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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 11 AUGUST 2021 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Members		
<u>Conservative</u> Sue Ayres (Vice-Chair) Simon Barrett Peter Beer Mary McLaren Adrian Osborne	<u>Independent</u> John Hinton Lee Parker Stephen Plumb (Chair) <u>Liberal Democrat</u> David Busby	<u>Labour</u> Alison Owen <u>Green</u> 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 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.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 **SUBSTITUTES AND APOLOGIES**

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 **DECLARATION OF INTERESTS**

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

3 **PL/21/7 TO CONFIRM THE MINUTES OF THE MEETING HELD
ON 14 JULY 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/21/8 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 10

An Addendum to Paper PL/21/8 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a **DC/21/01460 CHILTON WOODS MIXED DEVELOPMENT, LAND NORTH OF, WOODHALL BUSINESS PARK, SUDBURY, SUFFOLK** 11 - 32

b **DC/21/02764 CHILTON WOODS MIXED DEVELOPMENT TO NORTH OF, WOODHALL BUSINESS PARK, SUDBURY, SUFFOLK** 33 - 76

c **DC/20/04615 LAND OFF LADY LANE, HADLEIGH, SUFFOLK** 77 - 128

d **DC/20/05137 LAND AT COBBOLDS FARM, IPSWICH ROAD, HADLEIGH, IPSWICH, SUFFOLK, IP7 6BG** 129 - 162

e **DC/21/02577 CALAIS STREET DEPOT, PYKENHAM WAY, HADLEIGH, SUFFOLK, IP7 5ER** 163 - 172

Notes:

1. The next meeting is scheduled for Wednesday 25 August 2021 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

Public Speaking Arrangements

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

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

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.
- Public speakers in each capacity will normally be allowed **3 minutes** to speak.

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

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 25 August 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, Committee Services - committees@babberghmidsuffolk.gov.uk

Introduction to Public Meetings

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

Domestic Arrangements:

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

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

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



PL/21/8

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

11 AUGUST 2021

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	11-32	DC/21/01640	Chilton Woods Mixed Development, Land North of, Woodhall Business Park, Sudbury, Suffolk	JW
6B	33-76	DC/21/02764	Chilton Woods Mixed Development, to North of, Woodhall Business Parak, Sudbury, Suffolk	SS
6C	77-128	DC/20/04615	Land off Lady Lane, Hadleigh, Suffolk	KH
6D	129-162	DC/20/05137	Land at Cobbolds Farm, Ipswich Road, Hadleigh, Suffolk, IP7 5ER	KH
6E	163-172	DC/21/02577	Calais Street Depot, Pykenham Way, Hadleigh, Suffolk, IP7 5ER	KH

Philip Isbell
Chief Planning Officer

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

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

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

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

BMSDC COVID-19 – KING EDMUND COUNCIL CHAMBER ENDEAVOUR HOUSE AFTER 19 JUNE 2021

Guidance for visitors to Endeavour House after 19 July 2021

On the 19 July Government legal requirements to wear face coverings and to socially distance in our social lives was lifted. However, in the workplace the onus to maintain safe working arrangements is the responsibility of the employer.

Government guidance is that there is a place for continued Covid-19 control measure when meeting with people who are ‘unknown’ to you.

In order to protect both our visitors and our staff if you wish to access Endeavour House, please follow these steps:

- Please carry out a lateral flow test beforehand. If this is positive, please self-isolate and do not continue with your visit.
- If you are unwell or have any of the Covid-19 symptoms, please do not continue with your visit.
- Please sanitise or wash your hands before entering the building
- Please wear a face covering before you enter the building and whilst in the building – unless you are seated in a meeting and advised by our staff that this may be removed. If you have a health condition, which makes this uncomfortable for you, please advise our staff in advance of your visit.
- Please use the NHS Covid-19 App for track and trace purposes and use this to ‘check-in’ to our building using the QR code at the door.
- Please socially distance within our building.

Babergh and Mid Suffolk District Councils (BMSDC) have a duty of care to ensure the office and the space used by Members of the Public, Councillors and Staff are COVID-19 Secure and safe. But each person is responsible for their own health and safety and that of those around them.

The BMSDC space within Endeavour House has been assessed and the level of occupancy which is compatible with the updated COVID-19 Secure guidelines reached, having regard to the requirements for social distancing and your health and safety. As a result, you will find the number of available seats available in the Council Chamber and meeting rooms much lower than previously.

You must only use seats marked for use and follow signs and instructions which are on display.

Arrival at Endeavour House (EH) and movement through the building

- Please observe social distancing
- Do not stop and have conversations in the walkways.
- There are restrictions in place to limit the occupancy of toilets and lifts to just one person at a time.
- Keep personal possessions and clothing away from other people.
- Do not share equipment including pens, staplers, etc.
- A seat is to be used by only one person per day.
- On arrival at the desk/seat you are going to work at you must use the wipes provided to sanitize the desk, the IT equipment, the arms of the chair before you use them.
- When you finish work repeat this wipe down before you leave.

Cleaning

- The Council Chamber and meeting rooms at Endeavour House have been deep cleaned.
- General office areas including kitchen and toilets will be cleaned daily.

Fire safety and building evacuation

- If the fire alarm sounds, exit the building in the usual way following instructions from the duty Fire Warden who will be the person wearing the appropriate fluorescent jacket
- Two metre distancing should be observed as much as possible, but may ways not be practical. Assemble and wait at muster points respecting social distancing while you do so.

First Aid

If you require first aid assistance call 01473 264444

Health and Hygiene

- Wash your hands regularly for at least 20 seconds especially after entering doors, using handrails, hot water dispensers, etc.
- If you cough or sneeze use tissues to catch coughs and sneezes and dispose of safely in the bins outside the floor plate. If you develop a more persistent cough please go home and do not remain in the building.
- If you start to display symptoms you believe may be Covid 19 you must advise your manager, clear up your belongings, go home and follow normal rules of isolation and testing.
- Whilst in EH you are required to wear your face covering when inside (unless you have an exemption) in all parts of the building (including the access routes, communal areas, cloakroom facilities, etc.). The face covering can be removed when seated. Re-useable face coverings are available from the H&S Team if you require one.
- First Aiders – PPE has been added to first aid kits and should be used when administering any first aid.
- NHS COVID-19 App. You are encouraged to use the NHS C-19 App. To log your location and to monitor your potential contacts should track and trace be necessary.

Agenda Item 6a

Committee Report

Item 6A

Reference: DC/21/01460

Case Officer: Jasmine Whyard

Ward: Sudbury North West.

Ward Member/s: Cllr Jan Osborne. Cllr Trevor Cresswell.

RECOMMENDATION – BLANK PLANNING PERMISSION/LISTED BUILDING CONSENT WITH CONDITIONS

Description of Development

Discharge of Conditions Application for B/15/01718- Condition 8 (Design Code)

Location

Chilton Woods Mixed Development, Land North Of, Woodhall Business Park, Sudbury Suffolk

Expiry Date: 11/05/2021

Application Type: DOC - Discharge of Condition(s)

Development Type: Misc Not for PS2

Applicant: Taylor Wimpey London

Agent: Mr Matt Richards

Parish: Sudbury

Site Area: 117 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:

- The Chief Planning Officer considers this application for discharge of condition 8 of Outline planning permission B/15/01718 to be of a controversial nature having regard to the nature of this subject matter, namely the Design Code for this development, which is expected to guide and inform all subsequent reserved matters applications pursuant to the Outline permission of this key, strategic site allocation.
-

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 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 219 of that document).

- **Babergh Core Strategy (2014)**

CS1- Applying the Presumption in Favour of Sustainable Development in Babergh
CS4- Chilton Woods Strategic Land Allocation and Strategy for Sudbury/ Great Cornard
CS14- Green Infrastructure
CS15- Implementing Sustainable Development in Babergh
CS18- Mix and Type of Dwellings
CS19- Affordable Homes
CS21- Infrastructure Provision

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

CN01- Design Standards
CN04- Design and Crime Prevention
CR07- Landscaping Schemes
CR08- Hedgerows
CP01- Chilton Mixed Use Development Package¹
TP04- New Cycle Links²
TP15- Parking Standards
HS31- Public Open Space

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 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.

¹ But this policy must in effect give way to policy CS4 bearing in mind its age and the requirements of s38(5) of the PCPA 2004.

² “ ”

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 9: Promoting Sustainable Transport
- Chapter 11: Making Effective Use of Land
- Chapter 12: Achieving Well-Designed Places
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15: Conserving and Enhancing the Natural Environment

Members attention is drawn in particular to Chapter 12 and the emphasis within this latest update to national policy on matters of design, which stresses the importance of design coding for new developments.

Other Considerations

- National Model Design Code (2021)
- National Design Guide (2021)
- Building for a Healthy Life (2020)
- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)
- Joint Babergh and Mid Suffolk Landscape Character Assessment (2015)
- Babergh District Council Affordable Housing Supplementary Planning Document (2014)
- Babergh District Council Open Space, Sport and Recreation Strategy (2010)

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. The National Model Design Code forms part of the NPPG.

Neighbourhood Plan Status

This application site is not within an area with a made Neighbourhood Development Plan.

Chilton is however designated (Regulation 5) as neighbourhood plan area, but as of yet no plan has been drafted.

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

- **Acton Parish Council**

Recommends refusal on the basis that: 1- the application should be heard by committee and that the construction management plan should be heard at the same time as they are interconnected, 2- too

vague and is not a blueprint for development, 3- ambiguous use of green spaces as it groups amenity and ecological spaces together, 4- does not understand that ponds should not be overhung by trees, 5- discusses county wildlife site which is not within Taylor Wimpey's control, 6- LUC appraisal ignored, 7- unclear village centre, 8- no discussion of street lighting, 9- concerned about flooding from Chilton Woods which SCC Floods and Water are investigating, 10- water run-off supplying established ponds and moats should be maintained, 11- no discussion on who will manage the development post construction, 12- no detailed discussion of landscaping during the working group meetings.

- **Chilton Parish Council**

At the time of writing this report no response had been received to either round of consultation on both the 16th March and again on the 18th May, both consultations were sent out giving 21 days for comments. For the sake of the record the Parish Council were reminded of the rounds of consultation on the 21st April and 21st June. Extensions of time were granted to the Parish Council on both occasions taking the response dates to the 27th April and the 24th June respectively.

- **Great Cornard**

No comment.

- **Great Waldingfield**

Object on the basis that: 1- vague on design, 2- no site-wide landscaping, 3- no community woodland, 4- no plan for planting border screening, 5- no discussion on future management, 6- no mention of street lighting, 7- no definite green strategy for construction.

- **Little Waldingfield Parish Council**

Object on the basis that: 1- not fit for purpose, 2- should cover the whole development not just each phase, 3- should be determined by committee.

- **Long Melford Parish Council**

No objection.

- **Newton Parish Council**

No comment.

- **Sudbury Town Council**

Recommend approval, however, note they are disappointed with the lack of solar panels across the development.

County Council Responses

- **SCC Highways**

No objection.

Internal Consultee Responses

- **Place Services Urban Design**

Whilst the code provides a good foundation it is considered that it can go further. A site-wide design code should be created which includes the school and commercial land. Landscape led approach is welcomed and the structure of the design code is clear. Makes recommendations to change the code's overall structure to make the code flow better. There are varying levels of discussion on context and site-specific constraints. Should include measurable aims. SuDS should be more integrated. Lack of specificity and discussion of traditional features and form seen in Suffolk and how this translates into housing. Unclear connecting cycling and walking routes. More commitment should be made to the climate emergency.

Officer response: *Whilst a site-wide approach is recommended, this is not required by the condition's wording, which solely requires a design code for residential, village centre and market square land. The Code as presented for discharge under condition 8, achieves the objective of the condition. Measurable aims mentioned included affordable housing provision and the number of trees, however some of these matters are secured via the Outline permission (including s106 agreement) and others are those that are considered in subsequent reserved matters applications. Additionally, based on the likely timescales for the development of the site, some of the key benchmarks may change (i.e. sustainability) and unforeseen issues may arise (i.e. the acceptability of the location of trees) and as such the code must respond to those, to this end leaving the code more open enables proper assessment within future reserved matters applications. The location of the SuDS is limited by the considerations of the LLFA and the EA as well as the Land Use Parameter Plan, moreover, SuDS have already been considered and approved within the earlier reserved matters infrastructure application.*

- **Place Services- Landscaping**

Recommend approval.

- **Place Services- Ecology**

No objection and support the landscape-led approach.

- **Waste Management**

No comment.

B: Representations

At the time of writing this report no comments have been received. A verbal update will be provided as necessary.

PLANNING HISTORY

REF: DC/20/05183

Reserved matters application for Phase 1 (Infrastructure) (matters relating to layout, scale, appearance and landscaping) for the installation of site wide infrastructure, including spine road, sustainable drainage scheme and associated services, infrastructure, landscaping and ecological enhancements details pursuant to Outline Planning Permission ref. B/15/01718, dated 29th March 2018 (Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m² Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential

DECISION: GTD
29.04.2021

dwelling (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.)

REF: DC/20/05724	Discharge of Conditions Application for B/15/01718- Condition 38 (Hard and Soft Landscaping Scheme) Part discharge for western boundary.	DECISION: GTD 15.01.2021
REF: DC/21/00696	Non-Material Amendment sought following Outline Planning Permission B/15/01718 dated 29/03/2018 - Revision of Land Use Parameter Plan to rectify inconsistencies on plan	DECISION: GTD 11.03.2021
REF: DC/21/02883	Discharge of Conditions Application for B/15/01718- Condition 4 (Phasing Scheme)	DECISION: PCO
REF: DC/21/03735	Discharge of Conditions Application for B/15/01718- Condition 12 (Construction Surface Water Management Plan), Condition 32 (Phase 2 Geo-environmental risk assessment), Condition 33 (Programme of archaeological work), Condition 36 (Landscape Management Plan), Condition 39 (Ecological Management Plan), Condition 41 (Light appliances) and Condition 43 (On-site open space scheme)	DECISION: PCO
REF: B/15/01718	Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary	DECISION: GTD 29.03.2018

works.

REF: DC/20/05269	Discharge of Conditions Application for B/15/01718- Condition 29 (Levels) and Condition 38 (Hard and Soft Landscaping Scheme- Part Discharge)	DECISION: GTD 05.05.2021
REF: DC/20/05270	Discharge of Conditions Application for B/15/01718- Condition 9 (Surface Water Drainage Scheme), Condition 10 (Implementation, Maintenance and Management) and Condition 28 (Foul Water Drainage Strategy)	DECISION: GTD 18.06.2021
REF: DC/21/01166	Discharge of Conditions Application for B/15/01718- Condition 38 (Hard and Soft Landscaping Scheme) (Part discharge for western boundary)	DECISION: GTD 21.04.2021
REF: DC/21/04056	Discharge of Conditions Application for B/15/01718- Condition 30 (Construction Environmental Management Plan)	DECISION: PCO
REF: DC/20/04763	Application for Non-Material Amendment following approval of B/15/01718 - Revisions to the land parameter plans.	DECISION: GTD 09.11.2020

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is located to the north of the A134 and adjoins Tesco, Woodhall Business Park and adjacent residential estates within Sudbury and Chilton. To the north, east and west of the site are agricultural fields with sporadic development before reaching more defined settlements within Newman's Green, Acton, Great Waldingfield, Chilton and Long Melford. The site straddles the parishes of Acton, Chilton, Long Melford and Sudbury, with the largest proportion of land falling within Chilton. The site is currently comprised of Grade 3 agricultural land (land with moderate limitations).
- 1.2. There is a Public Right of Way (footpath) running through the site starting adjacent to Mountbatten Road and running northwards through the site. There is another Public Right of Way (footpath) located to the north east of the site running eastwards and south east into surrounding fields.
- 1.3. The site is neither within nor adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Special Landscape Area, Local Green Space, or Area of Visual/Recreational Amenity. There are several protected trees within the development site. The site does fall within a SSSI Risk Impact Zone; however, the proposal is not for development categorised as being a risk to the SSSI.

- 1.4. The eastern 'limb' of the Site, comprising part of the airfield is, however, recognised for its high ecological value and as such is designated as a County Wildlife Site (Waldingfield Airfield Arable Margins CWS).
- 1.5. The site is located wholly within Flood Zone 1 and is the least vulnerable to fluvial (river) flooding the site is also not at a high risk from pluvial (surface water) flooding.
- 1.6. There is a Scheduled Monument (Wood Hall Moat) to the south west of the site. The site sits outside of any Conservation Area, with the nearest Conservation Area being within the centre of Sudbury to the south. There are a range of listed buildings near to, but outside of, the site. The nearest of these include Grade II* listed Barn at St Bartholomew's Priory Farm, Chapel at St Bartholomew's Priory Farm and Chilton Hall and Grade II listed St Bartholomew's Priory Farmhouse, Walled Garden east of Chilton Hall and Chilton Hall Historic Park and Garden.

2. The Proposal

- 2.1. This application seeks to discharge condition 8 (Design Code) of the Outline permission B/15/01718. Condition 8 reads:

"No development in any phase, other than works to complete the approved site access points, shall take place on the residential land, village centre land, or market square land (as identified on the approved Land Use Parameter Plan, drawing no. 35223-Lea121j) until a Design Code for the whole of that land has been submitted to and approved in writing by the local planning authority.

The Design Code shall demonstrate how it has been informed by a programme of public consultation and engagement and responds to the character areas and principles identified on pages 48-54 of the Design and Access Statement (Amec Foster Wheeler, December 2015).

Thereafter, any reserved matters application for any phase of development on the residential land, village centre land, or market square land shall comply with the principles established within the approved Design Code or any amended scheme submitted to and approved in writing by the local planning authority.

Reason - A Design Code is needed to ensure adequate consideration of the interrelationships between the phases of development, to expound upon the principles in the submitted Design and Access Statement, and; to ensure appropriate community engagement in accordance with Policy CS4".

- 2.2. The provision of and accordance with the Design Code is only applicable to the residential, village centre and market square land and following consultation has sought to cover the intervening landscaping amongst these parcels. The condition does not require the provisions of the design code to extend beyond those areas, nonetheless in forming a cohesive design code, the code pays regard to other land uses within the site as identified on the Land Use Parameter Plan.
- 2.3. Some overlap exists between aspects of the design code and other conditions attached to the Outline permission B/15/01718 (phasing, surface water drainage, construction surface water management plan, highways requirements, construction environmental management plan, landscape and ecological management plan and soft and hard landscaping). The Design Code is not intended to discharge these conditions but makes reference to them in a holistic manner and provide context and guidance in relation thereto. As these conditions are not required to be discharged within or alongside the Design Code, it is appropriate that the Design Code guides

these conditions but does not provide specific details to such a level as required to discharge them. These other conditions will be considered under future separate discharge of conditions and subsequent phased reserved matters applications.

