libraries, post office, primary schools, doctors surgery, chemists, dentist surgery, pubs/cafes/restaurants and employment opportunities.

4.24. Paragraph 15 of the SPD explains that "the availability of and access to local services and facilities is a key consideration in determining whether a proposal is sustainable" and that "It is the range of services and facilities available that is important as this will have a bearing on the size and scale of development that can be accepted i.e. a village with a wide range of services and facilities is more sustainable and can potentially accommodate a greater amount of development".

4.25. The range of services available in Cockfield village is limited, therefore the size and scale of acceptable development for this village is expected to be commensurate in size and scale. Cockfield is a village comprised of 4 separate settlements dissipated across a wider geographical area. The village contains approximately 400 existing dwellings and the proposed development of 51 new dwellings amounts to a 12.75% increase in the size of the village, which is considered to be acceptable increase in size and scale when considering the village as a whole. However, given the spatial arrangement of the village this increase is significantly greater in relation to the size and scale of existing development within the Mackenzie/Crowbrook Place built up area boundary of the village.

4.26. Para 15 goes on to state that "The availability and frequency of public transport is also an important consideration" and that the preferred maximum walking distance to services and facilities is 1200m (400m is desirable; 800m is acceptable) and that "these distances should be considered alongside the quality and continuity of the footpath connection. Connections between any proposal and village services and facilities should be continuous and have a good quality surface. The need for and appropriateness of street lighting will be considered on a case by case basis".

4.27. There is an hourly weekday bus service, between Colchester, Lavenham, Long Melford, Sudbury and Bury St Edmunds and in this regard the site is well connected to services and facilities available outside of the village. In terms of access to services and facilities within the village, there is a surfaced footpath along the A1141 that starts just South of the pub, which passes the application site, providing access to bus stops, before terminating at the junction of Lavenham Road with Howe Lane however, the width of pavement is narrow and does not benefit from street lighting and is not therefore a considered to be a suitable connection to the village for all potential

users. Furthermore the footpath does not continue along Howe Lane, where village services are located. The application proposal offers an alternative pedestrian link to village services via the provision of a new footpath (with a bound surface) that heads north from the development through the proposed community land where it connects with the existing dismantled railway footpath that runs into the village from the east. In practical terms, however, it is Officer's opinion that neither pedestrian route offers a suitable year round option for all residents to be able to walk into the village and the development is therefore considered to be remote from services to meet everyday needs.

- 4.28. In summary, in terms of the locational context of the village, there are elements of the proposal that could be related in context to Policy CS11 equally however, there are also material conflicts with this policy such that the proposal cannot be considered to comply with Policy CS11.

iii. Site Location and Sequential Approach to Site Selection

- 4.29. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside of but adjoins the BUAB and is considered to be reasonably well related to the existing built form. There are no sequentially preferable allocated sites within Cockfield, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
- 4.30. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier. On balance, therefore, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

- 4.31. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does not mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
- 4.32. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
- 4.33. The Core Villages are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications. Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Hinterland village identified in the application, namely Cockfield and its wider functional cluster of Lavenham and Long Melford.

- 4.34. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
- 4.35. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
- 4.36. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the wider needs of the function cluster. In this case the Applicant has not submitted a housing needs assessment however, the submitted Planning Statement explains that a 'local needs survey was carried out in 2010 which highlighted a further need for at least twelve affordable homes. The Cockfield Village Growth and Development Survey also highlighted a demand for between 50 and 100 new homes to ensure the long term sustainability of the village by enabling a range of local people to remain living within the local community.'
- 4.37. BMSDC Strategic Housing have confirmed strong support for the development as it will meet a wide range of local housing needs across several tenures as identified in Community Action Suffolk Local Housing Needs Survey, the and the Council's CBL housing register data. In this regard the proposal is considered to comply with policy CS11.

v. Locally Identified Community Needs

- 4.38. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).
- 4.39. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the Applicant has not submitted a community needs statement but has instead indicated that they engaged in a comprehensive public consultation exercise with the local community. The Parish Council have confirmed that The Cockfield Village Growth and Development Survey 2014 was well supported and that in addition to respondents recognising the need for sustainable growth in the form of modest and controlled development, residents also expressed demands for improved and enhanced open space with links to and between other parts of what is a dispersed village settlement. Whilst the community needs cannot be considered to have been robustly considered in this way, the proposal is considered to accord with this element of policy CS11. Furthermore, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural

communities, local services and facilities. In this regard, the proposal delivers benefits through CIL that are also considered to satisfy this element of policy CS11.

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

4.40. The SPD identifies, at paragraph 13, that "cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account". Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.

4.41. This is the largest housing development for Cockfield with any other developments for the village itself being considered as modest and therefore unlikely to result in a cumulative impact. However, there are also further developments planned or approved in the wider functional clusters of both Lavenham and Long Melford that could, in conjunction with the application proposal, result in cumulative impacts.

4.42. Technical responses received from consultees to date demonstrate that the development can be accommodated within the village and that existing facilities and infrastructure (including improved provision through CIL) have the capacity to accommodate the level of development proposed. In terms of school provision and based on existing forecasts, it is confirmed that SCC will have surplus places available at the catchment schools to accommodate all of the pupils arising from this scheme. The development will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster and the proposal therefore complies with this element of CS11.

Additional CS11 Criteria for Hinterland Villages

4.43. While the above criteria are relevant to developments in both Core and Hinterland Villages, policy CS11 also provides additional criteria relevant to development in Hinterland Villages. These are considered further below.

Is well designed and appropriate in size, scale, layout and character to its setting and to the village

4.44. The size and scale of the development should be proportionate to the settlement in which it is located. According to the Council's Socio – Economic Profile (2016) for Cockfield, the village has approximately 400 houses and the proposal for 51 additional dwellings would represent an increase of 12.75% which is considered an acceptable scale of development for the village when taken as a whole. However, given the disparate spatial arrangement of the village across 4 (BUAB) settlement areas and the fact that this development is concentrated in one of those settlement areas, this increase is significantly greater in relation to the size, scale and setting of existing development within the Mackenzie/Crowbrook Place built up area boundary of the village, which comprises 28 dwellings.

4.45. The submitted layout does however, demonstrate that the site could accommodate this level of development and that it will relate to neighbouring properties and for this reason, the development is considered to be in accordance with policy CS11 on the basis that the development is well designed and appropriate in size/scale, layout and character to its setting within the village as a *whole*; notwithstanding the fact that the development is of a scale that is out of character with, and not proportionate to, existing development within the adjoining built up area boundary.

Is adjacent or well related to the existing pattern of development for that settlement

4.46. In addition, the proposal is well related to the existing pattern of development for the settlement and there are no other sequentially preferable sites which the Local Planning Authority considers is in a more favourable location, in terms of its relationship to the main part of the village and the services upon which it relies. Therefore, the proposal also complies with this part of policy CS11

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

4.47. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered elsewhere in this report. Cockfield does not have a neighbourhood plan, therefore the conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.

4.48. The proposal is to develop 51 no. new dwellings of which 35% would be affordable in the form of 12 no. affordable rented dwellings and 6 no. shared ownership/discount market sale dwellings. The development also makes provision for 5 no. first time buyer open market houses and 5 no. open market bungalows that are targeted for 'down-sizing', all of which adds to the choice and supply of housing in the district, such that the proposal can be considered to fall within the social dimension of sustainable development.

