COMMITTEE:	**PLANNING COMMITTEE**
DATE:	**WEDNESDAY, 24 MARCH 2021 9.30 AM**
VENUE:	**VIRTUAL TEAMS VIDEO MEETING**

Members		
Conservative Sue Ayres Melanie Barrett Peter Beer (Chair) Mary McLaren Adrian Osborne	Independent John Hinton Lee Parker Stephen Plumb (Vice-Chair) Liberal Democrat David Busby	Labour Alison Owen Green Leigh Jamieson

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

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.

A G E N D A

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/20/11 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10 MARCH 2021**

To Follow.

4	**TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**	
5	**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.	
6	**PL/20/12 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** An Addendum to Paper PL/20/12 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.	5 - 10
a	**DC/20/05361 LAND SOUTH EAST OF BARROW HILL, ACTON, CO10 0AS**	11 - 42
b	**DC/21/00082 7 HILL HOUSE, NEWBERRY ROAD, BILDESTON, IPSWICH, SUFFOLK, IP7 7ET**	43 - 52

Notes:

1. The next meeting is scheduled for Wednesday 7 April 2021 commencing at 9.30 a.m.

2. 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, 7 April 2021 at 9.30 am.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils Youtube page: https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael - committees@baberghmidsuffolk.gov.uk - 01449 724930

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.

PL/20/12

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

24 MARCH 2020

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	11-42	**DC/20/05361**	**Land South East of Barrow Hill, Acton, CO10 0AJ**	JME
6B	43-52	**DC/21/00082**	**7 Hill House, Newberry Road, Bildeston, Ipswich Suffolk IP7 7ET**	JW

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

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Protocol for Virtual Meetings

Live Streaming:

1. The meeting will be held on TEAMS and speakers will be able to join via invite only. Any person who wishes to speak at the meeting must contact Committee Services at: committees@baberghmidsuffolk.gov.uk at least 24 hours before the start of the meeting.
2. The meeting will be live streamed and will be available to view on the Council's YouTube page as detailed below: https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

Recording of proceedings:

1. Proceedings will be conducted in video format.
2. A Second Governance Officer will be present and will control the TEAMS call and Livestreaming.
3. Members should display the Corporate Background whilst in attendance at formal meetings; the working together logo should be used for joint meetings.
4. If you are experiencing slow refresh rates and intermittent audio you should turn off incoming video to improve your connection to the meeting (If this also does not work please turn off your own camera).

Roll Call:

1. A roll call of all Members present will be taken during the Apologies for Absence/Substitution to confirm all members are present at the meeting.

Disclosable Pecuniary Interests:

1. A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

Questions and Debate:

1. Once an item has been introduced, the Chair will ask if there are any questions. Members of the Committee will be asked to use the "Hands Up" function within teams. The Chair will then ask Members to speak.
2. Any Councillors present who are not part of the Committee will then be invited to ask questions by using the "Hands up function" within teams. The Chair will then ask Members to speak.

3. At the end of the questions the Chair will ask Members whether they have any further questions before entering into debate.
4. In the instance where a Member of the Committee would like to formally make a proposal, they should raise their hand using the Hands Up function. At this point the Chair would go directly to them and take the proposal. Once the proposal has been made the Chair would immediately ask if there was a seconder to the Motion. If there is it would become the substantive Motion and the Chair would again continue down the list of Councillors until there is no further debate.
5. Upon completion of any debate the Chair will move to the vote.

Voting:

1. Once a substantive motion is put before the committee and there is no further debate then a vote will be taken.

2. Due to circumstances the current voting by a show of hands would be impractical - as such the Governance Officer will conduct the vote by roll call. The total votes for and against and abstentions will be recorded in the minutes not the individual votes of each Councillor. Except where a recorded vote is requested in accordance with the Rules of Procedure.

3. The governance officer will then read out the result for the Chair to confirm.

4. A Councillor will not be prevented from voting on an item if they have been disconnected from the virtual meeting due to technical issues for part of the deliberation. If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Confidential items:

1. The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public and press are disconnected from the meeting.

Committee Report

Item 6A

Reference: DC/20/05361
Case Officer: Jamie Martin-Edwards

Ward: Long Melford.
Ward Member/s: Cllr John Nunn. Cllr Elisabeth Malvisi.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development
Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Residential Development for up to 100No dwellings (35 affordable), play space, scout hut, canoe storage and community orchard (following demolition of Beaulieu High Street, Acton CO10 0AJ)

Location
Land South East of Barrow Hill, Acton, CO10 0AS,

Expiry Date: 01/03/2021
Application Type: OUT - Outline Planning Application
Development Type: Major Large Scale - Dwellings
Applicant: Innominate Trust (Registered Charity Number 27115) & Leith Planning Investments (Suffolk) Ltd.
Agent: Paige Linley, The Leith Group

Parish: Acton
Site Area: 6.3 Hectares
Density of Development:
Gross Density (Total Site): 15.9 dwellings per hectare (d/ha)
Net Density (Developed Site, excluding open space and SuDs): Not known due to Outline with access only to be considered.

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 as it is a major application for up to 100 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy (2014):

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS12 Sustainable Design and Construction Standards
CS13 Renewable / Low Carbon Energy
CS14 Green Infrastructure
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes
CS21 - Infrastructure Provision

Saved Policies in the Babergh Local Plan (2006):

HS31 Public Open Space (Sites of 1.5ha and above)
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 - Landscaping Schemes
CR08 Hedgerows
TP15 - Parking Standards - New Development
TP16 Green Travel Plans

Supplementary Planning Documents

Rural Development and Policy CS11 (2014)
Affordable Housing (2014)
Supplementary Planning Guidance on Provision of Outdoor Recreation Facilities and Open Space (2010)

Other material planning considerations

NPPF - National Planning Policy Framework

Emerging Joint Local Plan – Preferred Options (Regulation 18) Consultation (July 2019)
Suffolk County Council Adopted Parking Standards

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

Parish Council

Acton Parish Clerk
The parish council finds it very disappointing that the developers have not consulted with residents or the Parish Council before submitting this application.

The site gained outline permission in 2017 when the district council could not support a five-year housing land supply. This situation has now changed, with Babergh confirming figures of 6.74 of housing land supply available.

The application does not satisfactorily address matters set out in policy CS11 and score positively against criteria set out in Policy CS15. The cumulative impact (CS15) on new development in the area is a strong reason to refuse this application.

No consideration to educational places, GP/Health facilities or the cumulative impact to the road network.

Design and landscape concerns on character of the area.

Adverse impact to the enjoyment of PRoW number 9 caused by placing development so close to the route. The proposal does not give adequate explanation as how the rural pathway and immediate landscape will be protected and/or enhanced.

No updated housing need survey.

Drainage issues relating to the site's topology.

Prospect of scout hut is for the land not to pay for the build.

Parish would like a MUGA included with the site.

The proposal mentions the provision of additional allotment sites for the village, but these are not firmed up in the drawing plans.

Inappropriate to narrow the highway, visibility splays cannot be met. Lack of surveys on highway use to justify reduced splays.

The proposed junction into the High Street will greatly harm the setting of the adjacent sited (opposite the proposed entrance) listed properties and harm the character of the immediate heritage setting.

Beaulieu, the property due to be demolished is an important part of the existing street scene.

Benefits do not outweigh harm.

National Consultee

Natural England
Natural England has no comments to make on this application.

Anglian Water
No objection, subject to informative notes.

East Suffolk Inland Drainage Board
Having screened the application, the site in question lies outside the Internal Drainage District of the East Suffolk Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

British Horse Society
The British Horse Society has no objection to this application in principle. The British Horse Society would like the applicant to improve connectivity for equestrians in the area by upgrading Acton Footpath 9 to Bridleway status. With this upgrade the British Horse Society would like to have a suitable surface for all users of the new Bridleway, see attached leaflet for guidance on surfacing.

County Council Responses

Suffolk County Council (SCC) - Highways
No objections subject to conditions
Proposed visibility is acceptable based on information provided and "suite of improvements" on High Street and Waldingfield Road.
Intensification will not adversely impact the existing road network.
No significant road safety issues near the site.
The design should include a shared use cycle/footway into the site as a minimum.
We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. This development can provide safe and suitable access to the site for all users (NPPF Para 108) and would not have a severe impact on the road network (NPPF para 109) therefore we do not object to the proposal.
Subject to conditions and s106 contributions.

SCC - Travel Plan Co-ordinator
Travel Plan related response is included as part of the Suffolk County Council Highways comments.

SCC - Flood & Water Management
No objection subject to conditions.

SCC - Fire & Rescue
No objection subject to condition for fire hydrants.

SCC - Archaeological Service
There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), 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.

SCC - Rights Of Way Department
We accept this proposal, however there will be a requirement to enhance the PROW network relating to this development and a separate response will contain further information.

SCC - Development Contributions Manager,
No objection subject to securing the relevant CIL and s106 for education and highways.

Suffolk Police - Design Out Crime Officers
No objection but provides a number of recommendations and considerations for the reserved matters stage.

Internal Consultee Responses

Heritage Team
The outline proposal has the potential to cause harm to the significance of the listed
building. The detail within a reserved matters scheme will inform the level of harm ascribed. In its current form and due to there being little definitive detail at this stage, the scheme for access only has the potential to cause a low level of less than substantial harm.

Environmental Health - Air Quality
No objection to the proposed development from the perspective of local air quality management.

Environmental Health - Land Contamination
No objection to the proposed development from the perspective of land contamination.

Environmental Health - Noise/Odour/Light/Smoke
No objection in principle subject to the conditions relating to construction times, Construction Management Statement and no burning, being applied to minimise the effects of the construction phase on existing dwellings bordering the site.

Arboricultural Officer
No objection in principle to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report.
Although a small number of trees are proposed for removal these are generally of limited amenity value and/or poor condition and their loss will have negligible impact upon the character of the local area. All of the important Category A trees are scheduled for retention.
If you are minded to recommend approval we will require additional information including an Arboricultural Method Statement, a Tree Protection Plan overlaid against a final layout and a monitoring schedule in order to help ensure protective measures are implemented effectively. This can be dealt with as part of reserved matters/under condition.