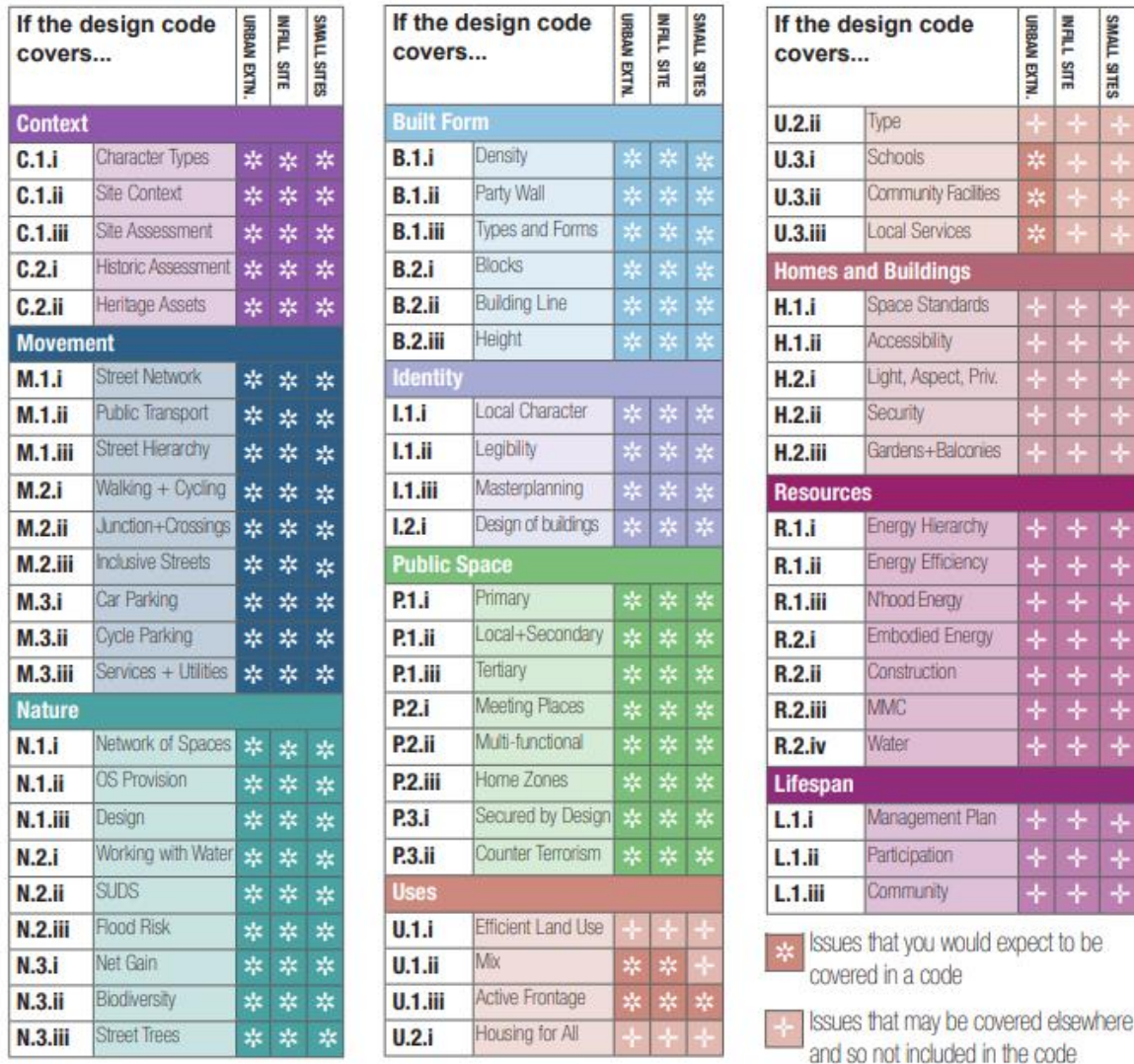
- 2.4. The Design Code is split into seven chapters which include background, masterplan context, consultation, landscape led approach, site wide coding, character areas and delivery.

3. The Principle of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. The principle of development has been previously established under Outline permission B/15/01718. Under B/15/01718 the access points were approved and indicative layouts of site-wide infrastructure, spine road and drainage systems were provided. A subsequent reserved matters application DC/20/05183 secured approval for site-wide infrastructure. The Design Code is consistent with the Outline permission and reserved matters infrastructure permission. Moreover, the delivery of this site is considered of strategic importance and the aims for the development are guided by Core Strategy policy CS4.
- 3.3. Paragraph 129 of the NPPF provides specific guidance on deciding applications relating to design codes, stating, *“Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.”*
- 3.4. Whilst the Development Plan provides the starting point for determination, the NPPF (2021) is an important material consideration which makes specific reference to three key documents which provide key guidance that is used to assess design codes. These documents include the National Model Design Code (2021), National Design Guide (2021) and Building for a Healthy Life (2020).
- 3.5. The National Design Guide (2021) sets out ten key characteristics of good design that must be considered in order to create well-designed places, these include:
- Context
 - Identity
 - Built form
 - Movement
 - Nature
 - Public spaces
 - Uses
 - Homes and buildings
 - Resources
 - Lifespan

3.6. The National Model Design Code (2021) defines a design code as “a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area”. The coverage of a design code will vary with site and development, however figure 2 on page 7 of the National Model Design Code (shown below) indicates the typical matters a code should cover across such a development.

Figure 2. Design Code Coverage



Reference to these aspects will be linked below topic by topic, though clearly there will be some overlap between topic areas.

3.7. The Building for a Healthy Life (2020) published by Urban Design Group, produced in partnership with Homes England, NHS England and NHS Improvement integrates the findings of the three-year Healthy New Towns Programme led by NHS England and NHS Improvement and is well-established as a design toolkit for local authorities. This document provides a toolkit for design in neighbourhoods, homes, streets and public places. Within the document 12 principles are set out (natural connections, walking, cycling and public transport, facilities and services, homes for everyone, making the most of what’s there, memorable character, well defined streets and spaces, easy to find your way round, healthy streets, cycle and car parking, green and blue

infrastructure, back of pavement and front of home). These principles are underpinned and fall within the three themes of integrated neighbourhoods, distinctive places and streets for all.

- 3.8. It is important to note that this Design Code is not intended, nor is it required, to provide every detail covering the entire development (for example the specific location and use of street lighting), it is instead intended to provide a framework which the whole development adheres to in each of the phases brought forward, regardless of ownership. Such specific details and further design consideration will be brought forward and determined via future reserved matters and discharge of conditions applications, which will in turn be expected to adhere to the principles outlined within the Design Code.
- 3.9. It is important that Members note that this is not a planning application but rather a discharge of conditions application and must be considered in the context of the Outline permission under which it sits. A determination under a discharge of conditions application must therefore have regard to the Outline permission and the wording of the condition in question. It affords no opportunity to revisit matters of principle which benefit from planning permission. The following sections provide detail on the Design Code's approach to design for the development, referring to the relevant development plan policies and paragraphs of the NPPF.

4. Key Objectives

- 4.1. Several key principles are established within the presented Design Code to guide subsequent development on site. These include: character and place-making, community and homes, accessibility and connectivity, economy and employment, climate and environmental sustainability.
- 4.2. Each reserved matters application that is submitted following approval of the design code will be accompanied by a summary of how the phase meets the principles laid out under the Building for a Healthy Life (2020).

5. Consultation and Engagement with the Community

- 5.1. Paragraph 132 of the NPPF encourages early consideration of design quality, specifically through engagement with local planning authorities and communities. Emphasis is placed on clarity and evolution throughout the design process taking account of community views. Paragraph 132 specifically states, "*applications that can demonstrate early proactive and effective engagement with the community should be looked on more favourably than those that cannot*".
- 5.2. Extensive consultation and engagement has been carried out by Taylor Wimpey and their professional consultants on this design code with parish councils, local residents, local stakeholders, members, officers and consultees, specifically via fortnightly working group meetings, online consultation, social media and letters. Feedback has been invited at all stages and is understood to have been acted on so far as appropriate, feasible and viable to '*reconcile local and commercial interests*' as advocated for within paragraph 132. It is considered that there has been proactive engagement and that it has been effective to identify issues between participants and exchange views thereon.
- 5.3. The Council has undertaken consultation with a number of Parish Councils as reported above.
- 5.4. An independent review of the Design Code was conducted by LUC prior to its formal submission. The points of criticism raised via that review have been taken into account and have helped form the basis of the final submission version of the code as discussed throughout this report.

6. Landscape

6.1. The amount of open space was secured under the Outline permission B/15/01718, and is detailed on the approved Land Use Parameter Plan, this equates to over 50% of the site's area, this is broken down into the following areas:

- 29 hectares of community woodland
- 13.4 hectares of amenity green space and landscaping including SuDS and village green
- Central village green
- Children's play areas
- Walking and cycling routes- including extension to the Gainsborough trail
- 4.8 hectares of area for sports provision- football pitches, cricket oval, sports pavilion and associated parking- these will be on the flattest areas of the site to reduce earthworks
- 0.9 hectares of allotments
- 12 hectares retained as the existing County Wildlife Site

The key formalised areas of open space on site are set out within the Land Use Parameter Plan, whilst green corridors are also included to interweave between land parcels, these are less formal open spaces. Therefore, they can be more flexibly created to reflect different character areas and create a more distinctive sense of place within the overall development as proposed within this Design Code.

6.2. As per the Land Use Parameter Plan, the development becomes progressively softer and more rural in character towards the north and east of the site reflective of the site's movement into more rural parishes and adjoining County Wildlife Site. However, each residential parcel is intertwined with associated landscaping, including the SuDS and landscaping previously approved under the infrastructure reserved matters application (DC/20/05183) and associated discharge of conditions applications. Future reserved matters applications will provide further details on matters such as SuDS, which shall include a mixture of wet ponds, detention basins and swales.

6.3. Landscaping and building orientation will also be used to provide natural surveillance to create safe environments for future occupants and users in accordance with Local Plan policy CN04 and paragraphs 92 and 130 of the NPPF.

6.4. The use of landscaping (including pocket parks and green corridors) alongside walking and cycling links will ensure the development provides an inviting environment to encourage future residents to choose active transport over sole use of private motor vehicles to access services, facilities and amenities, but would also provide appropriate informal health and recreational opportunities, including dog walking, walking, cycling and formal and informal play areas, in accordance with Core Strategy policies CS14 and CS15, Local Plan policy HS31 and paragraphs 92, 98 and 105 of the NPPF. These walking and cycling links will also be publicly accessible from adjacent areas and provide the opportunity for recreational and active travel from those adjacent areas to extend through the site. This will be of wider benefit to the residents and visitors from within the local community and beyond.

6.5. Community allotments would also be provided on land totalling 0.9 hectares to the eastern area of the site south of the County Wildlife Site and would exceed the 20 allotments per 1000 dwellings rate as recommended by the National Society for Allotments and Leisure Gardeners and noted within the Council's supplementary planning document 'Open Space, Sport and Recreation Strategy'.

- 6.6. All sports provision will be created in accordance with Sports England's standards, providing a range of well-equipped recreational spaces and opportunities for future residents and the wider community. The s106 agreement on the Outline permission further secures recreational opportunities for younger generations through the provision of one Neighbourhood Equipped Area for Play, five Local Equipped Areas of Play, one Multi-Use Games Area and seven Local Areas of Play. These will be scattered throughout the development to ensure all residents are within walking distance to play areas. The Design Code indicates that a Neighbourhood Park would be located to the north of the site abutting the northern community woodland and would form the main focal open space including multi-functional space combining the primary play space, drainage, woodland and recreation. There would be three areas of community woodland, to the north, west and east, all adopting different characteristics and features with varying levels of tree cover, community orchard and fruiting trees, ecological benefits, woodland themed play areas, social meeting spaces, wildlife pond and key walking and cycling connections, including to the Gainsborough Trail. The provision of accessible recreational areas would encourage activity, supporting social sustainability and the mental and physical well-being of future residents, in accordance with Core Strategy policies CS14 and CS15, Local Plan policy HS31 and paragraphs 8, 92, 98, 100, 105 and 130 of the NPPF.
- 6.7. Street furniture within the outer edges of the site would adopt a more natural finish, specifically through the use of timber and will be muted in tone to accord with a countryside edge character. Amongst the street furniture there would be the inclusion of benches, picnic tables, litter bins and cycle stands. Signage will be located along key walking and cycling routes and connections ensuring the whole site is legible for users and can be traversed conveniently.
- 6.8. The majority of existing landscaping on site, including linear field hedgerows, mature trees and wetlands, will be retained on site. The use of native, nectar-rich and locally sourced species, including those that support biodiversity and wildlife, will also be incorporated into the landscaping schemes for all phases. Key species (amongst others) being considered in the development of appropriate landscaping includes bats, badgers, dormice, great crested newts, corn bunting and skylarks. Planting and establishment of the community woodland is anticipated to be done as early as possible to allow adequate time for maturity. The proposed measures would be in accordance with Core Strategy policies CS14 and CS15, Local Plan policies CR07 and CR08 and paragraphs 131, 174 and 179 of the NPPF.
- 6.9. Key and comprehensive ecological protection and enhancement measures are proposed to be built into all key areas of the development, however, to ensure these are contextually appropriate for species and their habitats, specific measures will be detailed and secured through the Landscape and Ecological Management Plan, which is covered by separate conditions (37 and 39) and will be subject to conducting further ecological surveys and engagement with the Council's professional ecological advisers as they come forward. In each residential phase wildlife niches will be included, there would be 25 bat boxes, 25 bird boxes, hedgehog highways at the base of timber fencing, 10 bee bricks and log piles. These measures will ensure that biodiversity and protected species are safeguarded and are supported on site in accordance Core Strategy policies CS14 and CS15, Local Plan policies CR07 and CR08 and paragraphs 174 and 179 of the NPPF.
- 6.10. Objections were raised by Acton Parish Council on the ambiguous use of the term 'amenity land' which does not distinguish between public open space and biodiversity enhancement areas. This term is commonly used to embrace a wide range of informal amenity spaces, such spaces can concurrently support biodiversity enhancement measures. Officers do not consider that such multiplicity of use is detrimental to good design and that there do not necessarily need to be demarcated areas for each use. The approach described ensures that the development will be

effectively utilising spaces in a multitude of ways including for physical activity, social and community interactivity as well as biodiversity. Further parish concerns point out that the future management of the site has not been considered. The s106 agreement as secured under the the outline permission B/15/01718 ensures that a community woodland management company/commuted sum provided for the Council to conduct such management will be set up to manage the woodland area. It is considered that this will ensure that the objectives within the Design Code will be achieved and managed for the longer-term benefit of the community. The delivery section of the Design Code provides further assurance on the long-term management of the site.

7. Site Wide Coding

- 7.1. The site wide coding builds upon the Outline permission, specifically the Land Use Parameter Plan and Maximum Building Storey Heights Plan, to ensure a holistic and integrated approach to the development is adopted across the entire site.
- 7.2. The residential land will only feature development up to a ridge height of 10.8 metres, with the village centre and market square featuring development up to 12 metres in ridge height. It is noted that that commercial land will likely be up to 14 metres in ridge height as per the Building Storey Heights Plan, however this commercial land is not required to be covered by the Design Code.
- 7.3. Density across the site will vary between under 30 dwellings per hectare to the northern peripheral areas, between 31 and 40 dwellings per hectare across the majority of the site and more than 41 dwellings per hectare within the central village square. Alongside the building heights, the proposed densities will make an effective use of land, responsive to the different areas across the site, whilst retaining a high-level of open space overall, in accordance with paragraphs 119, 120, 124 and 125 of the NPPF.
- 7.4. Key focal points and important frontages have been identified within the Design Code for the development. Features on key buildings which will act as focal points are likely to include feature windows, chimneys, brick detailing, coloured render or a change in material, decorated gables, taller buildings. It is intended that features such as these will be incorporated on buildings in gateway positions, facing public open space and within key views. The townscape would reflect the character of the Suffolk, drawing upon popular architectural features found in Suffolk. A range of building typologies are identified across other towns within the Babergh District which could be appropriately applied within the residential phases, specifically to distinguish between peripheral, central and more residential areas in accordance with Core Strategy policy CS15, Local Plan policy CN01 and paragraph 130 of the NPPF.
- 7.5. The street layout is consistent with the Outline permission and the reserved matters infrastructure application and provides a street hierarchy comprising primary street (distributor road), secondary/ tertiary street (major/ minor accesses) and lanes (shared surfaces). The primary street features a 6-metre-wide road and 3-metre-wide segregated cycle and footpath. Secondary streets feature a 5.5-metre-wide road and 2-metre-wide footpath. Tertiary streets feature a 4.8-metre-wide road and 2-metre-wide footpath. Finally, the private drives will feature between a 4.1-metre and 5.5-metre-wide road (shared surface). All reserved matters applications will demonstrate sufficient space for emergency vehicle access.
- 7.6. Streetlights and street trees cannot be considered in any specific detail at this stage, as the Design Code provides a level of flexibility. SCC as the Local Lead Highway Authority prefer trees to be located away from the highway for safety and maintenance reasons, therefore opportunities for street trees will likely be limited by this. It is however noted that the latest NPPF makes

reference to the importance of street tree considerations and opportunities to maximise street trees will be explored where possible. Street lighting will be designed to adoptable standards and is expected to be wildlife sensitive as required by condition 39 of the Outline permission.

- 7.7. A new bus route is proposed to run through Chilton Woods and will connect future residents to services, facilities and amenities in a sustainable way in accordance with Core Strategy CS15 and paragraph 105 of the NPPF. All bus stops are proposed to be located within 400 metres of all dwellings to reduce walking distances to further encourage active and sustainable transport.
- 7.8. Parking provision will feature a mixture of on-street unallocated parking, located near to more communal areas and allocated parking will be concentrated on or near to dwellings. Parking strategies for dwellings shall comprise of courtyards for apartments and some houses, with on-plot hardstanding areas, car port/ drive through and garages for the majority of houses. Parking squares will likely be used in the village centre. Parking provision will be provided in accordance with Local Plan policy TP15 and SCC Parking Guidance (updated 2019).
- 7.9. The waste strategy shall be undertaken in accordance with the SCC requirements and will be located for both ease of future residents and waste collectors, as well as being designed into the scheme to manage and control the visual impact of collection points.