Supports local services and/or creates or expands employment opportunities

4.49. The proposal would provide new dwellings that would support the existing facilities in the village and the wider functional clusters through the generation of new occupants using those services, enhancing, and maintaining the vitality of village life. As such, the proposal meets this element of policy CS11.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

4.50. The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Summary of Assessment Against Policy CS11

4.51. For the reasons set out above, the development proposal has addressed most matters identified in Policy CS11 applicable to Hinterland Villages, with the exception of the locational context of the village, remoteness from services and facilities and the scale of development in relation to existing development within the adjoining Mackenzie/Crowbrook Place BUAB. As such, the proposal cannot be said to comply with policy CS11.

4.52. The consultation response received from BMSDC - Planning Policy advises that the proposal is considered to contravene development plan policies CS11 and Core Strategy policies 1, 15, 18, 19 and 20. It is therefore advised that the scheme should simply be considered in accordance with the NPPF and as a departure from local policy, and the proposal should be considered on its merits and in accordance with other material considerations. In this regard the application has been publicised as a 'departure' i.e. an application that does not accord with the provisions of the Development Plan.

4.53. Consequently, and whilst the above assessment of the proposal against policy CS11 was both important and necessary, the proposal must also be considered in accordance with the NPPF and against other policies of the Development Plan.

5. Consideration against other development plan policies.

- 5.1. The Council cannot currently demonstrate a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. As a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
- 5.2. Similarly, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that whilst this policy can be afforded weight, the amount of weight that can be afforded is limited.
- 5.3. Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
- 5.4. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
- 5.6. As a Hinterland Village, Cockfield is recognised as providing limited service and facilities for its own residents and is dependent on the nearby Core villages of Lavenham and Long Melford to meet many of its everyday needs. However, Cockfield is served by a range of facilities including a primary school, the Village Hall, Church, public house, and Post Office.
- 5.7. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Cockfield benefits from a regular (hourly) bus service between Colchester, Lavenham, Long Melford, Sudbury and Bury St Edmunds and from which onward connections to destinations by rail. Future residents will therefore, have access to a number of public transport connections that provide the choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

- 5.8. It is acknowledged however, that there will be a high proportion of car travel from Cockfield, as people travel out of the village to work, however it is also important to take into consideration both the provision of and accessibility of public transport in Cockfield as discussed, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation (criterion xviii of CS15). Consequently, it is likely that anyone living in the homes would be heavily reliant upon car journeys to access local services. This would be contrary to Paragraph 17 of the NPPF which supports the transition to a low carbon future; seeks to reduce pollution; and says that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling Design and Layout. Moderate weight can be attached to this harm as the Framework recognises that the opportunities to maximise sustainable transport will vary from urban to rural areas.
- 5.9. It is considered that the development proposed will enhance the vitality of the existing community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Cockfield, underpinning social capacity, providing affordable housing and widening the housing mix overall.
- 5.10. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services and green infrastructure (criteria xviii, iv and ix of CS15). The following issues are also noted in respect of other criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development includes smaller and single storey properties that would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - The proposal will deliver a mix of dwelling sizes, including those suitable for older people (criterion vi of CS15)
 - The application incorporates a SUDs mean of drainage. The development will meet the relevant sustainable design and construction standards (criterion viii of CS15).
 - The proposal creates open spaces that connects with an existing public footpath providing community benefits, for the occupiers of the site and for the wider community in general.
 - Surface water run-off from the development will be conveyed to an attenuation pond/storage feature within the landscape (criterion xii of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
- 5.11. Environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

6. Surface Water Drainage

- 6.1. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. The applicant has provided additional information to demonstrate evidence of a viable surface water drainage strategy for the proposed development and this is currently under scrutiny by SCC – Floods and Water Management Team, until such time as SCC removes its holding objection, the application proposal has not complied with the requirements of both policy CS15 and the NPPF. As such, the recommendation on this proposal reflects the need

for the applicant to satisfy the Local Lead Flood Authority on the viability of a drainage scheme on this site.

7. Site Access, Parking and Highway Safety Considerations

- 7.1. The development has facilitated the extension of the 40mph speed limit to the north along the A1141 (subject to a Traffic Regulation Order) and improved visibility across the site and neighbouring land. The layout of the proposed estate road, together with the pavements will be designed to adoptable standards, which will be subject to formal agreement with the Highway Authority in due course.
- 7.2. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of saved policy TP15.
- 7.3. Highways England offers no objection to the development. The Local Highway Authority is satisfied that the development, subject to conditions, is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

8. Biodiversity and Protected Species

- 8.1. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
- 8.2. The application has been considered by the Council's appointed ecologist and the submitted Preliminary Ecological Appraisal demonstrates that the development will not result in any damage or loss of protected species or habitats and, with the inclusion of appropriate conditions, it is considered that this matter has been addressed satisfactorily.

9. Loss of Agricultural Land

- 9.1. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
- 9.2. Natural England advises that the best and most versatile agricultural land should be protected, and the agricultural land within the application site is classified as Grade 3 using the Agricultural Land Classification (ALC) data. The Core Strategy makes no direct reference to the loss of agricultural land, so the application must be primarily assessed against the test in the NPPF. In the context of the test set out within the NPPF, the development is not considered to be 'significant' so the test is not enacted.
- 9.3. As such, this issue does not weigh against the development.

10. Land Contamination

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

11. Design and Layout and Impact on Residential Amenity

- 11.1. Delivering quality urban design is a core aim of the NPPF stating, in Paragraph 56, that good design is a key aspect of sustainable development and indivisible from good planning and in Paragraph 64 it states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions. Saved policy CN01 of the Babergh Local Plan requires that “All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location” and sets out criteria as to how this should be achieved.
- 11.2. One of the core principles as set out in Paragraph 17 of the NPPF is that planning should always seek to secure high quality design and good standards of amenity for all existing occupants of land and building. Saved policy HS28 of the Babergh Local Plan states that applications for infilling or groups of dwellings will be refused where ‘the site should remain undeveloped as an important feature in visual or environmental terms and seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 11.3. The proposal has been designed to incorporate a range of house types across the site. Construction materials reflect the local palette, including slate and pantiled roofs, red and buff/white brick and traditionally coloured render. The scheme includes a mix of single storey properties, and two storey detached, semi-detached and terrace dwellings adding visual interest and enhanced permeability through the site.
- 11.4. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. It is considered that the proposal does not give rise to concerns of loss of neighbour amenity by reason of its form and design, given the degree of separation of existing adjoining property to the boundary and the arrangement of space and built form at Mackenzie Place and Mill Farm.
- 11.5. The properties each have reasonably sized private amenity space and the density or development is considered appropriate for the rural location. Off street parking is provided in accordance with SCC Guidance for Parking and includes provision for visitor parking within the development. The scheme also includes community open spaces for public access and green infrastructure.
- 11.6. It is considered the overall design and layout of the scheme is acceptable and complies with policy CN01.

12. Planning Obligations / CIL

- 12.1. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries. The improvement to the existing bus stops on Lavenham Road would also be bid for via CIL as would the improvements to Healthcare provision required by NHS England.
- 12.2. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report. SCC Highways have asked that the funding required for bus stop improvements be secured via a s106 agreement however, Officers have been advised that this falls within the definition of provision of passenger transport on the Babergh Regulation 123 list and should be delivered by CIL.

12.3. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

13. Crime and Disorder

13.1 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

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

14.1 Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

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

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

16. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

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

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

17. Planning Balance

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

17.2. 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.

