

# Public Document Pack



|                   |  |
|-------------------|--|
| <b>COMMITTEE:</b> | <b>PLANNING COMMITTEE</b>  |
| <b>DATE:</b>      | <b>WEDNESDAY, 9 OCTOBER 2019<br/>9.30 AM</b>                                     |
| <b>VENUE:</b>     | <b>FRINK ROOM (ELISABETH) -<br/>ENDEAVOUR HOUSE, 8<br/>RUSSELL ROAD, IPSWICH</b> |

| <b>Members</b>   |  |  |
|--|--|--|
| <u>Conservative</u><br>Melanie Barrett<br>Peter Beer (Chair)<br>Zachary Norman<br>Adrian Osborne | <u>Independent</u><br>Sue Ayres<br>John Hinton<br>Lee Parker<br>Stephen Plumb (Vice-Chair)<br><br><u>Liberal Democrat</u><br>David Busby | <u>Labour</u><br>Alison Owen<br><br><u>Green</u><br>Leigh Jamieson |

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

## **AGENDA**

### **PART 1**

#### **MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

Page(s)

#### **1 SUBSTITUTES AND APOLOGIES**

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 DECLARATION OF INTERESTS**

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

#### **3 PL/19/12 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 2019 1 - 6**

#### **4 PL/19/14 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2019**

To Follow

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

6 **SITE INSPECTIONS**

In addition to any site inspections which the Committee may consider to be necessary, the Acting Chief Planning Officer will report on any other applications which require site inspections.

The provisional date for any site inspections is Wednesday 16 October 2019.

7 **PL/19/15 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 7 - 10

An Addendum to Paper PL/19/15 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.

a **DC/19/01973 LAND SOUTH OF SLOUGH ROAD, BRANTHAM, SUFFOLK** 11 - 50

b **DC/19/03360 FIRST AVENUE, SUDBURY, SUFFOLK, CO10 1QT** 51 - 56

**Notes:**

1. The next meeting is scheduled for Wednesday 23 October 2019 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:

[Public Speaking Arrangements](#)

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:

- 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.

### **Date and Time of next meeting**

Please note that the next meeting is scheduled for Wednesday, 23 October 2019 at 9.30 am.

### **Webcasting/ Live Streaming**

This meeting will not be webcast/ livestreamed but will be voice recorded.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01449 724930 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto: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.

### **Domestic Arrangements:**

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

### **Evacuating the building in an emergency: Information for Visitors:**

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
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.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

# Agenda Item 3

## BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 11 September 2019 – 09:30

### PRESENT:

Councillor: Peter Beer (Chair)  
Stephen Plumb (Vice-Chair)

Councillors: Sue Ayres  
John Hinton  
Mary McLaren  
Adrian Osborne  
Lee Parker  
David Busby  
Leigh Jamieson  
Zachary Norman  
Alison Owen

### Ward Member(s):

Councillors: Jan Osborne  
Alastair McCraw

### In attendance:

Officers: Acting Area Manager (JH)  
Principle Planning Officer (JW)  
Planning Lawyer (CF)  
Senior Governance Officer (HH)

### Apologies:

Mary McLaren was substituting for Melanie Barrett

### 38 DECLARATION OF INTERESTS

There were no declarations of interests.

### 39 PL/19/10 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 28 AUGUST 2019

39.1 It was resolved that the minutes of the meeting held on the 28 August 2019 were confirmed and signed as a true record.

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

None received.

### 41 SITE INSPECTIONS

41.1 The Case Officer presented Members with a request for a site visit from Councillor John Nunn and gave a short presentation regarding application DC/19/01873.

41.2 **RESOLVED**

**That Members undertake a site visit on the 18<sup>th</sup> September 2019 for application DC/19/01873 Land to the East of Sand Hill, Boxford**

41.3 The Case Officer presented Members with a request for a site visit from Councillor Bryn Hurren and gave a short presentation regarding application DC/19/03126.

41.4 **RESOLVED**

41.5 **That Members undertake a site visit the 18<sup>th</sup> September 2019 for application DC/19/03126 Land South of Tamage Road, Acton**

**42 PL/19/11 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

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/19/11 and the speakers responded to questions put to them as provided for under those arrangements.

| <u>Application No.</u> | <u>Representations from</u>   |
|------------------------|---|
| DC/19/02315            | Peter Tarry (Objector)<br>James Stott (Objector)<br>Ben Elvin (Representative for the Applicant)                                      |
| DC/19/01973            | Jan Osborne (Ward Member)<br>Sarah Keys (Brantham Parish Council)<br>Grant Stevenson (The Applicant)<br>Alastair McCraw (Ward Member) |

**It was 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/19/11 be made as follows: -**

**43 DC/19/02315 LAND SOUTH OF HIGH BANK, MELFORD ROAD, SUDBURY, SUFFOLK**

Item A

|                         |  |
|-------------------------|--|
| Application<br>Proposal | DC/19/02315<br>Full Planning Application – Erection of 5No dwellings,<br>garages and landscaping along with alterations to<br>improve existing junction with the highway |
| Site Location           | <b>SUDBURY-</b> Land South of High Bank, Melford Road,<br>Sudbury, Suffolk   |
| Applicant               | Mr P Llewelyn-Jones  |

- 43.1 The Case Officer presented Application DC/19/02315 to Members, outlining the proposal, the layout of the site and the officer recommendations to grant planning permission subject to conditions.
- 43.2 Members considered the representation from Peter Tarry, who spoke as an objector. James Stott, an objector was present to responded to questions.
- 43.3 The Objector responded to questions including: access to the site, traffic congestion, the effect on the traffic flow in relation to the development of the Mill, a grade on listed building.
- 43.4 The Case Officer informed the Committee that Suffolk Highways had not sought a traffic survey for the application.
- 43.5 Members considered the representation from Ben Elvin, who spoke as a representative for the Agent.
- 43.6 The representative for the Agent responded to questions and members were informed that provision for efficient alternative energy could be included in the conditions, that the size of the affordable houses was within the legal requirement and that landscaping would be considered when developing the access road to the site.
- 43.7 Members discussed pedestrian safety when accessing and exiting the site.
- 43.8 In response to the Members' questions the Case Officer advised that ecology was included in the conditions.
- 43.9 Members considered the representation from Councillor Jan Osborne, Ward Member for Sudbury North West.
- 43.10 Members debated the application including the activity levels and access to the grade II listed buildings, access to sustainable provision for facilities and amenities, the environmental, social, heritage and ecological objectives in relation to the NPPF.
- 43.11 Members continued to debate the application and the safety of pedestrians crossing Melford Road to reach the pavement opposite.

43.12 Councillor Peter Beer proposed that the application be approved as detailed in the officer recommendation. Councillor Lee Parker seconded the motion.

43.13 The Motion was lost.

43.14 Members debated the application and asked for legal advice on the issues debated previously.

43.15 Councillor Peter Beer, after the advice of the Legal Advisor, proposed a second Motion, which was seconded by Councillor David Busby.

**43.16 RESOLVED**

**That the application be deferred to consider alternative access to development, pedestrian connectivity and heritage harm**

**44 DC/19/01973 LAND SOUTH OF SLOUGH ROAD, BRANTHAM, SUFFOLK**

Item B

|                      |  |
|----------------------|--|
| Application Proposal | DC/19/01973<br>Outline Planning Application ( some matters reserved) –<br>Erection of residential development of up to 65 new dwellings (including minimum of 35% affordable homes, with areas of landscaping and public open space, including vehicular access, and associated infrastructure works). |
| Site Location        | <b>BRANTHAM-</b> Land South of Slough Road, Brantham, Suffolk  |
| Applicant            | Rainier Developments Limited   |

Note the meeting was adjourned between 11:03am and 11:15am.

44.1 The Case Officer presented Application DC/19/01973 to Members, outlining the proposal, the layout of the site and the officer recommendations to grant outline planning permission subject to conditions.

44.2 Members considered the representation from Sarah Keys of Brantham Parish Council, who spoke against the application.

44.3 Members questioned the representative for Brantham Parish Council including accessibility to facilities such as post office and medical provisions.

44.4 Members considered the representation from the Grant Stevenson, the Applicant.

44.5 The Applicant responded to Members questions included the need for affordable housing in Brantham.



- 44.6 Members considered the representation from Councillor Alastair McCraw the Ward Member for Brantham.
- 44.7 Members question the Ward Member including: the number of new planning applications for the village, the number of current commenced housing developments, the total number of dwellings in the village and the anticipated total number of dwellings including the Application be developed in the future.
- 44.8 Members continued to question the Ward Member in relation to school provision in relation to provision made under Section 106 and the Community Infrastructure Levy (CIL).
- 44.9 Members debated the application on issues including: the provision for school transport, the grading of the agricultural land on the site of the Application, the development in relation to planning policies, access to foot paths and the site's relation to the established settlement.
- 44.10 Members continues to debate the Application including the archaeological value of the site and pre and post archaeological investigations.
- 44.11 Councillor Peter Beer moved the proposed officer recommendations, which was not seconded by any Member.
- 44.12 The Chair then moved for a deferral which was not seconded by any Member.
- 44.13 Members debated the options for refusal of the Application and Councillor Zac Norman proposed that the Application be refused.
- 44.14 The Legal Advisor advised Members to specify the reasons for the decision for refusal of the Application and Members agreed the following reasons:
- Conflict with Core Strategy policy CS2 of development outside Built Up Area Boundaries where there were no exceptional circumstances to justify it
  - Conflict with Core Strategy Policy CS11 as there was no full local housing needs assessment submitted for the development
  - Conflict with Core Strategy policy CS15 to protect the landscape in the district due to the resultant settlement coalescence with East Bergholt
- 44.15 Councillor Lee Parker seconded the motion.
- 44.16 The Legal Advisor asked that the Committee provided reasons for the decision for refusal.
- 44.17 Councillor Stephen plumb proposed that the reasons for refusal be written based on the debate and be reported to the Committee at the next Planning Committee.

44.18 The Chair sought approval for this motion from the proposer Councillor Zac Norman, who agreed the amended motion.

**44.19 RESOLVED**

**Resolved to refuse with reasons for refusal deferred to be reported and agreed by Members at future planning committee meeting.**

The business of the meeting was concluded at 12.11 pm.