8. Resources and Energy

- 8.1. Each reserved matters application will be accompanied by an Energy and Sustainability Statement; and each phase will be expected to accord with the most recent building regulations relating to the conservation of fuel and power (currently approved document L1A). A range of measures will be incorporated across the site including: a fabric first approach, low energy lighting, energy efficient fabric, A and A+ Rated appliances, selection and procurement of materials to reduce their life cycle impacts, PV and Solar thermal panels, air source heat pumps, electric vehicle charging points, SuDS, dark corridors, secure and covered cycle storage, Environmental Management Plan to reduce construction waste and impacts, active transport connections, convenient access to public transport and robust townscape design. Utility provision will also be considered from the outset to ensure all needs will be met. These measures are in accordance with Core Strategy policy CS15 and paragraphs 105, 130, 152, 174 of the NPPF.

9. Character Areas

- 9.1. Villages within each of the four Parishes that the site falls within have been studied to provide design cues and help create six distinct character areas creating a sense of place. Gentle transitional spaces shall be created between different character areas.
- 9.2. The six-character areas comprise:
 - Woodland Edge
 - Village Centre
 - Village Green
 - Residential Neighbourhood
 - Acton Lane
 - Parkside and Linear Green linkages.
- 9.3. Two colourways (lighter and darker tones) are identified and will be applied in a consistent way with a limited palette of materials being applied according to location. A mixture of primary

(predominant materials on main elevations etc) and secondary materials (accent materials) are proposed.

- 9.4. The Woodland Edge to the north of the site creates a rural fringe and will use landscaping to create a soft edge of development setting. This area will feature detached and semi-detached houses with more generous plots, varying between 2 and 2.5 storeys in height and include dormer and bay windows. Canopies to all home, alongside brickwork details and chimneys in key locations are also proposed. Houses will face onto woodland areas and will be arranged on informal drives/ lanes in an organic and informal building line, reflective of many rural village locations. Materials likely to comprise of brickwork with render, weatherboarding, composite slate and tiles/ pantiles. On-plot parking is proposed with lay-by visitor parking incorporated. Landscaping will be predominantly soft, with native woody shrubs for structure, muted evergreen plants to the frontages and larger parkland trees in transitional spaces towards the community woodland. Hard landscaping will be minimal comprising black estate railings, tumbled block paving, timber fencing in hidden locations to the side and rear and brickwork walls facing onto the public realm.
- 9.5. The Village Centre should provide a flexible hub of services, facilities, and amenities (community hall, mixed use buildings with residential above, pub and market place) and is therefore at the heart of the site. It is also noted that public art would be appropriate in this location. The community hall is proposed as detached with a pitched roof, the pub as detached with a pitched roof and feature gable. Nearby dwellings would comprise of apartments, houses and coach houses. Building heights would range from 2 to 3.5 storeys. Features would include canopies and juliette balconies to all dwellings and brick details in key locations. Shared parking areas will mostly feature, with some allocated parking for dwellings in courtyards and squares. Materials would comprise brickwork with accent weatherboarding, timber and render and composite slate, tiles, solar panels, standing seam metal or single ply membrane roofs. The soft landscaping in this area would comprise ornamental trees, shrub beds/ hard landscaped pits and mostly evergreen shrub planting in blocks. Hard landscaping would comprise of textured block paving in varying colours, laying patterns and sizes to create legible spaces and bollards would also be used, reinforcing space hierarchy.
- 9.6. The Village Green would be located south of the Village Centre and is an appropriate location for a contemporary take on the traditional Suffolk character. It is anticipated dwellings would comprise of houses, coach houses and apartments, varying between heights of 2 to 3.5 storeys. Canopies would be included on all dwellings with brick details in key locations. Balconies and dormer and bay windows could also be appropriate in this location. Materials could include brickwork with weatherboarding and render accents and composite slate, tiles/ pantiles and PV/ solar water panels. Dwellings should face onto the Village Green, increasing natural surveillance. Soft landscaping is likely to comprise ornamental trees and short mown grassland to the green. Hard landscaping would primarily feature recreational footways linking spaces and be finished in macadam and chippings, chunky timber bollards and decorative steel railings would also be utilised. Parking provision shall comprise on-plot and courtyard parking with on-street lay-bys.
- 9.7. Residential Neighbourhoods would have varied buildings comprising of houses, bungalows and apartments and use dormer and bay windows. The dwellings shall be predominantly semi-detached and terraced, varying between 1 and 3 storeys in height. Similarly, to the Woodland Edge, canopies will be included on all houses with brick details and chimneys in key locations. The materials would comprise brickwork and accents in weatherboarding and render in lighter tones and composite slate, tiles/ pantiles on houses and PV/ solar panels and standing seam metal or single ply membrane roof on the apartments. A variety of parking shall be provided through on-plot, courtyards and on-street lay-bys. A suburban settlement edge character shall be

adopted, with varied mix of streetscapes, shared surfaces, mews, lanes and focal squares. Unlike the other character areas, the Residential Neighbourhoods shall feature predominantly hard landscaping comprising macadam roads, limited block paving and metal railings, timber bollards and timber fencing but brick walls to public realm areas. Soft landscaping shall take the form of ornamental shrubs, hedges and trees with green plot frontages with minimal hedges.

- 9.8. Acton Lane will adopt a semi-rural character, taking the majority of design cues from Sudbury. Dwellings will set back to enable retention of the existing hedgerows. Dwellings shall be detached, semi-detached and terraced, ranging between 2 and 2.5 storeys. Dormer and bay windows are appropriate and canopies will be included on all dwellings, with brick details and chimneys in key locations. Materials to comprise brickwork with weatherboarding and render accents, composite slate, tiles/ pantiles on houses and PV/solar water panels to roof and standing seam metal or single ply membrane on apartments. Soft landscaping would comprise ornamental shrubs species, limited tree planting with native hedge frontages used on larger plots. Hard landscaping will be minimal but will feature block paved shared surfaces and rustic post and rail fencing. There will be predominantly on-plot parking with some on street lay-bys.
- 9.9. Graduating between residential parcels, the parkside and linear green areas will interweave between the residential parcels and feature houses (detached, semi-detached and terraced) and apartments varying between 2 and 3 storeys, incorporating dormer and bay windows and canopies, with brick details and chimneys in key locations. A range of parking strategies are proposed including, rear courtyards, on-plot and frontage with lay-bys. Materials to comprise brickwork with weatherboarding and render accents, composite slate, tiles/ pantiles on houses and PV/solar water panels to roof and standing seam metal or single ply membrane on apartments. Transitional soft landscaping shall characterise the area, featuring natural and less flowering species and ornamental hedge planting.
- 9.10. Whilst there are many similarities between the character areas, the subtlety in the use of hard and soft landscaping, colours, architectural details, patterns of development and height, create distinctions between different areas, ensuring there is a clear sense of place for future residents and wider members of the community. Making subtle distinctions between the character areas ensures the development is fluid and cohesive, mitigating against a disjointed development.

10. Delivery

- 10.1. A phasing scheme for delivery of the development is the subject of condition 4 on the Outline permission.
- 10.2. A management plan has been prepared which will demonstrate who is responsible for managing different parts of the development, ensuring it is maintained for its lifetime. Taylor Wimpey will also take long-term stewardship meaning all proposals for Chilton Woods will pass through them and include a compliance check against this proposed Design Code. Any variation required in the Code relating to matters of detail for a phase will be required to pass formally through the Local Planning Authority.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1. The proposed design code accords with the wording and requirements of condition 8 of Outline permission B/15/1718. The Design Code has been developed following a long period of

consultation, engagement with the community and revisions to address key concerns. The Design Code as presented provides a comprehensive and holistic approach to the Chilton Woods development to ensure residential, village centre and market square development is brought forward and delivers upon key design principles in a contextually specific manner to develop a scheme that is sustainable in accordance with Core Strategy policies CS4, CS14, CS15, CS18, CS19, and CS21, Local Plan policies CN01, CN04, CR07, CR08, CP01, TP04, TP15 and HS31 and paragraphs 8, 92, 98, 100 105, 119, 120, 124, 125, 130, 131, 132, 152, 174 and 179 of the NPPF.

- 11.2. The proposed Design Code has been conceived having regard to the National Design Guide (2021) and the National Model Design Code (2021) and covers in appropriate detail those issues which it would be expected should be covered notwithstanding the fact that these documents only became formalised in July 2021 after consultation earlier in the year. The proposed Design Code also has regard to the principles of Building for a Healthy Life (2020) and draws upon the key approaches contained within that document. The Design Code will pave the way to creating high-quality, well-designed place which comprises sustainable development, embodying the spirit and aspiration of paragraph 8 and chapters 8, 9, 12 and 15 of the NPPF (2021).
- 11.3. As to the use of the Design Code, Members attention is drawn to paragraph 134 of the NPPF states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
- 11.4. Key aspects of the Design Code that will be incorporated into the future development here include a landscape led approach, ecological benefits, social recreational spaces, interconnected network of walking and cycling connections and distinctive places. These will secure an inviting, safe, sustainable and high-quality environment for future residents and the wider community within neighbouring areas.
- 11.5. The proposed Design Code covering the residential, village centre and market square land is a crucial step in delivering this strategically important site and the contribution that it makes to the districts housing stock. This application lays the foundations for a well-conceived and cohesive development that can be achieved through subsequent reserved matters applications.
- 11.6. It is considered that there are no material considerations which indicate that the proposed Design Code is unacceptable or inappropriate to achieve its purpose in guiding good design in the delivery of this strategic site and achieving a well-designed place.
- 11.7. The positive determination of this discharge of conditions application will moreover be an important step forward in the delivery of this strategic site which forms a notable element in the provision of future homes in the district and contributes meaningfully to the housing land supply position of the District.

RECOMMENDATION

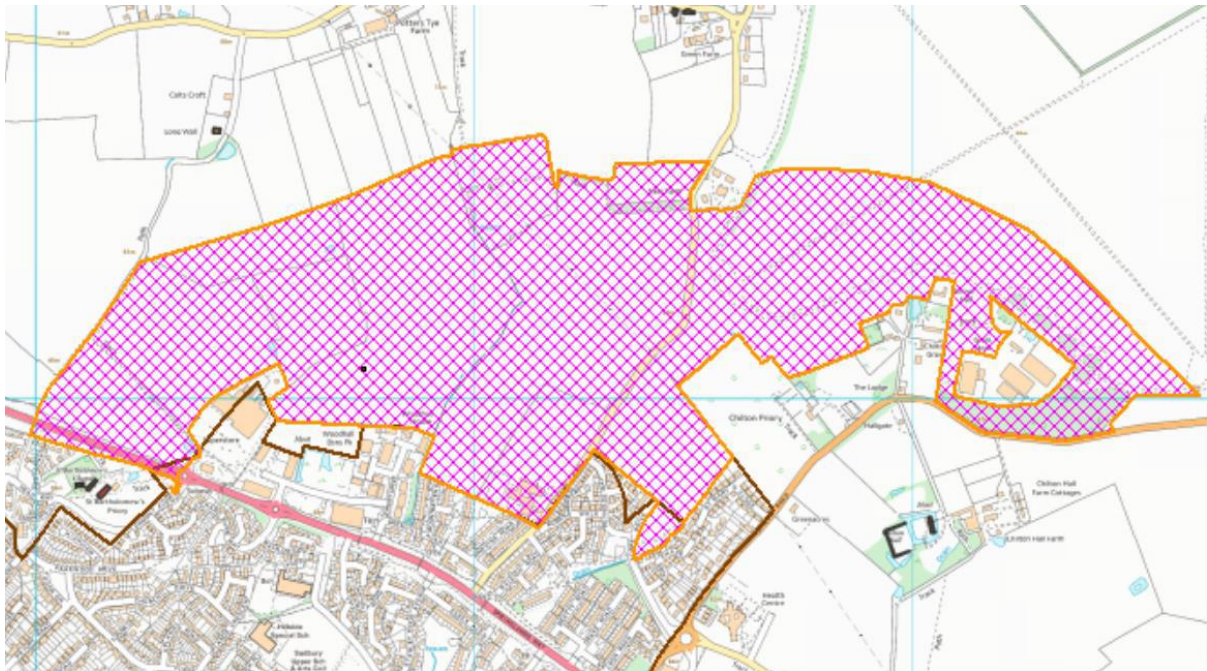
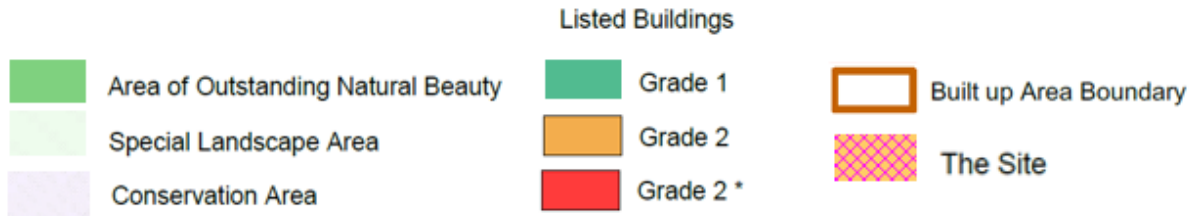
That authority be delegated to the Chief Planning Officer to determine and discharge application condition 8 of the Outline planning permission B/15/01718.

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Application No: DC/21/01460

Parish: Chilton/Sudbury

Location: Chilton Woods Mixed Development, Land North of Woodhall
Business Park



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Agenda Item 6b

Committee Report

Item 6B

Reference: DC/21/02764

Case Officer: Samantha Summers

Ward: Sudbury Northwest.

Ward Member/s: Cllr Jan Osborne. Cllr Trevor Cresswell.

RECOMMENDATION –GRANT RESERVED MATTERS APPROVAL WITH CONDITIONS

Description of Development

Reserved Matters application for Residential Phase 1 (matters relating to Appearance, Landscaping, Layout and Scale) comprising erection of 200 no. dwellings, residential amenities, open space, drainage, parking and associated development and pursuant to Outline Planning Permission B/15/01718 dated: 29/03/18 (Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works) Chilton Woods Mixed Development To North Of Woodhall Business Park Sudbury Suffolk

Location

Chilton Woods Mixed Development to North of, Woodhall Business Park, Sudbury, Suffolk

Expiry Date: 18/08/2021

Application Type: RES - Reserved Matters

Development Type: Major Large Scale - Dwellings

Applicant: Taylor Wimpey London Ltd

Agent: Savills

Parish: Sudbury

Site Area: 5.1Ha

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: Yes. On-going engagement with the Chilton Woods Working Group has been taking place on a fortnightly basis. The Working Group comprises representatives including Councillors of the District and County

Councils, Parish Councils, officers of the Local Planning Authority, the developer and their team (engineers, architects, ecologists, landscapers).

A fortnightly meeting with officers of the district and county councils with the developer and their team also meet separately for regular updates on current and future applications.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

This is a major development more than 15 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Local Plan 2006

CN01 - Design Standards
CN04 - Design & Crime Prevention
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas
CN14 - Historic Parks and Gardens - National
CN15 - Historic Parks and Gardens - Local
HS31 - Public Open Space (1.5 ha and above)
CR07 - Landscaping Schemes
CR08 - Hedgerows
TP04 - New Cycle Links
TP15 - Parking Standards - New Development
CP01 - Chilton Mixed Use Development Package

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
CS04 - Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard
CS12 - Design and Construction Standards
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes
CS21 - Infrastructure Provision

Other Policy Documents:

NPPF - National Planning Policy Framework
Suffolk Parking Standards 2019

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 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 9: Promoting Sustainable Transport
Chapter 11: Making Effective Use of Land
Chapter 12: Achieving Well-Designed Places
Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15: Conserving and Enhancing the Natural Environment

Members' attention is drawn in particular to Chapter 12 and the emphasis within this latest update to national policy on matters of design which stresses the role and importance of Design Coding for new developments.

Other Considerations

- National design Guide (2021)
- National Model Design Code (2021)
- Building for a Healthy Life (2020)
- National Design Guide (2019)
- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)
- Joint Babergh and Mid Suffolk Landscape Character Assessment (2015)
- Babergh District Council Affordable Housing Supplementary Planning Document (2014)
- Babergh District Council Open Space, Sport and Recreation Strategy (2010)

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. The National Model Design Code forms part of the NPPG.

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Chilton is, however, designated (Regulation 5) as neighbourhood plan area, but as of yet no plan has been drafted.

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

PLEASE NOTE THAT THE DESCRIPTION OF THE PROPOSAL HAS CHANGED THROUGH THE CONSULTATION PERIOD. The original description included discharging of some conditions. This has been removed and a separate application submitted to deal with the conditions separately. Some of the consultee comments relate to these conditions and have received holding objections. These objections are not relevant to this application. The conditions that have been removed from this application and are being dealt with under application DC/21/03735 are:

- 9 (Surface Water Drainage Scheme)
- 10 (Drainage Maintenance and Management)
- 11 (SuDS Components and Piped Networks)
- 18 (Waste Disposal Strategy)
- 22 (EV Charging Points)
- 28 (Foul Water Drainage Strategy)
- 29 (Site Levels)
- 38 (Hard and Soft Landscaping Scheme)
- 43 (Open Space Scheme)

Town/Parish Councils: -

Newton Parish Council

Newton Parish councillors reviewed Adjoining Parish Planning Application DC/21/02764 Chilton Woods Mixed Development, Land North of Woodhall Business Park - Reserved Matters application for Residential Phase 1 (matters relating to Appearance, Landscaping, Layout and Scale) comprising erection of 200 no. dwellings, residential amenities, open space, parking and associated development and Discharge of Conditions) and resolved they had no comment.

Great Cornard Parish Council

Great Cornard Parish Council has no comments to make on DC/21/02764.

FURTHER COMMENTS 06.07.2021 - No comments

Long Melford Parish Council

The Parish Council has no objection.

Great Waldingfield Parish Council

The Parish Council makes "no comment" to this application.

FURTHER COMMENTS 15/06/2021 - At its Meeting on the 14th of June 2021, the Parish Council recommended that the First Phase Reserved Matters should not be brought forward until the Design Code is agreed by all parties.

Sudbury Town Council

APPROVE - Subject to the two conditions within the Suffolk County Council Flood and Water Management response are met.

FURTHER COMMENTS 22/06/2021 - Members viewed some of the reports. Comments as below:

- SCC Highways Report - Support the comments/concerns raised within their report, especially items 1 and 2.
- Ecological Report - Members support the concerns raised within this report that insufficient ecological information is available for determination.

Little Waldingfield Parish Council

Little Waldingfield Parish Council has no comments to make on this revised Application.

Acton Parish Council

With delegated powers from Acton Parish Council, I am responding to the above planning application. Acton Parish Council recommends refusal of DC/21/02764 as there is no approval of the Design Code or CEMP for the site.