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

17.4. 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”.

17.5. 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

17.6. As set out at paragraph 21 above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

- 17.7. 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.
- 17.8. 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, those specific policies which may indicate that development should be refused and none are relevant to this proposal.
- 17.9. In terms of benefits in accordance with the three dimensions of sustainable development set out in the NPPF, the proposal would give rise to social and economic benefits. There would be social benefits resulting from the mix of housing proposed enhancing the vitality of the existing community and economic benefits both while the houses were being constructed and resulting from future residents using local facilities contributing to the local and wider economy. The economic benefits from construction would however, be temporary. With regard to environmental impact the scheme, subject to the recommended conditions, is judged not to have an adverse impact on landscape character of the area and would bring benefits in terms of greater access to an area of community open space.
- 17.10. In this instance, the public benefits of the proposal is the delivery of 51 dwellings that are of an appropriate housing mix, including the delivery of 18 affordable homes. In the wider context the applicant contends that;
- The site is well connected to the village heart via a footpath link
 - The site is well served by existing public transport
 - The scheme is well designed and appropriate in scale, layout and character
 - The site is deemed to be a sustainable location
 - The design takes into consideration environmental impact and energy efficiency to reduce its footprint within the landscape
 - The scheme has developed as a result of a variety of public and planning consultations
 - Parking provision exceeds the minimum criteria set out by the Highway Authority as a result of consultation and site location.
 - The proposals are strongly supported by and indeed driven by the Parish Council
- 17.11. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a significant contribution to the Council's housing land supply.
- 17.12. Further, and in any event, as the Council does not have a five year housing land supply, it is considered therefore that limited weight should be attached to policies CS2, CS11 and CS15. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving "exceptional circumstances" or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
- 17.13. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report.

- 17.14. The NPPF sets out the presumption in favour of sustainable development. This is a scheme developed with the intention of addressing housing requirements in accordance with NPPF and Core Strategy objectives (including affordable requirements). It has been developed with community engagement and input. The principle of the development therefore meets a number of policy objectives.
- 17.15. Overall there is support for the principle of the proposed development as an exception to planning policy.
- 17.16. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

RECOMMENDATION

That, subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms;

- Affordable Housing

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

- Commencement within 3 years (Full)
- Submission of reserved matters (Outline)
- Development to be implemented in accordance with submitted details
- As recommended by the LHA
- As recommended by SCC Flood and Water Management
- Sustainability
- All external lighting, including any street lighting, to be approved
- Fire hydrants to be provided
- Hard and soft landscaping to be submitted and agreed
- Boundary enclosure details to be submitted and agreed
- Levels to be submitted and agreed
- Tree and hedgerow protection fencing to be installed with details to be approved
- Implementation of mitigation and enhancement measures identified in the Preliminary Ecological Appraisal
- Provision and management of public open space including boundary hedge to the east and south
- Construction Management Plan
- Provision of open space
- Maintenance of open space
- Details of Materials




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Application No: DC/17/05332




Parish: Cockfield



Location: Land To The North West Of Mackenzie Place

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 7b

Committee Report

Item No: 2

Reference: DC/17/06289

Case Officer: Gemma Pannell

Ward: Lower Brett

Ward Member/s: Cllr John Ward

Description of Development

Erection of 24 dwellings including eight affordable houses, vehicular access, garaging, parking and open space.

Location

Land east of St Georges Field, The Street, Raydon

Parish: Raydon

Site Area: 1.61ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 22/12/17

Expiry Date: 06/02/18

Application Type: Full Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Landex

Agent: Wincer Kievenaar Architects Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

History

On 30 August 2017 the Planning Committee resolved to grant outline planning permission B/16/01630 for up to 21 dwellings (all matters reserved except access). A reserved matters application has not been received to date.

All Policies Identified as Relevant

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

Summary of Policies

NPPF National Planning Policy Framework

Babergh Core Strategy 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes
- CS21 Infrastructure Provision

Babergh Local Plan Alteration No.2 (2006)

- HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Supplementary Planning Documents

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

List of Other Relevant Legislation

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

Previous Committee / Resolutions and Any Member Site Visit

On 30 August 2017 Planning Committee resolved to grant outline planning permission B/16/01630 for up to 21 dwellings. Officers recommended refusal based on sustainability grounds.

Pre-Application Advice

Pre-application advice was given on the merits of the scheme having regard to policy CS11 and the Committee decision of 30 August 2017.

Consultations and Representations

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

A: Summary of Consultations

Raydon Parish Council

Concerns raised regarding: land outside village envelope; dangerous bend lacking visibility; environmental impact including drainage; lack of infrastructure; inappropriate car parking adjacent B1070; new access may cut off dew pond and change drainage on King George's Field.

County Highway Authority

No objection – subject to standard highways conditions.

Anglian Water

No objections

Place Services (Ecology)

No objection subject to conditions to secure:

- a) A proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar.
- b) Ecological mitigation and enhancements

Suffolk Wildlife Trust

We note the consultant has recommended a sympathetic lighting scheme. It is important that all retained and new habitat features are not impacted on by light spill from external lighting and that dark corridors are retained around the site for foraging and commuting bats. We recommend that Suffolk County Council's street lighting strategy is used as a basis for street lighting layout and design, alongside the recommendations made in the ecological survey report.

We would recommend that the existing species rich hedgerows do not form part of the residential curtilages, as this could lead to a decrease in their biodiversity value over time.

Also, although no evidence of badger was found on the application site during the ecological survey, they are known to be present in the immediate vicinity of the site (further information available from Suffolk Biodiversity Information Service (SBIS)) and their presence on site cannot be ruled out in the future. Badgers can rapidly colonise new areas and therefore a further walkover survey to confirm their absence should be undertaken immediately prior to any works commencing. If any evidence is found at any time, further advice should be sought from a suitably qualified ecologist.

We note that the site lies within the area covered by the emerging Recreation Disturbance Avoidance Mitigation Strategy (RAMS), further consideration must therefore be given to the need for Habitat Regulations Assessment (HRA) of the proposed development under the Conservation of Habitats and Species Regulations 2017 and the requirement for the proposed development to contribute to this strategy.

We request that the recommendations made within the report and this letter are implemented in full, via a condition of planning consent, should permission be granted.

Natural England

Mitigation required through Suffolk RAMS contribution.

SCC S106 Obligations

This development site lies within the high value zone for BDC CIL Charging and would be subject to CIL at a rate of £115m² (subject to indexation). The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended).

SCC Strategic Development

No objection – sets out detailed requirements for CIL bid.

SCC Fire and Rescue

No objection.

Environmental Health - Land Contamination Issues

No objections.

Environmental Health – Other

I can confirm with respect to noise and other environmental health issues that I do not have any adverse comments and no objection to the proposed development.

Due to the nature of construction sites, however, and the impact on amenity of nearby noise sensitive premises for a long period of time, I would recommend that a condition limiting the operating hours of the construction phase of the development to 08.00 – 18.00 hours Monday – Friday and 0800 – 13.00 hours Saturdays, with no work to take place on Sundays or Bank Holidays.

I also note that a brochure for the ‘Valliante’ air source heat pump (ASHP) has been submitted with the application though no external equipment/condenser units are shown on any plans. This may be ‘exempt’ development but if not you may wish to advise the applicant that such equipment may require an noise impact assessment depending on the size of the ASHP, its sound power level, the location and proximity of any noise sensitive neighbouring premises.