Strategic Housing
In essence I agree with the proposed mix, size, tenure either on the S106 or the response given by strategic housing in December 2020.
However, there is not much demand for 4 beds and would prefer the 2 x 4 beds to be changed to 3- bed housing if possible. That will bring the total number of 3 beds for affordable rent to 8 (EIGHT DWELLINGS).
I would like to add that although the applicant has provided a housing need survey, this survey was done in 2017 and possibly slightly updated. We prefer housing needs survey to be done by an independent

provider like 'Community Action Suffolk' and for the local community, parish council etc to be consulted. Therefore, I would like it noted that I do not think weight can be given to the 'housing need survey submitted' with the application. Unless the applicant can provide evidence otherwise.
At reserved matters I would expect to see:
Detailed plan clearly showing each home/plot that will be either affordable rent or shared ownership.
An indication of the proposed registered provider.
A S106 to have been completed or in progress this needs to be sent directly to our legal team

Public Realm
Public Realm Officers welcome the proposed inclusion of play areas, wildflower meadows and nature reserve areas. We would welcome the opportunity to comment further once details of these areas are submitted.

Ecology - Place Services
No objection subject to securing ecological mitigation and enhancement measures

Landscape - Place Services
No objection subject to meeting design expectations and providing further documents at reserved matters stage.

BDC - Waste Strategy Team
Waste services have no specific comments at this stage on the application except to say that any development must be suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around safely in order to carry out waste collection.

This includes high levels of visibility and space in the roadway to carry out collections safely.
The road surface and construction must be suitable for a 32 tonne RCV to drive on.
We would welcome the opportunity to look at waste collection further including aspects of bin presentation points and storage.

Additional Consultees

Sudbury Group - Patch 5
Ramblers wish to OBJECT to this application on the grounds that a development of this size adjacent to footpath 9 will destroy the current rural setting and greatly diminish the amenity value to those that use it for recreation and exercise including the existing residents of Acton.
Furthermore, Acton has been subject to considerable housing development in recent years and does not have the infrastructure to accommodate another hundred homes. We hope that you will recommend rejection of this application to the committee.

Suffolk Wildlife Trust
Holding objection: lack of information.

B: Representations

At the time of writing this report at least 57 letters/emails/online comments have been received. It is the officer opinion that this represents 54 objections, 0 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

57 representations received making the following comments:

- Road is not wide enough, and access would not be safe.
- Concerns about the effect on local ecology/wildlife.
- Concerns about drainage, schools, doctors etc as to whether they can cope.
- Poor drainage and flooding concerns.
- Concerns over duty of care for residents of Acton.
- Village will be “blighted by developments of the ugliest structures”.
- Extra traffic would be harmful to the health of nearby children.
- Impact on employment in the area – currently only one serving shop/post office and pub.
- Neighbouring property would lose all access to their driveway and make it impossible to stop outside the home for themselves and visitors.
- Concerns about noise, light pollution, and unsociable behaviour on this peaceful area of the village.
- Concerns over increasing traffic and speeding through the main High Street.
- Concerns over Protected Trees in the area.
- Noise and disturbance from construction vehicles.
- Impact on Listed buildings opposite the proposed site.
- Concerns about proposed Visibility Splays.
- Concerns that application does not meet SCC Highways Criteria.
- Impact on exiting from Barrow Hill onto the High Street which is already a very busy road.
- Concerns over Scout Hut proposal when Acton has a “good quality under-used Village Hall”.
- Concerns of visual impact.
- Overdevelopment
- Increase in pedestrian traffic on barrow Hill where there are no footpaths, and it is narrow.
- Too many developments in the village already.
- Loss of views across the field Loss of value to property Spoil village setting.
- Concerns over severing vital links with neighbouring villages for distance walkers and holiday makers.
- Concerns over construction traffic as there is “no secondary access to the site”.
- Loss of agricultural land.
- Loss of privacy.
- Loss of residential amenity.
- Impact on The Acton Wildlife Reserve – 200 trees have been planted creating a wetland area for wildlife which may be “undone by the noise and disruption”.
- Concerns over inadequate parking provisions.
- Frequent power cuts in the village will increase due to new developments.
- Concerns over impact on the infrastructure of Village.
- Demolition of a family home to gain access is “ridiculous”.
- Concerns over sewage system.

- Neutral comment does not oppose in principle however feels road links and electronic connectively need to be addressed prior to progression.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/17/02751	Outline Planning Application for proposed residential development (up to 100 dwellings), including access, play space, scout hut, canoe storage and community orchard, with all other matters reserved.	**DECISION:** GTD 22.12.2017
REF: DC/18/01309	Discharge of Conditions application DC/17/02751 Condition 17 (Access and Visibility Splays)	**DECISION:** GTD 17.04.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The site is known as land south east of Barrow Hill, Acton and is 6.27 ha (15.5 acres) in area situated to the north east of the settlement of Acton.

1.2. Between Barrow Hill and the site is a triangular parcel of land that is currently used as allotments and a community managed woodland trail.

1.3. The site is bounded by existing hedgerows which are denser on the eastern and northern boundaries.

1.4. The western boundary is shared with the rear gardens of the dwellings on Gotsfield Close (five of which are singles storey dwellings). The southern boundary is shared with the rear gardens of the dwellings along High Street. These gardens are far larger and longer than those along Gotsfield Close.

1.5. PRoW Footpath 9 runs inside the eastern boundary and connects to High Street. Whilst there are no other rights of way on the site from a definitive map perspective, the site is used by locals to walk around the edges and connecting to and through the northern parcel of community woodland trail.

1.6. The northern side of High Street has an existing line of development which includes a diverse range of mostly post-war dwellings. These are mostly set back from the highway with large front gardens. Some have a shared access on to High Street some have an individual accesses. Boundary treatment here is a mix of hedges and fences. Beaulieu is one of these dwellings.

1.7. Pool House is also on the northern side of High Street and is a two storey and thatched Grade II listed building located on the western end of High Street as it bends northwards to the bus stop and convenience store. This dwelling is not set well back from the highway like the other dwellings on the north side of High Street.

1.8. On the south side of High Street is again a mix of dwellings of forms and scale. These mostly have shorter front gardens. Directly opposite Beaulieu are two Grade II listed Buildings. Spring cottage a modest thatched cottage which fronts the highway and is, other than its direct neighbour (Marigold), the closest to the highway. Spe Dives is the other Grade II listed building which is set back and behind Marigold.

1.9. Another Grade II listed Building is situated on the south side of High Street to eastern side and sits opposite the access to the PRoW Fp 9. This building rendered with peg tils and has been subdivided in to two dwellings known as Sunflower Cottage and Lilac Cottage. The Grade I listed All Saints Church is located further to the west of the site, but with intervening more recent residential development in between the church and the site.

1.10. Along the western boundary of Spe Dives is a foot path that leads to Acton Primary School and Lambert Drive situated to the south behind the line of existing development along High Street.

1.11. High Street has a pedestrian path but only on the northern side. There is no footpath along the southern side of High Street.

1.12. Returning to site, the topology slopes from the norther east corner to the south west. The site remains as overgrown grass. There are also overhead electricity lines that run through the site.

2. The Proposal

2.1 The application proposes residential development of up to 100 dwellings under outline consent with access to be considered. The appearance, scale, landscaping, and layout are all reserved and would be subject to a further application for reserved matters. A single vehicular access point is proposed from the High Street, which requires the demolition of Beaulieu. The application also proposes a play space, land for s scout hut with canoe storage and nature reserve.

2.2 The site is 6.27 ha (15.5 acres).

3. The Principle of development

3.1. 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. Also key to this application are the benefits and harms as detailed in this report, which are key material considerations to be taken into account.

3.2. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).

3.3. Babergh benefits from a five plus year land supply position as required by paragraph 73 of the NPPF. However, paragraph 213 of the NPPF identifies that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them. Taken in the round, the most important policies for the determination of this application (namely CS2, CS11, CS15) are considered to be up to date, although as explained below policy CS2 is afforded less than full weight.

Policy CS2 Settlement Pattern Policy

3.4. Policy CS2 (Settlement Pattern Policy) designates Acton 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. The site is outside the settlement boundary and policy CS2 therefore applies.

3.5. Policy CS2 has previously been found to be consistent with national policy, forming part of the Core Strategy as a post-2012 NPPF development plan document. It provides a strategy for the distribution of development that is appropriate in recognising local circumstances and its overall strategy remains sound. However, in the absence of an allocations document and settlement boundaries review (which has been absent for several years but has in practice been overtaken by the preparation of the emerging Joint Local Plan) it should be afforded less than full weight. This is also the case because national policy continues to require that policies be tested for their consistency with the NPPF: the 'exceptional circumstances' threshold is not entirely consistent with the NPPF and this has been recognised repeatedly in appeal decisions, recently notably in the appeal decision APP/D3505/W/18/3214377 for 150 dwellings in Long Melford, following the most recent NPPF publication. The fact that the site is outside the settlement boundary is therefore not necessarily – in the circumstances of this particular application – a determinative factor upon which this decision turns.

3.6. 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. Paragraph 79 of the NPPF is not engaged.

3.7. A momentum in favour of securing development that satisfies the objectives of sustainable development, and the need for a balanced approach to decision making, are key threads to Policy CS1, CS11 and CS15 of the Core Strategy. These policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework as it applies to the subject application.

Policy CS1 Presumption in Favour of Sustainable Development

3.8. Policy CS1 takes a positive approach to new development that seeks to secure development that improves the economic, social and environmental conditions in the Babergh district. Consistent

with the NPPF it also applies the *'presumption in favour of sustainable development'* which is an operation engaged as a consideration under certain circumstances.

Policy CS11 Strategy for Development in Core and Hinterland Villages

3.9. 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 for the Core and Hinterland Villages.

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

3.11. 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.

3.12. 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 is considered to be a material consideration when planning applications are determined.

3.13. 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.