Chilton Parish Council

No comments had been received at the time of writing of this report. A verbal update will be given at your Planning Committee Meeting if comments are received.

For the sake of the record Chilton Parish Council have been consulted twice on this application because the description of the proposal changed to exclude the reference to discharge of conditions. The consultations took place on the 21st of May and 11th June. After the consultation period finished on the 2nd of July, a further email was sent to outstanding consultees reminding them of the consultation and inviting them to comment on the application.

National Consultees:-

Natural England

Natural England has previously commented on the reserved matters proposal and made comments to the authority in our attached letter reference 335674, dated 15 December 2020. The advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Historic England

Thank you for your letter of 21 May 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

The Environment Agency

Thank you for your consultation. As per our response to planning application DC/20/05183 referenced AE/2020/125706/1-L01, we still await the submission of the Phase 2 Geo-Environmental Risk Assessment referred to in Condition 32 before we can respond further to the application.

NHS

After having discussions with BMSDC Infrastructure Team it was decided that due to the S106 already agreed on this application then no further comment would be needed from the CCG and to proceed.

Ministry of Defence

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 21/05/2021.

This relates to an application for a reserved matters application for Residential Phase 1 (matters relating to Appearance, Landscaping, Layout and Scale) comprising erection of 200 no. dwellings, residential amenities, open space, parking and associated development and Discharge of Conditions 9, 10, 11, 18, 22, 28, 29, 38, 43 (pursuant to Outline Planning Permission B/15/01718).

The application site falls within the Statutory Safeguarding Technical Zone surrounding RAF Wattisham.

I can confirm the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Anglian Water

ASSETS

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Used Water Network

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 28 of the outline planning application B/15/01718, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction, and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Highways England

Offer no objection.

County Council Responses :-

SCC Travel Plans Team

Thank you for consulting me about the reserved matters application for the Chilton Woods development in Sudbury. On reviewing the documents submitted I have got no comment to make.

SCC Flood and Water Team

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/02764.

We have reviewed the following submitted documents and we recommend approval of the reserved matters application, approval to discharge condition 10 (Drainage Maintenance and Management and refusal to discharge condition 9 (Surface Water Drainage Scheme) & 11 (SuDS Components and Piped Networks)

FURTHER COMMENTS 15/07/2021 - We have reviewed the following submitted documents and we recommend approval of the reserved matters application,

- Landscape masterplan CSA/4716/115
- Site Layout Plan ref 1344-3-1300 Rev BF
- Soft landscape proposals sheet 1 – 3 CSA/4716/118, 119 & 120 Rev A
- Existing Site Location Plan Ref 1344-3-1000 Rev A
- Site Wide Phasing Plan Ref 1344-3-1320
- Surface Water Drainage Layout P20-143 SK122 Rev P1
- SW Implementation, Management & Maintenance Plan Ref P20-143
- Cond 9 & 11 – SUDS Scheme Ref P20-143 Rev b

SCC Highways Team

Notice is hereby given that the County Council as Highway Authority make the following comments:

Phase 1 Reserved Matters Layout:

1. Cycle Routes - it is noted that the proposed shared use cycle routes through phase 1 will be constructed with an unbound Hoggin surface, will not benefit from Street Lighting and are not within the areas offered for adoption by the Highway Authority. As a key link within the development, these routes must be a bound surface, at least 3.5 metres wide, illuminated and should be part of the adoptable highway network.

2. Parking Layouts adjacent to loop road - the use of rear parking courts that are some distance from the dwellings that they serve and potentially not overlooked, is likely to result in parking on the loop road in front of dwellings. Whilst some on-road parking can reduce traffic speeds, excessive on-road parking can be detrimental to the safety of road users, when visibility and pedestrian routes are obstructed.

Either the parking layout should be amended so that all parking spaces are close to the dwellings that they serve, or parking restrictions may be required in this area (a process that would need to be funded by the developer and provided alongside the Section 38 Agreement).

3. Matters impacting upon adoption of the estate roads - the following issues may result in complications should the roads be entered for adopted by the Highway Authority:

- a) Areas of grass service strip next to dwellings - grass service strips are only suitable for areas next to public open space or away from dwellings, as they are regularly over-run and parked on close to dwellings;
- b) Trees - it is noted that a number of proposed trees may be less than 5 metres from the adoptable roads. Details of tree species, soil type and root protection and/or relocation of the proposed trees may be required.

Note:

Please note that acceptance of the reserved matters layout at planning stage does not grant or infer acceptance or approval for adoption of the estate roads as part of a Section 38 Agreement.

FURTHER COMMENTS 20/07/2021 - Further to reviewing the amended drawings, notice is hereby given that the County Council as Highway Authority make the following comments:

1. Cycle Routes - Whilst some minor amendments may be required to bend radii and connections to estate roads (details to be agreed at Section 38 Agreement approval), the change to an adoptable bound surface route is noted and subsequently, is acceptable for the purposes of planning.
2. Parking Layouts adjacent to loop road - This has not been addressed and there is still a concern that due to the distances of the spaces to the dwellings, it may result in parking on the spine road close to junctions, accesses and crossing points. Subsequently, if the applicant is not prepared to amend this layout, we may recommend that parking restrictions are provided at key locations as part of the Section 38 Agreement. This will need to be funded by the developer and may delay adoption of the estate roads in the future.
3. Matters impacting upon adoption of the estate roads - Noted that the areas of service strip have been amended and this element is now acceptable. However, a number of trees are still shown very close to proposed adoptable highway and this may delay or complicate adoption of the estate roads in the future.

Note:

Please note that acceptance of the reserved matters layout at planning stage does not grant or infer acceptance or approval for adoption of the estate roads as part of a Section 38 Agreement.

SCC Infrastructure Team

Suffolk County Council previously submitted a consultation response by way of letter dated 27 November 2020 in respect of application reference DC/20/05183. The district council granted planning permission for this application by way of Decision Notice dated 29 April 2021.

The outline planning application under reference B/15/01718 has an associated planning obligation dated 29 March 2018. The planning obligations previously secured under the first planning permission must be retained in respect of this new application if Babergh District Council make a resolution to approve.

In respect of education, there are various obligations set out in the planning obligation including Schedule 3 in which the county council will receive the transfer of a fully serviced primary school site (including pre-school) of minimum size of 2.3-hectares prior to occupation of the 150th dwelling. The county council (and the local planning authority) will need to be satisfied that the proposed location of the school site is suitable including access, drainage etc. The NPPF in Chapter 12 highlights the importance of achieving well-designed places – this is an important issue for Babergh District Council, as the local planning authority, to consider. The school design work has progressed, and Joanna Fellowes in the Children and Young People Directorate continues to work with Taylor Wimpey to discuss boundary locations as part of the reserved matters application. At present, the design work has been halted until the school is required. I have copied to county council colleagues who deal with education, highways, floods planning and archaeological matters.

SCC Archaeology Team

In line with our advice in relation to the first RM application for this scheme (DC/20/05183), we would advise the following for the current RM application.

Please find attached the advice provided in relation to application B/15/01718, which is still applicable for the current RM application. This sets out that prior to any ground works required as part of this development (including site preparation works, landscaping, ecological works services, access, infrastructure etc) that archaeological mitigation works in the form of open area excavation (preceded by further archaeological evaluation in some areas to complete the evaluation works undertaken pre application, as there were small areas which were not able to be evaluated at this stage) is required. This is due to the fact that archaeological evaluation undertaken so far at the site has identified several areas of significant and extensive archaeological remains were identified across the site, including evidence of later Prehistoric, Roman and Medieval occupation. The evaluation also identified a number of more discrete areas with archaeological interest, including a small number of cremation burials of Bronze-Age date.

As such SCCAS recommended our usual two-part condition should planning permission be granted in order to secure this remaining work:

1. No development shall take place within each phase or sub-phase until the implementation of a programme of archaeological work for that phase or sub-phase has been secured, in accordance with a Written Scheme of Investigation for evaluation, and where necessary excavation or other mitigation, which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied within each phase or sub-phase until the site investigation and post investigation assessment for that phase or sub-phase has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

However, the application was granted with only the following archaeological condition:

33. No development shall take place in any phase until a programme of archaeological work with a written scheme of investigation for that phase reflecting the approximate extent of archaeological interest Areas 1-8 identified in Figure 11.1 and Table 11.2 of the Environmental Statement (Amec Foster Wheeler, December 2015) has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved programme of archaeological work for that phase or any amended programme of archaeological work submitted to and approved in writing by the local planning authority. Reason - To safeguard archaeological assets and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

Whilst this condition sets out the need for further archaeological work, the areas of archaeological interest highlighted in the Environmental Statement have not been agreed with us and so whilst a guide, do not reflect the exact areas requiring archaeological mitigation prior to this development. In addition,

this does not make allowance for additional areas requiring archaeological mitigation to be defined during the further archaeological evaluation work which is still required.

Also, the absence of a second part reporting condition means that the requirement for post investigation analysis, reporting and deposition of the archive following the completion of archaeological fieldwork is not clearly set out and also there is not a clear timeframe for the point of discharge for both archaeological fieldwork and reporting (usually provided by the two-part condition). This not only does not give a clear point of enforcement for this work but will be unhelpful for the developer as it will inevitably delay being able to advise discharge of the condition for each for each phase until both fieldwork and reporting have been completed.

As such, we would advise that our standard two-part condition (see above) should be applied to the current and further RM applications for this site in order to appropriately secure the outstanding archaeological work and to clearly set out the timing for the remaining work.

The Conservation Team of the Suffolk County Council Archaeological Service would be pleased to offer guidance on the archaeological work required and will, on request, provide a brief for each stage of the archaeological investigation.

INTERNAL CONSULTEE RESPONSES

BMSDC Infrastructure Team

This development site lies within the high value zone for BDC CIL Charging and would, if granted planning permission, be subject to CIL at a rate of £115 sqm (subject to indexation). The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended). Guidance is available as a pre-application service and via information within the CIL webpages.

BMSDC Heritage Team

The Heritage Team has no comments to make.

BMSDC Public Realm

Public Realm Officers consider the treatment of the public open spaces and the provision of play facilities to be appropriate for this development. There are no objections to the application on the grounds of open space and play provision.

BMSDC Environmental Protection Team (noise/odour/light/smoke)

I note that this phase of the development will be subject to conditions 30 and 41 of B/15/01718 in respect of a construction management plan and lighting scheme and I will await that information in due course. To complement these, I would recommend that the following conditions be attached to any permission to protect residential amenity

- No burning shall take place on site during the site clearance/demolition or construction phases of the development.
- No site machinery or plant shall be operated, no noise intrusive process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 08.00 – 18.00 Monday to Friday, 09.00 – 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.

In considering the outline application for this site, I had regard to the Environment Statement (dated December 2015, document reference L35223R049), chapter 8 of which considers noise and vibration. Section 8.85 identified that construction traffic would need to be initially routed via Acton Lane and/or Aubrey Drive until such time as a temporary haul road can be constructed from the A134. I would recommend that a condition be attached to any permission to the effect that;

- Prior to any commencement, a noise assessment based on construction traffic, and details of any proposed mitigation or methods to reduce effects on residents of affected properties, particularly those on Aubrey Drive (including Reynolds Way) and Acton Lane, should be submitted in writing and approved by the LPA.

At the time of the outline application. I also raised concerns about the potential impact of Chilton Grain on the nearest proposed residential area, to the east of the site. This is because the Environmental Protection team does have a history of noise complaints about grain drying noise from this facility, usually during the autumn and winter months, particularly at night. The noise assessment took place in June and so is unlikely to have taken account of this noise. Unless clarification can be sought (as I requested at the time) in respect of section 8.11.27, which gives a measured sound level at the grain store, as to whether the grain store was in full operation at the time. I would strongly recommend that a noise assessment, based on BS4142:2014 is required to identify any potential mitigation needed to ensure that BS8233/WHO guideline values are met at the new properties, in order to protect the operation of Chilton Grain from being fettered following any noise complaints from these new dwellings.

I note that two local areas for play (LAP) are proposed in this phase– LAP 3 and LAP4. The Open Space Sport and Recreation Strategy states that LAPs should be located at a minimum distance of 5m from the boundary of any residential dwelling in order to minimise loss of amenity. I have had regard to the Landscape Masterplan (drawing no CSA/4716/115, dated March 2021) and it appears this is the case although the plan is not to scale. I would recommend the separation distance be clarified.

I also note that bin stores are proposed for the flats, and I am glad to see that you have consulted the waste strategy team on this matter as these can be problematic if not adequately managed.

Dedham Vale AONB and Stour Valley Project

Thank you for consulting the AONB team on the Reserved Matters consultation for Phase 1 of the Chilton Woods development.

Phase 1 of the scheme lies outside the boundary of both the Dedham Vale AONB and the Stour Valley Project Area. The AONB team therefore has no comment to make on the application.

BMSDC Environmental Protection Team (sustainability)

Many thanks for your request to comment on the Sustainability/Climate Change mitigation aspects of this application.

I have viewed the Applicant's documents, notably the Planning, Design and Access statements parts 1-3 and the Energy Statement Phase 1 and note the contents therein.

The information contained in the documents commits to a predicted 10.07% reduction over Part L 2013 of the Building Regulations in the predicted Carbon emission of the development just complies with the Council's Core Strategy requirements of at least a 10% reduction. This is disappointing considering the UK Govt has identified a national Climate Emergency.

Babergh and Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

With developments constructed with levels of insulation, fabric measures and low carbon building services just equal or slightly better the current building regulations' Part L requirements it is likely that they will need to be retrofitted within a few years. This is to meet; the National milestones, the Future Homes Standard, meaning dwellings are at least zero-carbon ready, and targets leading up to zero carbon emissions by 2050. The other issue is that the properties will be more expensive to heat than properties built to these higher standards and that may include later phases of this development.

Therefore, vendors purchasing in Phase 1 will get a lower standard house than later phases.

I have no objection to the application and if the planning department decided to permit and set conditions on the application, I would recommend the following.

Prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed, and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, CS12, CS13, CS15 and NPPF) bearing in mind the Climate Emergency including details on environmentally friendly materials, construction techniques, minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

With all Sustainability and Energy Strategies the Council is requiring the applicant to indicate the retrofit measures required and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage. The applicant may wish to do this to inform prospective and future owners of the properties.

It is good practice to detail these interventions in show houses for the development with the option of potential vendors being able to pay extra for interventions at this stage.

Details as to the provision for electric vehicles should also be included, please see the Suffolk Guidance for Parking, published on the SCC website on the link below:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/parking-guidance/>

Guidance can be found at the following locations:

<https://www.babergh.gov.uk/environment/environmental-management/planning-requirements/>

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

BMSDC Environmental Protection Team (land contamination)

I can confirm that I have no comments to make with respect to the above application in light of there being no documentation relating to land contamination. In that manner I can concur with the comments from the Environment Agency made in relation to the application.

BMSDC Environmental Protection Team (air quality)

I can confirm that I have no comments to make with respect to the above submission in light of the fact that there are no remaining LAQM issues at the site and no outstanding conditions remain at site with respect to Local Air Quality Management.

Place Services - Ecology

Thank you for consulting Place Services on the above Reserved Matters application.

Holding objection due to insufficient ecological information on European Protected Species (Great crested newt)

Summary

We have reviewed the submitted documents provided by the applicant for this application, including the Ecological Assessment (CSA Environmental Ltd, April 2021), relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

Furthermore, we have reassessed the Environmental Statement (amec foster wheeler, Dec 2015) and the ES Addendum (amec foster wheeler, May 2017), provided by the applicant at outline stage.

We are not satisfied that sufficient ecological information is available for determination.

This is because we note that the Ecological Assessment has identified that Great Crested Newt were recorded within the wider site during a reptile refugia survey, which consisted of a small population of the species. The applicant's ecologist has confirmed that suitable terrestrial is present within the application site and the site has been registered under the Great Crested Newt District Level licensing scheme for Suffolk. However, it is indicated that the LPA needs a copy of the Impact Assessment Conservation Payment Certificate (IACPC) prior to determination of this application as advised at pre submission stage.

This is necessary as the LPA will need to check that the IACPC has been signed for and on behalf of Natural England, as well as confirm that the site details and boundaries of the IACPC are the same as the planning application. The IACPC can then be relied upon by the planning authority as confirmation that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Conservation Habitats and Species Regulations 2017 (as

amended). A copy of the site licence should then be submitted to the LPA, which should be secured as a pre-commencement condition of any consent.

Therefore, the countersigned Impact Assessment Conservation Payment Certificate is required to provide the LPA with certainty of likely impacts on European Protected Species and enable it to demonstrate compliance with its statutory duties.

However, we support the Phase 1 Soft Landscape Plans (CSA Environmental, March 2021), which incorporates appropriate planting specifications within the Public Open Spaces. In particular, we support the proposed meadow mixtures and the aquatic planting within the Sustainable Drainage Systems, which will deliver opportunities for invertebrate species. However, these wildflower meadows should be managed to maximise floristic diversity, which should be demonstrated within the Landscape Ecological Management Plan. Therefore, it is indicated that the Landscape Management Plan / Ecological Management Plan (as secured under condition 37 - 39 of the outline consent) will need to be produced to demonstrate appropriate management measure.

In addition, we note that the Ecological Management Plan (as secured under condition 39 of the outline consent) requires bespoke compensation and enhancement measures to be finalised for this development. This is necessary to secured measurable biodiversity net gains, as outlined under paragraph 170(d) & 175(d) of the NPPF 2019. This should include the details contained within this condition, as well as the provision of the details and locations of integrated swift boxes and bat bricks, reptile hibernacula, log piles, as well as hedgehog friendly fencing (13 x 13cm holes at the base of fencing) delivered throughout the development.

Furthermore, the Ecological Management Plan also requires a Wildlife Sensitive Lighting Strategy.

Therefore, it is advised that this should follow ILP Guidance¹ and a professional ecologist should be 1 ILP, 2018. Bat Conservation Trust Guidance Note 08/18: Bats and artificial lighting in the UK consulted to advise the lighting strategy for this scheme. In addition, the following measures should be indicated to avoid impacts to foraging and commuting bats:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Environmentally Sensitive Zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats.
- Lux levels and horizontal lighting should be directed away from boundary edges and Environmentally Sensitive Zones and kept as low as possible. This should preferably demonstrate that the boundary features and Environmentally Sensitive Zones are not exposed to lighting levels of approximately 1 lux. This is necessary to ensure that light sensitive bat species, will not be affected by the development.
- Warm White lights should be used preferably at <3000k adjacent to Environmentally Sensitive Zones. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species. However, it is highlighted that measures should also follow lighting British standards.
- Light columns should be as short as possible as light at a low level reduces the ecological impact.
- The use of cowls, hoods, reflector skirts or shields could be used to prevent horizontal spill in Environmentally Sensitive Zones.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our temporary holding objection.