SCC Archaeology

All archaeological conditions have been met under the previous planning application. No archaeological conditions recommended.

Place Services (Landscape)

No objection subject to recommended conditions regarding increased boundary planting, hard surface landscaping details, and detailed landscape maintenance plan.

The Landscape Appraisal submitted is thorough and includes justification that the additional number of three proposed houses will have little effect and no significant impact on the wider development site.

Overall, the Landscape Appraisal identifies that any potential impact on landscape can be mitigated within the proposed development. The viewpoints identify key views into the site and have been protected by the proposed planting strategy to mitigate against any adverse effects which will reduce visual impacts from all views to ‘low’ or ‘negligible’, this will be in full effect up to and after a 15 year period. There are no adverse visual impacts on the Listed Buildings within 500m of the site as there are no views inward from these locations.

There is existing mature planting in place along all site boundaries, with the eastern boundary being the most exposed and in need of reestablishment. All boundaries have been reinforced by further hedge and tree planting. The north western boundary benefits from mature, dense hedge and tree planting providing an adequate screen between the proposed residential development and the existing playing field.

SCC Flood Officer – No objection subject to conditions

Sustainability Officer

Sustainability Statement inadequate.

Arboricultural Officer

No objections subject to works carried out in accordance with Arboriculture Report recommendations.

B: Representations

One objection received objecting on following grounds: development closer to property than previous application; layout does not take account of drainage easement; viability of the proposal noting less than required affordable housing provision.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site sits outside of the acknowledged settlement boundaries for Raydon as identified within the village proposals maps in the Babergh Local Plan.
- 1.2. The site is currently agricultural land. Sporadic residential development is located to the south and west of the application site. A recreational ground is located to the north west of the site, known as St Georges Field. The village of Raydon is located further to the north west of the site.

2. The Proposal

- 2.1. Full planning permission is sought for the erection of 24 dwellings. The Design and Access statement states that 35% of the dwellings, a total of eight units, are to be affordable housing.
- 2.2. The proposed mix of dwellings is as follows:
 - 3 x 1 bedroom dwellings
 - 9 x 2 bedroom dwellings
 - 10 x 3 bedroom dwellings
 - 2 x 4 bedroom dwellings
- 2.3. The proposed mix of affordable housing is as follows:
 - 3 x 1 bedroom dwelling
 - 3 x 2 bedroom dwellings
 - 2 x 3 bedroom dwellings
- 2.4. Of the 24 dwellings 11 are proposed to be bungalows, comprising 45% of the development. The remainder of the dwellings are two storeys. The development comprises three rows of three dwellings, two pairs of attached dwellings and 10 detached dwellings. The majority of dwellings, other than affordable housing units, are served by detached single garages. The proposed housing stock is traditional in appearance, incorporating pantile clad pitched roofs and brickwork construction.

- 2.5. The proposed access is located centrally along the western boundary of the site. The access provides for visibility splays of 2.4m x 85m. The vehicle access includes proposed footways to either side.
- 2.6. The proposed layout comprises of dwellings located to the periphery of the site, centred around an approximate 1200sqm public open space area. An existing public right of way runs along the western and northern perimeter of the site, located outside the site boundary. A swale is proposed to the north eastern corner of the site.
- 2.7. Landscaping is proposed to the central public green open space, property frontages and to the site boundaries.

3. Housing Land Supply

- 3.1. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 3.2. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 3.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 3.4. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'

- 3.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
- 3.6. 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
- 3.7. 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 wellbeing; 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.
- 3.8. 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 five year land supply.

4. Principle of Development

- 4.1. The subject site already benefits from outline planning permission, granted in 2017, for development of up to 21 dwellings. This is a significant material consideration and afforded significant statutory weight.
- 4.2. In light of the 21 dwelling outline approval referred above, the principle of developing the site for residential purposes must be accepted.
- 4.3. For the purposes of assessing the merits of this application, the focus is on the acceptability of the three additional dwellings. Put another way, it has already been determined through the approval of the previous application that a 21 dwelling development at the subject location represents sustainable development. Therefore, the assessment focus for this application is determining whether an intensification of that development, through the introduction of three additional dwellings, continues to represent sustainable development.
- 4.4. The three dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

5. Economic Dimension

- 5.1. Like the approved 21 dwelling development, 24 dwellings will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy, furthering the economic dimension of sustainable development.

6. Social Dimension

- 6.1. In respect to the provision of new housing, the development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of 24 additional dwellings, eight of which would be much needed affordable dwellings.

7. Environmental Dimension

Access to Services and Facilities

- 7.1. Residents of the proposed three additional dwellings will be dependent upon the same local services and facilities on offer in the area as the residents of the approved 21 dwelling development. There will be a level of car dependency owing to the limited extent of nearby services in Raydon. However, the additional number of vehicle trips generated by the additional three dwellings, in the context of the trips to be generated by the already approved development, are very modest. It is concluded that the environmental harm that results from the three additional dwellings will not be substantial.
- 7.2. As noted in the officer's report in assessing the previous outline application, it is important to take into consideration the provision of, and accessibility of, public transport in Raydon, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
- 7.3. It is concluded that, in the context of the 21 dwelling outline approval, the environmental harm that results from the three additional dwellings will be less than minor.

Impact on the Landscape

- 7.4. Saved Policies CS11 and CS15 require development proposals to protect the landscape of the district. Policy CS11 requires new development to be well designed and appropriate in size/scale, layout and character to its setting and village, and to be sited adjacent or well related to the existing pattern of development for that settlement.
- 7.5. Paragraph 109 of the NPPF states 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.
- 7.6. The landscape of the proposal site is not designated in any way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty. In addition, the site is not a locally designated Special Landscape Area.
- 7.7. The proposal site comprises open agricultural land. Any introduction of housing will therefore change local character. The character change brought about by the implementation of the 21 dwelling outline approval will not be insignificant. This however is the 'permitted baseline' in terms of the character assessment. In other words, the site must be considered as it would present if the 21 dwelling approval was implemented. Or put another way, an environment exhibiting conventional residential characteristics.

- 7.8 Council's Landscape Consultant has reviewed the submitted Landscape Appraisal and agrees with its principal conclusion, that is, that the additional three dwellings will have little effect and no significant impact on the wider development site. In respect to mitigation, the Consultant observes: (a) there is existing mature planting in place along all site boundaries, with the eastern boundary being the most exposed and in need of reestablishment; (b) all boundaries have been reinforced by further hedge and tree planting; (c) the north western boundary benefits from mature, dense hedge and tree planting providing an adequate screen between the proposed residential development and the existing playing field.
- 7.9 The submitted landscaping scheme reflects the characteristics of the area, with proposed planting building upon the existing boundary vegetation, providing wildlife corridors, consistent with saved Policy CR07.