3.14. The site's western edge abuts the existing settlement boundary. The northern and southern edges are separated from the settlement boundary by the community allotments and woodland and rear gardens of the dwellings that front High Street. Therefore, the site is considered to have a close functional relationship and well related with the existing settlement and pattern of development. A Landscape Visual Impact Assessment (LVIA) has been submitted with the application and consultation with a Landscaping Officer has concluded there is no harm to the surrounding landscape subject to design briefs that will should be integrated at a reserved matters stage, this will be covered in more depth within the landscape section in the report below. Similar conclusions have been found with heritage and ecology with consultees satisfied that the principle of development application considered at an outline stage can satisfactorily address the characteristics of the village. Aspects relating to a well-designed development with appropriate size / scale, layout and charter are matters that will be considered at a reserved matters stage and therefore the proposal does not entirely engage with this element of CS11.

Local Housing Need and Affordable Homes

3.15. CS11 requires that development in Hinterland villages must first satisfactorily meet the criteria set out for Core Villages and then the criteria for Hinterland villages. For Core villages, development should satisfactorily identify a local need, such as housing (Core Villages iv)) and meet a proven local need such as affordable housing (Hinterland villages iii)). Policy CS19 requires that all residential development provides 35% affordable housing.

3.16. Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Hinterland Village identified in the application, namely Acton and the functional clusters which it sits within.

3.17. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself. In this case the Applicant has submitted a housing needs assessment.

3.18. A Housing Needs Survey (HNS) was undertaken following consultation with local residents and the parish council over the development of a site in the village. All village residents were invited to participate in a household survey. The findings of the survey were interpreted alongside other information to arrive at a robust estimate of the size type and tenure of housing needed by local residents and people with a connection to the village over the next 5 years.

3.19. The submitted HNS report was originally completed in 2017 (submitted with the extant permission), projecting the need for the next five years. This would take us to 2022. Therefore, whilst it is important to the findings that a consultation with residents has taken place, this was from 2017 which is now dated to some degree. However, the projections within this report run until 2022 and so are still in date in that regard.

3.20. That said, the HNS survey also includes reflections from the districts Strategic Housing Market Assessment (SHMA) and the HNS has been updated in 2020 accordingly (for the submission of this application) to include the variable of the Tamage Road development of the south west side of Acton, that was granted in 2019 where works have commenced.

3.21. Based on a SHMA, 2011 Census and a survey consultation with residents within the last five years, the HNS concludes that there is still a five year projection for additional housing as:

- 60 market dwellings for home ownership are required being:
  - 9 detached houses (3&4-bedrooms);
  - 20 semi-detached house (2,3&4-bedrooms);
  - 6 terraced houses (3-bedroom); and
  - 25 detached bungalows (2&3-bedroom**)**
- 19 social rented terraced houses (1 and 2-bedroom) which approximates to the 30% policy requirement,
- 20 low cost housing units - a mix of affordable home ownership products.

3.22. This equates to 99 dwellings with a proposal for 100 dwellings.

3.23. The difference between this HNS and that which was submitted for the Tamage Rd application is that the latter also looked at the housing need up to 2031 which is the phase up to the end of the Joint Local Plan period. The following is taken from the committee report (paragraph 3.9) for Tamage Rd DC/19/03126:

> "The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are considered throughout this report. A key element of CS11 is the requirement to meet a proven local need. A Housing Need Assessment has been provided which shows that, within the two functional clusters which Acton is located in (Long Melford and Sudbury), there is a local need requirement up to 2031 (which is the end of the JLP period) of 2,177 dwellings. In September 2019 there was planning consent for 1,939 dwellings of which 448 were considered to be deliverable within the next five years. While not all 1,939 dwellings will be brought forward by 2031, using this number provides an additional need for 238 dwellings."

3.24. Whilst the housing need survey for Tamage Rd was not submitted with this application and therefore not a material consideration, it does go some way to show the need for additional 100 dwellings in 2019 on top of the 100 already approved on this site in 2017, which this application now seeks to renew..

3.25. Furthermore, it is also important to acknowledge that the affordable housing proposed at 35% will contribute to meeting the district wide need rather than a specific local need. As such, there is some conflict with CS11 Hinterland iii) as it does not delivery a local need per se, but a district need. Additionally to this the HNS concludes on 60 open market dwellings and 40 affordable homes whereas the proposal under the s106 and supporting documentation is for 35% AH only. As such the proposals do not fully respond to the need identified in the submitted HNS..

3.26. The Strategic Housing Officer has noted their preference of viewing an indicative layout plan to show the sizes and layout of where the affordable home will be located. However, as design and layout are reserved this information will follow should the application for outline consent be approved. Through the consultation it has been agreed to remove the 4bed affordable houses and replace with a 2bed affordable to be in line with the demand district wide which has changed slightly since the extant outline was approved.

3.27. It is also noted that while the HNS concludes on 60 open market dwellings and 40 AH, the proposal for up to 100 dwellings is including 35% AH. As such there is a slight deviation as to what is being proposed compared to the from the HNS recommendations. However, the proposal is still meeting the policy requirement of CS19.

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

3.28. Policy CS11 requires the cumulative impact of development, both within the Village and it's functional cluster, to be a material consideration. No statutory consultee has offered any reasons for refusal and whilst this site has an extant permission there is still a material consideration to be had for those applications which have been approved within the functional cluster and Acton itself since the granting of permission on this site in 2017. In this instance there is an extant permission on the site where reserved matters could still be submitted up to the 1st of May 2021. Any new approvals in the area for housing would have had to factor in the cumulative impact of extant permission satisfactorily in order for it to be considered acceptable. Furthermore, CIL provides a mechanism for GP surgeries and schools to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be significantly adversely impacted by the development. It is therefore considered that the evidence suggests this development will be easily accommodated within the existing infrastructure of the village 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.

Policy CS15 Implementing Sustainable Development in Babergh

3.29. As discussed above, policy CS15 is considered compliant with the NPPF and is afforded full weighting. Policy CS15 requires that proposals must respect the local context and character in different parts of the district demonstrating sustainable development principles set out within the plan. In particular proposals should, where appropriate, meet a list of criteria set out in points (i – xix).

3.30. Rather than list each point this report seeks a summary of how the proposal does or doesn't meet these criteria points.

3.31. As set out above, the proposal has a functional relationship with the existing settlement and aspects relating to design, scale and layout are reserved at this stage. Whilst it is considered that broadly speaking the reserved matters could come forward in an array of different schemes, any proposal will need to respect the landscape, streetscape and heritage assets as well as making a positive contribution to the local character. Therefore, points i) and ii) of CS15 will be fully assessed at a reserved matters stage, should this application be approved, and subsequent detail submitted.

3.32. The proposal does not directly introduce new employment uses within the site. However, the proposal for up to 100 dwellings will provide a future population in the area to support the existing services and facilities within the Acton and the functional clusters set out in the Core Strategy (Map 4) that Acton is part of, including Long Melford and Sudbury and Great Cornard. Moreover, the proposal includes the introduction of a land to accommodate a Scout Hut and associated

storage which will provide stability to the local Scout network, a group which is renowned for educating young people in practical activities and skills. Therefore, the proposal is considered to support existing services and facilities in the area and indirectly offer an element of strengthening and diversifying the future workforce by providing updated infrastructure to support an organisation such as the Scouts. This latter point is subtle, but nonetheless is consider a positive interaction with point iii) of CS15.

3.33. Acton has a Primary school, (approx. 300m from the centre of the site), a convenience store (approx. 260m from the centre of the site), a public house (approx. 450m from the centre of the site) and a village hall and playing field (approx. 400m from the centre of the site) (please note these measurements are taken as the crow flies). Sudbury is approximately 3.3km from the site via the road network. Sudbury hosts a high school, supermarkets, a health centre and multiple employment sites, moreover the approved Chilton Woods scheme on the north side of Sudbury will deliver more services and facilities and employment opportunities. Great Waldingfield is approximately 2km form the site via the road network and hosts a post office, another village hall and playing field and church. Existing bus routes 753 and 700 link these three settlements together with public transport with service 753 running every hour Monday to Friday. Therefore, it is considered that there are the appropriate level of services, facilities and infrastructure available which the proposal will support and are accessible. This is a positive engagement with points iv) and vii) of the CS15.

3.34. The proposal has met the satisfaction of the ecology officer and shown that the site can support ecology enhancements along with the development of dwellings as well as public open space, creating green corridors and areas for play and exercise. The use of conditions will secure these. Whilst the site is not brownfield, its access to public transport and by securing funding to support the existing bus service, through the use of a s106, the proposed is not only considered to be situated in a location that does not have a heavy reliance on a motor vehicle but will also support the future stability of public transport services through a financial contribution, that the wider rural community use connecting Action, Sudbury and Great Waldingfield, together. As such the proposals location will help promote sustainable modes of transport and thus help reduce emissions and help towards a low carbon future. Additionally, this connectivity will also provide support for aging population that may live in the development and surrounding areas that need access to the services in Sudbury such as the health care centre and with 35 new affordable homes the proposal will provide housing for families on lower incomes. Finally, the proposal has indicatively shown how the site can support a drainage strategy which includes SUDs. As such the proposal has a positive interaction with points vi), vii) viii) ix) x) xiii) and xix) of CS15. Other elements within these points and within points xiv), xv) xvi). that directly relate to construction methods, design layout and orientation and soft landscaping will be assessed at a reserved matters stage.

3.35. Therefore, based on the above assessment the proposal is considered to have a positive interaction with CS15 when taken as a whole in the aims of achieving sustainable development.

Other matters of principle

3.36. Moreover, the site does benefit from an extant permission. This permission was granted in 2017 and was due to lapse in Dec of 2020. However, the Business and Planning Act 2020 states that any unimplemented planning permissions that were due to lapse between 19 August 2020 and 31 December 2020 are extended to the 1st of May 2021, this is automatic. Therefore, up until this date a reserved matters application may be submitted and if approved development can legally

be implemented. This is a reasonable fall-back position and is afforded great weight in the decision-making process.