Place Services - Landscape

Prior to determination, we would recommend the following amendments are considered:

- There are many plot boundaries that adjoin the public realm that are proposed as 1.8m high close board fencing. Though this is accompanied by soft landscaping in areas, we would advise that brick walls are used in the following locations; Plots 24, 32, 54, 55, 93 and 199.
- Vinca minor is proposed in boundary planting beds for many of the parking courtyard spaces and between parking bays. Though we understand this can spread quickly and is hardy, there is a concern that this proposal will not provide the visual impact and landscape quality we would hope to see in these courtyard spaces. As an alternative, we would advise shrub planting that provides height and texture is proposed.

BMSDC Strategic Housing Team

1. Background Information

This is a reserved matters application for Phase 1 of Outline Planning Permission B/15/01718 and proposes 200 dwelling in this phase – 85 of which are for Affordable Housing

2. Housing Need Information:

2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2019, confirms a continuing need for housing across all tenures and a growing need for affordable housing.

2.2 The 2019 SHMA indicates that in Babergh there is a need for 110 new affordable homes per annum.

2.3 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property-owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.

2.4 This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need.

3. Preferred Mix for Open Market homes.

3.1 The open market needs to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property-owning market and require appropriate housing enabling them to downsize.

3.2 With an ageing population, both nationally and locally new homes should, wherever possible, be built to Building Regulation Part M (4) Category 2 standards and this can include houses, apartments and bungalows. Built to this standard will help our ageing population to remain in their homes for longer.

3.3 There is strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storey. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups.

3.4 Broadband and satellite facilities as part of the design for all tenures should be standard to support.

3.5 All new properties need to have high levels of energy efficiency.

3.6 The open market mix proposed includes 2, 3, 4 and 5 bedrooms but the applicant is expected to have due regard to table 4.4c in terms of the proportion of 1,2, 3, 4 bed + homes for the open market sale homes. We would welcome the inclusion of 1 bed homes on such a large Strategic site in Babergh.

3.7 The following is the Strategic Housing Market Assessment recommendations for owner occupied housing and shows the percentage required by bedroom number.

Table 4.4c Size of new owner-occupied accommodation required in Babergh over the next 18 years

Size of home	Current size profile	Size profile 2036	Change required	% of change required
One bedroom	598	1,183	585	12.2%
Two bedrooms	5,037	6,765	1,729	36.1%
Three bedrooms	12,327	13,774	1,447	30.2%
Four or more bedrooms	10,065	11,098	1,033	21.5%
Total	28,026	32,820	4,794	100.0%

4. Preferred mix for Affordable Housing

4.1 85 of the dwellings on this phase are proposed for affordable housing. The Tenure Plan accompanying the applications shows the layout of the affordable dwellings and is an acceptable layout. Ground floor flats are proposed to be fully M4 (2) compliant.

The affordable mix proposed as follows:

House Type	House Type	No. bedrooms	M2	Units
A540	Apartment	1	50.2	12
A660	Apartment	2	61.3	4
A759	Apartment	2	70.5	12
A762W	Apartment (Part M Level 3)	1	70.8	2
A762	Apartment	2	70.8	6
NA20M (A)	House	2 Mid terr	71.6	17
NA20E (A)	House	2 End terr	71.6	4
AA31E	House	3 Mid terr	84.5	26
AA31E	House	3 End Terr	95.7	2

4.2 The s106 accompanying the outline secures the tenure split 75% affordable rent and 25% shared ownership. We would like clarification on the proposed split in tenure in the above mix. We would also like clarification of occupancy numbers, i.e. 2b 4p and why some of the units do not meet NDSS. Also, to ensure a broad housing need we would recommend the inclusion of affordable rented units that are 3b 6p or 4b 7p minimum as there are households on the register that require this size of dwelling, and this is an area of high registered housing need

4.3 This development will need to ensure that the affordable units are “tenure blind” within the overall development. In accordance with the 2019 NPPF, 10% of the overall scheme should be made available in the form of affordable home ownership products.

5. Other requirements for affordable homes:

- Properties must be built to current Homes England and Nationally Described Space Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 100% on subsequent lets.
- The Council will not support a bid for Homes England grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.
- Adequate parking and cycle storage provision is made for the affordable housing units adjacent to the dwellings.

BMSDC Waste Team

No comments received. A verbal update will be given during the Committee meeting.

B: REPRESENTATIONS

At the time of writing this report no local or third-party representations had been received.

PLANNING HISTORY

REF: DC/20/04763	Application for Non-Material Amendment following approval of B/15/01718 - Revisions to the land parameter plans.	DECISION: GTD 09.11.2020
REF: DC/20/05269	Discharge of Conditions Application for B/15/01718- Condition 29 (Levels) and Condition 38 (Hard and Soft Landscaping Scheme- Part Discharge)	DECISION: GTD 05.05.2021
REF: DC/20/05270	Discharge of Conditions Application for B/15/01718- Condition 9 (Surface Water Drainage Scheme), Condition 10 (Implementation, Maintenance and Management) and Condition 28 (Foul Water Drainage Strategy)	DECISION: GTD 18.06.2021
REF: DC/21/04056	Discharge of Conditions Application for B/15/01718- Condition 30 (Construction Environmental Management Plan)	DECISION: PCO
REF: B/15/01718	Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre	DECISION: GTD 29.03.2018

(comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.

REF: DC/20/05183

Reserved matters application for Phase 1 (Infrastructure) (matters relating to layout, scale, appearance and landscaping) for the installation of site wide infrastructure, including spine road, sustainable drainage scheme and associated services, infrastructure, landscaping and ecological enhancements details pursuant to Outline Planning Permission ref. B/15/01718, dated 29th March 2018 (Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.)

DECISION: GTD
29.04.2021

REF: DC/20/05724

Discharge of Conditions Application for B/15/01718- Condition 38 (Hard and Soft Landscaping Scheme) Part discharge for western boundary.

DECISION: GTD
15.01.2021

REF: DC/21/00696

Non-Material Amendment sought following

DECISION: GTD

Outline Planning Permission B/15/01718 11.03.2021
dated 29/03/2018 - Revision of Land Use
Parameter Plan to rectify inconsistencies on
plan

REF: DC/21/01166	Discharge of Conditions Application for B/15/01718- Condition 38 (Hard and Soft Landscaping Scheme) (Part discharge for western boundary)	DECISION: GTD 21.04.2021
REF: DC/21/01460	Discharge of Conditions Application for B/15/01718- Condition 8 (Design Code)	DECISION: PCO
REF: DC/21/02883	Discharge of Conditions Application for B/15/01718- Condition 4 (Phasing Scheme)	DECISION: PCO
REF: DC/21/03735	Discharge of Conditions Application for B/15/01718- Condition 12 (Construction Surface Water Management Plan), Condition 32 (Phase 2 Geo-environmental risk assessment), Condition 33 (Program of archaeological work), Condition 36 (Landscape Management Plan), Condition 39 (Ecological Management Plan), Condition 41 (Light appliances) and Condition 43 (On-site open space scheme)	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The Chilton Woods site extends 10.18 hectares, located to the north of the A134 and adjoins Tesco, Woodhall Business Park and adjacent residential estates. To the north, east and west of the site are agricultural fields with sporadic development before reaching more defined settlements within Newman's Green, Acton, Great Waldingfield, Chilton and Long Melford. The site straddles the parishes of Acton, Chilton, Long Melford and Sudbury, with the largest proportion of land falling within Chilton. The site is currently comprised of Grade 3 agricultural land (land with moderate limitations).
- 1.2 There is a Public Right of Way (footpath) running through the wider site, starting adjacent to Mountbatten Road and running northwards through the site. There is another Public Right of Way (footpath) located to the northeast of the site running eastwards and southeast into surrounding fields. There are no public rights of way crossing the Phase I development site.
- 1.3 The site is not within nor adjacent to an Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI), Air Quality Management Area (AQMA), Special Landscape Area (SLA), Local Green Space, or Area of Visual/Recreational Amenity (AVRA). There are two protected trees within the development site. These are located at the northern end of the Phase I site. Both trees are Oaks, reference numbers BT406/T8 and BT406/T9.

- 1.4 The eastern 'limb' of the wider Site, comprising part of the airfield is, however, recognised for its high ecological value and as such is designated as a County Wildlife Site (CWS) Waldingfield Airfield Arable Margins.
- 1.5 The site is located wholly within Flood Zone 1 and is the least vulnerable to fluvial (river) flooding the site is also not at a high risk from pluvial (surface water) flooding.
- 1.6 There is a Scheduled Monument (Wood Hall Moat) to the southwest of the wider site. The site sits outside of any Conservation Area, with the nearest Conservation Area being within the centre of Sudbury to the south. There is a range of listed buildings near to the site, but all fall outside of the site to the south. The nearest of these include the Grade II* listed Barn at St Bartholomew's Priory Farm, Chapel at St Bartholomew's Priory Farm and Chilton Hall and the Grade II listed St Bartholomew's Priory Farmhouse, Walled Garden east of Chilton Hall and Chilton Hall Historic Park and Garden. There is intervening development between the Phase I site and the heritage assets.
- 1.7 The Phase I residential site comprises two parcels of land on the south-western side of the Chilton Woods development site. The two parcels of land are divided by Acton Lane. The larger of the sites is to the east of Acton Lane and is nestled between other developments. The Anderson development which is currently under construction lies to the east of the site, St Marys Close to the south, Aubrey Drive and Reynolds Way are to the west with Acton Way to the north. This site would provide 147 units. The second parcel of land is smaller and lies to the west of Acton Lane and is located to the east of the All-Saints Middle School site. This site would provide 53 units.

2.0 The Proposal

- 2.1 The Phase I development seeks reserved matters for 200 dwellings, residential amenities, open space, drainage, parking and associated development and pursuant to Outline Planning Permission B/15/01718. Attention is drawn to the application for the discharge of condition 8 attached to the Outline planning permission which relates to a Design Code for the development. It is recommended that this application concurrently being reported to Committee be determined before the consideration of these Reserved Matters.

House Type	House Type	No. of Bedrooms	Type	with minimum NDSS unit size	Part M4(2) compliance	m2	Ft2	Number of Units	TOTAL m2	Total SQ FT
PRIVATE DEVELOPMENT										
FT21	H	2	Detached	Y	N	70.9	763	5	354.4	3,815
FT22	H	2	Detached	Y	N	71.4	768	3	214.1	2,304
NA20M	H	2	Mid terr	Y	Y	71.6	771	3	214.9	2,313
NA20E	H	2	End/Semi	Y	Y	71.6	771	21	1,504.2	16,191
NA32S	H	3	Semi	Y	Y	90.7	976	20	1,813.4	19,520
NA32E	H	3	End Terr	Y	Y	90.7	976	1	90.7	976
PT36D	H	3	Detached	Y	N	86.5	931	4	346.0	3,724
PT36S	H	3	Semi	Y	N	86.5	931	14	1,210.9	13,034
PT37D	H	3	Detached	Y	N	86.5	931	3	259.5	2,793
NB32M	H	3	Mid terr	Y	Y	107.1	1,153	2	214.2	2,306
NB32E	H	3	End Terr	Y	Y	107.1	1,153	2	214.2	2,306
NB32S	H	3	Semi	Y	Y	107.1	1,153	16	1,713.8	18,448
NA43	H	4	Detached	Y	Y	116.2	1,251	3	348.7	3,753
NT42	H	4	Detached	Y	Y	143.9	1,549	8	1,151.2	12,392
NT41D	H	4	Detached	Y	Y	115.5	1,243	3	346.4	3,729
NB51D	H	5	Detached	Y	Y	169.5	1,825	4	678.2	7,300
NA51D	H	5	Detached	Y	Y	172.6	1,858	3	517.8	5,574
AFFORDABLE DEVELOPMENT										
A540	A	1		Y	Y*	50.2	540	12	602.0	6,480
A660	A	2		Y	Y*	61.3	660	4	245.3	2,640
A759	A	2		Y	Y*	70.5	759	12	846.1	9,108
A762W	A(W)	1		Y	M4(3)	70.8	762	2	141.6	1,524
A762	A	2		Y	Y*	70.8	762	6	424.7	4,572
NA20M(A)	H	2	Mid terr	Y	Y	71.6	771	17	1,217.7	13,107
NA20E(A)	H	2	End Terr	Y	Y	71.6	771	4	286.5	3,084
AA31E	H	3	End Terr	Y	N	84.5	910	26	2,198.0	23,660
AB31E	H	3	End Terr	Y	N	95.7	1,030	2	191.4	2,060
						TOTAL		200	17,345.9	186,713

* Internals only- old Life time homes- Ground Floor flats full M4(2) compliance

Private
115 67.5%

Affordable
85 42.5%

Market Housing – 115 units

- 32 x 2-bedroom units
- 62 x 3-bedroom units
- 14 x 4-bedroom units
- 7 x 5-bedroom units

Affordable Housing – 85 units

- 14 x 1-bedroom units
- 43 x 2-bedroom units
- 28 x 3-bedroom units

- The split between the affordable tenure homes will be 25% shared ownership and 75% affordable rent. The shared ownership will be 12 apartments and 9 houses. The affordable rent dwellings will be 24 apartments and 40 houses.
- All affordable homes will be tenure blind, indistinguishable from the market for sale homes.
- 2 affordable flats are designed for wheelchair users - complying with Part M4(3) Adaptable Standards.

2.2 The total floor area created by the development is 17,345.9 square metres.

2.3 All units have parking either on their plots or within parking courts. Parking is policy compliant with current Suffolk Parking Standards. A total of 380 parking spaces are provided for residents and a further 50 visitor parking spaces. Secure bicycle storage has been provided for all units.

2.4 The residential densities align with the parameters modelled in the Design and Access Statement secured under the Outline Permission. The maximum allowable density within Phase 1 (east and west) is 40 dwellings per hectare. The average density across Phase 1 is 38.6 d/ha with higher density located along the spine road and looser densities along the more rural Acton Lane. This allows for larger plots, a more informal layout of homes and increased space for planting which

helps both to soften the appearance of the homes and create variety across the phase. Subtle variation in density adds to a variety of character, aids legibility and helps to avoid monotony.

- 2.5 The scale of the buildings was restricted under the outline planning permission (B/15/01718). Condition 34 requires that all buildings and structures shall not exceed 18 metres in height. All buildings within Phase I are below 18 metres in height. The dwellings proposed for Phase I are two, two-and-a-half and three storeys. There is a mix of terraced, semi-detached and detached dwellings and small apartment blocks that are used as landmark buildings on the distributor road.
- 2.6 Amenity space for each dwelling is provided in the form of private gardens, Juliette balconies and communal gardens for the apartment blocks.
- 2.7 The site Area 5.1Ha.

3.0 The Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. Strictly speaking, that direction is more appurtenant to the determination of applications for planning permission; however, it is considered appropriate that the development plan be the starting point in determining the appropriateness of the reserved matters detail that has been submitted and is no less relevant in that respect.
- 3.2 Relevant to the submitted application, the development plan comprises the following:
- Babergh Core Strategy (2014)
 - Saved policies from the Babergh Local Plan (2006).
- 3.3 Within the current development plan, those policies considered to be most important for the determination of the reserved matters application and its associated details are as follows:
- CN01 - Design Standards
 - CN04 - Design & Crime Prevention
 - CN06 - Listed Buildings - Alteration/Ext/COU
 - CN08 - Development in/near conservation areas
 - CN14 - Historic Parks and Gardens - National
 - CN15 - Historic Parks and Gardens - Local
 - HS31 - Public Open Space (1.5 ha and above)
 - CR07 - Landscaping Schemes
 - CR08 - Hedgerows
 - TP04 - New Cycle Links
 - TP15 - Parking Standards - New Development
 - CP01 - Chilton Mixed Use Development Package
 - CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
 - CS02 - Settlement Pattern Policy
 - CS03 - Strategy for Growth and Development
 - CS04 - Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard
 - CS12 - Design and Construction Standards
 - CS13 - Renewable / Low Carbon Energy
 - CS14 - Green Infrastructure
 - CS15 - Implementing Sustainable Development
 - CS16 - Town, Village and Local Centres
 - CS18 - Mix and Types of Dwellings

- CS19 - Affordable Homes
- CS21 - Infrastructure Provision

3.4 The Council is currently in the process of preparing a new Joint Local Plan with the Mid Suffolk District Council. The National Planning Policy Framework (NPPF) identifies that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with national policies. The plan-making process in this instance is at a very early stage and is therefore not weighed as a determinative consideration in this instance.

3.5 The NPPF of July 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes. 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).

3.6 The revised NPPF (July 2021) para.132 states:

“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”

3.7 The National Design Guide (2019) sets out ten key characteristics of good design that must be considered in order to create well-designed places, these include:

- context,
- identity,
- built form,
- movement,
- nature,
- public spaces,
- uses,
- homes and buildings,
- resources,
- lifespan.

3.8 The developer and their design team have worked closely with the LPA and the Working Group throughout the evolution of the Design Code and this first substantive reserved matters submission for residential development. A number of iterative amendments have been made to the scheme over time following input from the working group:

- More variety of materials including more render and the inclusion of recon slate roofs
- Additional render pastel colours

- Additional brick detailing added, for example diamond motif to key apartment elevations and brick banding
- Flint wall detail added to boundary wall at the entrance to phase 1 on Aubrey Drive
- Juliette balconies to apartment blocks to replace balconies.
- Communal garden areas added next to the flats
- Dormer window roof types amended to add further interest to the streetscape and roofscape.
- Further variety was introduced to the roof-scape with chimneys proposed in key locations
- Larger windows to the corner turner house type
- Coach houses increased in size to ensure flats comply with NDSS minimum sizes and to improve garage space widths.
- Improved cycle paths through Phase 1 including the path to the south of the school boundary
- Improved surveillance over this route to school with more homes fronting onto the path.

3.9 Section 12 of the NPPF aims to achieve well-designed places. As described elsewhere the NPPF encourages the use of Design Codes, and, subject to the determination of the parallel discharge of conditions application Chilton Woods will have its own specific Design Code. The draft of this Code has informed your Officers assessment and is the basis on which the evaluation of this reserved matters application in this report is based.

3.10 The following document is also considered as material and applicable to the consideration of this proposal by officers:

- Suffolk County Council - Suffolk Guidance for Parking (2019)

311 The principle of development has been established by the granting of outline planning permission B/15/01718 for the “Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works”).