.....  
Chair



## PL/19/15

### BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

9 OCTOBER 2019

### SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

| Item | Page No. | Application No.    | Location  | Officer |
|------|----------|--------------------|---|---------|
| 7A   | 11-46    | <b>DC/19/01973</b> | <b>Land South of Slough Road,<br/>Brantham, Suffolk</b> | JW      |
| 7B   | 47-52    | <b>DC/19/03360</b> | <b>First Avenue, Sudbury, Suffolk,<br/>CO10 1QT</b>     | SS      |

Philip Isbell  
Chief Planning Officer

## 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 Acting Chief Planning Officer, 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 ACTING CHIEF PLANNING OFFICER

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**

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

This page is intentionally left blank

# Agenda Item 7a

## Committee Report

**Item 7A**

**Reference:** DC/19/01973

**Case Officer:** Jack Wilkinson

**Ward:** Brantham

**Ward Member:** Cllr Alastair McCraw

---

### Description of Development

Outline Planning Application (some matters reserved) - Erection of residential development of up to 65 new dwellings (including minimum of 35% affordable homes, with areas of landscaping and public open space, including vehicular access, and associated infrastructure works).

### Location

**Site:** Land South of Slough Road, Brantham, Suffolk

**Parish:** Brantham

**Site Area:** 2.88ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not listed

**Received:** 23.04.2019

**Expiry Date:** 28.09.2019

---

**Application Type:** Outline Planning Permission

**Development Type:** Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Rainier Developments Limited

**Agent:** Turley

---

## DOCUMENTS SUBMITTED FOR CONSIDERATION

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

- Indicative Landscape And Ecological Strategy - 11985/P13C - Received 23<sup>rd</sup> April 2019
- Proposed Vehicular Access - 18351\_001 (P7) - Received 23<sup>RD</sup> April 2019
- Site Location Plan - Ran102\_1001 B - Received 23<sup>rd</sup> April 2019
- Concept Masterplan - RAN 102\_3201G\_ - Received 23<sup>rd</sup> April 2019
- Landscape Visual Impact Assessment - 11985\_RO1B\_LVA Part 1 - Received 23<sup>rd</sup> April 2019
- Landscape Visual Impact Assessment - \_11985\_RO1B\_LVA Part 2 - Received 23<sup>rd</sup> April 2019
- Landscape Visual Impact Assessment - \_11985\_R01B\_LVA Part 3 - Received 23<sup>rd</sup> April 2019

- Landscape Visual Impact Assessment - \_\_\_\_11985\_RO3B\_SHADOW HRA\_NJ\_MM\_170419 - Received 23<sup>rd</sup> April 2019
- Agricultural Land Classification - Received 23<sup>rd</sup> April 2019
- Arboricultural Impact Assessment - Received 23<sup>rd</sup> April 2019
- Archaeological And Heritage Assessment - Received 23<sup>rd</sup> April 2019
- Prelim Ecology Report - Received 23<sup>rd</sup> April 2019
- Transport Assessment Part 1 - Received 23<sup>rd</sup> April 2019
- Transport Assessment Part 2 - Received 23<sup>rd</sup> April 2019
- Transport Assessment Part 3 - Received 23<sup>rd</sup> April 2019
- Utilities Assessment - Received 23<sup>rd</sup> April 2019
- Design And Access Statement - Received 23<sup>rd</sup> April 2019
- Sustainability Appraisal - Received 23<sup>rd</sup> April 2019
- Floods Risk Assessment And Drainage Strategy Report - Received 7<sup>th</sup> May 2019
- Shadow Habitats Regulations Assessment - Received 24<sup>th</sup> May 2019

The application, plans and documents submitted by the Applicant can be viewed online at <https://planning.baberghmidsuffolk.gov.uk/online-applications/>

---

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

---

The application is referred to committee for the following reason:

- To confirm wording around reasons for refusal, following committee resolution to refuse on 11.09.2019.

---

## **PART TWO – APPLICATION BACKGROUND**

---

### **History**

There is no planning history relevant to the determination of this application.

### **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**

#### **Development Plan Documents**

Babergh Local Plan 2011 – 2031 Core Strategy

- CS1 - Applying the presumption in favour of sustainable development
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS11 - Strategy for Development for Core and Hinterland Villages
- CS13 - Renewable/ Low Carbon Energy
- CS15 - Implementing sustainable development in Babergh



- CS18 - Mix and Type of Dwellings
- CS19 - Affordable Housing
- CN01 - Design Standards
- TP15 - Parking Standards

#### Other material documents

National Planning Policy Framework (2019)  
Suffolk Adopted Parking Standards (2015)  
Suffolk Design Guide (2000)

#### Supplementary Planning Documents

Rural Development & Core Strategy Policy CS11 SPD (2014)

#### Emerging Local Plan

Babergh & Mid Suffolk Joint Local Plan (July 2019)

#### **Previous Committee / Resolutions and Any Member Site Visit**

Officers presented the application to Members on 05.06.2019 requesting a Member Site Visit, in conjunction with other schemes within the nearby area, at the express request of Cllr McCraw. Members resolved to undertake site inspection which was carried out on 12.06.2019. Members resolved to refuse the application at Babergh Planning Committee on 11.09.2019 subject to final wording forming the reason for refusal being agreed at a subsequent committee meeting..

#### **Pre-Application Advice**

Pre-application discussions held on 12.02.2019 between the Applicant and Council Officers under reference DC/19/00311. Pre-application response provided on 28.02.2019.

#### **Consultation comments**

The comments are as previously reported to Members on 11.09.2019 with the exception of comments from the Strategic Policy Team that were not included. They are now included below for the sake of completeness:

#### **Strategic Planning Policy**

The proposal in question is significantly large for the rural location with poor access and poor rural road networks and links to accommodate for the major development proposed.

The proposal would disproportionately expand the settlement where sustainability and infrastructure is poor and such a major proposal would exacerbate the situation. Furthermore, this proposal would create coalescence between Brantham and East End, which is contrary to the direction of the emerging Joint Local Plan soon to be out for public consultation.

The strategic planning policy team have not assessed this proposal from a detailed perspective. But, given the sites rural location and visually open relationship with the wider landscape. All environmental constraints should be taken into consideration and given considerable weight in the planning balance. This should include landscape and ecology due to the designated wider AONB, designated wider special landscape area, and known protected species within the immediate area. There is also known surface water within the area that may need investigating further.

It is not clear or demonstrated how deliverable the proposal would be. The strategic planning policy team object to this proposal.

---

## **PART FOUR – CONCLUSION**

---

Following the consideration of the above application by Members at planning committee on 11.09.2019, Members raised a number of concerns regarding the proposed development. The committee report from 11.09.2019 is appended to this subsequent report (Appendix A) along with Tabled Papers that updated the position following publication of the council's housing land supply position (Appendix B).

The reasons for refusal related to the location of the development outside the built up area boundary for Brantham, the absence of a full local housing needs assessment and the coalescence of the settlements of Brantham and East Bergholt, specifically East End.

Below are the full reasons for refusal as officers understood Members concerns to be, to consider as to whether this reflected their concerns and resolve on accordingly.

### **REASONS FOR REFUSAL**

1. Policies CS2 of the Core Strategy seeks to direct new development sequentially to the towns / urban areas, and to the Core Villages and Hinterland Villages. Policy CS11 of the Core Strategy requires development to consider the landscape characteristics of the village, and also requires the identification of local housing need. Policy CS15 of the Core Strategy seeks to ensure that development respects landscape features. Furthermore, the LPA is able to demonstrate a 5 Year Housing Land Supply, thus the 'tilted balance' of Paragraph 11(d) of the NPPF is not engaged.
2. The proposal is not considered to form sustainable development by reasons of bringing the edge of the Brantham Built Up Area Boundary closer to East End leading to an unacceptable level of settlement coalescence not respecting the existing landscape feature of separation between the settlements. No exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified in the sustainability respect. Given the absence of a local housing needs survey, the scheme has not adequately demonstrated a local housing need. Furthermore, the proposal lacks demonstrable social, economic and environmental benefits, and undermines the essence of the NPPF further through no justifiable need or mitigating measures. The proposal fails to reflect Policies CS2, CS11 and CS15 of the Babergh Core Strategy (2014) and Paragraph 8 of the NPPF.

## **Committee Report**

**Item 7A**

**Reference:** DC/19/01973

**Case Officer:** Jack Wilkinson

**Ward:** Brantham

**Ward Member:** Cllr Alastair McCraw

---

### **Description of Development**

Outline Planning Application (some matters reserved) - Erection of residential development of up to 65 new dwellings (including minimum of 35% affordable homes, with areas of landscaping and public open space, including vehicular access, and associated infrastructure works).

### **Location**

**Site:** Land South of Slough Road, Brantham, Suffolk

**Parish:** Brantham

**Site Area:** 2.88ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not listed

**Received:** 23.04.2019

**Expiry Date:** 28.09.2019

---

**Application Type:** Outline Planning Permission

**Development Type:** Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Rainier Developments Limited

**Agent:** Turley

---

## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

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

- Indicative Landscape And Ecological Strategy - 11985/P13C - Received 23<sup>rd</sup> April 2019
- Proposed Vehicular Access - 18351\_001 (P7) - Received 23<sup>RD</sup> April 2019
- Site Location Plan - Ran102\_1001 B - Received 23<sup>rd</sup> April 2019
- Concept Masterplan - RAN 102\_3201G\_ - Received 23<sup>rd</sup> April 2019
- Landscape Visual Impact Assessment - 11985\_RO1B\_LVA Part 1 - Received 23<sup>rd</sup> April 2019
- Landscape Visual Impact Assessment - \_11985\_RO1B\_LVA Part 2 - Received 23<sup>rd</sup> April 2019
- Landscape Visual Impact Assessment - \_11985\_R01B\_LVA Part 3 - Received 23<sup>rd</sup> April 2019

- Landscape Visual Impact Assessment - \_\_\_\_11985\_RO3B\_SHADOW HRA\_NJ\_MM\_170419 - Received 23<sup>rd</sup> April 2019
- Agricultural Land Classification - Received 23<sup>rd</sup> April 2019
- Arboricultural Impact Assessment - Received 23<sup>rd</sup> April 2019
- Archaeological And Heritage Assessment - Received 23<sup>rd</sup> April 2019
- Prelim Ecology Report - Received 23<sup>rd</sup> April 2019
- Transport Assessment Part 1 - Received 23<sup>rd</sup> April 2019
- Transport Assessment Part 2 - Received 23<sup>rd</sup> April 2019
- Transport Assessment Part 3 - Received 23<sup>rd</sup> April 2019
- Utilities Assessment - Received 23<sup>rd</sup> April 2019
- Design And Access Statement - Received 23<sup>rd</sup> April 2019
- Sustainability Appraisal - Received 23<sup>rd</sup> April 2019
- Floods Risk Assessment And Drainage Strategy Report - Received 7<sup>th</sup> May 2019
- Shadow Habitats Regulations Assessment - Received 24<sup>th</sup> May 2019

The application, plans and documents submitted by the Applicant can be viewed online at <https://planning.baberghmidsuffolk.gov.uk/online-applications/>

---

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

---

The application is referred to committee for the following reason:

- The proposal exceeds 15 no. residential dwellings.