3.37. Lastly, the site is within the new settlement boundary of the emerging Joint Local Plan, but not an allocated site. The emerging Joint Local Plan is currently at Regulation 19 pre-submission stage and has not yet been submitted for examination; thus, the plan currently has only limited weight in the decision-taking process. It is not considered to play a determinative role in this application. Yet, it does give a direction of travel of how the district's housing requirements can be met

Conclusion in Principle.

3.38. There are conflicts with CS2 although this carries reduced weight, a to some degree a conflict with CS11 by meeting a district need rather than local need in terms of affordable housing. But the proposed development is considered to comply with all other criteria and compliance with policies CS15 and CS19 which are given full weighting, coupled with the fact that there is an extant permission on the site that acts as a legitimate fallback position and the inclusion within the new settlement boundary of Acton within the emerging Joint Local Plan, the proposal is considered acceptable in principle.

4. Site Access, Parking and Highway Safety Considerations

4.1. The application is for Outline consent with access to be considered with all other matters reserved.

4.2. The proposal seeks to provide an access through the curtilage of a single dwelling known as Beaulieu. To accommodate this approach Beaulieu will be demolished and a number of trees and hedgerows removed (exact details of tree removal is covered in section 6 below).

4.3. The access will join with High Street, a Class C road which has a 30mph speed limit. This road is fairly straight with a slight bend northward approximately 150m to the west and a sharper bend southward approximately 180m to the east. A speed survey has been carried out on this road and recorded the 85th%tile speeds to be 38mph in both directions. Therefore, according to Design Manual for Roads and Bridges the required visibility splay is 95m. However, due to the access being within a built-up area and with improvements to High Street and Waldingfield Rd, which will act to reduce speeds, the achievably visibility splays are considered acceptable by the Highways Authority.

4.4. The access plan drawing 2018 / 106 / 5 / - provides visibility splays of 62.5m in either direction. Comments have been made that the path widths are incorrect at the front of the site and thus is considered by the objectors that the visibility splays are unachievable. The objectors state that the path either side of the proposed access is approximately 1.52m and 1.58m wide. This is consistent with the access plan drawing and with the existing situation on site. However, the confusion comes as the only annotation on the plan that relates to the width of a path is the 2m annotation for the new path along the new access road into the site. On the plan the path narrows at the access to correctly reflect the 1.52 and 1.58 measurements of the existing situation. Therefore, it is considered that there are no inconsistencies on this plan relating to path widths and thus the visibility splays as shown on the access plan 2018 / 106 / 5 / - are achievable.

4.5. Other objections claim that hedgerows in third party land cannot be removed without permission and therefore prohibit visibility splays being achieved. However, the visibility splays do not cross over third-party land other than highways owned land, although they do come very close to the boundary lines of neighbouring third party land. Therefore, any hedgerow that is within highways land can reasonable be maintained to prevent visibility splays being hindered as such this is no considered a valid reason to refuse the application.

4.6. Moving to the improvements to the highway beyond the access, these relate to a scheme that include a Gateway Feature Road Marking to the south east entrance to the village, widening of the footpath on High Street, which in turn will reduce the road width to no less than 5.5m. Additional markings along High Street will indicate approaching reduced widths are also included within this suite of improvements. These improvements will cumulatively respond to reducing speeds along High Street and justify the reduced splays mentioned above which are supported by the Highway Authority. The finer detail of this scheme will be secured via use of condition and s278 as recommended by the Highway Authority.

4.7. Objections have been received that relate to the narrowing of the road to provide the widening of the foot paths, claiming that by reducing the road to 5.5m in areas will have an adverse effect on passing traffic particularly with wide agricultural vehicles also using the road at time. However, the Highways Authority have raised no concern to the use of the road by any type of vehicle or that by reducing the width of the road to 5.5m in areas will result in a substandard width for this road. Therefore, it is not considered a reason to refuse the application.

4.8. The Highways Authority have considered the Transport Assessment submitted with the application and have considered the content which has updated the trip generation and collision date from the 2017 submission. The Highways Authority are satisfied with this and agree that the proposal will generate 60 vehicle trips during Peak Hour, resulting in 1 vehicle every minute and therefore considered that the proposed access and existing road network will have the capacity to withstand the intensification caused by the proposal. The accident analysis shows there is no significant road safety issues near the site and the causes for injury accidents within the area are not due to the design or condition of the highway network.

4.9. There is a continuous path from the site to the convenience store and bus stop and other than crossing High Street there is a continuous path to the primary school providing safe and sustainable access to existing services and facilities. Cycle routes into and within the site from High Street will come forward at a reserved matters stage.

4.10. As such the Highway Authority considers the proposal will have no impact on the public highway with regard to the congestion or safety, offering a “safe and suitable” access without having a server impact on the road network which are required by saved policy T15 of the Local plan, criteria points xvii) and xix) of policy CS15 of the Core Strategy and paragraphs 108 and 109 on the NPPF (2019).

4.11. Ultimately, it is also considered that that the principle of this access was approved under the extant Outline permission. Moreover, the detail of the access was conditioned (condition 17 of the extant permission) and successfully discharged (ref DC/18/01309) through the submission of drawing 2018 / 106 / 5 / - which has been re-submitted as part of this application to renew the outline consent and therefore mitigate the need for securing the detail via condition again. With this in mind, the Highways and Local Planning authorities have twice approved this access previously.

5. **Design And Layout [Impact On Street Scene]**

5.1. The design, scale and layout are considerations that are reserved. No detail has been submitted with this application, other than a concept plan that was to meet requirements of the Lead Local Flood Authority to show that there is space to incorporate the proposed SuDs with the proposal of up to 100 dwellings.

5.2. This indicative concept plan has not been considered in this decision-making process because of it being a reserved matter. However, by way of offering officer opinion on the concept scheme to issue direction at reserved matters stage, the layout of the roads and zonal areas for built form and open space are considered to be ridged in form and the LPA would expect an alternative organic layout that meets the recommendations and design briefs within both the Landscape and Visual Impact Assessment and the Landscape Officers consultee response. The section below regarding landscape sets out this importance. Moreover, it is considered that there are alternative schemes of layout available that this site could comfortable support that would circumvent a conclusion that this concept plan is the only scheme achievable.

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

Trees

6.1. To allow for the access to be routed through what is the cartilage of Beaulieu, not only will the dwelling itself need demolishing but several trees and hedgerows will also need removing.

6.2. The exact tress and hedgerows to be removed are set out in table two of the Arboricultural Impact Assessment updated in 2020. These are T56, T57, T58, T104, T112, G60, G101, T102, T103, T106 and T110. These trees are not protected and have limited amenity value and/or are of poor condition and thus their loss will have a negligible impact on the character of the area.

6.3. All other trees and hedgerows along the peripherals of the wider site's boundaries will be retained, moreover, the large Oak tree which is protected by a preservation order will also be retained.

6.4. This Oak (TPO: BT33/T8) labelled T109 within Arboriculturist report, is on the western edge of the Beaulieu curtilage. As such the canopy of the oak will likely overhang the access road. Objectors have raised concerns relating to pressure on the tree as result of the new access. These pressures relate to the construction of the access and its impact on the roots and the use of the access by larger vehicles that may have a physical impact on any low range branches. The Council's tree officer is satisfied that the use of condition to provide a Tree Protection Plan will adequately mitigate any adverse impact to all trees including the protected Oak. Moreover, the tree officer has raised no concern with the use of the new access partial travelling under the tree canopy of this protected Oak.

Landscape impact

6.5. Policies CS11 and CS15 of the Core Strategy require development to protect and respect existing landscapes and features characterise the landscape. Paragraph 170 of the NPPF

provides that developments should protect and enhance valued landscapes. Policy EN22 of the Local Plan states that applications that include outdoor lighting will only be approved where this is no adverse impact on landscape characteristics. Policy CR07 of the Local Plan states that where development proposals affect hedgerows of amenity or landscape significance, planning permission will only be granted where hedgerows are retained in full, or suitable mitigation such as replacement planting and management programmes are proposed.

6.6. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and has covered landscape resources and visual receptor within 2km of the site.

6.7. There are no landscape designations or conservation areas within 2km of the site. FP9 runs along the eastern bounding and inside the site. There are numerous other public foot paths within the 2km area of study within the LVIA. The site is within the National Character Area 86, South Suffolk and North Essex Clayland which is describes amongst others things as being an "An ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous small-scale river valleys that dissect the plateau". The site is also within the Suffolk Council Character type 4 of Ancient Rolling Farmlands.

6.8. The site slopes gently from east to west and north to south with a level difference of approximately 5 meters. The wider landscape is similar to the site in terms of topology. As such the proposal will have a reduced impact within the setting of the built form of the village and verdant boundaries. Moreover, other that to facilitate that access where a small amount of hedgerow will be lost, the remaining hedgerows and tree lines on the boundaries of the site, particularly on the northern and eastern boundaries, are to remain and these will offer verdant buffers preventing the development spilling out into open countryside.

6.9. The proposal is for outline consent with scale, design and layout reserved. Therefore, several considerations of the exact impact of the surrounding area, to a certain extent, are unknown. That said the LVIA is based on a variable of the development being "predominantly in the form of two-storey residential properties and associated infrastructure that will occupy a significant proportion of the site". The report concludes that the proposal will have a negligible impact on the landscape character at national and regional levels. On a local level, views into the site are "relatively well contained" with impact reduced due to landform, existing intervening vegetation and, where the site is visible within the local area, it is isolated to only "small components" of the site being visible due to the distance from the site. Moreover, the significant visual impact of the development on the landscape is isolated to that within the site itself where FP9 experiences the open nature of the site as an agricultural field. However, the LVIA sets out a number of mitigation strategies that if used to guide the design and layout of the proposal will mitigate the significant impacts that would be felt inside the site and when using FP9.