3.12 This application seeks reserved matters approval, in part, relative to the Outline permission site. A Phasing Plan was a requirement of the outline permission. This has been considered under a discharge of conditions application (DC/21/02883). This application relates to Phase 1 of the whole development site and comprises the erection of 200 no. dwellings, residential amenities, open space, drainage, parking and associated development.

3.13 This application seeks reserved matters for Layout, Scale, Appearance and Landscaping within Phase 1. The access points to the site have been agreed under the Major Infrastructure Works application that has been granted under permission DC/20/05183.

3.14 As is noted elsewhere a requirement of the Outline permission was that a Design Code should be approved by Condition to guide and inform good design within the different areas of the Chilton Woods Outline site and establish the place making approach to the character of these areas .

The Design Code is being reported separately for consideration under discharge of conditions application DC/21/01460.

4.0 LAYOUT

- 4.1 As mentioned above, the Phase 1 development was expected to be in two separate sites, which is divided by Acton Lane. The larger site is to the east of the Acton Lane and would contain 147 units and the smaller site on the western side of Acton Lane would contain 53 units.
- 4.2 The eastern site is approached from Aubrey Drive. There is a wide landscaped area between the residential development and the existing dwellings in St. Mary's Close. The landscaped area runs along the south-eastern boundary and up along the north-eastern boundary with the Anderson development, currently under construction. A further landscape belt runs along Acton Lane.
- 4.3 The western site is approached from Reynolds Way/Acton Lane junction. This site has two Oak trees that have Tree Preservation Orders along the northern boundary. These trees are to be retained and supplemented with further planting, forming a green boundary with what will be the primary school site. This green landscaped area continues along the boundary with Acton Lane and also along the western boundary with the distributor road.
- 4.4 The eastern site has a mix of two-storey dwellings and four apartment blocks. There are two principal routes within the site. The main route is the distributor road which runs along the edge from Aubrey Road. Dwellings are road facing and this is where the apartment blocks are located. The apartment blocks all have a shared garden area in which to sit and dry washing. At ground floor level there is space beneath the stairwell to store prams and wheelchairs. These dwellings overlook the public open space along the development boundary. The second road accesses the internal area of the site. Dwellings on this road have their rear gardens against the boundary with the existing development in Reynolds Way. There are three roads leading off which access the remaining dwelling on this site. The dwellings are back-to-back which helps to provide private amenity for each property. The mix of housing on the development will appeal to a wide range of age groups and types of people, ranging from single people to families and younger people just starting out, to older people that may have a need for wheelchair friendly housing. The layout of the site, particularly along the edges and through the Acton Lane corridor, are open and give a sense of space because of the wide landscaping areas. This is also true within the denser development areas which have a large amount of planting in the way of hedges, shrubs and street trees. This gives the development a more natural look and once the trees mature, will break the development up, visually, making it a very pleasant place to live. The planting will also provide important benefits of reducing noise (from sound bouncing off hard surfaces) and pollution produced from vehicles. The trees will also enhance biodiversity by providing habitat and foraging areas for birds, insects and animals. The use of parking courtyards results in a development that is not car dominated and also adds to the sense of space and openness when viewed from public areas.
- 4.5 There are cycleways and footpaths that run through the open space at the south-eastern and north-eastern areas and a cycleway that runs through the site to Acton Lane. Footpaths are to be provided outside every dwelling, either linking to the main distributor road or to the public open spaces. These will both support and promote active travel and provide good opportunities for future residents to exercise and undertake informal recreation. These ways will also enable residents and visitors from elsewhere in the adjacent parts of the settlement to increase and enhance their potential route choices as part of a healthy lifestyle.

- 4.6 The western site would be accessed from the Acton Lane/Reynolds Way junction. This site has just one estate road. There are two apartment blocks proposed on this site with the remaining dwellings being two-storey dwellings.
- 4.7 Public Open Spaces on the north, east and west of the site are linked with the cycleway through the eastern site across Acton Lane.
- 4.8 Boundary treatments have been carefully chosen to provide security and privacy and clearly define the public and private realm. A variety of boundary treatments will be used as follows:
- Brick walls or timber fencing (in less prominent locations) provide the interface between the public realm and private gardens
 - Brickwork boundary walls will be in colours to harmonise with the dwellings with occasional use of flint in key locations.
 - Timber fencing between gardens will be used where not clearly visible from the public realm.
 - Soft planting defines the front garden boundary - hedges and robust shrub planting.
 - Railings are used to provide privacy and security for ground floor patios for the apartments.

It is considered that these choices will help to ensure that the development achieves reasonable security and private amenity which contributes to good design.

- 4.9 Apartment bins and bike-stores are provided in secure external stores

For each block of 6 flats:

- 12 cycle spaces are provide- 2 per flat
- 1x1100l bin- Residual waste
- 1x1100 bin- Mixed Recycling
- 1x240l bin- Garden Waste

House bin and bike stores are located in back gardens and are accessible without the need to travel through the house.

For each house:

- Secure cycle store for 2 bikes
- 1x360l bin- Residual waste
- 1x360l bin- Mixed Recycling
- 1x360l bin- Garden Waste

Bins are collected from the front of properties or collection points on collection days.

- 4.10 A Waste Strategy accompanied the application. Formal comments from the Waste Team had not been received at the time of writing this report and therefore a verbal update will be given at the committee meeting. However, consultation with the Waste Team has taken place during the course of pre-application discussions, where no problems were detected with the proposals for waste collection.
- 4.11 The submitted scheme makes provision for all houses with garages to have active provision for electric vehicle charging. Houses with on-plot parking will benefit from electric charging panels. All other units, including apartments and houses with courtyard parking, will benefit from passive provision in the form of ducting allowing for future connection. Further detail on active and passive charging provision and specification of fitting will be secured by condition discharge.

- 4.12 The Suffolk County Council Highway Authority is generally content with the layout of the proposed development. However, it did raise concerns over the cycle routes. The proposed surface material was an unbound Hoggin surface that would not benefit from street lighting. This is a key link within the development. Amendments have been made to the cycle routes. The surface material has been changed to a bound surface that is adoptable by the County.
- 4.13 Other concerns raised by the Highway Authority are the parking layout adjacent to the loop road, grass strips next to dwellings and street trees that are less than 5 metres from the adoptable highway. In other developments it is recognised that on street parking has from time-to-time lead to “on verge” parking which has undermined the streetscape character of new developments. Whilst the planning process cannot manage private motorists it is understood that the parking layout will be revised to safeguard against this and a verbal update will be given at your committee meeting. The service strips have been amended and are acceptable. Some street trees are still of concern and there are ongoing discussions with SCC Highways noting that the latest NPPF expressly looks to achieve highways compatible tree planting. A verbal update on this matter will be given. These two outstanding issues are minor concerns, and overall, the highways scheme is acceptable in terms of parking, layout, turning and public access on foot and cycle through the site. For these reasons a delegated authority is sought.

5.0 SCALE

- 5.1 All the new dwellings will be 2, 2.5 or 3 storeys, in accordance with the outline Building Height Parameter Plan (drawing ref. 35223_Lea153f) and the Design Code.
- 5.2 The maximum height of buildings within phase 1 is 10.8 metres up to ridge height and most of the buildings are significantly less than this. Taller elements (up to 10.8 metres) have been introduced as “view stoppers” and at “Gateways” within the development.
- 5.3 There are six small apartment blocks, all located along the spine road and bus route and in key locations as identified in the Code. The design of these blocks has been carefully considered to ensure the massing steps down when next to the two-storey houses. The use of dormer windows and dropped eaves further reduces the overall height of the flats. The roof pitches proposed are appropriate to a modern development and consistent with Suffolk character of roof form.
- 5.4 2.5-storey houses are located throughout the development as key view stoppers to aid legibility and create varied character. This approach responds to the landscape visual impact assessment and is in accordance with the Outline permission aspirations and the draft Design Code.

6.0 APPEARANCE

- 6.1 A range of building typologies is proposed in residential phase 1 to create variety and character distinctive to the relevant character areas. These typologies are suggested in the Design Code. The building types are:
- Terraced with narrow frontage
 - Semi-detached with narrow frontage
 - Detached with narrow frontage
 - Corner turner, paired
 - Coach house
 - Flats, pavilion
 - Terraced with gable
 - Semi-detached with dormer window

- Detached with narrow frontage
- Detached corner turner
- Coach house with drive-through
- Flats, L-shaped
- Terraced with wide frontage
- Semi-detached with wide frontage
- Detached with feature gable
- Detached with feature gable

- 6.2 In line with the Design Code Frontages and Landmarks diagram, feature buildings and landscape features will be used in Phase 1 to create landmarks. The landmarks are used to mark gateways, corners, junctions and to terminate views, to assist with way-finding, legibility and safety.
- 6.3 Consideration has been made to the way strategic views connect spaces and are terminated on buildings or focal spaces. These views are important and help people orientate themselves within the development and mentally navigate with ease through the space to their destination.
- 6.4 Features on the key buildings include dormer windows, chimneys, brick detailing, coloured render and decorated gables. Existing mature trees are also used to terminate view corridors and enclose new pockets of green space in the development parcels.
- 6.5 The proposed materials are consistent with the colourways diagram from the draft Design Code with predominantly darker tones located around the spine road and lighter tones along Acton Lane and within the heart of the parcel. There are exceptions to this, where focal key buildings are a different colour, reflecting the variety traditionally found in Suffolk.

7.0 LANDSCAPING

- 7.1 Landscape of each Phase will depend on the relevant character area that is drawn from the principles of the draft Design Code. Each character area has its own planting scheme and finishing materials.
- 7.2 *Residential Neighbourhood:*

With a suburban edge character, the frontages to the dwellings within the Residential Neighbourhood Character area are predominantly shrub planted, alongside lawn to larger plots, with focal or end of street dwellings landscaped with hedge planting. As a modern residential development planting species are intended to be manageable and provide visual interest through the year for residents. The opportunities for native planting must therefore be balanced with the value of readily establishable planting which can swiftly help to soften what will be a newly developed landscape.

The species proposed impose a more ornamental aesthetic through colour and form; clipped *Lonicera nitida* 'Baggensen's Gold' hedgerows, golden in colour, mark out focal dwellings and ornamental shrub planting of species such as *Photinia x fraserii* 'Little Red Robin' (green and red), Hebe 'Marjorie' (green) and *Euonymus fortunei* 'Blondy' (green and gold) complete the palette.

This character is reinforced through the choice of ornamental street trees such as *Gleditsia triacanthos inermis* (golden leaf colour) alongside the green foliage of *Pyrus calleryana* 'Chanticleer'.

Road surface treatment is predominantly macadam with Brindle coloured block paving used to define raised tables. These raised tables will help manage vehicle speed within the residential areas and underline that the motorist is within an area where residents, including children, may be encountered helping to re-inforce slow speed behaviours.

7.3 Acton Lane:

In order to reinforce the semi-rural character of Acton Lane, the dwellings within this character area are set back from Acton Lane itself within shared surfaced private drives surfaced in Brindle coloured block paving.

Tree planting within the Acton Lane character area is focussed within the open space areas to enable larger, native species to be planted, such as *Carpinus betulus* and *Acer campestre*

To enhance the semi-rural character of Acton Lane, Escallonia 'Apple Blossom' hedge planting predominates to the frontages of the new dwellings, with a predominance of evergreen shrub planting of such species as *Lonicera nitida* 'Maigrun' and *Cistus corbariensis* used against side elevations or where space is more limited.

Rustic timber post and rail fencing will be used to enclose the private drives to provide a more subtle demarcation to the open space areas and to discourage verge parking along the green edges.

7.4 Parkside and Linear Green Linkages:

Acting as a bridge between the Residential Neighbourhoods and the adjacent open spaces, the dwellings within the Parkside and Linear Green Linkages character area will predominantly feature *Ligustrum ovalifolium* hedge planting that will provide continuity within the street scene.

A predominance of shrub planting of such species as *Viburnum opulus* 'Compactum', *Ceanothus* 'Blue Mound' and *Berberis thunbergii* 'Atropurpurea Nana' will ensure a native-esque theme to the planting whilst providing colour and interest.

Proposed tree planting comprising ornamental cultivars of native species, such as *Prunus avium* 'Plena', *Tilia cordata* 'Green Spire' and *Acer campestre* 'Elsrijk' will help to reinforce the Parkside character

7.5 Within the Phase 1 parcel, areas of POS link from the west, along the Acton Road frontage and eastwards into the site. These areas will provide a recreational resource for the local community and a verdant setting for the new houses. Generally, the approach to the open space is to enhance biodiversity through the establishment of long grassland meadow margins to the existing retained trees and hedgerow along Acton Lane. A combined footpath/cycleway will connect through the POS areas and into the wider context to ensure the POS is well used as a recreational resource.

7.6 **Central Green** - Located towards the centre of the eastern parcel, the Central Green is enclosed by native *Carpinus betulus* hedge planting and a line of *Prunus avium* 'Plena' along the southern edge. Wildflower meadow margins will enhance biodiversity, provide an attractive landscape texture to the edge of the POS and will help to frame the play space LAP4. Aimed at a slightly older age group than LAP3, the timber playable items and natural boulders are arranged in a more dispersed layout that will encourage imaginative and adventurous play.

7.7 **Western Doorstep Green** - LAP 4 (as identified on the site-wide play strategy) is located within the doorstep green to the western extent of Phase 1, which has been designed with a sinuous line of *Prunus avium* 'Plena' trees alongside a *Prunus lusitanica* hedgerow that encloses the LAP and provides structure within the open space. The play area, targeted at younger ages, is formed of a low mound with slide, timber stepping posts and a timber seesaw arranged to form a trail or 'play along the way' experience as children and parents walk through the space.

7.8 The site comprises an arable field and semi-improved grassland, with some poor hedgerows to field boundaries. Smaller areas of hardstanding and plantation woodland are also present. The majority of the Site is of limited ecological value, with the principal interest being the hedgerows, field boundaries and margins.

7.9 Following a comprehensive programme of ecological survey work the following protected species have been identified as present on or near to the site:

- Bats;
- Breeding birds (including skylark);
- Dormice;
- Great crested newt;
- Reptiles; and
- Badger.

Appropriate safeguards and mitigation measures are set out within the Updated Ecological Appraisal in respect of ecological enhancement measures. These measures will accord with measures set out within a Landscape & Ecology Management Plan (LEMP), the approval of which will be secured under approval of Conditions 37 and 39 of the Outline Planning Permission.

7.10 Additionally, habitat creation has commenced within the wider site, with further landscaping to be undertaken, which will deliver wider green infrastructure benefits including along green corridors running through the wider development.

7.11 On-Site enhancements are proposed within the housing areas themselves, with the following proposed to provide additional improvement to the biodiversity value of the residential parts of the site:

- Bird Boxes comprising swift 'S-Boxes' which provide opportunities for swifts and other species
- Bat Boxes to provide new roosting opportunities absent from the site
- Bee Bricks to provide opportunities for solitary bees and other insects
- 'Hedgehog highways' comprising cut outs of fencing allow small mammals to safely cross the site.

7.12 The large open space at the entrance of the site contains a large swale which forms part of the green area. The swale within Phase 1 will be seeded with a wet tolerant wildflower meadow mix to the base, which will then be planted with a variety of native marginal plants that will enhance the species diversity within the swale. The banks of the swale will be seeded with an alternative wildflower mix that is tolerant of periodically wet conditions. Reed planting will be undertaken to soften the inlet and outflow headwalls and blocks of structural shrub planting will be used to frame the swale at either end. Overall, the variety of species and habitats proposed will assist in enhancing the biodiversity of the proposals.

7.13 Generally, the Place Services Landscape Team is content with the proposals and has been consulted throughout the design process. It did raise some concerns about plot boundaries where close-boarded fencing should be replaced by brick walls and also a species of plant that needs to be replaced with a differing species. Revisions have been made but the comments of the Landscape Officer have not been received at the time of writing this report. A verbal update will be given at the committee meeting.

8.0 DRAFT DESIGN CODE

8.1 The Design Code was a requirement of the outline planning permission secured under condition 8. A Design Code is needed to safeguard the appropriate consideration of the interrelationships between the phases of development, to expound upon the principles in the submitted Design and Access Statement, and to ensure appropriate community engagement in accordance with Policy CS4. A 140-page document has been submitted, which relates to the site that Taylor Wimpey has acquired. This includes residential land, village centre and market square land. The Design Code covers all residential phases and associated strategic landscaping but does not cover the commercial areas.

8.2 Public consultation and engagement has taken place throughout the development of the Design Code and this was a requirement of the condition. Fortnightly meetings with the Working Group took place to discuss and amend the document as required. An online public consultation took place between 11th and 25th November 2020. Postcard invitations were sent to approximately 13,000 residents in Sudbury, Acton, Chilton, Newton Green and Great Waldingfield. This was based on a two-mile radius of the site.

8.3 Each section of the wider site has been given a character area. Phase 1 contains three different character areas – Residential Neighbourhood, Parkside & Linear Green linkages and Acton Lane.

8.4 The Residential Neighbourhoods are defined:

This character area is at the heart of the residential parcels, creating a network of active streets and lanes, which link through to the village centre and school. There will also be pockets of incidental open space incorporating some door-step play within the character area.

Traffic will be calmed by the design of the streets and buildings enclosing them - to create an attractive environment for walking and cycling. There will be a range of densities, housing typologies and small apartment blocks.

- This character area readily supports a variety of streets, spaces and housing typologies.
- It should be designed so that cars do not dominate and with parking carefully managed.
- Typologies will be predominantly houses, with apartment blocks at key points within the street-scene, such as at focal corners.
- The southern parts of this character area, in particular, should take influences from the vernacular building forms, architectural features and materials within the surrounding villages.
- Within the parameters, different densities, build heights, landscaping and materials will be used to define key gateways and junctions, which will be reflected through detailed designs and reserved matters applications.

8.5 The following key characteristics and components should be incorporated into this character area:

Building typologies and form

- Varied - houses, bungalows and apartments.
- Dormer and bay windows.
- Varied- semi-detached and terraced predominantly.

Building Heights

- 1 - 3 storeys. Predominantly 2 storeys.

Materials

- Primary materials: brickwork
- Secondary materials: render, weatherboarding. Composite slate, tiles / pantiles.

Details

- Canopies to all homes
- Brick details in key locations
- Chimneys in key locations

Density

- Medium density character area 31 - 40 d/ha, with the lower densities towards the northern part of the site

Parking

- A variety of parking typologies are appropriate: on-plot, courtyards and on street lay-bys

8.6 In this character area there will be a network of active streets and lanes with pockets of incidental open space. The diagrams on this page show how the key themes might be interpreted - a variety of buildings typologies, variable roof heights and light material tones.