---

## **PART TWO – APPLICATION BACKGROUND**

---

### **History**

There is no planning history relevant to the determination of this application.

### **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**

#### **Development Plan Documents**

Babergh Local Plan 2011 – 2031 Core Strategy

- CS1 - Applying the presumption in favour of sustainable development
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS11 - Strategy for Development for Core and Hinterland Villages
- CS13 - Renewable/ Low Carbon Energy
- CS15 - Implementing sustainable development in Babergh
- CS18 - Mix and Type of Dwellings

- CS19 - Affordable Housing
- CN01 - Design Standards
- TP15 - Parking Standards

Other material documents

National Planning Policy Framework (2019)  
 Suffolk Adopted Parking Standards (2015)  
 Suffolk Design Guide (2000)

Supplementary Planning Documents

Rural Development & Core Strategy Policy CS11 SPD (2014)

Emerging Local Plan

Babergh & Mid Suffolk Joint Local Plan (July 2019)

**Previous Committee / Resolutions and Any Member Site Visit**

Officers presented the application to Members on 05.06.2019 requesting a Member Site Visit, in conjunction with other schemes within the nearby area, at the express request of Cllr McCraw. Members resolved to undertake site inspection which was carried out on 12.06.2019.

**Pre-Application Advice**

Pre-application discussions held on 12.02.2019 between the Applicant and Council Officers under reference DC/19/00311. Pre-application response provided on 28.02.2019.

**Consultations and Representations**

During the course of the application consultation, responses have been received. These are summarised below.

**A: Summary of Consultations**

**Environmental Health Officer (Land Contamination)**

No objection.

**Environmental Health Officer (Sustainability)**

No objection subject to a condition requiring the submission of a Sustainability Strategy prior to works above slab level.

**Environmental Health Officer (Noise / Odour / Light / Smoke)**

No objection subject to conditions relating to noise, hours of operation during construction and a Construction Method Statement.

**Environmental Health Officer (Air Quality)**

No objection.

**Public Realm Officer**

No objection.

**Arboricultural Officer**

No objection subject to reserved matters details relating to tree protection and mitigation.

**SCC Strategic Development Officer**

No objection subject to Planning obligations relating to school transport contributions (£57,600), and the consideration of pre-school places (surplus) and play equipment provision.

#### **Travel Plan Officer**

No objection. Comments expressed through the LLHA consultation.

#### **Strategic Housing Officer**

No objection subject to the following breakdown:

They should provide an affordable contribution of 35% = 22 affordable dwellings. The current registered highest district housing need by bedroom size is for 1 and 2 bedroom homes followed by a smaller need for 3+ bedrooms.

The tenure split should be approximately 75% affordable rented and 25% shared ownership as follows:

- 16 Affordable rented dwellings =

4 x 1b x 2p flats/bungalows @ 50sqm minimum

8 x 2b x 4p houses @ 79sqm minimum

4 x 3b x 6p houses @ 102sqm minimum

- 6 Shared Ownership dwellings =

4 x 2b x 4p houses @ 79sqm minimum

2 x 3b x 5p houses @ 93sqm minimum

#### **Local Highways Authority**

No objection subject to conditions. Assessment summarised as follows:

- The proposed visibility splays for the access are sufficient for this application.
- The proposal for 65 dwellings would create approximately 40 vehicle movements within the peak hour (1 vehicle every 1.5 minutes) therefore the additional vehicles from the development will not have a severe impact on the capacity of the highway network in the area.
- The closest bus stop is 350m from the centre of the site with good public transport services.
- There is a proposal to create a footway from the site to Ipswich Road and improve the footway on
- Slough Road, provide an uncontrolled crossing point on Ipswich Road and improve PROW footpaths therefore provided links for pedestrians and cyclists to bus stops, schools and the amenities within the village.
- Manningtree rail station is approx 1.5 miles from the site which is within cycling distance.
- The development would not have a severe impact on the highway network (NPPF para 109) therefore we do not object to the proposal.
- Although this is an outline planning application, the design for parking places for each dwelling on the minor access road. This will mean vehicles reversing across footways and increasing the risks of conflict with pedestrians/cyclists - greatest concern is the 2 sets of 3 semi-detached dwellings near the community play centre.

#### **SCC Fire and Rescue Officer**

No objection subject to securing fire hydrant provision.

**Lead Local Flood Authority**

No objection subject to conditions relating to surface water drainage scheme details and SUDs.

**NHS**

No objection although comments were expressed relating to future funding:

This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Constable Country Medical Practice (and the branch The Surgery Capel St Mary), servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.

**Suffolk Wildlife Trust**

No objection subject to advisory conditions relating to hedgerow management.

**Natural England**

No objection subject to securing ecological mitigation contribution (RAMS) given the location. It has been identified that this development site falls within the 13 km 'Zone of Influence' (Zoi) of one or more of the European designated sites set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

**Suffolk County Council Archaeology Service**

No objection subject to two standard pre and post commencement conditions.

**Places Services (Ecology)**

No objection subject to conditions relating to landscape and ecology management plan, lighting design scheme, skylark mitigation and ecological mitigation.

**Anglian Water**

No objection. There is capacity to the north of the site for mains sewer connection, with recommendations for on-site SUDs provision in conjunction with Part H Building Regulations compliant drainage.

**Heritage Officer**

No comment.

**Environment Agency**

No comment.

**East Bergholt Parish Council**

Objection quoted verbatim as follows:

At its Parish Council Meeting on the 16th May 2019, Refusal was recommended. Refusal is on the grounds of housing needs already exceeded in this core village and hinterland, outside of CS2 and although abutting Brantham, the benefit in meeting housing need is not proved, the building would tend to merge Brantham and East End coalescence of communities is discouraged in the Babergh Core Strategy, there would be a negative landscape assessment view clear from the B1070 and Dedham Vale AONB as on rising land, the loss of benefit to

grade 2 agricultural land, there are not good transport links, which are already stretched at the tunnel on the A 137 at Manningtree Station, the link to the A12 is inadequate and Highways England will not consider any improvements until 2025.

#### Additional content

Objection was emphasised further through reference to the East Bergholt Neighbourhood Plan (EBNP), and specific Policies EB1 and EB17. Additional content was provided in relation to housing needs, the BUAB, AONBs and transport links.

#### **Brantham Parish Council**

Objection quoted verbatim as follows:

- The proposed site is outside of the current built-up area boundary (BUAB)
- The proposed site access road is, of necessity, sited within Slough Road, there being no access from within the BUAB.
- Consequently this development cannot be required as infill and must be regarded as ribbon development along Slough Road.
- The access road requires SCC defined sight lines, raising several issues:
  1. The sight lines must be maintained, with hedges being kept below 600mm.
  2. The sight line to the south extends in front of existing houses and consequently it may not be possible to maintain that sightline, possibly being on property in other ownership.
  3. The northern sight line necessitates the inclusion of a further area of land, defined by the sites red-line boundary, this extending from the proposed site access road to within meters of the East Bergholt parish boundary, and the East End BUAB. The frontage of this site thereby extends from the Brantham BUAB to the East Bergholt BUAB.
  4. If this application is allowed, this will effectively coalesce the two parishes of Brantham and East Bergholt. This contradicts Local Plan Babergh policy.
  5. This site was identified within the Local Plan consultation as being SHEELA site SS0210, clearly stating it as *not being suitable for residential development*. BPC can identify no reason why that assessment should now be any less valid.
  6. The Agricultural Land Classification (etc) included as a supporting document states that the land comprising the proposed site is Sub-grade 3A, being classified as BMV (Best and Most Versatile) agricultural land. The report goes on to argue that this (high) grade of land is common in this area and consequently "*there should be no agricultural land quality constraints to the non-agricultural development of this site.*" This is a convoluted argument with a spurious and misleading conclusion. To simply state something to be a valid conclusion does not make it so, and BPC would request that it not be given serious consideration. Land of this quality is not to be disregarded in such a way. Sustainability as defined within the NPPF requires resources, in this case the ongoing usage of land, to remain available for future generations.

Other considerations, should this application be granted:

- Strategic Housing Response – should this application be granted the recommendations should be implemented and applied as a Condition.
- It is noted that BDC pre application advice letter of February 28<sup>th</sup> 2019 stipulates "*Create a footway crossing point on the A137 to allow pedestrians safe access to the bus stops. There may be a need for pedestrian islands (we advise a survey is carried*



out to determine if there is sufficient time for the pedestrian can cross safely in one movement)",

BPC note that that requirement is agreed within the developers supporting documents. Should this application be approved, BPC would look for this to be implemented prior to any development being commenced, and to be a controlled crossing. This should be as previously discussed by BPC with the SCC Councillor David Wood. This would serve an urgent need, already identified by BPC and supported by the Parish generally.

- It is noted that BDC pre application letter of February 28<sup>th</sup> 2019, regarding affordable housing, stipulates that the on site provision should equate to no less than 35%, consistent with Policy CS19, and that Officers would *encourage a scheme which is 'above and beyond' merely compliant*, providing significant benefit to the affordable need. BPC note that the Application supporting documents do not offer any increase in that requirement, being merely compliant. BPC would look to BDC to do more than simply encourage in this matter, and to achieve a reasonable increase, again by making this a Condition..
- BPC would express some reservations with regard to the affordable element not being provided, (eg) for financial viability reasons, and would protest in advance at any financial arrangement in lieu of their provision.
- Prior to any development commencing, an agreed arrangement with a BDC Registered Provider must be clearly demonstrated.

#### Summary

Given the materially relevant reasons as above, BPC recommend that this application be rejected.