6.10. These recommendations are as follows:

- Considering topography and the location of development to allow for buildings to sit in locations where they are less visually prominent from both the wider landscape and within close proximity to the site;
- Retaining existing hedgerow and trees that are present along the northern and eastern boundaries;

- Additional robust tree planting to create a buffer to the eastern and northern areas of the site can both improve the views from the footpath within the site and screen the development from views in the wider landscape when it reaches maturity;
- Consideration should also be given to the boundaries of properties backing on to the site from the south and west. Introducing planting to these would improve the view from the dwellings that currently look across the site;
- Plant species should be in keeping with those present in the wide

6.11. The consultee comments from the Landscape consultant conclude that the report is “well considered” and follows institute guidance on methodologies. Based on the recommendations for mitigation the Landscape consultant concludes that in the absence of detail relating design, scale and layout which will come with a subsequent reserved matters application, the proposal is “not considered unfavourable” but will be subject to delivering on the recommendations within the report. Moreover, the Landscape consultant offers their own set of mitigation recommendations which include, amongst other things:

- An active frontage development should be the preferred approach along the public footpath to ensure appropriate levels of passive surveillance
- The development proposal should provide links to existing public footpaths and informal footpaths around the site.
- Street trees will be required to soften the built form and create a high quality public realm.
- In the interest of visual amenity, boundary treatment fronting the public realm (including parking courts, private roads, street, footpaths, and green public spaces) should be brick with associated soft landscaping.

Additionally, the Landscape consultant recommends that a scheme for hard and soft landscaping is submitted concurrently with the reserved matters stage.

6.12. The previously extant permission required that hard and soft landscaping and details of walls and screening fences between plots were to be submitted and implemented prior to the first occupation of dwellings by way of condition. No justification is made for this within the report of the timing for these details. As the impact to wider landscape is considered negligible but the impact within the site itself is considerable, there should be an importance reflected within the timing of these submissions to guarantee a cohesive good design throughout the site that follows the recommendations for mitigation within the LVIA and Landscape consultees comments.

6.13. This is also an appropriate approach as FP9 and how it is experienced not only characterises and adds value to the landscape within the site, which both local and national policy states should be respected and protected, but also because it is cited within the majority of objections, indicating a local interested in this route. As such it is reasonable, to pursue the submission of hard and soft landscaping as well as plot and open space boundary treatments in conjunction with the reserved matters application. This will allow a thorough assessment at reserved matters that the mitigation strategy principles have been meet, with elements such as plot boundaries and public space planting, that may otherwise be perceived as tokenistic, taken into full consideration alongside the design and layout of the wider scheme. In doing so the proposal can be better equipped at providing a cohesive good design that mitigates the impacts within the site and how FP9 will be experienced. Moreover, this approach will also serve the purpose of achieving the indicative images within the concept plan that the application projects an image of quality place making.

6.14. Therefore, all conditions relating to landscaping elements will be for submission with the reserved matters. Furthermore, a condition requiring a report as to how the proposal meets the mitigation strategy requirements and design briefs by both the LVIA and Landscape consultant will be included should the outline application be considered acceptable.

6.15. Subject to these conditions and the submission at reserved matters, the principle of development for up to 100 dwellings on this site is supported and compliant with the Core Strategy, Local Plan and NPPF.

7. Land Contamination, Flood Risk, Drainage and Waste

Land contamination

7.1. The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event that of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Flood risk and Drainage

7.2. 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).

7.3. Policy CS15 also requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.

7.4. The application submitted a Flood Risk Assessment (FRA) and a preliminary Drainage Strategy. The Lead Local Flood Authority (LLFA), Suffolk County Council (SCC) initially raised a holding objection on lack of sufficient information to ensure that there is a viable method for the disposal of surface water and sufficient space for above ground open SuDs.

7.5. Following on from this, the application now benefits from an Outline Drainage Strategy and an indicative plan that demonstrates that there is sufficient space for above ground open SuDs for collection, conveyance, storage and discharge. This additional information has satisfied the LLFA whom, as a result of a re-consultation, no longer raise any reason to object to the application subject to conditions relating to exact details of drainage water scheme to be submitted with the reserved matters and a Sustainable drainage systems verification report on completion of the development.

7.6. As such the proposal gives no rise to adverse impacts relating to surface water drainage and meets the requirements of policy CS15 and the NPPF.

8. Heritage Issues

8.1. In accordance Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.

8.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Members are now well-versed in understanding that such a principle is a matter of considerable importance and weight, and that where harm is identified there is an inherent presumption that planning permission should be refused.

8.3. Further to this local plan policy CN06, which is consistent with the statutory duty above, requires proposals for development within the setting of a listed building amongst other matters respect those features which contribute positively to the setting of a listed building, including space, views from and to the building and historic layout.

8.4. The proposed development site lies to the north-east of the existing built-up areas of Acton, on land that has most recently been in agricultural use. There are several listed buildings within a short distance of the site, as described in paragraphs 1.8 and 1.9 of this report, but for the most part, the site is either not within their settings, or forms a part of their setting that makes only a slight contribution to their significance. The exception to this is Spring Cottage, which is located on the south side of High Street, immediately opposite Beaulieu, where the proposed new access will emerge. The new access will thus be within the setting of Spring Cottage, in a part of its setting which makes a very great contribution to significance. The principal heritage issue is therefore the effect of this new access on the setting of Spring Cottage and its significance as a designated heritage asset.

8.5. Consistent with comments issued on the extant permission, the Heritage officer continues the assets that the exact level of harm is unknown until the precise details relating to design, layout scale and materials, including those for the surfacing and curbs for the access, which would be part of any subsequently reserved matters application.

8.6. However, the heritage officer has raised concerns that the new access will continue to suburbanise the setting of the Spring Cottage by being place directly opposite and intensifying the movement of vehicles in this area. As such they conclude that the proposal has the “potential to cause harm to the significance of the listed build. The detail within a reserved matters scheme will inform the level of harm ascribed. In its current form and due to there being little definitive detail at this stage, the scheme for access only has the potential to cause a low level of less than substantial harm”.

8.7. While the precise details of the final development will only be known from the reserved matters stage, the relevant details and parameters provided with the application give satisfactory comfort that the significance of those heritage assets impacted by the proposal would be preserved where careful design can mitigate the risk of adverse impact.

8.8. Even in the event that harm was found at the reserved matters stage, this could only realistically fall within the NPPF term of ‘less than substantial’ and not at the higher end. For sake of prudence because the reserved matters stage is not the time to “re-strike” the planning balance,

it is that worst-case scenario that has been adopted for the purposes of assessing this application.

8.9. Should the detailed design at the reserved matters stage lead to this level of harm this would warrant the attachment of considerable importance in line with the statutory duty referred to above, and must be balanced against the public benefits of the scheme, as required under paragraph 196 of the NPPF. This is considered further in the Conclusion to this report. Within that balance great weight must be attached to the asset's conservation (and naturally considerable importance attached to any harm identified) in accordance with paragraph 193 of the NPPF, which is consistent with the aforementioned statutory duty. It is therefore said that where harm is identified there is an inherent presumption against planning permission being granted. It is possible to approve a development that is harmful to heritage assets but the benefits must be suitably compelling; this is a matter of judgement and in this case the public benefits of the scheme are significant.

8.10. Policy CN06 does not explicitly import a balance for resolving heritage conflicts in the manner of NPPF paragraph 196 but this is not considered to reduce weight that should be attributed to this policy. Firstly, it is entirely consistent with NPPF paras. 193 and 194. Secondly, and in that respect, it is consistent with the duties laid out within the listed buildings Act which has the force of statute: the Council cannot choose to afford such duties limited weight, as a matter of law they must be followed. Thirdly, it is considered inherent within the policy that there must be a means to resolve heritage conflicts as otherwise it would not be possible to find development acceptable in circumstances where harm was unavoidable; as ever, a planning balance is required though noting the considerable importance to be attached to the finding of any heritage harm identified.

8.11. Regardless, in light of the clear and methodical bundle of policies set out within the NPPF, Members are directed to work through them. This is because, if properly applied, Members can be satisfied that they will have adhered to national planning policy, satisfied their statutory duties, and thus will have also complied with the polices of the development plan (which embrace those duties). For that reason, officers too have followed the policies of the NPPF. Naturally, if those policies were not consistent with the NPPF then they should be afforded less weight; again, it is the heritage policies of the NPPF that ought to be followed.

8.12. The operation of the NPPF 196 balance is contained at the conclusion to this report.

8.13. Officers are satisfied that the applicant has taken an approach to minimise/reduce the risk of harm and respect heritage assets. Whilst officers are satisfied, following the advice of the Council's Heritage Officer, the level of harm is considered to be to the lower end of less than substantial as a worst case scenario even though the final configuration of the development is capable of minimising harm. In any case, the site ultimately has an extant consent, and the proposed scheme is no more harmful than that already approved.

9. **Impact On Residential Amenity**

9.1. In the absence of detail relating to design and layout, the exact impacts to residential amenity are unknown. However, there are certainly going to be some temporary impacts during constructions due to the rear elevations and rear gardens of existing development, namely on the west and southern boundaries, therefore a construction management plan condition relating

to construction times, location of materials and plant equipment shall be added should the application be approved.

9.2. Additionally, the existing rear gardens of dwellings on the southern and western boundaries, particularly the latter which have far smaller gardens closer to the boundary line and are on lower lying ground to the site, are at risk of being overlooked. However, this can be mitigated and designed out which will become apparent at reserved matters stage.

9.3. Therefore, impacts to residential amenity are not considered significant to warrant a refusal at this stage as they can reasonably dealt with through condition and design.

10. Ecology

10.1. The application initially was submitted to include the following documents which related to the likely impacts of the development on designated sites, protected and priority species and habitats:

- Ecological Desk Study Assessment (The Environmental Partnership Ltd, June 2020)
- Preliminary Ecological Assessment (The Environmental Partnership Ltd, November 2020 and updated in January 2021)
- Amphibian Survey Report (The Environmental Partnership Ltd, October 2020),
- Bat Report (The Environmental Partnership Ltd, September 2020).