8.7 The following key landscape characteristics and components should be incorporated into this character area:

- Core residential areas with an overall, suburban settlement edge character.
- The landscape character of these areas will vary subtly across the site, through a graduation from a more urban feel within the southern parcels associated with the existing edge of Sudbury, becoming less formal heading north towards the Woodland Edge character area.
- Character area contains a varied mix of streetscapes including shared surfaces, mews, lanes and focal squares, with a predominance of hard landscaping over soft landscaping.
- Small, incidental doorstep green spaces to be included within the 'Residential Neighbourhoods' to create focal areas, featuring local play (LAP) and informal recreation, to provide relief from the built form.
- Overlooked by new dwellings, new focal spaces will be defined by medium to large-sized trees, bringing height and structure into the core of the residential development, with increased potential for the use of larger, native varieties.
- Secondary streets to incorporate street tree planting, wherever feasible, to soften the street-scene and provide dappled shade.
- Houses to incorporate wildlife niches

- Subtle transition in character area to be reinforced through the choice of ornamental shrub and hedge species; colour and variegated varieties to the south and more muted green tones to the north closer to rural edge.
- Ornamental tree planting to the south grading to suitable native cultivars towards the north.
- Verdant plot frontages to dwellings to soften the street-scene, with limited use of hedging, selected from a palette of plants with high pollination value.
- Network of predominantly macadam roads feeding more pedestrian scale streets
- Limited use of block paving to define focal spaces, shared surfaces, utilising warm, earthy tones to reflect facades.
- Timber bollards to demarcate focal spaces and interface with incidental doorstep green areas.
- Limited use of metal railings to highlight key areas and junctions.
- Predominantly timber fencing, with brick flank walls to key public realm areas

8.8 The Acton Lane character area is defined:

This character area will retain and enhance the semi-rural character and setting of Acton Lane. Acton Lane itself should be down-played as a through route - in order to minimise rat-running to the north. Sections of Acton Lane should be dedicated to pedestrian / cycle access only. This character area is an extension to the current edge of Sudbury; therefore, it would be appropriate to take inspiration from the housing typologies and vernacular architecture of the town.

- A pedestrian / cycle-friendly environment should be created. This should include areas of shared surfacing.
- The number of vehicle crossovers onto the Primary Street will be limited.
- Homes directly adjacent to Acton Lane must be set back to allow the retention of the existing hedgerows.
- These homes should overlook the lane where possible, to ensure natural surveillance, but should be accessed from private drives, and minor access roads behind the hedgerows.
- Beyond the lane, there should be a network of intimate streets, home zones and courtyards.
- Homes will be detached, semi-detached or terraced.
- Courtyard or FOG (flat over integral garage) parking could be used within this character area.
- The architectural language and materials palette should take inspiration from the vernacular architecture of Sudbury

8.9 The following key characteristics and components should be incorporated into this character area:

Building typologies and form (Block Structure)

- Predominantly detached and semi-detached houses.
- Dormer and bay windows.

Building frontage

- Detached, semi-detached and rows of terraces are all appropriate within this character area.

Building Heights

- Predominantly 2 storeys, with some 2.5 storeys

- Primary materials: brickwork
- Secondary materials: render, weatherboarding. Composite slate, tiles / pantiles.

Details

- Canopies to all homes
- Brick details in key locations
- Chimneys in key locations

Density

- Predominantly medium density character area 31 - 40 d/ha, with the lower densities towards the northern part of Acton Lane.

Parking

- A variety of parking typologies are appropriate, predominantly on-plot with on street lay-bys for visitors.

8.10 The following key landscape characteristics and components should be incorporated into this character area:

- The retained hedgerows will significantly influence the semi-rural character of Acton Lane.
- Houses will overlook and be set back from the hedgerow, with a tighter urban grain reflected through frontages characterised by small lawns and shrub planting, with the use of clipped native hedging where space permits.
- Tree planting will be more limited and predominantly located at key locations to reinforce the hedgerow character, utilising native species.
- Reinforcement of hedge through new native transplants.
- Houses to incorporate wildlife niches to respond to the site-wide ecology strategy as set-out in the LEMP.
- Shrub planting will comprise ornamental species, predominantly evergreen and in green in colour, with limited herbaceous and silver/gold foliage plants creating highlights within the palette.
- Limited tree planting of small ornamental cultivars.
- Larger plots overlooking the hedge will have loose, native hedge frontages where space permits.
- Shared surfaces and private drives defined using standard block paving.
- Use of rustic post and rail fencing to demark boundary interface between housing and open space and protect the hedges.
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8.11 The Parkside and Linear Green Linkages character areas are defined:

The Parkside and linear green linkages character area forms the interface between the residential parcels and the landscaped spaces. Here there is an opportunity for a range of typologies, benefitting from longer range views towards green spaces. As described in section 5.4, much of this character area has primary frontage with opportunities for focal points such as taller buildings, decorated gables, feature windows such as bays or dormers, additional brick detailing or coloured render.

- Typologies will be predominantly houses, with apartment blocks at key points within the street scene, such as at focal corners.

- The primary street is an appropriate location for slightly higher densities and taller buildings such as apartment blocks.
- The number of vehicle crossovers onto the Primary Street will be limited. Therefore, a range of parking typologies should be explored as set out in section 5.10.
- The linear greens will have a different street character – with minor access roads, shared surfaces and private drives encouraging very low vehicle speeds and a pedestrian / cycle friendly environment
- Homes should overlook the green spaces to ensure natural surveillance.
- Within the parameters, different densities, build heights, landscaping and materials will be used to define key gateways and junctions, which will be reflected through detailed designs and reserved matters applications.

8.12 The following key characteristics and components should be incorporated into this character area:

Building typologies and form (Block Structure)

- Varied - houses and apartments.
- Dormer and bay windows.
- Varied- semi-detached, detached and terraced

Building frontage

- Detached, semi-detached and rows of terraces are all appropriate within this character area. It's important that new homes overlook the parkside and green links.

Building Heights

- 2 - 3 storey with taller buildings at focal corners and on primary frontage, as identified on Fig 14.

Materials

- Primary materials: brickwork
- Secondary materials: render, weatherboarding. Composite slate, tiles / pantiles.

Details

- Canopies to all homes
- Brick details in key locations
- Chimneys in key locations

Density

- Predominantly medium density character area 31 - 40 d/ha

Parking

- A variety of parking typologies are appropriate, with rear parking courtyards for apartments and some houses, on-plot and frontage. Lay-by parking will be provided for visitors

8.13 The following key landscape characteristics and components should be incorporated into this character area;

- Transitional landscaping that provides a bridge between the core housing areas of the 'Residential Neighbourhoods' and the adjacent parks and open spaces.
- The character will reflect the position adjacent to open space.

- Predominance of shared surface and narrow lanes up against open space edge.
- Built form will help to emphasise the linearity of the green corridors, with structural shrub planting and trees included to break-up the rhythm at key locations.
- Use of timber knee-rails on open space edges to prevent informal car parking on valuable edges.
- Incorporation of wildlife features and niches to reinforce the ecology strategy for the site as set-out in the LEMP.
- Transition from core housing area to open space edges reinforced through planting style
- Tree planting along open space edges to be more natural, with less flowering species, to reflect wider rural character.
- Use of clipped ornamental hedge planting to larger dwellings fronting open space areas, utilising evergreen species.
- Network of more pedestrian scale streets, with block paving used predominantly to define shared surfaces and private drives; utilising warm, earthy tones.
- Rustic knee-rail fencing to demarcate focal spaces and interface with adjacent open space areas.
- Brick flank walls to key junctions.

8.14 The Phase 1 development has been informed by the Design Code with layouts, scale, design, materials and landscaping under Condition 8 of the outline planning permission. This design-led approach will ensure that the future development phases will blend together, making the development 'read' as a whole but reflecting the different areas within the wider site and their surroundings.

8.15 Phase 1 is largely contained on three sides by existing residential development and, therefore, it is right that the higher density residential development is placed near to existing development. It is also close to the future school site and is, therefore, a sensible place to provide family homes.

8.16 As discussed above, the revised National Planning Policy Framework has put more emphasis on design than previous editions of the Framework. The NPPF advises using The National Design Guide which has ten principles that should be applied in consideration of new developments. They are:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.
- Uses – mixed and integrated.
- Homes and buildings – functional, healthy and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last.

8.17 **Context** – Although there is a relatively high density of build in Phase 1, it is reflective of the existing pattern of development in the Anderson development, St. Marys Close, Aubrey Drive and Reynolds Way. Open Space will be delivered early on in the development and will provide wide landscape buffers to existing development. This is considered to be an improvement for existing residents and will provide ecological benefits with proposed planting.

- 8.18 **Identity** – The Design Code has been specific in its requirements for each of the character areas of the development. This will help to give the wider development an identity and will form a distinctive character that reflects the wider setting of Sudbury, Chilton and the surrounding villages. The entrance to the development from Aubrey Drive is attractive with the wide landscaping belt along the boundary. The landscaping around Acton Lane is an attractive feature, giving the development a sense of space and openness.
- 8.19 **Built Form** – Although this site is for the provision of 200 dwellings, it does not have winding roads where residents and visitors will become lost. The estate roads are relatively short and are accessed from the main distributor road with landmark buildings to give visual cues as to where they are on the development. This is also true of the cycleways, where landmark buildings are used to identify where in the development you are.
- 8.20 **Movement** – The site includes footpaths and cycleways which link the existing developments around the site to the wider Chilton Woods site. Of particular importance is the cycleway that runs through the site to the primary school area. This will encourage students and parents to either walk or cycle to school, keeping motor vehicles to a minimum around this area. These public rights of ways will also tie the new development to the existing giving the site a welcoming feel to users of the public open spaces that live outside of the Chilton Woods development.
- 8.21 **Nature** – The Chilton Woods development as a whole has a huge amount of open space and woodland. This is considered to be an enhancement to the existing agricultural fields where animals can be disturbed, and habitat ruined by farming machinery. A Landscape and Ecological Management Plan is required as part of the outline planning permission. This will seek enhancement to nature and is subject to discharge of condition. Acton Lane is to use existing landscape features (field boundaries, trees and hedgerows), topography and character to inform the design approach, from maintaining the ‘open’ character of the former airfield to strengthening the more enclosed fields within the centre of the scheme through new tree and hedgerow planting.
- 8.22 **Public Spaces** – Phase 1 has several areas of public open space. The largest is the “Gateway Open Space” area at the entrance to the site from Reynolds Way. This area is to provide a useable and attractive multi-functional green space network with opportunities for walking and cycling, formal and informal recreation, creation of new ecological habitats, sustainable drainage, landscaping and supporting resilience to future climate change. Green space provision will accord with local policy and standards and create an attractive environment in which to live and work as well as supporting active and healthy lifestyles. Smaller pockets of open space are a triangular piece of land which runs from Acton Lane into the larger site, an area within the smaller site that runs along Acton Lane and another on the western boundary of the smaller site.
- 8.23 **Uses** – The overall Chilton Woods development does have a mixed use. This particular Phase is for residential development only.
- 8.24 **Homes and Buildings** – All dwellings comply with Nationally Described Space Standards. The information contained in the documents commits to a predicted 10.07% reduction over Part L 2013 of the Building Regulations in the predicted Carbon emission of the development complies with the Council’s Core Strategy requirements of at least a 10% reduction. The submitted scheme makes provision for all houses with garages to have active provision of electric vehicle charging points. Houses with on plot parking will benefit from electric charging panel. All other units including apartments and houses with courtyard parking will benefit from passive provision in the form of ducting allowing for future connection. Further detail on active and passive charging provision and specification of fitting will be secured by condition discharge.

8.25 **Resources** – A district-wide energy centre is to be provided in the future phases of the Chilton Woods development. Phase 1 will not benefit from this heating source. However, it comprises just 200 of the 1,150 dwellings that the whole scheme will provide. Therefore, future phases and the majority of the dwellings will benefit from this heating system. All dwellings will be built to current building regulations, ensuring that a good level of insulation is provided to help reduce heat loss from the dwellings.

8.26 **Lifespan** – Lifespan is difficult to quantify at this stage as this is the first Phase of development. This is Phase 1 of a major development site that will take more than a decade to complete. Once completed the site will provide a school, shops, cafes, village hall, sporting facilities, woodland areas, public open space, commercial buildings, employment opportunities and this is what will make the development a fully sustainable addition to the surrounding area and will ensure the longevity of the development and make it a vibrant place where people will want to live, work and spend recreational time. The scheme provides a large proportion of affordable dwellings which will be taken by Registered Providers, it is anticipated that they will maintain the dwellings and associated gardens in good condition. 60% of homes will be Part M4(2) compliant of which, two are M4(3) wheelchair adaptable flats. It is anticipated that these dwellings will have a long lifespan.

9.0 Heritage

9.1 Historic England and the BMSDC Heritage Team were consulted on the application. Neither consultee wished to provide comments. It is not anticipated that any harm will be created by the Phase 1 development because of the intervening development that has taken place between the application site and the heritage assets.

10.0 Impact on Residential Amenity

10.1 There is a large landscaping strip between the houses on the distributor road and the Anderson development and St. Mary's Close. The distances involved are considered to be acceptable in terms of overlooking and overshadowing. The dwellings that are back-to-back with Reynolds Way and Aubrey Drive have good distances between the houses, and again are not considered to cause a loss of amenity.

10.2 All dwellings have private gardens. Some flats have Juliette balconies, and all of the flats have access to green space outside of the apartment blocks in which to relax or hang washing.

10.3 Construction management through the development is the subject of other conditions on the Outline planning permission and the impact upon incoming residents' amenity during the construction life of the development will be safeguarded in this way. It is foreseeable that during normal construction hours as the development proceeds there may be some foreseeable impacts arising from noise, activity and disturbance from construction but these are expected to be within the range of acceptable for a new estate development.

11.0 Planning Obligations / CIL (delete if not applicable)

11.1 Planning obligations were secured under a S.106 agreement at outline planning stage.

12.0 Parish Council Comments

- 12.1 Some of the Parish Councils have raised concerns that the Design Code has not been agreed and discharged prior to this application coming to committee. It is commonplace in such larger schemes to see the first built Reserved Matters being designed in parallel with the preparation of a Design Code as this enables principles to be explored “in real time” and to evolve a commercially workable development ready for delivery at the point the Design Code is agreed. The process that has taken place here is therefore not unusual. The draft Design Code is being reported to Committee concurrently and Members will have the opportunity to review that Code and to determine its acceptability on merit prior to the consideration of this application.
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PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 Attention is drawn to the application for the discharge of condition 8 attached to the Outline planning permission which relates to a Design Code for the development. It is recommended that this application concurrently being reported to Committee be determined before the consideration of these Reserved Matters.
- 13.2 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Local Plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 13.3 The level of public engagement between the developer and interested parties has been considerable. As reported elsewhere the draft Design Code which informs the consideration of this application has been through public consultation and engagement itself in parallel.
- 13.4 In the round, the application has been measured against the draft Design Code, the Development Plan and the NPPF and is considered to comply with the relevant requirements.

RECOMMENDATION

That the Chief Planning Officer be delegated to APPROVE these Reserved matters subject to such conditions as he considers fit including:-

- List of Approved documents
- Materials
- Surfacing materials
- Noise assessment for Chilton Grain and mitigation measures

1. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

2. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF SURFACING MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the surfacing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: NOISE ASSESSMENT

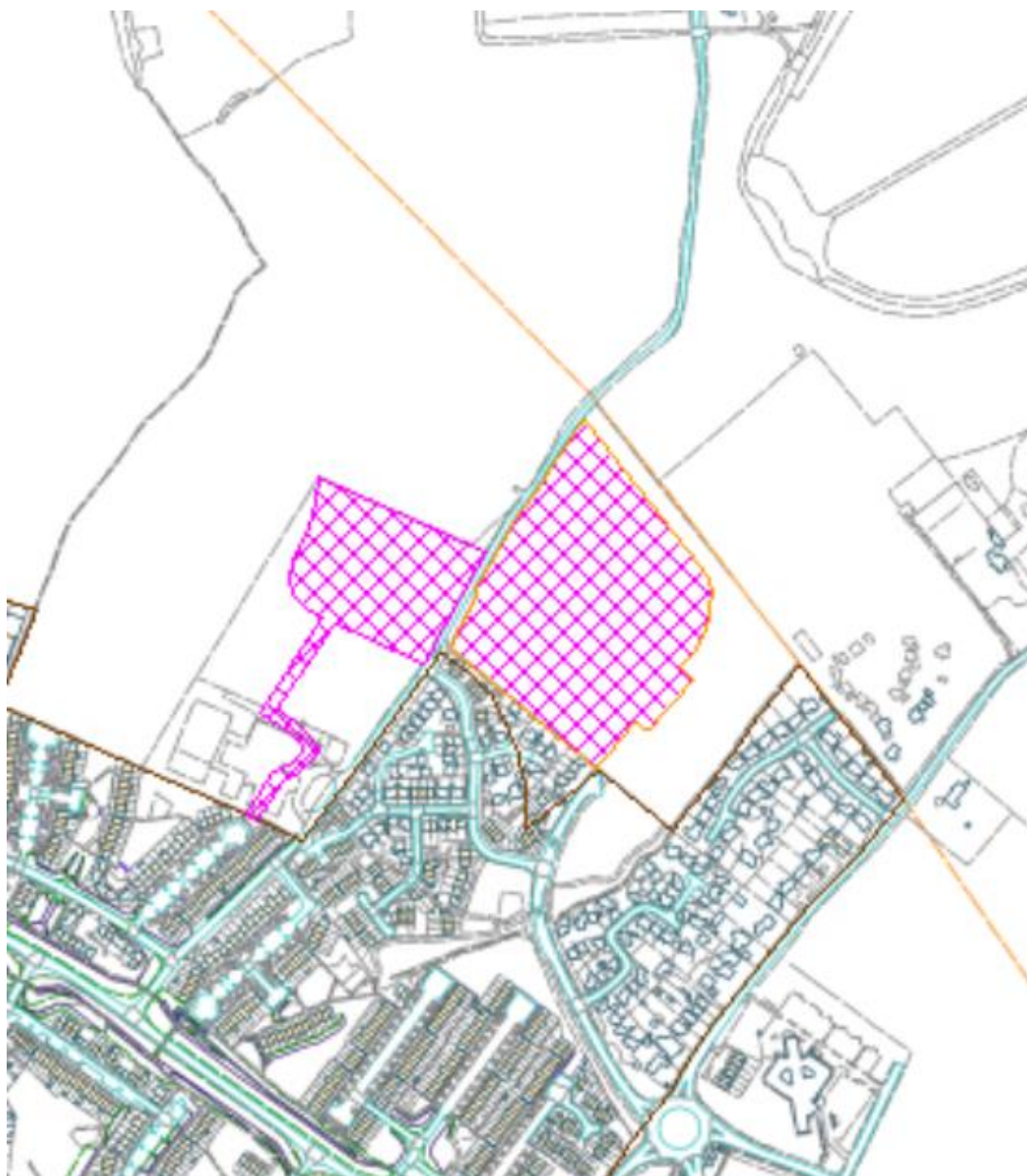
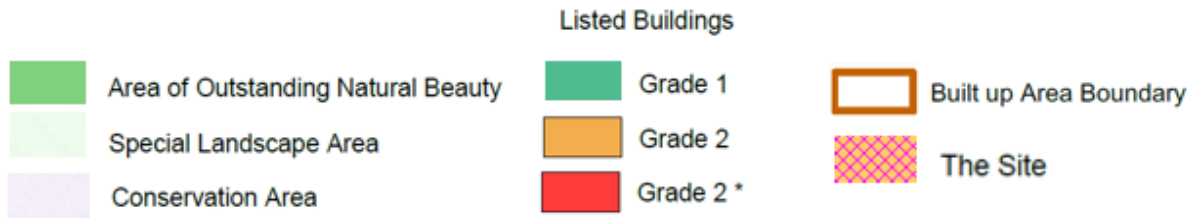
Prior to the occupation of any dwelling hereby approved, a noise assessment based on BS4142:2014 shall be submitted to, and agreed in writing by the Local Planning Authority, to identify any potential mitigation needed to ensure that BS8233/WHO guideline values are met at the new properties. Thereafter, such mitigation shall be fully carried out as agreed.