---

### **B: Representations**

A number of representations were received from members of the public, relating to the following:

- Affects Local Ecology/Wildlife
- Application is lacking information
- Building Work
- Development too high
- Drainage
- Fear of Crime
- General dislike of proposal
- Health & Safety
- Inadequate Access
- Inadequate parking provision
- Inadequate public transport provisions
- Inappropriate in a Conservation Area
- Increase in Anti-Social Behaviour
- Increased Traffic/Highways Issues
- Loss of Open Space
- Out of Character with the Area
- Residential Amenity

- Scale
- Strain on existing community facilities
- Cumulative impact of development
- Reduces tranquillity of Brantham
- Strain on facilities
- Overlooking
- Scheme will worsen traffic
- Light and noise pollution
- Loss of outlook
- Sustainability
- Trees
- Inadequate access
- Boundary issues
- Design and layout concern
- Slough Road is narrow and not conducive for passing cars
- Development too high
- Out of character
- Overdevelopment
- Impact on property values in the area
- Conflict with local plan
- Will result in unacceptable intensification of traffic along Slough Road
- Adverse impact upon landscape

---

## **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.

### **1 The Site and Surroundings**

- 1.1 The 2.88ha application site is located at the northern fringe of the Parish of Brantham adjoining the defined Built Up Area Boundary (BUAB) for Brantham (a Hinterland Village). The site is part of a wider agricultural holding and is currently of arable nature.
- 1.2 To the immediate north is the vehicular highway known as Slough Road, with agricultural land beyond (including the Dodnash Special Landscape Area). Immediately east is established residential dwellings of varying single and two-storey form. To the south is further domestic dwellings, with Ipswich Road / A137, a core vehicular route linking Brantham to Ipswich beyond the immediate residential settlement. To the west is open agricultural farmland. The area is predominantly rural, located within the Stour Estuary Sites of Scientific Interest (SSI) and the Stour and Orwell Special Protection Area (SPA). The site is directly served by Slough Road at a vehicular level. The site is also served at a pedestrian level by Slough Road (north east), and Ipswich Road via footpath links. The site is closely connected to the services, facilities and amenities of Brantham.

### **2 The Proposal**

- 2.1 Outline planning permission is sought for the erection of a residential development of up to 65 no. dwellings including minimum of 35% affordable homes, with areas of

landscaping and public open space, including vehicular access, and associated infrastructure works.

2.2 An indicative site layout has been provided to illustrate that the quantum of development, in that the amount of residential units proposed, can be accommodated on the site in an acceptable form. Key elements of this are as follows:

- Up to 65 new homes;
- A mix of tenure and house types, including 35% affordable housing
- A new vehicular access from Slough Road
- Internal vehicular service road, pedestrian footpaths and integrated links
- High quality landscaping scheme with retention of most of the existing high-value tree specimens, significant additional planting of native and new specimen tree and hedge planting proposed to reinforce landscape boundaries;
- New public open space, for existing and future residents
- Sustainable Urban Drainable System (SUDS).

### **3 The Principle of Development**

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 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, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.2 The National Planning Policy Framework (NPPF) of 2019 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.

3.3 The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.

3.4 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.

3.5 As a result of recent work towards an appeal dealt with by way of the inquiry procedure, it was established that the Council cannot currently demonstrate a five year land supply position for the District as required by paragraph 73 of the NPPF, with 4.86 years, amounting to a very modest shortfall of 62 dwellings. Whilst it is noted that the Council recently published a Housing Land Supply Position Statement which identifies the Council can demonstrate a sufficient land supply (5.78 years), this statement is being consulted on and as such has limited weight at present. The Council should not unduly delay the determination of planning applications and it has a duty to consider them against the relevant considerations of that time.

3.6 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be apportioned according to their degree of consistency with the

NPPF. The closer a policy is to the NPPF, the greater the weight that can be attributed to them.

### **Policy CS1 - Applying the Presumption in favour of Sustainable Development in Babergh**

3.7 Policy CS1 is in-step with paragraph 11 of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development; this policy is also consistent with the NPPF and given full weight. Policy CS11 also accords with the NPPF, particularly in relation to paragraph 77 and 78 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas, paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 127 to achieve well-designed places, and paragraph 170 to contribute to and enhance the natural and local environment. This policy is also afforded a full weighting.

### **3.8 Policy CS2 - Settlement Pattern Policy**

3.9 Policy CS2 designates Brantham as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. As a matter of planning judgement this approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making; this has been further reflected in recent appeal decisions affecting the Council. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated.

3.10 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is sound, in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight. In the absence of a five-year housing land supply this weighting is reduced further to some degree. It is noted there is conflict with CS2 for this proposal.

### **Policy CS11 - Strategy for Development in Core and Hinterland Villages**

3.11 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.

3.12 The site is an edge-of-settlement location where the criteria set out at Policy CS11 are engaged.

3.13 Policy CS11 states that development in hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:

(a) *Core villages criteria:*

- i) *the landscape, environmental and heritage characteristics of the village;*
- ii) *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
- iii) *site location and sequential approach to site selection;*
- iv) *locally identified need - housing and employment, and specific local needs such as affordable housing;*
- v) *locally identified community needs; and*
- vi) *cumulative impact of development in the area in respect of social, physical and environmental impacts.*

(b) *Additional hinterland village criteria:*

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

3.14 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared 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.

3.15 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn. Policy CS15 criteria, which an application must score positively against, are addressed later in this report.

3.16 Core Village Criteria

3.17 *The landscape, environmental and heritage characteristics of the village*

3.18 The NPPF emphasises as a core principle 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. The planning system

should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 3.19 Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district, and local plan policy CR04 seeks to maintain or enhance the special landscape qualities of the area and designed and sited so as to harmonise with the landscape setting. 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'.
- 3.20 Policy CS11 envisages that there will be some development in the countryside and it is axiomatic that the development of a greenfield site will result in an element of adverse impact; the key question is whether the character impact of the development is reasonably contained.
- 3.21 The Landscape Visual Assessment submitted with the application notes that the proposal would result in the loss of agricultural land and a change to public visual receptors including along the public rights of way on and to the west of the site which would be the most affected. The site does not contribute to a designated landscape warranting special protection measures. It is not in an AONB or Special Landscape Area. The site is not in a Conservation Area nor does it impact the setting of a Conservation Area. There is no policy conflict with CN06, with heritage harm not evident.
- 3.22 The development will not appear isolated in a visual sense, owing to the enclosed nature of the north, east and southern boundaries by the existing body of the village. The western boundary is open, however the landscape mitigation proposed is considered to adequately reduce the inevitable urbanising effects of the scheme, including the landscape harm identified. This boundary will be reinforced with new mixed native species. For the above reasons, it is concluded that landscape harm will be less than moderate.
- 3.23 Officers note that the scheme may be visible from the AONB, however, given that the scheme can be assimilated within the existing built settlement of Brantham, the overall impact is considered to be limited to an acceptable degree.
- 3.24 In addition, and in respect of the spatial relationship between the settlements of Brantham and East End, Officers have considered the separation. The indicative layout shows dwellings along the access road which would in effect bring some built form closer to the settlement of East End. However the majority of the development would be located within the site which is at a further distance and there would still separation between the developments. The proposed landscaping would also soften the western boundary. It is considered that the change in distance between the settlements would not lead to an unacceptable level of settlement coalescence for the above reasons that would merit refusal of this application in this instance.
- 3.25 *The locational context of the village and the proposed development*

- 3.26 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.
- 3.27 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.
- 3.28 The scheme will read as a logical infill development owing to settlement pattern of this part of the village. Brantham provides services, facilities and amenities, and is within close proximity to services and employment provided within Ipswich; the site is not considered to be isolated given the proximity to services and other dwellings.
- 3.29 Scale and layout are reserved matters. The indicative layout shows that the new proposals are sensitively considered, whilst at the same time providing an element of public open space as a focal point within the development. The site is contained at its north, east and southern extremity, with landscaping proposed at the open western boundary as discussed.
- 3.30 *Site location and sequential approach to site selection*
- 3.31 The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the Brantham settlement boundary which would enable a development of a scale commensurate with that proposed. There is a large amount of brownfield land in Brantham at the Brantham Industrial Estate site on Factory Lane, but this is consented for employment use. There are no other brownfield sites being promoted for development within or around Brantham of this scale. Case law, namely *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin), has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier.
- 3.32 *Locally identified need - housing and employment, and specific local needs such as affordable housing*
- 3.33 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.

- 3.34 Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District. Policy CS19 also seeks to secure 35% affordable dwellings.
- 3.35 Paragraph 14 of the SPD states 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.
- 3.36 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.
- 3.37 The application is not supported by a full housing needs assessment, but does submit some evidence of surveys on local housing need, and meets the requirement of 35% affordable housing provided on site. Information submitted with the application indicates the Ipswich Strategic Housing Market Assessment (completed 2012) has one of the districts highest affordable housing need.
- 3.38 The identification of local housing need could be stronger with a full local housing needs assessment, and so a conflict is noted with this part of the policy. However, on balance some evidence is submitted to allow an assessment to be made against policy CS11. On balance it is considered that the proposed development would go some way to meet local housing need in relation to private market housing, and meet the requirements of affordable housing need.
- 3.39 *Locally Identified Community Needs*
- 3.40 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment. 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.
- 3.41 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11 leading to some conflict with this policy. However, officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that counter-balances to some extent this policy conflict. The absence of a supporting needs assessment is therefore not, in its own right, fatal to the application.



- 3.42 *Cumulative impact of development in the area in respect of social, physical and environmental impacts*
- 3.43 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'.
- 3.44 The Highways Authority referral response demonstrates that the development can be accommodated without adverse infrastructure strain. There is nothing before officers to suggest that the existing services, facilities and infrastructure do not have the capacity to accommodate the level of development proposed.
- 3.45 The proposal has been considered as to the cumulative landscape impact, in conjunction with the existing settlement pattern, and also other permitted schemes. Given the location of the application site, the scheme would not create or contribute to a demonstrable cumulative landscape harm, given that the site is bound on three sides by the BUAB. No other schemes are approved directly west, and there is no cumulative landscape impact arising.
- 3.46 It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development can be accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.
- 3.47 Hinterland Village Criteria
- 3.48 *Well designed development, appropriate in size / scale, layout and character to its setting and to the village*
- 3.49 The setting of the village will not be overwhelmed in a visual sense. The site is set amongst the backdrop of the village at its north-eastern extent, enclosed by domestic property along Slough Road and Ipswich Road / A137. The inevitable visual change will be relatively localised given the site context, and in conjunction with the proposed landscaping, the scheme will be softened.
- 3.50 *Adjacent or well related to the existing pattern of development for that settlement;*
- 3.51 As noted above, the site is well related to this part of the village, well fitted to the existing settlement pattern.
- 3.52 *Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan*

- 3.53 This matter has been considered in paragraph 3.31 above. The housing mix will be determined at the reserved matters stage of the development process, and affordable housing has been provided as discussed further below.
- 3.54 *Supports local services and/or creates or expands employment opportunities;*
- 3.55 The development does not expand or create employment opportunities beyond short term construction related jobs, however it will support local services through its occupation.
- 3.56 *Does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster*
- 3.57 The scale of development will not result in adverse cumulative impact. Officers note that there are several other schemes within the area which are permitted / undetermined. There is no evidence the proposal will compromise other approved developments.
- 3.58 It is clear that the site adjoins the edge of a Hinterland Village settlement. As Policy CS11 pertains to development within Core and Hinterland Villages, or at their edge, Policy CS11 is engaged.
- 3.59 Consideration against other development plan policies.
- 3.60 The site is located in the countryside and is in conflict with CS2. As such, the principle of development must fall on the negative side of the 'balance' albeit the significance of that conflict is lessened given the reduced weight to the policy.
- 3.61 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 criteria 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.
- 3.62 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected with the surrounding settlement via the local highway and bus network, with good pedestrian linkage to the centre of Brantham. Therefore, residents would not be solely reliant on the private motor vehicle, in order to access opportunities for employment, recreation and leisure.
- 3.63 This report has considered the landscape setting of the site and surroundings and will consider heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing a short-term economic gain through local spend within the community. (criterion iii of CS15).

- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
  - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
  - The 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).
- 3.64 The provision of employment during the construction period would provide a short-term economic gain. Whilst this does not weigh heavily in favour of the development, it also does not result in any adverse impact to the economy. However, given the proposal is for up to 65 no. dwellings with associated works, this would generate a short term boost.
- 3.65 For these reasons, it is also considered that limbs (vii), (xviii), (xvi) and (xix) of policy CS15 are complied with where relevant.
- 3.66 Summary of Assessment Against Policy CS15
- 3.67 Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and is compliance with the policy taken overall and bearing in mind not all of the criteria are applicable to the application given its outline nature.
- 3.68 Whilst the site is technically located outside of the defined BUAB and would not find support through CS2, its 'edge of settlement' relationship to the Hinterland Village is considered to be acceptable. The thrust of CS1 however, is arguably met. In light of the sustainability, connectivity and limited harms discussed later in the report, and given the momentum under CS1 and the NPPF to secure such development, the conflict with CS2 is reduced bearing in mind that CS2 itself prioritises development in Towns / Urban areas.
- 3.69 The 'spirit' of CS11 always aids the merit of the principle. It makes use of an existing undeveloped site which adjoins the established settlement boundary. Further, it seeks to deliver an affordable housing element, amongst other public benefits discussed later in this report.
- 3.70 Assessment Against East Bergholt Neighbourhood Plan (EBNP) 2016
- 3.71 The application site is not within the designated area of the neighbourhood plan, therefore the policies cannot be applied to this proposal.

#### **4 Nearby Services and Connections Assessment of Proposal**

- 4.1 The application site is located within close access of Brantham and its associated services, facilities and amenities. These include; Brooklands Primary School, The Crown Public House, Co-Op Foodstore, Restaurants, Village Hall and Playing Fields. There is a routine public bus service connecting the site to the wider area through the route 92 service. The application site is circa 7 minute walk via Ipswich Road / A137 to these key services.

- 4.2 Public transport accessibility from the site is good with bus stops available on Ipswich Road / A137, which is within walking distance from the site. The bus routes connect Brantham to the surrounding areas of Ipswich, Manningtree and Colchester. The accessible bus network provides a viable option for residents to commute to other settlements for employment, education and healthcare etc. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.

## **5 Emerging Local Plan**

- 5.1 The Council is developing a new Local Plan, that is currently out for consultation (August 2019). The application site is not identified in the emerging plan.
- 5.2 Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to:

*“1. the stage of preparation of the emerging plan;  
2. the extent to which there are unresolved objections to relevant policies in the emerging plan; and  
3. the degree of consistency of relevant policies to the policies in the Framework.”*

- 5.3 The Emerging Local Plan is, therefore, considered to carry some limited weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up to-date planning policies and the NPPF.

## **6 Design and Layout**

- 6.1 Policy HS28 states that planning 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; the proposal, in the opinion of the District Council, represents overdevelopment to the detriment of the environment, the character of the locality, residential amenity or highway safety. Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. This is further emphasised by Policy CN01.
- 6.2 Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey new build. It is also noted that the area is visually unconstrained, with varying design precedent offered along Slough Road and Ipswich Road / A137.
- 6.3 Layout is a reserved matter; however consideration must be afforded as to the effectiveness of the site inclusive of access, public open space, the amount of homes proposed, and landscaping. The site is readily capable of accommodating the amount proposed, with good spatial integration, albeit in indicative form. There is little before Officers at this stage to suggest the scheme would result in undue harm to the character, landscape or indeed residential amenity experienced by occupants of neighbouring property. Certainly, Officers are of the opinion that an aesthetically pleasing functionally efficient design and layout could be proposed, reflecting Policies CN01, HS28 and the NPPF.

## **7 Residential Amenity**

- 7.1 Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where; the layout provides an unreasonable standard of privacy or garden size. Paragraph 127 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.
- 7.2 The impact of the works is considered fully, and there is little before Officers to suggest the scheme would result in a materially intrusive development, which would hinder and oppress the domestic enjoyment and function of adjacent property, to an unacceptable level. Officers do not consider that the site is overdeveloped by virtue of the quantum of development shown on the indicative plans, demonstrating sufficient amenity space.
- 7.3 The site is readily capable of accommodating 65 no. dwellings, areas of landscaping and public open space, vehicular access, and associated infrastructure works, in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure no unacceptable loss of daylight, sunlight, or overlooking to the existing residents would ensue. Built form visible from a private vantage point does not necessarily result in adverse private residential amenity harm.
- 7.4 Officers do acknowledge the potential for disruption during the construction phase, and in the interests of neighbours, a Construction Method Statement (CMS) will be sought through planning condition.
- 7.5 There is little before Officers to suggest the scheme would generate residential amenity harm worthy of refusal, and in the absence of such evidence to suggest so, Officers are of the sound opinion that the scheme reflects local and national planning policy. The scheme reflects the essence of Policy HS28 and Paragraph 127 of the NPPF.

## **8 Impact on Heritage Assets**

- 8.1 Policy CN01 seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 8.2 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.
- 8.3 In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 8.4 Paragraph 193 - 196 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.
- 8.5 Paragraph 197 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.

- 8.6 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.
- 8.7 The Heritage Officer (HO) opted not to comment on the proposal, owing to the limited level of heritage impact created by the development.
- 8.8 The proposal does not conflict with Policy CN01 or Paragraphs 193 - 197 of the NPPF to an unacceptable level warranting refusal.

## **9 Site Access, Parking and Highway Safety Considerations**

- 9.1 Policy TP15 requires development to be delivered with safe and sufficient highways access and function.
- 9.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.3 Parking on site is offered in accordance with the Suffolk Parking Standards (2015) such that enough spaces are to be provided that future residents will be able to avoid on street parking.
- 9.4 Access is a detailed matter. The site has been assessed by the LHA, who are content that safe and sufficient access / egress can be delivered, subject to conditions without severe detrimental impact. Whilst the capacity of the A137 at Manningtree level crossing has been raised in letters of representation there is no objection from the Local Highway Authority or request for mitigation for this.
- 9.5 Officers acknowledge the highway safety concerns raised by 3<sup>rd</sup> party objections. In this regard, careful consideration has been applied. The access layout is endorsed by Officers. Furthermore, the scheme is unlikely to present 'severe' adverse highways impact resulting in unacceptable congestion or obstruction. The visibility concerns are noted, and the applicant has submitted requisite plans in order to secure a complaint scheme that provides safe and sufficient access for pedestrians, cyclists and vehicles. Visual obstruction is not created as a result of development.
- 9.6 The LHA have assessed the proposal, and support the scheme subject to the imposition of planning conditions which include; details of visibility splays, access layout, estate roads, carriageways and footways, surface water drainage, HGV management, loading and unloading, refuse and recycling, and Residents Travel Pack. In addition, the scheme will also be bound by S106 in the form of a contribution totalling £13,210 for:
- Upgrade Footpath 1 Brantham to bridleway status, and widen accordingly: £7,610
  - Create a small section of bridleway from Footpath 1 Brantham at the south western corner of the development, running north and then east to meet the end of the driveway north of the proposed SUDs and joining the permissive route shown on the plans: £5,600
- 9.7 There is nothing before Officers to suggest a LHA compliant scheme could not be delivered, reflective of Policy TP15.

## **10 Public Rights of Way**

- 10.1 The proposed development will not have a direct impact on the local public rights of way (PROW) network. The impact on visual receptors (i.e. people walking along the footpath) adjoining the site has been considered above in the landscape impact assessment. Public Rights of Way provisions are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. The Footpath 1 provision discussed in 9.6 respond well to the considerations here, whereby the scheme is secured through S106 obligation. The permissive footpath through the site as existing, will be enhance and improved, integrating with the development. Final design will incorporate the PROW pedestrian footfall, and is a reserved matter.

## **11 Public Open Space**

- 11.1 The scheme provides a circa 0.86ha area of public open space which is a welcome benefit. The Public Realm Officer does not object to the proposal. In addition, the Local Areas for Play (LAP) provision would not attract the need for play equipment. In any event, play equipment provision is not a fundamental aspect of the scheme
- 11.2 Based upon the current outline submission, the public open space provision itself should be secured through S106 inclusive of management, any features, and spatial size (no less than 0.86ha). The developer will establish a management company to manage the land or some other arrangement agreed with the Council. There is no proposal for the maintenance and management of the public open space area to be transferred to the Council.

## **12 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 12.1 Paragraph 170 of the NPPF seeks to conserve and enhance biodiversity and the natural environment, among other things.
- 12.2 The scheme presents a limited impact upon arboricultural value. The removal of trees and overgrown vegetation as existing is not a matter which Officers raise concern with. The Arborist has rightly requested tree protection and mitigation measures at reserved matters, therefore requisite conditions shall be imposed for future delivery.
- 12.3 Natural England (NE) and Place Services (Ecology) were consulted given the sites location within the wider 'zoned' area. This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development. As the site is identified as falling within the zone of influence for the Stour and Orwell Estuaries SPA and Ramsar site, a S106 to secure a contribution towards the Suffolk RAMS is required.
- 12.4 Place Services (Ecology) resolved to support the proposal subject to conditions. This includes appropriate mitigation measures for Skylarks, via the provision of three offsite Skylark Plots in blue line boundary land. This mitigation is necessary as the Breeding Bird Survey at the site concluded that one Skylark territory was present on site.