European Protected Species – Great Crested Newt (GCN)

10.2. The report has identified the presences of GCN within 3 of 7 ponds within 250m radius of the site. The other ponds were within private land ownership and therefore could not be surveyed. Therefore, it is 'likely' that there will be adverse impacts to GCN as result of the proposed works. Paragraph 99 of the ODPM Circular 06/2005 advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. However, in the absence of a mitigation scheme and according to the Natural England risk assessment tool development of the site is 'likely' to result in an offence in relation to the European protected species. As a result, a European Protected Species Development Licence from Natural England will be required to support this application and subsequently an Impact Assessment and Conservation Payment Certificate (IACPC) document, countersigned by Natural England, will be required prior to determination of this application to provide evidence of site registration under the DLL Strategy.

10.3. This has been provided after a holding objection was issued by the Ecology consultant through a formal consultation. The Local Planning Authority can now be certain of the extent to which the protect species will be affected and as such the holding objection has been lifted. Moreover, a licence for Great Crested Newt will be required to be issued by Natural England prior to works starting on the development and a copy of the licence should be secured as a condition of any consent.

Habitats

10.4. The proposal will result in the loss of habitat through the removal of hedgerows at the front and rear of Beaulieu to accommodate the access. The Ecology consultant requires evidence that this "short length of species-poor hedgerow" will be compensated through a soft landscaping scheme within the site. This should be provided prior to determination to provide certainty that the adequate replacement hedgerow can reasonably be cater for within the overall scheme.

10.5. However, as the application is for outline consent with access only to be considered, the finer detail of soft landscaping is yet to be submitted and will subsequently arrive as part of any reserved matters scheme should this application be approved. A full soft landscaping scheme prior to the determination of an outline consent with access only to be considered is unreasonable at this stage particularly as it is only a "short length of species-poor hedgerow" to be removed. That said, through the use of the indicative conceptual plan submitted with the drainage strategy, it has been satisfactorily evidenced that there is space within the site to support the replacement of this hedgerow through areas indicated for SuDs and/or open space. Therefore, the LPA has met its duty under s.40 of the NERC ACT 2006 prior to determination and the finer detail can reasonably come forward as part of the reserved matters application.

10.6. Furthermore, the site has been considered as sub-optimal habitat for the potential of ground nesting birds such as the Skylark. As such it is not considered reasonable to request further Breeding Bird Surveys or further mitigation measure for this ground nesting bird.

Ecology Conclusion

10.7. The application and detail submitted as reasonably and adequate provided the LPA of certain of the relevant impacts of to protected species and habitats and as such can met their duty set out in both the ODPM Circular 06/2005 and NERC ACT 2006. Mitigation measures identified within the submitted reports should be secured and implemented in full and a wildlife friendly lighting scheme should be provided for this application as indicated within the Ecological Impact Assessment, to be secured as a condition of any consent.

11. Other Matters

Loss of High Grade Agricultural Land

11.1. Paragraph 170 (b) of the NPPF states that decisions should recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. The definition of best and most versatile agricultural land is classified as Grade 1, 2 and 3a.

11.2. The site is within this definition of best and most versatile agricultural land as grade 3. The majority of land in and around Acton is Grade 3 agricultural land, with areas to the east, north and south-west of the site as grade 2.

11.3. Moreover, the site of 6.27 is not considered to be significant in size, nonetheless it does contribute towards negative weighting in the planning balance.

12. Planning Obligations / CIL

12.1. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development. Affordable housing will be secured by Section 106, as will the travel plan requirements set out by the County Highway Authority.

12.2. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

13. Parish Council Comments

13.1. The matters raised by Acton Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

14. **Planning Balance and Conclusion**

14.1. According to the above assessment the site is contrary to CS2 as it sits outside the settlement boundary of Acton where development is only permitted in exceptional circumstances subject to a proven justified need. However, this policy is given reduced weighting as there is some inconsistency with the NPPF and because the settlement boundaries of the district have not been reviewed as anticipated/there has been no allocations document as envisaged when the Core Strategy was adopted.

14.2. Given the importance of the policy within the development plan as it applies to the circumstances of this case, the proposal is considered to conflict with the plan taken as a whole by virtue of this conflict. However, because the policy ought to be afforded less weighting, the significance of this policy conflict is less significant as a result.

14.3. The proposal is considered to have a positive interaction with policy CS15 of the Core Strategy when considered against the criteria that the outline application engages with, as some criteria relating to design and layout amongst other things is reserved for subsequent application. Full weighting is given to this positive engagement.

14.4. The proposal also has a positive interaction with the majority of CS11. However, whilst the proposal has submitted evidence that satisfactorily concludes the need for housing within the functional cluster that Acton resides, as well as contributing towards a district need in terms affordable housing, it still lacks evidence for a local need for Acton for affordable housing. Therefore, there is a mild conflict with this element of CS11 and this weighs against the development to a limited degree. This is because the broader range of criteria under CS11 would be satisfied and it remains the case that there is a significant district-wide need for affordable housing.

14.5. The proposal is considered to have limited reliance on motor vehicle with pedestrian access to the services and facilities in Acton as well as suitable access to public transport to access the services and facilities in Sudbury and connecting the surrounding function cluster, moreover, the proposal will contribute financially to the public transport, namely the bus service, so that it is better equipped at supporting the increase in development.

14.6. The proposal will require a new access that can be achieved according to the Highways Authority with no impact on the public highway with regard to the congestion or safety, offering a "safe and suitable" access without having a server impact on the road network which are required by saved policy T15 of the Local plan, criteria points xvii) and xix) of policy CS15 of the Core Strategy and paragraphs 108 and 109 on the NPPF (2019).

14.7. Moreover, the proposal will secure a suite of improvements to High St and Waldingfield Rd will provide benefits as a result of the scheme.

14.8. There is a requirement for a selection of trees and hedgerows to be removed to accommodate the access. These trees are not protected and have limited amenity value and/or are of poor condition and thus their loss will have a negligible impact on the character of the area and is given limited weighting in the decision-making process.

14.9. A LVIA has concluded that there is not impact to the wider views into the site as result of the proposal subject to a reserved matters scheme meeting the design brief and recommendations set out in the Mitigation Strategy within the LVIA. Additionally, the report finds that there will be some serve impact to how FP9 is experienced and again offers mitigation recommendations to reduce this impact. Therefore, whilst there is no impact on the wider landscape, the harm to landscape is isolate to inside and the interaction with FP9. This is given moderate weighting, as whilst a reserved matters application will not alleviate the harm completely, if designed appropriately this impact can be reduced significantly. This indicates the importance of meeting the mitigation strategy set out in the LVIA and meeting the design expectations by the Landscape Officer during the consultation period.

14.10. A low level of less than substantial harm has been identified because of introducing a new access opposite a Grade II listed building thus having and adverse impact on its setting. Whilst the details of the reserved matters stage are not yet know, the level of harm could only realistically fall within the NPPF term of 'less than substantial' and not at the higher end. This is accordingly attributed great weight consistent with paragraph 193 of the NPPF but the public benefits as set out in this report would decisively outweigh that harm even where considerable importance is attached to it, and meet the test set out in paragraph 196 of the NPPF.

14.11. There is a loss of Grade 3 agricultural land, however, as set out within the report this is not considered significant due to majority of land around Acton being Grade 3 with alternative land being a higher grade. None the less it is considered negative weighting in the planning balance of a limited degree.

14.12. The additional housing is considered a benefit, although at the present the LPA can evidence a land supply for housing of over 5 years. However, this application follows an extant permission that applies to the site and one that has already been accounted for within the latest housing land supply trajectory of the Council as a deliverable permission. There is a realistic prospect

that development will come forward regardless: this “fallback” position is a matter of significant weight.

14.13. The proposal meets a requirement of 35% of affordable housing. This is secured via a s106 and as set out in the HNS this will contribute to the district wide need and as such is given significant weighting.

14.14. Other benefits within the scheme relate to CIL contributions and a contribution of £50,000 towards public transport to improve the existing bus service. This will benefit not just Acton but the wider functional cluster particularly securing the long-term operation of the bus service that the cluster relies on to access areas such as Acton, Sudbury and Waldingfield. Accordingly, this benefit is attributed significant positive weighting.

14.15. It is therefore considered on balance that, while the proposal does not accord with the Development Plan as a whole as a cautious stance, there are clearly material considerations that indicate planning permission should be granted. This is in light of the significant benefits of the development, the limited weight afforded to the limited policy conflicts identified, the direction of travel within the emerging JLP, and the realistic prospect of development coming forward regardless (bearing in mind the extant permission on the site that the Council considers to be deliverable). The identified benefits outweigh the harm identified with the loss of trees and hedgerows, the reduced harm to the experience of FP9 (by way of the reserved matters meeting the mitigation strategy) and the above identified public benefits are considered to outweigh the less than substantial harm to heritage asset as required by paragraph 196 of the NPPF.

14.16. As such the proposal is considered to be acceptable and is recommend for approval as set out in the recommendation below.

RECOMMENDATION

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

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- Affordable housing

This shall include
- 35% Affordable Housing
- Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
- All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
- Adequate parking provision is made for the affordable housing units including cycle storage for all units.

- Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.

• Land for Scout Hut and canoe storage.

• Contribution of £11,150 to produce travel plan packs that contain the following: • Multi-modal voucher (for purchase of bus tickets, or cycle voucher) - £100 per dwelling (£10,000 in total for 100 dwellings) • Design and printing of 100 packs, plus maps - £1,150 This requirement should be carried over to this revised planning application to help maximise the use of sustainable transport in the area to act as a form of highway mitigation.

• PROW - The anticipated increased use of the PROW network of as a result of the development will require the following improvement works: • FP9 to be retained within a wide green corridor for its full length. • Under a s278 agreement, the Developer to surface the full length of FP9 with an unsealed surface to a width of 1.5 metres • The Developer to remove the two barriers towards the northern and southern ends of FP9 and make good the surface. • The Developer agrees to enter into a creation agreement for a new 2 metre wide public footpath within a wide green corridor on the alignment shown on the below map (unless a different alignment is more amenable for the public by the time the agreement comes to be made), to link with routes within the development. Once legally created, the Developer to surface the full length with an unsealed surface under a s278 agreement, specification to be agreed with the Area Rights of Way Officer, Kevin Verlander. A s106 contribution of £7,200 to cover the legal work required for the creation, staff time, commuted sum.