Impact on the Character and Appearance of the Area

- 7.10 Saved Policy CN01 states that development proposals will be required to be of appropriate scale, form, detailed design and construction materials.
- 7.11 Policy CN01 requires particular attention to be paid to:
- the scale, form and nature of adjacent development and the environment surrounding the site;
 - the materials forming the external elevations and roofs of the buildings;
 - retaining and incorporating local features, both natural and built;
 - existing and proposed hard and soft landscaping;
 - creating interesting and attractive public and private spaces in and around the development; and
 - the content of any adopted Village Design Statements.
- 7.12 Saved Policy CS15 states that development should, amongst other matters, make a positive contribution to the local character, shape and scale of the area. Criteria x of Policy CS15 states that development should create green spaces to provide opportunities for exercise and increase connectivity of biodiversity.
- 7.13 Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 7.14 The proposed layout has been carefully considered, with dwellings set around a centrally located public green open space. Separation distances between detached dwellings are generous. Garaging is, in the main, set back from street frontages. Almost half of the development comprises bungalows, limiting building scale, reducing visual prominence and generally assimilating with nearby development. Varied building scale offers visual interest and a pleasing built form outcome.
- 7.15 The layout is conventional in form and the design detail is traditional. The central positioning of the public open space promotes passive surveillance and is welcomed. The open space also offers a sense of visual relief and sense of openness, pleasing character features.
- 7.16 The proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development.

Impact on Heritage Assets

- 7.17 Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.

- 7.18 Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 7.19 Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.20 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.21 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 7.22. The site is not located adjacent to or nearby any designated heritage buildings or Conservation Area. The proposal does not promote negative heritage outcomes, consistent with Policy CS11 and CS15.

Residential Amenity

- 7.23 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.24 The proposed layout demonstrates that careful attention to detail has been applied to the siting of all dwellings to ensure there is no unacceptable loss of amenity for future occupiers of the proposed dwellings.
- 7.25 Residents of the neighbouring southern dwelling, Densal Westies, have raised concerns regarding residential amenity values given the dwellings are closer to their northern boundary than shown on the indicative layout that formed part of the previous outline approval.
- 7.26 Whilst the neighbouring resident's concerns are noted, the separation distance between the neighbouring dwelling and the proposed dwellings is such that amenity impacts are mitigated to an acceptable level. It is noted that the dwelling opposite the rear garden of the neighbouring dwelling at Densal Westies is a proposed bungalow, thereby avoiding any potential overlooking or visual bulk concerns. Proposed garaging is located near the shared boundary, however these are traditional in design, with pitched roofs, and are sited perpendicular to the neighbour's property, reducing visual prominence. Moreover, existing boundary vegetation between the properties helps screen the development and mitigate visual impact. The existing domestic sheds along the northern boundary of Densal Westies further mitigates adverse visual impacts.
- 7.27 Officers conclude that the development safeguards the residential amenity of the neighbouring properties. The development is consistent with the thrust of Paragraph 17 of the NPPF. A planning condition is recommended to control construction operating hours. A note is proposed regarding heating/cooling equipment and the potential need for noise impact assessments.

Highway Safety

- 7.28 Saved Policy TP15 of the Local Plan seeks to ensure parking provision for new development complies with the Parking Standards. The proposed scheme provides on-site car parking provision in accordance with the Parking Standards and therefore accords with saved Policy TP15.

- 7.29 The Local Highway Authority raises no objection to the proposal subject to standard highways conditions. Highway safety is adequately safeguarded.
- 7.30 Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 7.31 The impact of the additional vehicle movements generated by the scheme on the local road network will not be severe. The capacity of the network at this location is at a level that it can readily absorb the anticipated increase in vehicle movements without causing unacceptable congestion. The proposal is not in conflict with Paragraph 32 of the NPPF.

Public Right of Way

- 7.32 Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.
- 7.33 The development proposes no change to the public right of way that extends along the western and northern site boundaries. There will be no 'stopping up' or diversion of the footpath.
- 7.34 If anything, the proposal will enhance pedestrian connectivity of the network of rural paths.

Land Contamination

- 7.35 The application is supported by a Phase 1 Contaminated Land Survey. The Council's Environmental Protection Team has reviewed the information and raises no objection to the proposal.

Trees

- 7.36 The site does not contain any trees of significance. As noted elsewhere in this report, landscaping and planting is proposed to mitigate the landscape impact of the development. The landscape character outcome is one supported by saved Policy CR07.

Biodiversity

- 7.37 Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.
- 7.38 Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 7.39 Council's Ecology Consultant agrees with the supporting Ecology Report and recommends conditions regarding Ramsar financial contributions and ecological mitigation and enhancements. These requirements are readily addressed by planning condition.

Loss of Agricultural Land

- 7.40 Paragraph 112 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
- 7.41 The site can be developed for residential purposes through the implementation of the previous outline approval. The loss of agricultural land is not an issue of significance.

Waste Management

- 7.42 Centrally located refuse storage collection areas are provided in a manner that are convenient and accessible for dustcarts. The proposal raises no waste management issues of significance.

Surface Water Drainage

- 7.43 Criteria xi and xii of saved Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
- 7.44 The SCC Flood Officer has confirmed they have no objection to the proposed SUDs scheme.

8. Planning Obligations / CIL

- 8.1 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.
- 8.2 The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
- 8.3 The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, as well as a management plan for the principal public open space.

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

- 9.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL
- 9.2 These are not material to the planning decision.

PART FOUR – CONCLUSION

10. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015

- 10.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 10.2 In this case the planning authority engaged at the pre-application stage of the application process, providing direction and advice regarding the merits of the preliminary proposal and application information requirements.

11. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

- 11.1. There are no known legal implications derived from the determination of this application.

12. Planning Balance

- 12.1. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).
- 12.2. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 12.3. Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.
- 12.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 12.5. The extant outline approval for 21 dwellings, granted in August 2017, is a significant material consideration afforded significant statutory weight. The additional three dwellings proposed by the current application would give rise to a less than minor increase in environmental harm, such that it does not outweigh the benefits of the development, including the benefit in helping to meet the current housing shortfall in the district. The current proposal represents sustainable development and should be granted in accordance with the presumption in favour of sustainable development.
- 12.6. The application is therefore recommended for approval.

RECOMMENDATION

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager- Growth and Sustainable Planning to secure:
 - Secure 35% Affordable units including mix and tenure
 - Ecological Mitigation (RAMS)
- (2) That the Corporate Manager- Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:
 - Standard time limit
 - Accord with approved plans
 - As recommended by Highways
 - As recommended by SCC Floods
 - Unexpected contamination
 - Fire hydrant provision details
 - Details of provision, future management, and maintenance of public open space
 - Sustainable efficiency measures
 - Secure mitigation and ecology enhancement measures
 - Lighting scheme – biodiversity
 - Construction Management Plan
 - Construction hours
 - Implementation of landscaping scheme
 - Withdrawal PD rights

- 3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Corporate Manager- Growth and Sustainable Planning be authorised to refuse planning permission for reason(s) including:-




Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.