Therefore, the Skylark Plots should follow the methodology as set out in the Breeding Bird Report and be secured as a condition, for a period of 10 years by the applicant.

- 12.5 The Ecologist also supports the biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170(d) of the NPPF. However, it is recommended that the details and aftercare of these enhancement measures are provided within a Landscape and Ecological Management Plan to be secured as a condition of any consent, prior to occupation.
- 12.6 Furthermore, the Ecologist is satisfied that appropriate measures have been outlined to ensure impacts from the development alone or in-combination of other plans and projects to the Stour and Orwell Estuaries SPA & Ramsar site. Therefore, they have no objection on this matter, subject to Natural England's approval of the mitigation measures contained within the LPA's Habitats Regulations Assessment. The measure contained within the LPA's Habitats Regulations Assessment, must be secured within the S106. In addition, the developer must produce a long term management plan (which could be secured via the Landscape and Ecological Management Plan) to secure the management and maintenance of the notice boards, which should be secured as a condition of any consent.
- 12.7 Suffolk Wildlife Trust (SWT) were also consulted. The Trust identified that the scheme could be supported subject to the implementation of hedgerow management. No other protected or priority species were identified on site.
- 12.8 The Best and Most Versatile (BMV) agricultural land is sought to be retained under paragraph 170 of the NPPF. In this instance the 2.88ha comprises of Grade 2 land. In reviewing the agricultural land classifications for Babergh, the majority of the land within the district is classified as Grades 2 and 3, with limited land in the lower categories. Accordingly, Officers thereby consider there to be limited poorer quality land available that would represent a preferable location and the extent of loss of 2.88ha would be minimal to the wider agricultural land available and so would not be sufficient to merit a reason for refusal for this development.

### **13 Land Contamination**

- 13.1 No issues are identified within the submitted land contamination studies and the Environmental Health Officer (EHO) is satisfied that development could go ahead without the need for further investigation or remediation at this stage.

### **14 Flood and Water**

- 14.1 The site is not located in a vulnerable flood zone area, therefore the risks of flooding are considered to be low. Nonetheless, the Lead Local Flood Authority (LLFA) were consulted as part of the consultation process.
- 14.2 The application is supported by a Flood Risk Assessment (FRA) which concludes: *"It is considered that this assessment represents a comprehensive and robust analysis of the flood impact of the development upon other adjacent properties and of existing flood mechanisms on the development itself. It demonstrates that the proposed development is sustainable in terms of flood risk"*
- 14.3 Nonetheless, Officers acknowledge the content of 3<sup>rd</sup> party objection relating to drainage. The surface water run off onto the highway has been assessed by the LHA,



and Officers concur with these findings insofar as the sites sealed surfaces are adequately managed. Foul and surface water drainage function is considered by the LLFA. The scheme does not present concern in this regard, and there is little before Officers to suggest a flood and water compliant scheme could not be delivered.

## **15 Archaeology**

- 15.1 This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The Shotley Peninsula is an area of dense cropmarks visible in aerial photographs. Notably BNT 017 which is partly on the site. there is also evidence for Bronze age remains nearby (BNT 013 and 031) and further cropmarks (BNT 019). Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 15.2 There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with Paragraph 199 of the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Standard pre and post investigative conditions are recommended.

## **16 Sustainability of the Proposal**

- 16.1 Policy CS1 requires development proposals to be considered in line with the presumption of sustainable development. In order to be considered 'in step' with CS1, the scheme would need to accord with the overall thrust and momentum of sustainability and connectivity, with limited harms, which this proposal demonstrably does. Development that improves the economic, social and environmental conditions in the District will be approved where possible. The three objectives of sustainable development, in the context of the proposed development, are assessed in detail below:
- 16.2 Economic objective
- 16.3 The provision of up to 65 no. dwellings and associated works 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. The New Anglia 'Strategic Economic Plan' (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.
- 16.4 Social objective
- 16.5 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 additional dwellings. The scheme will provide 16 no. affordable rented units and 6 no. shared ownership units, helping to ensure that a vibrant and sustainable community is provided. The scheme will support the village's health, social and cultural well-being.
- 16.6 Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas advising '*housing should be located where it will enhance or maintain the vitality of*

*rural communities'* and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.

16.7 The matter of the sustainability of the site in terms of access to local services and facilities has been discussed under Section 4.

#### 16.8 Environmental objective

16.9 The site adjoins the settlement boundary of Brantham, presenting as 'edge of settlement' development within suitable walking distance to a range of local services, facilities and amenities discussed above.

16.10 The visual impact of the proposal set amongst the backdrop of the locality is endorsed by Officers, and whilst there would be a change to the character of the existing landscape character of agricultural land, there would be an opportunity to provide betterment and uplift to this part of Brantham, through appropriate design, layout and landscaping. Whilst this would largely materialise at reserved matters stage, the visual aesthetics of the scheme could improve the locality. The scheme enhances the environmental character through biodiversity and ecology benefits, without unacceptable landscape harm reduced through mitigation.

16.11 Officers note the request for sustainability measures by the Environmental Health Officer – Sustainability. This is a detailed design matter which would in any event materialise at reserved matters stage. Officers are not inclined to impose conditions at this stage.

### 17 Affordable Housing

17.1 The Strategic Housing Officer (SHO) has offered comment on the nature of the proposal, including the mix and tenure of the proposed residential units. Having considered the registered housing need in Brantham, it is recommended that the tenure split should be approximately 75% affordable rented and 25% shared ownership as follows:

- 16 Affordable rented dwellings =

4 x 1b x 2p flats/bungalows @ 50sqm minimum  
8 x 2b x 4p houses @ 79sqm minimum  
4 x 3b x 6p houses @ 102sqm minimum

- 6 Shared Ownership dwellings =

4 x 2b x 4p houses @ 79sqm minimum  
2 x 3b x 5p houses @ 93sqm minimum

17.2 The SHO has resolved to conclude that the scheme is acceptable at 100% district wide connection, conforming to the requirements of Policy CS19, secured through S106.

### 18 Infrastructure

18.1 The proposed development has been assessed by Suffolk County Council's Development Contributions Manager.

- 18.2 The scheme would generate pooled CIL funds. The recommendation is made in full view of the comments expressed in relation to; education, pre-school provision, play space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.
- 18.3 Officers recognise the needs of the site and wider area. The Development Contributions Manager has sought funds totalling £57,600 for school transport contributions (£57,600). This is a wholly necessary financial injection, secured through S106 to assist transport to schools.

## **19 Planning Obligations**

- 19.1 As noted above, the application engages 100% affordable housing contribution for the district wide need, public open space inclusive of management company and a Public Right of Way contribution totalling £13,210. Officers consider it necessary to secure delivery a S106 Legal Agreement. This is a robust legal arrangement, enforceable by both the District.
- 19.2 Section 143 of the Localism Act 2011 on local financial considerations requires consideration to be given to the financial benefits a development would bring to the council through grant income, such as New Homes Bonus, Community Infrastructure Levy, Council Tax and Business Rates. However the financial benefits this scheme would deliver need to be weighed against the different issues raised above, and put into the planning balance when considering the merits of the application.
- 19.3 The scheme would also be subject to CIL 123 contributions.

---

## **PART FOUR – CONCLUSION**

---

### **20 Planning Balance**

- 20.1 The Council does not benefit from a five-year housing land supply. The starting point for decision-taking purposes remains firmly with the Development Plan, with the NPPF a material consideration in this decision. Development Plan policies generally conform with the aims of the NPPF to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In that respect the development complies with the broader thrust of Policy CS2 (notwithstanding its exceptional circumstances “test”), Policy CS1, CS11 and CS15. Whilst the policy conflict with CS2 is noted, and also the conflicts noted above with CS11, these are not considered to be matters on which this application turns.
- 20.2 The NPPF objectives for sustainable development include delivering a sufficient supply of homes. The Council cannot currently demonstrate a five-year land supply position as required by paragraph 73 of the NPPF, with 4.86 years, and a very modest shortfall of 62 dwellings. Whilst this engages the “tilted balance” as a consideration, for the reasons set out in this report this does not alter the recommendation made.
- 20.3 The NPPF requires decisions to be approved that accords with an up to date development plan without delay. The proposal accords with the ‘most important’

policies, is in a sustainable location, within walking distance of a good range of local services, adjoining the settlement boundary.

- 20.4 The NPPF and Policy CS1 require development to be approved that accords with an up to date development plan, and without delay. The proposal accords with the 'most important' policies applicable to the proposal, is in a sustainable location, within walking distance of a good range of local services. The proposed development is visually well related to the area, adjoining the settlement boundary. Further, in light of the shortfall in housing land supply, the 'tilted balance' of CS1 and NPPF paragraph 11(d) is engaged so long as there are no policies within the NPPF (that protect areas or assets of particular importance) that provide a clear reason for refusing the development proposed.
- 20.5 Whilst the majority of the detailed matters are reserved, there is little before Officers to suggest the scheme conflicts to an unacceptable level in terms of; design and layout, heritage, residential amenity, landscape, ecology, highways, flood and water, land contamination or sustainability. These key outcomes are appropriately safeguarded, and conditioned / legally bound where justified.
- 20.6 The proposal represents an appropriate proposal for residential development and would deliver sustainable housing, furthering the overarching thrust of Policies CS1, CS2, CS11 and CS15 of the Core Strategy, and it is not considered that the harms outweigh the benefits as required by Paragraph 11 of the NPPF. The application is therefore recommended for approval.

## **RECOMMENDATION**

**That authority be delegated to the Chief Planning Officer to grant outline planning permission subject to the prior completion of a Section 106 Legal Agreement on terms to their satisfaction to secure the following heads of terms:**

- 35% Affordable Housing (District Wide need)
- Public Open Space (Not less than 0.86ha, inclusive of Management Company)
- Highways contribution totalling £13,210 (Footpath 1 upgrade)
- Development contribution totalling £57,600 (Schools Transport)
- Ecology (RAMS Mitigation Contribution)

**and that such permission be subject to the conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Reserved matters time limit
- Reserved matters details
- Approved plans
- Archaeology (pre investigation)
- Archaeology (post investigation)
- Hours of operation
- Construction Management Plan
- No burning of construction / demolition waste
- Levels
- Highways – visibility splays
- Highways – access layout
- Highways – estate roads
- Highways – carriageways and footways

- Highways – surface water drainage
- Highways – HGV management
- Highways – loading and unloading
- Highways – refuse and recycling
- Highways – Residents Travel Pack
- Hedgerow Management
- Tree protection
- Tree mitigation
- Fire hydrants
- Landscape and ecology management plan
- Lighting design scheme
- Skylark mitigation
- Ecological mitigation

This page is intentionally left blank

# Public Document Pack



|                           |   |
|---------------------------|---|
| <b>PLANNING COMMITTEE</b> |   |
| <b>DATE:</b>              | <b>WEDNESDAY, 11 SEPTEMBER<br/>2019<br/>9.30 AM</b>                           |
| <b>VENUE:</b>             | <b>KING EDMUND CHAMBER -<br/>ENDEAVOUR HOUSE, 8<br/>RUSSELL ROAD, IPSWICH</b> |

For consideration at the meeting on Wednesday, 11 SEPTEMBER 2019, the following additional or updated papers that were unavailable when the Agenda was printed.