• Public transport contribution of £50,000 towards enhancing demand responsive services in the area. The £50,000 would enable the local community transport provider to recruit paid drivers and thus offer guaranteed journeys from Acton to key locations rather than being reliant on volunteers. The sum should last them 3-4 years by which point levels of use may well permit the introduction of a regular local bus service. This would provide greater flexibility of travel for the residents, covering more destinations and times than conventional services. There is a desire to upgrade the existing bus stops which will the benefit residents, visitors to the site and the community. If the raised bus stop kerbs works are not completed as part of the s278 agreement, we request a contribution of £5,000 for construction.

(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Non standard time limit (18 months for submission of Reserved/ Matters)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Agreement of measures to improve sustainability of development
- All conditions recommended by archaeology
- All conditions recommend by the Lead Flood Authority

- Hard and soft landscaping scheme concurrent with RM – including Arboricultural Method Statement, Tree Protection Plan and monitoring schedule.
- Provision of fire hydrants
- Materials concurrent with RM
- All conditions recommend by the Highway Authority
- Construction Management Plan
- Foul water strategy
- Swift boxes installation scheme to be agreed
- Hedgehog fencing scheme to be agreed
- Market housing mix concurrent with reserved matters to be agreed
- Level access to enable wheelchair access for all dwellings/buildings.
- All conditions recommended by Ecology Place Services

(3) And the following informative notes as summarised and those as may be deemed necessary:

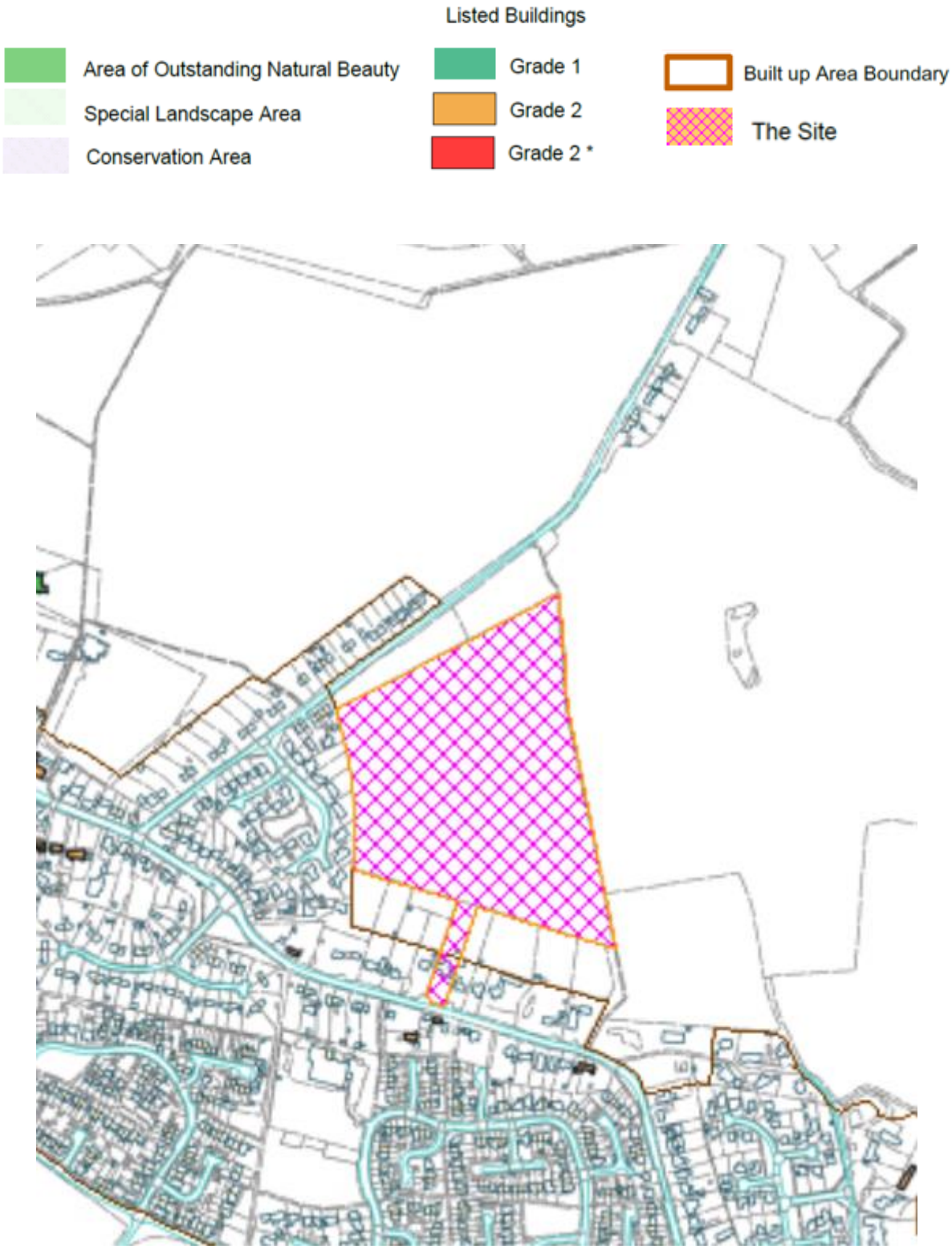
- Pro active working statement
- SCC Highways and PROW notes
- Archaeological notes

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds if considered necessary.

Application No: DC/20/05361

Parish: Acton

Location: Land South East Of Barrow Hill



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Committee Report

Item 6B

Reference: DC/21/00082
Case Officer: Jasmine Whyard

Ward: North West Cosford.
Ward Member/s: Cllr Robert Lindsay.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application. Change of use of de-designated common room to a general needs domestic dwellinghouse (bungalow) development to include parking upgrades. (Retention of works to building under COVID 19 permitted development)

Location

7 Hill House, Newberry Road, Bildeston, Ipswich Suffolk IP7 7ET

Expiry Date: 03/03/2021
Application Type: FUL - Full Planning Application
Development Type: Minor Dwellings
Applicant: Mid Suffolk District Council

Parish: Bildeston
Site Area: 0.15 hectares

Details of Previous Committee / Resolutions and any member site visit: None
Has a Committee Call In request been received from a Council Member: No
Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

i) The applicant is Mid Suffolk District Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most important to the determination of this proposal. The policies are all contained within the adopted development plan for Babergh District which is comprised of: Babergh Core Strategy (2014) and Babergh Local Plan Alteration No.2 (2006), specifically the 'saved policies' (2009 but deemed to still be 'live' in 2016). All policies, save for CS2, are afforded full weight in the determination process as they are, *inter alia*, considered wholly consistent with the policies of the NPPF (having regard to paragraph 213 of that document).

- **Babergh Core Strategy (2014)**

  CS1- Applying the Presumption in Favour of Sustainable Development in Babergh
  CS2- Settlement Pattern Policy
  CS15- Implementing Sustainable Development in Babergh

- **'Saved policies' (2009) of Babergh Local Plan Alteration No.2 (2006)**

  CN01- Design Standards
  CN08- Development in or near Conservation Areas.
  TP15- Parking Standards- New Development

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 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-taking purposes.

Particularly relevant elements of the NPPF include:

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision Making

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving Well-Designed Places

Other Considerations

Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)

The National Planning Practice Guidance (NPPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

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

Town/Parish Council

No comments received.

National Consultee

None.

County Council Responses

- **Highway Authority**
  No objection. Recommends conditions on 1) parking provision, 2) means to prevent surface water discharge and 3) construction management plan.

Internal Consultee Responses

- **Strategic Housing**
  No comment. The site is not for 10 or more dwellings and is not more than 0.5 hectares and therefore does not trigger an affordable housing contribution.

B: Representations

At the time of writing this report no representations were received. A verbal update shall be provided as necessary.

PLANNING HISTORY

None

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

1.1. The site extends to 0.15 hectares and is currently comprised of a redundant common room in the centre of a development of 12 flats. The common room previously served the 12 flats which comprised former sheltered housing within Hill House, these have now been re-designated as general needs housing.

1.2. The site is located to the west of Newberry Road within the Built-up Area Boundary of Bildeston, which is designated as a Core Village under policy CS2. Newberry Road is a well-established residential cul-de-sac, with dwellings dating back to the 1960s. Newberry Road is accessed west of the High Street, with a separate access taken south of Newberry Road south into Bildeston Primary School.

1.3. The site falls within the Bildeston Conservation Area (a designated heritage asset). The property itself is unlisted as are the immediate surroundings, with the nearest listed building being the Grade II listed Red Lion public house (78 metres east) and No.67 (84 metres north east) located along the High Street.

1.4. There are no protected trees on site, with the nearest trees protected by Tree Preservation Orders located to the east within the grounds of the Red Lion public house.

1.5. There are no public rights of way running in or close to the site. There are, however, footpaths that front the site leading into the central area of Bildeston. Within Bildeston there are several services and facilities including a primary school, several public houses, a post office, a convenience store and a selection of other shops.

2.0 The Proposal

2.1. The site is 0.15 hectares and is comprised of 12 flats with a link section (former common room) in the centre which has previously been converted to a general needs bungalow under emergency permitted development rights during the start of the Covid-19 pandemic to support vulnerable persons by providing additional shelter. The emergency legislation that these works were carried out under is the Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020, Schedule 2, Part 12A, Class A. Under condition A.2 c) of that class, all works carried out under this legislation are no longer considered permitted development after a year and would either need to be formally retained via planning permission or removed from site.

2.2. The proposal, therefore, seeks to retain the works previously carried out to convert the redundant common room to a general needs bungalow and create new parking provision on site to accommodate intensification of the existing allocated parking.

3.0 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. As the site falls within the Built-up Area Boundary for Bildeston, Core Strategy policy CS11 is not engaged, as the principle of development in terms of sustainable location is considered acceptable within Built-up Area Boundaries as per Core Strategy policy CS2. Whilst CS2 is not considered wholly consistent with the aims of the NPPF when assessed against paragraph 213 of that

document, it is substantially consistent and is given substantial weight in the determination process for assessing the sustainability of locations and to direct development to the most sustainable areas.