Application No: DC/17/06289




Parish: Raydon



Location: Land East Of King Georges Field, The Street

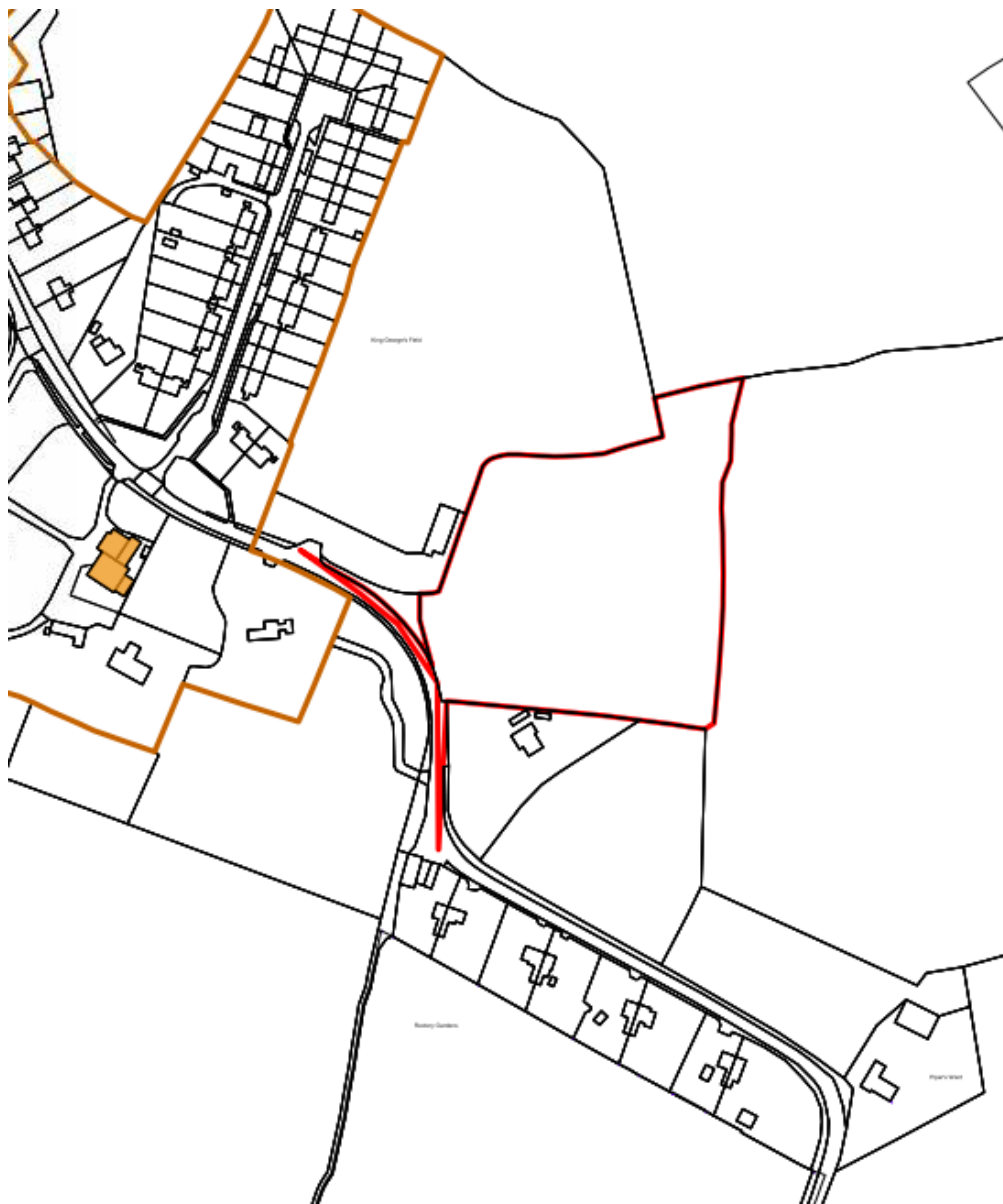
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL
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Agenda Item 7c

Committee Report

Item No: 3

Reference: B/16/00928

Case Officer: Elizabeth Flood

Ward: Nayland.

Ward Member/s: Cllr Melanie Barrett.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Construction of 18 hole golf course, together with a new nine hole par 3 course, short game area; Relocation of 1 no. halfway hut and construction of 1 no. new halfway hut, new car park; 3 no. new tennis courts and a children's golf activity area.

Location

Stoke By Nayland Golf Club, Keepers Lane, Stoke By Nayland, Colchester CO6 4PZ

Parish: Stoke By Nayland

Expiry Date: 05/05/2017

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale - All Other

Applicant: Stoke by Nayland Club Limited

Agent: Weller Designs

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The location, scale and nature of the application.

Details of Previous Committee / Resolutions and any member site visit

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The following policies are especially applicable to the determination of this application:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development

CS15 - Implementing Sustainable Development

CS17 - The Rural Economy

RE07 - Large Scale Recreation

CR02 - AONB Landscape

Consultations and Representations

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

A: Summary of Consultations

Stoke by Nayland Parish Council - Does not object to the proposals in principal but have some concerns. As a major development in the AONB, NPPF states that planning permission should be refused except in exceptional circumstances. The current application makes the case for being a national centre and is particularly strong on ecology, however would like to see more detailed information on the public benefit of the scheme and see improvements to the public footpath network. The travel plan is inadequate and makes to attempt to quantify the impact. There is insufficient information about job creation. Therefore the applications have not yet made a strong enough case for public benefit.

Leavenheath Parish Council: No objections

Arboricultural Officer:

7th Dec 2017. Subsequent comment: I am now satisfied that the tree loss proposed as part of this application is unlikely to have a significant impact on the local area or upon the wider landscape, the trees affected being either of limited amenity value or long-term viability. The protection measures for the retained trees are acceptable in principle. Require a condition relating to tree protection areas.

SCC Flood Officer: No objection subject to conditions

Natural England:

2nd August 2016. Statutory nature conservation sites - no objection. Protected landscapes – used national and local policies and local landscape expertise and information to determine the proposal.

Ecology Consultant:

21st September 2016. Interim comments – require additional information, Phase 1 habitat survey should be extended to cover whole of site.

Ecological report does not include Dormouse, further investigation and evaluation is required for this species. Timings of bird surveys do not confirm with Suffolk biodiversity validation checklist. In order not to delay the progress of the application, suggest following a precautionary approach and provide 2 skylark plots to be established within a cereal rotation.

Landscape Consultant:

15th September 2016. The LVIA should be reviewed and updated in the light of the report Dedham Vale AONB Natural Beauty and Special Qualities and Perceived and Anticipated Risks. The general landscape and visual issues may be adequately controlled by condition, but it would be helpful to understand the phasing of construction. Require conditions relating to soft and hard landscaping and lighting schemes.

Tourism Officer:

28th July 2016. Confirm support for the application. The current visitor destination plan emphasises the need to encourage more overnight stays, and for visitors to come all year round. This development already plays a key role in meeting our Tourism objectives, plans to expand the offer provided at the club will enhance the economic impact that Tourism brings to the District. It is a very important source of local employment for a large number of people, across a diverse range of employment opportunities. There is clearly a wider economic benefit to the local area through the supply chain for suppliers and services required to operate this large business.

The addition of facilities which are available to children and people with disabilities is also welcomed, and will help address the health and wellbeing agenda. Overall the development will provide significant economic benefits to the area, and allow the business to develop and expand and secure its future within the Babergh district.

Environmental Protection – Other issues: Concerns centred around noise and light pollution, both during construction as well as normal play at the proposed course. Recommend conditions relating to construction. Assume that course will not be illuminated, but if it is then need to include a lighting assessment. Proposed car park is to be illuminated by low level bollard lighting, no objection to this.

Noise from players may be audible at some nearby properties, do not think this will be at a significant level unlikely to result insignificant loss of amenity. May wish to limit the hours of operation for the golf course.

Suffolk County Council – Highways

12th August 2016.

Recommend conditions relating to signage during construction phase and surface cleansing.

13th September 2016.

Whist initial response highlighted appropriate conditions, there are additional measures that require addressing. Lack of footway provision linking the B1068 to the B8526 could be overcome by the implementation of a footpath on the existing wide verge. Methods of mitigation need to be submitted regarding how this development is going to work in conjunction with major events, as there are concerns of the highway network being over a safe capacity. The design and access statement offers little indication to vehicle movement figures for the construction phase of the development.