## **TABLED PAPERS**

Addendums to papers DC/19/02315 and DC/19/01973 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.

|  | <u>Page(s)</u> |
|--|----------------|
| a <b>DC/19/02315 LAND SOUTH OF HIGH BANK, MELFORD ROAD,<br/>SUDBURY, SUFFOLK</b> | 1 - 2          |
| b <b>DC/19/01973 LAND SOUTH OF SLOUGH ROAD, BRANTHAM,<br/>SUFFOLK</b>            | 3 - 4          |

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01449 724930 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

This page is intentionally left blank



# Agenda Item 6a

With reference to paragraph 3.5 on page 11, the following text should supersede:

**The NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites to provide for 5 years' housing provision against identified requirements (see paragraph 73). For sites to be considered deliverable they have to be available, suitable, achievable and viable. The Council recently published a Housing Land Supply Position Statement which identifies the Council can demonstrate a sufficient land supply (5.67 years). The District is able to demonstrate a 5 year housing land supply. As such, the 'tilted balance' as set out under Paragraph 11(d) is not engaged.**

With reference to paragraph 3.9 on page 11, and paragraph 3.10 on page 34, the wording "*In the absence of a five-year housing land supply this weighting is reduced further to some degree*" should be deleted.

With reference to the Section 15 (Planning Balance) of the report, the following text should supersede:

## **DC/19/02315 - LAND SOUTH OF HIGH BANK, MELFORD ROAD, SUDBURY, SUFFOLK**

### **Planning Balance**

The Council benefits from a five-year housing land supply. The starting point for decision-taking purposes remains firmly with the Development Plan with the NPPF a material consideration in this decision. Development Plan policies generally conform with the aims of the NPPF to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In that respect the development complies with CS1, the broader thrust of CS2 (notwithstanding its exceptional circumstances "test"), and CS15. Whilst the policy conflict with CS2 is noted, this is not considered to be a matter on which this application turns.

The NPPF objectives for sustainable development include delivering a sufficient supply of homes. The Council can currently demonstrate a five-year land supply position as required by paragraph 73 of the NPPF, with 5.67 years. Whilst the 'tilted balance' as set out under Paragraph 11(d) is not engaged, for the reasons set out in this report this does not alter the recommendation made.

The NPPF requires decisions to be approved that accords with an up to date development plan without delay. The proposal accords with the 'most important' policies, is in a sustainable location, within walking distance of a good range of local services, adjoining the settlement boundary.

The NPPF and Policy CS1 require development to be approved that accords with an up to date development plan, and without delay.

The proposal accords with the 'most important' policies applicable to the proposal, is in a sustainable location, within walking distance of a good range of local services. The proposed development is visually well related to the area, adjoining the settlement boundary, offering betterment and uplift through choice design and layout which effectively utilises the undeveloped site.

In recognition of CN06, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and finally Paragraphs 193 – 197 of the NPPF, the scheme does create a degree of harm from a heritage perspective. In 'weighing up' the public benefits of the scheme against the 'medium level'

harm caused by development, the balance would fall in favour of approval owing to; effective use of land, ecology enhancement, landscape improvement, sustainable location and housing units (including affordable provision).

In determining this application Officers are mindful of the specific duty imposed on the local planning authority with respect to the need to have special regard to the desirability of preserving the listed building or its setting, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Full consideration has been given to the comments received from the Heritage Team. The level of harm to the above heritage assets is noted to be a medium level of less than substantial harm.

Paragraph 196 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. In consideration of the contribution towards the Council's housing targets, provision of housing, affordable housing and the sustainable location, it is considered that these material considerations would none the less outweigh the medium level of less than substantial harm to the heritage assets, even where a considerable importance and great weight is applied to the desire to keep the affected asset from harm.

Officers have therefore applied the balance required by paragraph 196 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the listed buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the medium level of less than substantial harm, having given considerable importance and weight to the harm identified.

The design ethos is welcomed, and given the proposed conditions set out, the scheme could be sensitively finished in appropriate materials which would soften the immediate impact of development. Officers are of the sound opinion that a tonally acceptable appearance could be generated, with the overriding public benefits cited.

There is little before Officers to suggest the scheme conflicts to an unacceptable level in terms of; design and layout, heritage, residential amenity, landscape, ecology, highways, flood and water, land contamination or sustainability. These key outcomes are appropriately safeguarded, and conditioned / legally bound where justified.

The proposal represents an appropriate proposal for residential development and would deliver sustainable development, furthering the overarching thrust of Policies CS1, CS2, and CS15 of the Core Strategy, and providing net gains to the three objectives of sustainability in accordance with the NPPF (which notwithstanding the Development Plan is a compelling material consideration). The above harms identified relating to heritage and conflict with policy CS2 and CS19 are considered to be outweighed by the benefits of the proposal, namely the additional dwellings, affordable dwelling provided and the sustainable location of the site. The application is therefore recommended for approval.

# Agenda Item 6b

With reference to paragraph 3.5 on page 33, the following text should supersede:

**The NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites to provide for 5 years' housing provision against identified requirements (see paragraph 73). For sites to be considered deliverable they have to be available, suitable, achievable and viable. The Council recently published a Housing Land Supply Position Statement which identifies the Council can demonstrate a sufficient land supply (5.67 years). The District is able to demonstrate a 5 year housing land supply. As such, the 'tilted balance' as set out under Paragraph 11(d) is not engaged.**

With reference to paragraph 3.9 on page 11, and paragraph 3.10 on page 34, the wording "*In the absence of a five-year housing land supply this weighting is reduced further to some degree*" should be deleted.

With reference to the Section 15 (Planning Balance) of each respective report, the following text should supersede:

## **DC/19/01973 - LAND SOUTH OF SLOUGH ROAD, BRANTHAM**

### **Planning Balance**

The Council benefits from a five-year housing land supply. The starting point for decision-taking purposes remains firmly with the Development Plan, with the NPPF a material consideration in this decision. Development Plan policies generally conform with the aims of the NPPF to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In that respect the development complies with the broader thrust of Policy CS2 (notwithstanding its exceptional circumstances "test"), Policy CS1, CS11 and CS15. Whilst the policy conflict with CS2 is noted, and also the conflicts noted above with CS11, these are not considered to be matters on which this application turns.

The NPPF objectives for sustainable development include delivering a sufficient supply of homes. The Council can currently demonstrate a five-year land supply position as required by paragraph 73 of the NPPF, with 5.67 years. Whilst the 'tilted balance' as set out under Paragraph 11(d) is not engaged, for the reasons set out in this report this does not alter the recommendation made.

The NPPF requires decisions to be approved that accords with an up to date development plan without delay. The proposal accords with the 'most important' policies, is in a sustainable location, within walking distance of a good range of local services, adjoining the settlement boundary.

The NPPF and Policy CS1 require development to be approved that accords with an up to date development plan, and without delay. The proposal accords with the 'most important' policies applicable to the proposal, is in a sustainable location, within walking distance of a good range of local services. The proposed development is visually well related to the area, adjoining the settlement boundary.

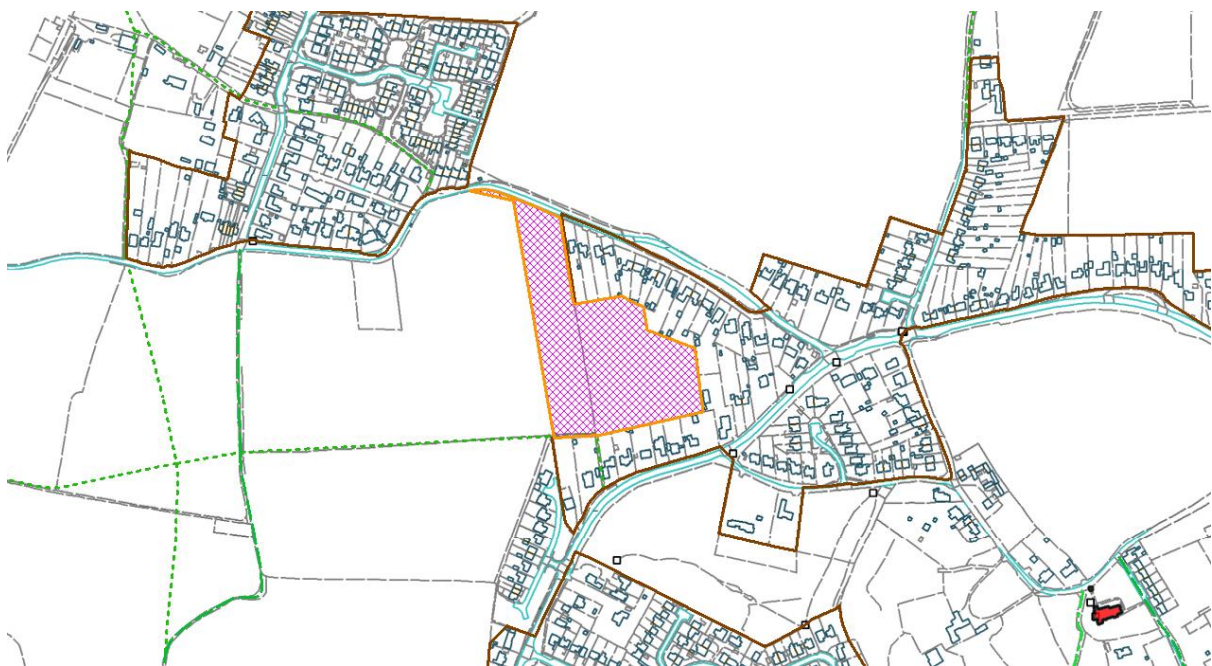
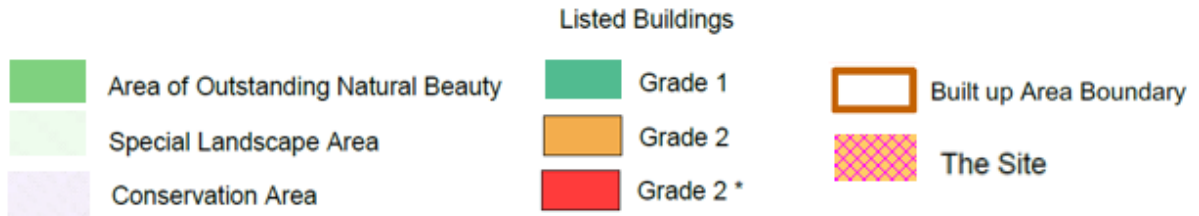
Whilst the majority of the detailed matters are reserved, there is little before Officers to suggest the scheme conflicts to an unacceptable level in terms of; design and layout, heritage, residential amenity, landscape, ecology, highways, flood and water, land contamination or sustainability. These key outcomes are appropriately safeguarded, and conditioned / legally bound where justified.