3.3. The most relevant and important policies for assessing the application within the basket of policies listed under the 'Policy' section of this report are considered to hold full weight. Moreover, as the Council can currently demonstrate a healthy 5-year housing land supply, measured at 6.74 years (October, 2020), the 'tilted-balance' as set out within paragraph 11 of the NPPF is not engaged.

3.4. The proposed retention of works, which converted a previously redundant common room into a general needs bungalow, is considered acceptable in principle, as it would utilise and bring a redundant building back into use in a sustainable location, supporting the vibrancy of the existing community, services and facilities within Bildeston in accordance with Core Strategy policies CS2 and CS15 and paragraphs 78, 118 and 148 of the NPPF.

4.0 Nearby Services and Connections Assessment of Proposal

4.1 The site is located adjacent to Bildeston Primary school and the Red Lion public house and is located 0.2 miles to the post office/ convenience shop and bus stop (4 minutes' walk). Within Bildeston there are several other public houses and village hall within walking distance from the site. Bildeston is also located 10 minutes' drive away from the town of Hadleigh, which offers wider range of services and facilities. The site is well connected by footpaths into the centre of Bildeston making active travel to some services and facilities a realistic option.

4.2 The bus stop has several routes operating through it: the 111/ 111A runs four times daily, Monday to Saturday, connecting the site to Bramford, Sproughton and Ipswich. The 379 runs once on Wednesdays connecting the site to Hadleigh and Bury St Edmunds. Finally, a bookable bus service (112) runs once on Tuesday and Thursday going to Sudbury.

5.0 Site Access, Parking and Highway Safety Considerations

5.1. Access into the site is as existing and is taken from the same established means of access serving the rest of Hill House, via Newberry Road (a residential cul-de-sac).

5.2. An additional parking space would be created within the existing parking area provided for Hill House; this is in accordance with Suffolk Parking Guidance (2019) for a one-bedroom dwelling. The existing 1.8-metre-wide footpath adjacent to the existing parking bays would be repositioned to the west in order to create space for this additional parking space.

5.3. The Local Lead Highway Authority (LLHA) raised no objection to the proposal but recommended several conditions including the submission of a means to discharge surface water to avoid any overspill into the highway and another for the submission of a construction management plan. As the building and access are as existing, with conversion works having already taken place, these conditions are not considered necessary or reasonable and therefore do not meet the "six tests" of a condition as set out under paragraph 55 of the NPPF and are consequently not recommended to be imposed. The LLHA also recommended a condition that the parking provision be created and brought into use in accordance with the plans, this is recommended to be imposed.

6.0 Design and Layout

6.1. The existing common room has previously been converted under emergency legislation into a one-bedroom dwelling with kitchen, living room, wet room and store cupboards. The only external

change was the blocking up of a pair of patio doors into a window, the same width but half the height.

6.2. The proposal is, therefore, to retain these conversion works which, save for fenestration changes, have been concentrated internally.

6.3. The conversion works are modest and do not result in any adverse impact on the overall character of the area, they are therefore in accordance with Local Plan policy CN01 and paragraph 127 of the NPPF.

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

7.1. By way of the combination of the existing built form on site, within an established residential area, and the already occupied general needs bungalow, there is no requirement for the submission of an ecology report. The Local Planning Authority can determine the application with certainty that there would be no harm to protected and priority species and habitats as there are no recordings of them within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues in accordance with Core Strategy policy CS15 and paragraph 170 of the NPPF.

7.2. No landscaping is proposed on site, nor is to be requested via condition. Given that the site sits between two main blocks of flats with shared communal outdoor spaces, which are well established with trees and grassed areas, there would be no adverse impact on existing landscaping or the requirement for further landscaping on site in accordance with Core Strategy policy CS15, Local Plan policy CN01 and paragraph 127 and 170 of the NPPF.

8.0 Land Contamination, Flood Risk, Drainage and Waste

8.1. As the proposal is a ‘minor’ application, on-site attenuation and surface water management / disposal is not considered by the Local Lead Flood Authority (LLFA) during the determination process. These matters are brought to the attention of the applicant, who is required to comply with Part H (Drainage and Disposal) of the Building Regulations 2010.

8.2. The site is located within Flood Zone 1 and, as such, is considered the least vulnerable to fluvial flooding. The site is also not located within an area at risk from surface water (pluvial) flooding. Therefore, the risks of flooding on site are considered low and the proposal is acceptable from the perspective of flood risk, in accordance with Core Strategy policy CS15 and paragraph 158 of the NPPF.

8.3. As the proposal is for a change of use which utilises an existing building and residential curtilage, there are no land contamination issues on site. The proposal is, therefore, in accordance with Core Strategy policy CS15 and paragraph 170 of the NPPF.

9.0 Heritage Issues

9.1. Whilst the site falls within the Bildeston Conservation Area, the Council’s Heritage Team did not wish to make comment on the application. It is, however, noted that the external appearance of the building is not significantly altered from when it functioned as a common room, with modest works having been carried out, utilising existing openings and decreasing the size of one opening to convert the building into a dwelling. As a result, the overall built form would continue to have a

subservient appearance and relationship in the visual context of neighbouring flats and the conservation area in line with policy CN08.

10.0 Impact on Residential Amenity

10.1. As the site falls within a well-established residential area, with blocks of flats either side, there would be no detrimental impact on existing residents surrounding the site or on future occupants. The proposal is, therefore, in accordance with paragraph 127 of the NPPF in creating well-designed places which do not detrimentally affect residential amenity.

PART FOUR – CONCLUSION

11.0 Planning Balance and Conclusion

11.1. The proposal offers an opportunity to continue to utilise a redundant and already converted building into a general needs bungalow, adding to the district's housing stock within a sustainable location and well-established residential area supporting the surrounding community. The development wholly accords with the Core Strategy aims of CS2 and CS15, directing housing development to the most sustainable areas.

11.2. The application complies with the Development Plan viewed as a whole. There are no material considerations which indicate a decision should be taken other than in accordance with the plan.

RECOMMENDATION

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

- Development in accordance with approved plans
- Parking provision provided on site
- PD Removal

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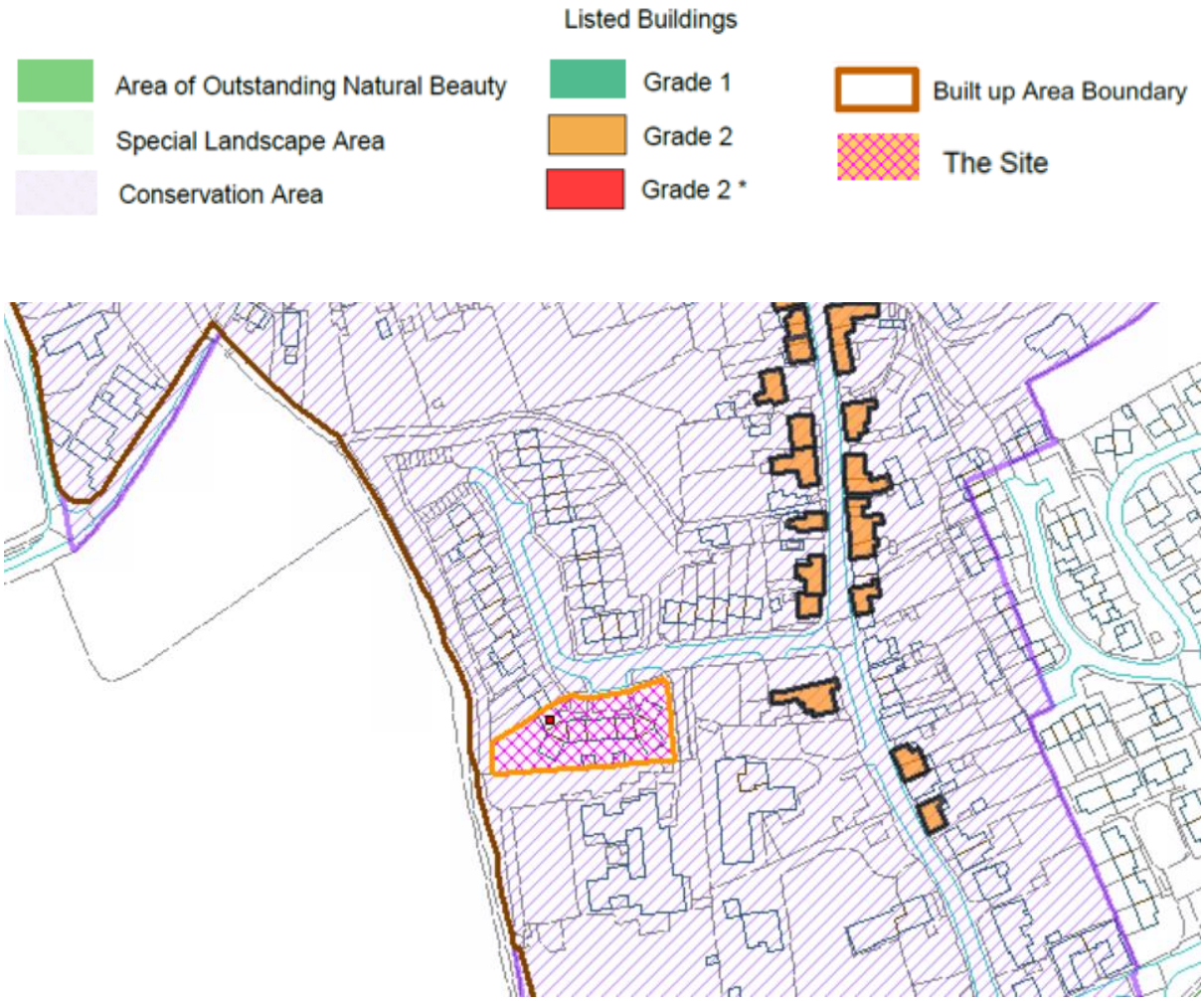
Application No: DC/21/00082

Parish: Bildeston

Location: 7 Hill House, Newberry Road



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