Suffolk County Council – Public Rights of Way

12th August 2016.

The proposal as submitted would have a direct impact on public rights of way; a number of routes will be obstructed by the proposed golf course, therefore objects to the proposal as submitted. To enable the development to go ahead, public rights of way within the development area will require diverting.

Environment Agency: A number of old apple trees in existing un-productive orchards are to be grubbed up. Old fruit trees are known to support some of the richest insect communities, therefore suggest that some of these are used to create stag beetle hotels. Request a condition to require a Landscape Management Plan to be agreed to ensure that the new habitat is managed in such a way to protect and enhance the ecological value of the site.

Site lies in Flood Zone's 1, 2 & 3 and proposal is considered to be water compatible/less vulnerable development. FRA provided includes information necessary. There are likely to be some land areas lying close to the main river that have a medium to high risk of flooding.

Archaeology - Insufficient information to determine the application, should provide a field evaluation to assess the potential for below ground heritage assets before the determination of a planning application. In addition there is a need for a geophysical survey and a trial trenched evaluation of 1% of the area to be affected by development. Provides comments on the Desk-based assessment.

The Dedham Vale Society - Considers in terms of visual impact on the AONB the detailed plans are unobjectionable. However this major project will have an impact on the tranquillity of the AONB. The large increase in customers using the greatly expanded facilities will have a long term detrimental effect on the overall tranquillity of the area. Not convinced that the case has been convincingly made out that the benefits of this major project are sufficient to override all other considerations.

B: Representations

Two letters providing comment and two letters of objections were received from neighbouring properties were received:

- Loss of light and view from intervening planting
- Need additional information relating to traffic generation
- Detrimental to neighbouring amenity due to noise from machinery and golfers
- Stray golf balls could cause hazards to neighbours and users of local footpaths
- Have not demonstrated that the benefits of the proposed development would allow an exception to the policy of not allowing major development in the AONB.
- Need to consider traffic generation in relation to other major applications in the area.
- Have not provided that there are no other alternative sites outside of the AONB.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site comprises of two 18-hole golf courses, a hotel, holiday lodges, driving range, a golf school and ancillary buildings and car park. The Stoke by Nayland Golf Course is situated off the B1068 between Leavenheath and Stoke by Nayland and is accessed via Keeper's Lane. There is a second access off the B1068 via Plough Lane which also provides access to residential dwellings. The boundary of the Dedham Vale AONB runs along Keeper's lane, approximately 2/3rds of the Golf Club is located within the AONB boundary.
- 1.2 The site is surrounded by agricultural land and Harrow Road to the North, B1066 to the East, Cock Street to the South and the A134 to the West. The nearest neighbours are Holly Farm on the B1066, Keepers Lodge and Carrs Cottage on Keepers Lane, Daltons Farm on Plough Lane and various properties on Cock Street and the A134.

2. The Proposal

- 2.1 Construction of 18-hole golf course, together with a new nine hole par 3 course, short game area; Relocation of 1 no. halfway hut and construction of 1 no. new halfway hut, new car park; 3 no. new tennis courts and a children's golf activity area.
- 2.2 The proposals also involved the alteration of the two existing 18 hole golf courses, so that after the development there will be three 18 hole golf courses of championship standard and one 3 par 9 hole golf course, all starting close to the golf club house/hotel.
- 2.3 The layout alterations on the existing Constable (18 hole) course would comprise 3 new holes to the east of the clubhouse on an area which currently an arable field (within the AONB). The layout alternations on the existing Gainsborough (18 hole) course would involve retaining 9 holes of the existing course and provide 2 additional holes to the North and 7 holes to East the existing site (both outside of the AONB) between the current site and the A134, on land currently occupied by arable fields. The new golf course would reoccupy some of the holes from the existing golf courses and extend to the south of Plough Lane, an area partly used for commercial apple growing (outside the AONB).
- 2.4 The 9-hole par 3 course would be located to the east of the club house (within the AONB) on agricultural land between the existing golf development and the A134. The children's golf activity area would be located to the west of the club house. This would comprise an area of grass mown to provide features. The proposed tennis courts would be located to the rear of the club house while the car park would be located between Keepers Lane and the clubhouse in an area currently used for informal overspill parking. The short hole game area would be located to the north of the new car park adjacent to Keepers Lane. While the new and relocated half way huts would be situated close to the 9 holes of the realigned Gainsborough and Constable course.
- 2.5 The site area is 93.48 hectares.

3. The Principle of Development

- 3.1 The development is classed as a Major development for planning purposes. Likewise, the scale and nature of the application leads officers to conclude that the scheme should also be considered as 'major' in light of the treatment of proposals affecting AONB as set out within the NPPF. In relation to major developments in the AONB, Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 3.2 This is echoed in the Babergh Local Plan which states in Policy CR02 that the landscape of the Dedham Vale AONB will be safeguarded through strict control of development. Unless there is a national need for a development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed.

- 3.3 Policy RE07 of the Babergh Local Plan states the large-scale recreational facilities will not be permitted except within or adjacent to the built-up areas of Sudbury, Hadleigh and Ipswich and where there is a good access to main roads and public transport.
- 3.4 In the case of the proposals at Stoke by Nayland Golf Club it is considered that there are exceptional circumstances and it is in the public interest to allow development to proceed in this instance. The development of a third 18-hole golf course plus the 9-hole golf course will allow the Golf Club to be able to cater for a greater range of golfers which will provide long-term stability for the club. By providing an additional golf course and an easier par 3 course Stoke by Nayland Golf Club will be able to provide more recreational opportunities for the local population including youth, families and disabled. It will also allow the club to develop its more prestigious events including national and international tournaments which provide positive publicity for both the club and the wider area. There will be a significant positive impact of permitting the development on the local economy: the club is a major employer within the local area providing 130 full-time equivalent jobs as well as a golf school providing educational facilities. Further development of the club will protect existing jobs and create 20 new jobs. The development of the club will also have knock-on benefits to other local businesses, while the hotel and spa provides accommodation for those who wish to stay within the AONB.
- 3.5 While it would be possible to develop two new golf courses and ancillary development elsewhere in the district outside of the AONB, this application is for expansion of an existing facility. The Stoke by Nayland Golf Club already has the ancillary facilities required i.e. the club house/ hotel. A completely new facility elsewhere would require more built development and would therefore be a much more costly scheme. Therefore it is very unlikely that it would be developed. It should also be noted that much of the area which will be subject to development is outside the boundary of the AONB.
- 3.6 The development may be considered to have a slightly detrimental impact on the landscape, although some of the areas where there will be a change of use from agriculture to golf course have been previously used for intensive fruit crops and have little landscape value. In terms of the environment, the development will increase the amount of cars accessing the site which will have a detrimental impact on the environment through noise, but this increase is not especially significant compared with the existing baseline. It is intended that any detrimental impacts on local ecology, flooding and archaeology will be fully assessed, and mitigation developed for, prior to final determination of the planning application. The development will improve the recreational facilities within the AONB for golfing and provided any footpath diversions are carefully considered the application should not be detrimental to the local right of way network.
- 3.7 In relation to policy CR02 it is not considered that the development will have a significant landscape impact and therefore the remainder of this policy is not applicable. While Policy RE07 requires large scale recreation to be located in Sudbury or Hadleigh, the Stoke by Nayland golf club is situated on an A road relatively close to Sudbury and equidistant between Ipswich and Colchester; equally, consideration must be afforded to the expansion of an existing business.