The proposal represents an appropriate proposal for residential development and would deliver sustainable housing, furthering the overarching thrust of Policies CS1, CS2, CS11 and CS15 of the Core Strategy, and it is not considered that the harms outweigh the benefits. The application is therefore recommended for approval.

Application No: DC/19/01973

Parish: Brantham

Location: Land South Of Slough Road



This page is intentionally left blank

# Agenda Item 7b

## Committee Report

Item 7B

Reference: DC/19/03360

Case Officer: Samantha Summers

Ward: Sudbury North East.

Ward Member/s: Cllr Alison Owen.

---

## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

---

### **Description of Development**

Planning Application - Replacement of existing timber cladding to first floor rear elevation with external insulation finished with through coloured render.

### **Location**

First Avenue, Sudbury, Suffolk, C010 1QT

**Expiry Date:** 07/09/2019

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor All Other

**Applicant:** Babergh District Council

**Agent:** NPS Property Consultants Ltd

**Parish:** Sudbury

**Site Area:** 0.45Ha

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

---

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

---

The application is referred to committee for the following reason:

The applicant is Babergh District Council.

---

## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

---

### **Summary of Policies**

CN01 - Design Standards

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

NPPF - National Planning Policy Framework

## **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

## **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**

#### **Sudbury Town Council**

Approve

### **B: Representations**

No local or third party representations have been received for this proposal.

## **PLANNING HISTORY**

There is no planning history relevant to this case.

---

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

---

### **1.0 The Site and Surroundings**

1.1 First Avenue is a road of dwellings built by Babergh District Council in the mid to late 1900s. The road is on the outskirts of Sudbury. The central road has garage blocks and parking areas with terraced two storey dwellings either side of the central road. The dwellings are uniform and many are still under the ownership of the District Council.

### **2.0 The Proposal**

2.1 This application is made by Babergh District Council for improvements to Council owned properties. 39 properties are included in this application and include: 28, 29, 30, 31, 32, 38, 39, 40, 42, 43, 44, 45, 47, 49, 50, 51, 52, 53, 54, 56, 59, 64, 65, 66, 67, 68, 69, 70, 72, 74, 75, 77, 79, 80, 82, 84, 88, 93 and 94.

2.2 The application seeks planning permission for externally insulating the Council owned properties and then finishing them in render. This is a change of external materials and therefore requires planning permission as it cannot be dealt with under general permitted development rights.

2.3 Site Area is 0.45Ha in total.

### **3.0 The Principle of Development**

3.1 This application seeks minor changes to residential dwellings. The changes include the addition of external insulation and a change of external material to the rear elevations of the dwellings which are the subject of this application.



3.2 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.

3.3 Policy CN01 of the Babergh Local Plan 2006 and policy CS01 of the Babergh Core Strategy 2014 are the two most relevant policies for assessing this application. Full weight is given to these policies as they are consistent with the aims of the National Planning Policy Framework 2019 in terms of achieving sustainable development.

3.4 The development proposed is considered to be acceptable when assessed against the relevant policies because the dwellings will benefit from better insulation which will help to reduce household costs and carbon emissions.

#### **4.0 Nearby Services and Connections Assessment of Proposal**

4.1 n/a

#### **5.0 Site Access, Parking and Highway Safety Considerations**

5.1 n/a

#### **6.0 Design and Layout - Impact on Street Scene**

6.1 The dwellings are currently finished with facing brick to the front and side elevations and to the rear elevation - brick to the ground floor and timber cladding to the first floor.

6.2 It is proposed to remove the timber cladding on the rear elevations and add external insulation and then finish the first floor in render.

6.3 This is considered to be acceptable as it is an improvement for the residents and will reduce heating loss during winter months.

6.4 This would be an additional improvement to the Council houses. The houses already benefit from PV solar panels in the Council's efforts to reduce carbon emissions.

6.5 There will be a difference in appearance to the dwellings which are in private ownership, however, the difference is only at first floor level on the rear elevations. This is not considered to be unacceptably harmful to the character and appearance of the area.

#### **7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

7.1 n/a

#### **8.0 Land Contamination, Flood Risk, Drainage and Waste**

8.1 n/a

**9.0 Heritage Issues**

9.1 n/a

**10.0 Impact on Residential Amenity**

10.1 n/a

**11.0 Planning Obligations / CIL**

11.1 n/a

---

**PART FOUR – CONCLUSION**

---

**12.0 Planning Balance and Conclusion**

12.1. This application seeks improvements to Council owned properties. The scheme would result in better insulation for dwellings which will lower heating costs for residents and also lower carbon emissions. The application does not raise any issue of planning concern and is therefore recommended for approval.

**RECOMMENDATION**

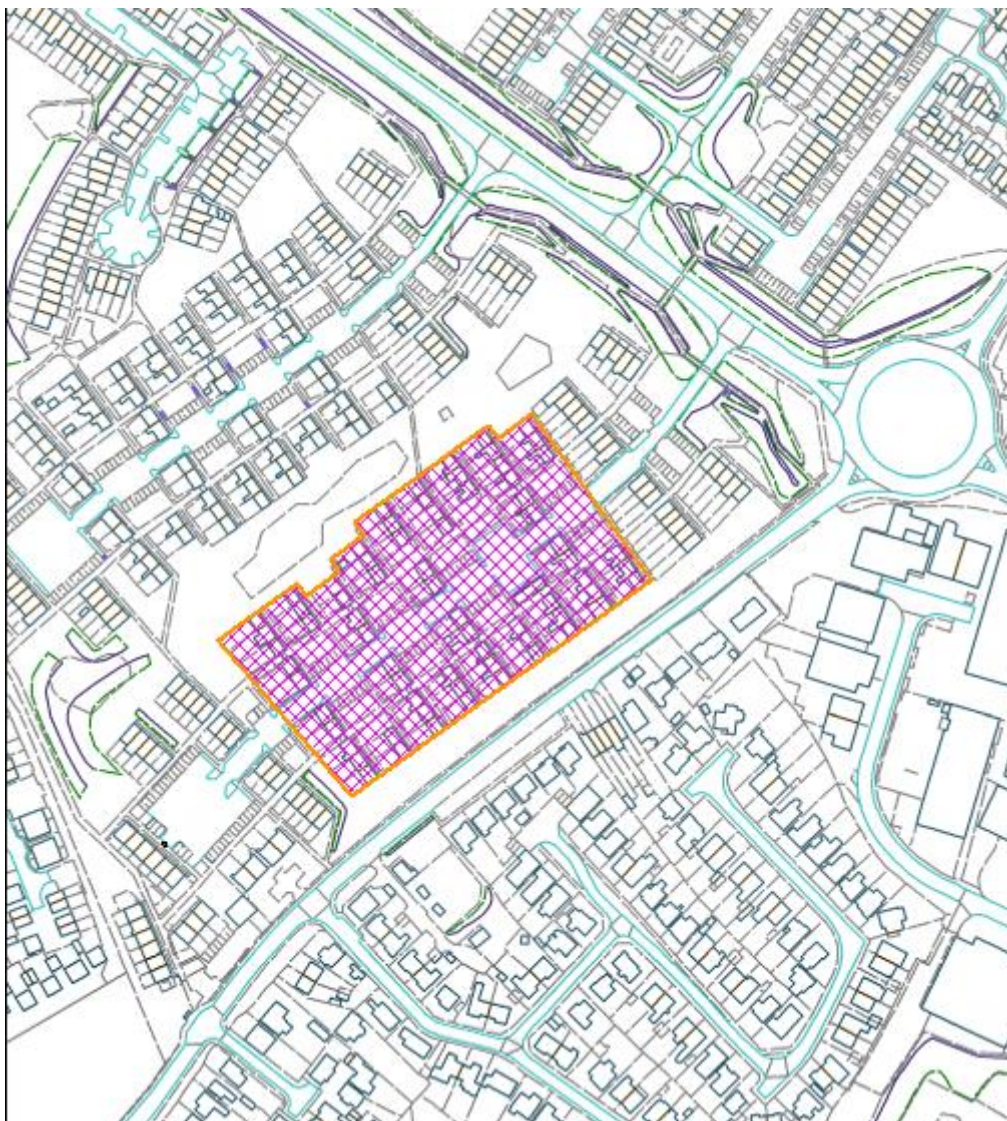
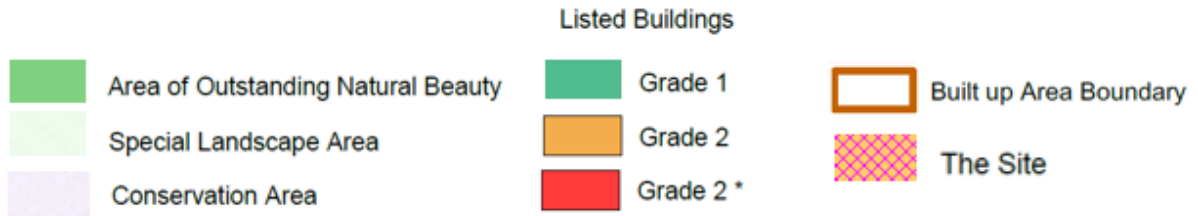
That the application is GRANTED planning permission and includes the following conditions:

- Commencement of development
- Approved plans and documents
- Colour of render to be agreed

**Application No: DC/19/03360**

**Parish: Sudbury**

**Location: First Avenue**



This page is intentionally left blank