4. Site Access, Parking And Highway Safety Considerations

- 4.1. The Highway Authority has requested conditions relating to the construction period. They have also requested additional information relating to providing a verge along the B1113 and details of how major events at the club will be managed in relation to highways. These details have been requested from the applicant.

5. Design And Layout

- 5.1. The layout of the development has been influenced by land ownership and practicality. The three golf courses have all been designed to start and finish within a short walk of the club house and this has heavily influenced the layout. The golf courses have been designed to suit various levels of difficulty, as well as protect areas of landscape or ecological value. The new half-way hut has a practical design, with security shutters and will be clad in timber with a tiled roof.

6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 6.1. The new golf holes will require regrading of the land, much of the development will not be visible outside of the site due to retained or proposed landscaping. The most visible area of the development will be the new 9-hole golf course. This area has been especially designed to have a low landscape impact with minimal regrading and planting. New and existing boundary landscaping will help mitigate some of the landscape impact in this location.
- 6.2. The development will involve the loss of some Category B and C trees. The Arboricultural Officer has not objected to the loss of these trees as they have limited amenity value or long term viability.
- 6.3. There is currently a holding objection from the Council's ecologist as the applicant has not provided sufficient information relating to dormice, breeding birds and stag beetles. Additional surveys are required to ensure that these species are not detrimentally affected by the development. The applicant has requested that these are undertaken after receiving a committee resolution.

7. Flood and surface water drainage.

- 7.1. The county flood officer has confirmed that there is no objection to the application subject to conditions. The applicant has sufficiently assessed the flood risk and submitted sufficient detail on the method for managing and disposing of the surface water from the development in line with national and local guidance.

8. Archaeology

- 8.1. Further work is required including an archaeological dig of part of the site prior to the Archaeology Officer being able to confirm that the development would not be detrimental to archaeology. The applicant has requested that this work is completed after receiving a committee resolution due to the intrusive nature and cost associated with this work.

9. Heritage Issues

- 9.1. The site is not close to any listed buildings or Conservation Areas and is not considered to have an impact on any heritage assets.

10. Impact on Residential Amenity

- 10.1. The new courses and realignment of the existing courses will bring the golf courses closer to some of the neighbouring properties. Golf courses produce some noise both during maintenance (e.g. mowers) and while being played. However subject to a condition relating to hours of use it is considered that the proposal will not be so detrimental to neighbours as to warrant refusal of the application.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

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

- 12.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 12.2. In this case the application has been subject to detailed discussions with the applicant to address outstanding matters where appropriate.

13. Planning Balance

- 13.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 13.2. When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development.
- 13.3. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and a positive recommendation is given below.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth and Sustainable Planning to grant planning permission subject to resolving the outstanding issues relating to highways, ecology, surface water management and archaeology.

- (1) Following resolution of outstanding matters the Corporate Manager – Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:
- Standard time limit
 - Approved Plans
 - Tree protection measures
 - Details of lighting
 - Details of soft and hard landscaping
 - Landscape management plan
 - Details of phasing of development
 - Details of construction hours of operation, parking and delivery routes
 - Warning signage during construction

- Surface cleansing during construction
- As recommended by the Highway Authority
- As recommended by the Archaeological Officer following submission of additional data.
- As recommended by the Ecological Officer following submission of additional data.
- As recommended by the Flood and Water Officer following submission of additional data.




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Application No: B/16/00928

Parish: Stoke By Nayland



Location: Stoke By Nayland Golf Club, Keepers Lane

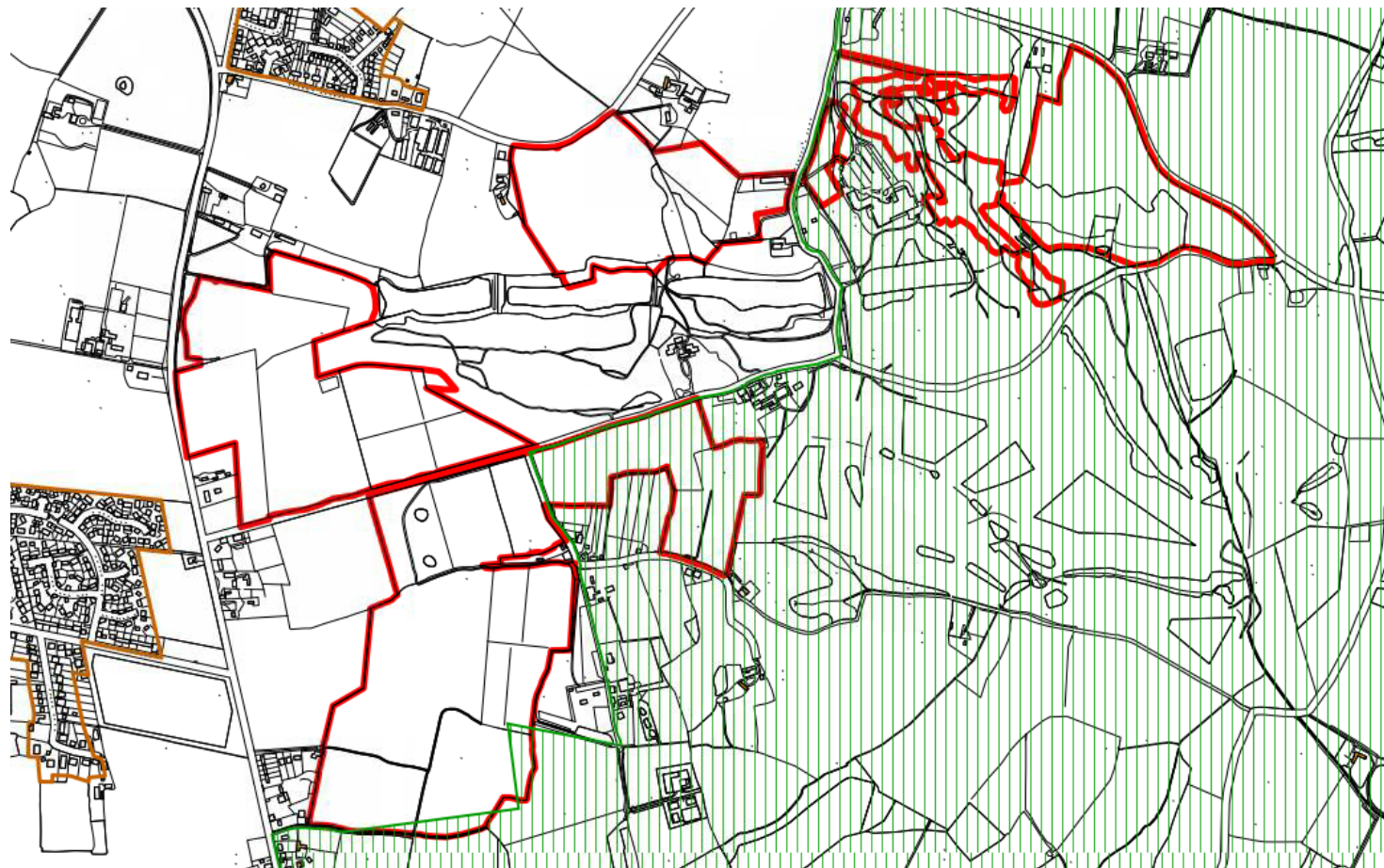
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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