Reason-In order to protect the operation of Chilton Grain from being fettered following any noise complaints from these new dwellings.

Application No: DC/21/02764

Parish: Chilton/Sudbury

Location: Chilton Woods Mixed Development, Land to the North of Woodhall Business Park



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Agenda Item 6c

Committee Report

Item 6C

Reference: DC/20/04615

Case Officer: Katherine Hale

Ward: Hadleigh North.

Ward Member/s: Cllr Siân Dawson.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application (some matters reserved, access and structural landscaping to be considered) - Erection of up to 45 No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

Location

Land off Lady Lane, Hadleigh, Suffolk

Expiry Date: 30/06/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Place Farm Developments Ltd

Agent: Artisan PPS Ltd

Parish: Hadleigh

Site Area: 1.4 Hectares

Density of Development:

Gross Density (Total Site): 32.1 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: This application was presented to the Committee meeting of 16 June 2021 and was deferred for a Site Visit together with an accompanying application by the same applicant that was also deferred at the same meeting. Both applications appear on this agenda.

A Member site visit was carried out on Wednesday 4th August 2021

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

Has the application been subject to Pre-Application Advice: Yes DC/19/00025

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application is being reported back to Committee following deferral of the item at the Development Control Committee Meeting of 16th June 2021.

The official minutes of the meeting of 16th June records:

“15.12 Resolved:- That application DC/20/04615 be deferred in order for the Chief Planning Officer to arrange a Member site visit (following the protocol) and for officers to provide a response to the Aspinall Verdi viability assessment”

This supplementary report now provides the Committee with an updated statement and analysis of further information received together with the clarification provided since the last meeting following Members requests at that meeting.

The application was presented to Committee for a decision originally as it is:

It is a ‘Major’ application for:

- a residential development for 15 or more dwellings and represents a departure from the Adopted Local Plan.
- Brought forward as a land swap with DC/20/05137

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Babergh District Council comprises the Babergh Local Plan [alteration no2] 2006 Witten Statement with associated Proposals Maps and Babergh Core Strategy 2014.

The following are considered the most relevant to the determination of this proposal

Babergh Local Plan (Alteration No.2) 2006

CN01 – Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 – Landscaping Schemes
EM01 – General Employment
EM02 – General Employment Areas Existing and New Allocations
EM03 – Land to southeast of Lady Lane Hadleigh
EM24 – Retention of Existing Employment Sites
HS27 – Density & House Type
HS28 – Infilling
TP15 – Parking Standards – New Development

Babergh Core Strategy 2014

CS1 - Applying the Presumption in favour of sustainable development in Babergh
CS2 - Settlement Pattern Policy
CS3 - Strategy for Growth and Development
CS6 - Hadleigh
CS11 - Strategy for Development for Core and Hinterland Villages
CS12 – Sustainable Design and Construction Standards
CS15 - Implementing sustainable development in Babergh
CS19 - Affordable Housing

Draft Joint Local Plan Submission Document. 2021 [Reg 22]

Policy SP09 – Enhancement and Management of the Environment
Policy SP10 – Climate Change
Policy LP19 – Landscape
Policy LP25 - Sustainable Construction and Design
Policy LP26 - Design and Residential Amenity

Now that the Draft Joint Local Plan has reached Reg 22 stage (Submission) it begins to carry some weight as a material planning consideration. In part that weight depends upon the nature of and degree of conflict over issues that are to be explored at the Examination.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 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:

Section 2: Achieving Sustainable Development
Section 4: Decision Making
Section 6: Building a Strong, Competitive Economy
Section 12: Achieving Well-Designed Places
Section 15: Conserving and Enhancing the Natural Environment

The National Planning Practice Guidance (NPPG)

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.

Other Considerations

- Suffolk County Council- Suffolk's Guidance for Parking (2014 updated 2019)
- BMSDC 'Open for Business' Economic Strategy 2018

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Hadleigh Neighbourhood Plan is however at a very early stage with little progress since Area Designation in 2015. There appears to have been little consultation and there is currently no draft plan. There is therefore nothing of relevance or of any weight in respect of the determination of the application currently before Members

NOTE IN RESPECT OF THE FORMAT OF THIS REPORT

This report is presented as a supplementary report to that presented to the Committee earlier this year. Consequently, new material appears at the start of the report. The body of previous report is re-presented unamended after the new content as it remains valid in all respects. Members are advised that the contents of the previous report including the conclusions, planning balance and recommendation section all remain as previously stated in the previous report. The June version is therefore the one

SUPPLEMENTARY ASSESSMENT FOR 11 AUGUST 2021

THE 11 AUGUST 2021 SUPPLEMENTARY REPORT & CONTENT [numbered with paragraph prefix 'S']

PART THREE – ASSESSMENT OF APPLICATION

S1. UPDATE

S1.1. A Member Site Visit was carried out on Wednesday 4th August for this site and the accompanying site at Cobbolds Farm (ref DC/20/05137).

S1.2. The Agent submitted a letter on 12th July 2021 addressing what was considered to be a number of factual inaccuracies. Officers respond to these as follows:

(a) The adjacent site is in the same ownership as the application site;

S1.3. The agent has confirmed that the application site (Red Line) is owned by Place Farm Developments Ltd a company formed in 2011 with four directors comprising Munson family members including Mr P Munson. The adjacent site (The Tullet Yard -haulage and trailer park) is in the sole ownership of Mr P Munson. Officers are happy to correct the statement that the adjoining site is in the same ownership as the application site.

(b) The adjacent site is currently vacant;

S1.4. The agent confirms that the adjacent site (The Tullet Yard) is not vacant. It is subject to lease to St Gobain (otherwise known as Celotex). Their lease still has a 4-year term to run.

S1.5. Officers are grateful to the agent for this clarification. It confirms that commercial activity can be expected for at least another 4 years on The Tullet Yard site and this may include haulage and storage activity based on the agent's description of use. Obviously once the lease has expired the tenant may seek to renew the lease or the owner may wish to consider commercial opportunities for developing the site for E class uses in line with the lawful use of the site. Either way it appears that commercial use will continue into the future. This suggests that any new residential development on or near the boundary of The Tullet Yard may give rise to complaints from the new residents. This is why officers have highlighted the 'agent of change principle'¹ throughout this report.

(c) The entire application site is within the existing and proposed employment allocations;

S1.6. This is not the case. The presenting officer at Slide 8 made it clear that part of the application site was outside of the employment allocation in the Adopted Local Plan.

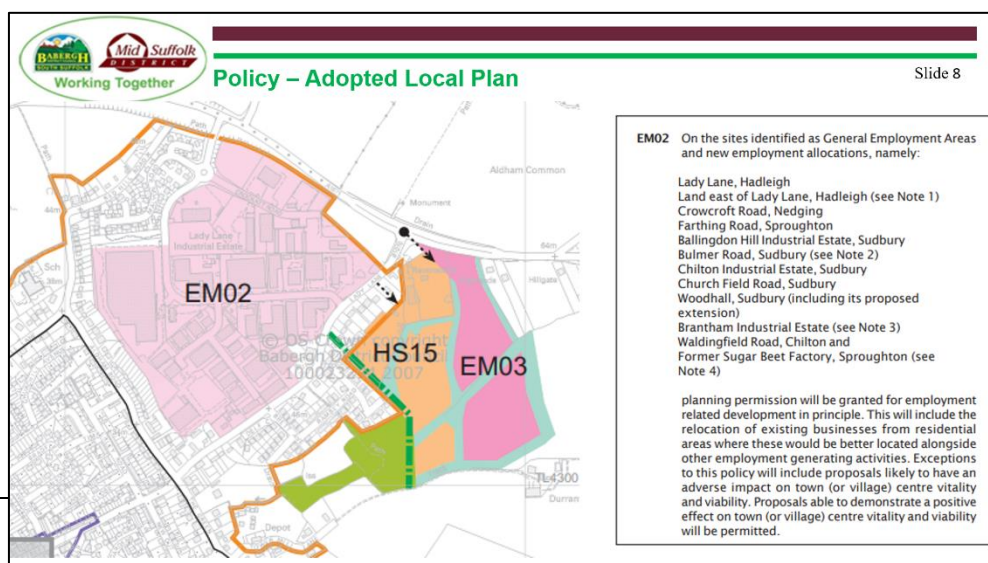


Figure 1 Slide 8 from 16 June 2021 Presentation

S1.7. At slide 9 the presenting officer made it clear that part of the site lies outside of the Employment Allocation in the JLP

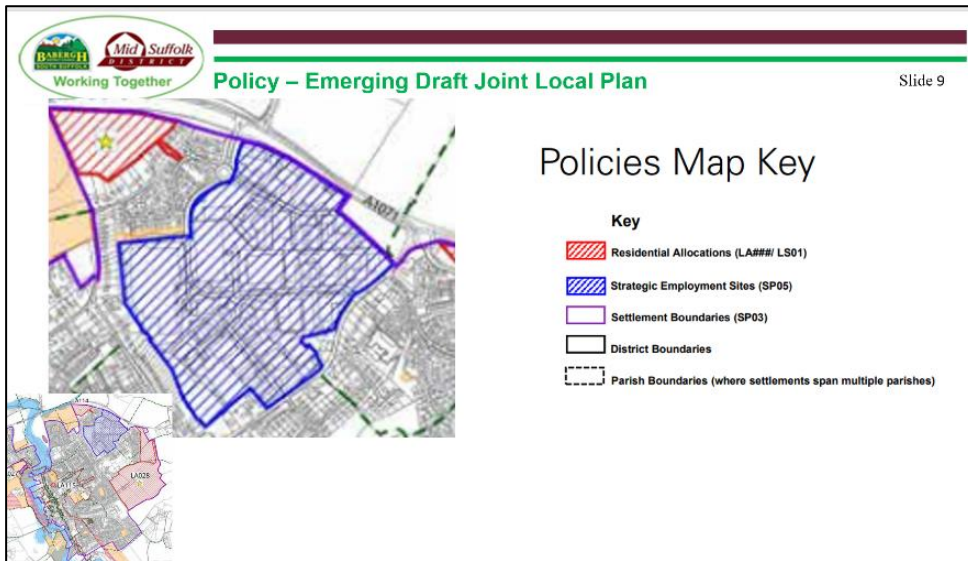


Figure 2 Slide 9 from 16 June 2021 Presentation

S1.8. However, for the sake of absolute clarity it is confirmed that a minor part of the application site is outside of the Employment Allocation in the Adopted Local Plan. The diagram below highlights those parts.

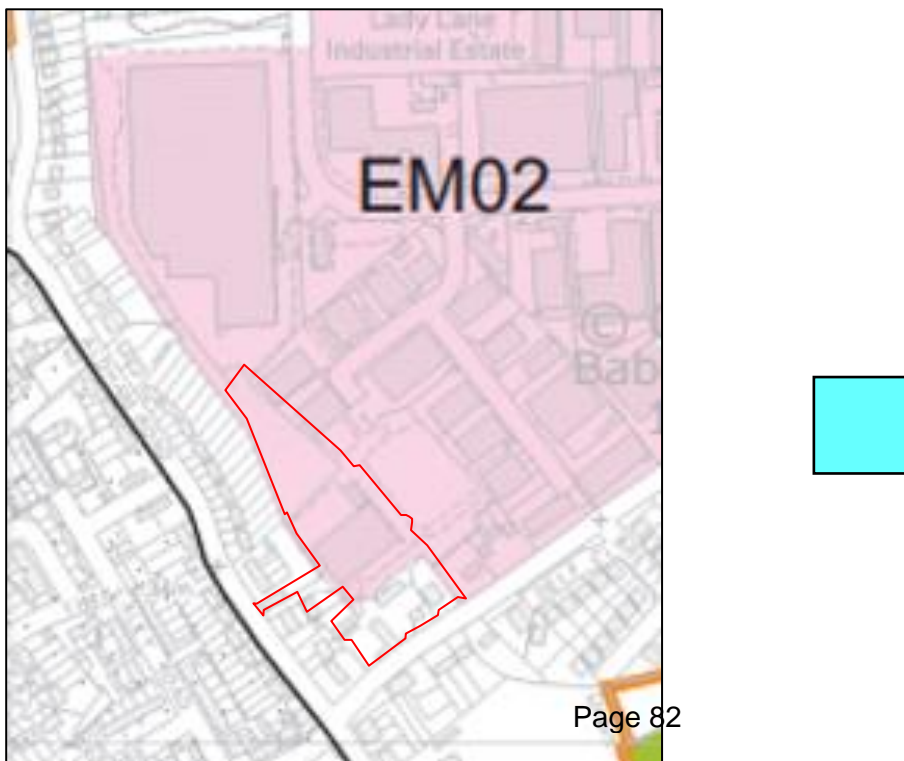


Figure 3 Extent of application site NOT within the



Section of application site
outside employment area

S1.9. With regards to the Agents suggestion that the allocation has not been reviewed this is considered untrue. All existing and proposed land allocations have of course been reviewed during preparation of the Emerging Draft Joint Local Plan. This EM02 allocation has clearly been reviewed for the purpose of the draft Joint Local Plan as the boundaries of the site have altered to exclude the small area towards to the front which was developed in 2001.

S1.10. As shown by the below diagram, clearly within the Adopted Local Plan the area which has now been developed (Red Rectangle) does indeed fall within he EM02 allocation.

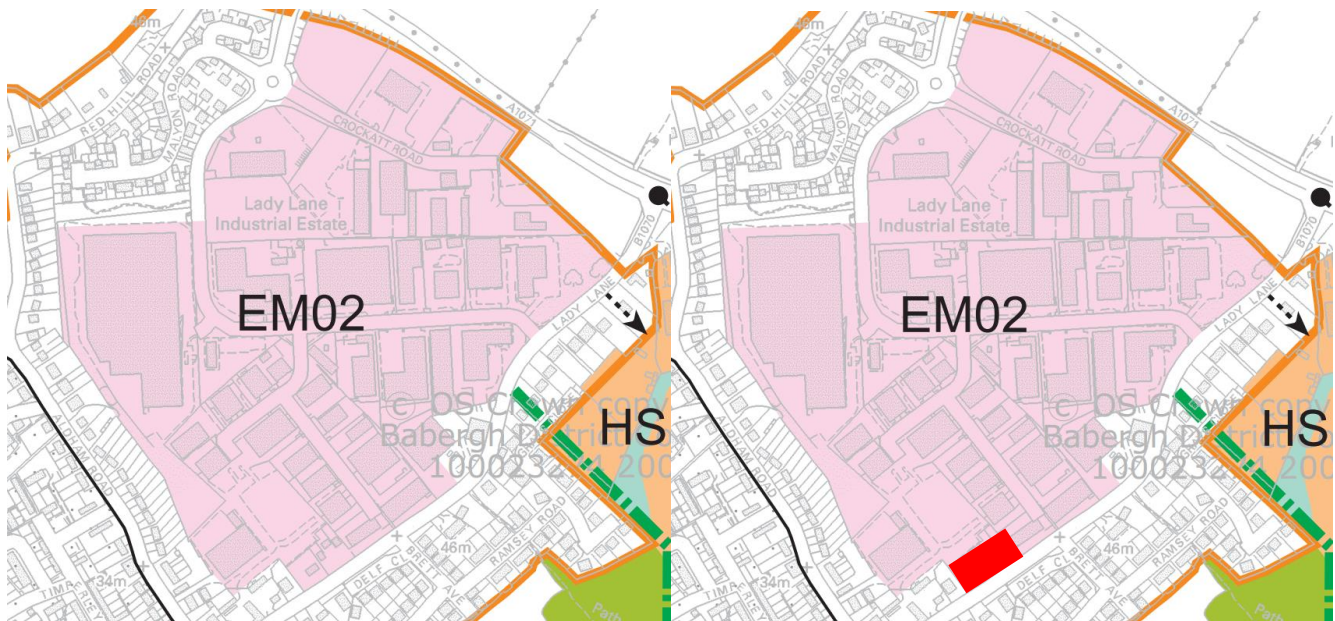


Figure 4 The Adopted Local Plan Allocation: Area in red on right is removed from Draft JLP

S1.11. However, within the Emerging Draft Joint Local Plan, the area which was developed (Red Rectangle) no longer falls within the Allocation Site



Figure 5 The Draft Joint Local Plan Allocation: Area in red on right is removed from Draft JLP compared to the Adopted Local Plan

- (d) Access can be formed through the Lady Lane industrial estate (agent contends that this is a notion 'bordering on fantasy');

"The Applicant's view that the employment allocation is landlocked has been misunderstood. We are not advancing the view that the application site is landlocked and that no access can physically be achieved. Given that our application proposes such an access, the way our view was presented to Members is clearly wrong. Paragraph 7 of my letter to you on 26 January 2021 (titled Policy Review: EM02 and EM24) did not say that the application site was landlocked. Rather, the "...allocated land is now effectively land locked" (emphasis added). There is a very significant difference between the two of which members should be advised and made aware."

S1.12 Whilst officers are happy to make the distinction the point made by the presenting officer at the meeting holds true. The application site is not land locked. Members will of course recognise that it is the application site that is before them. All are agreed – it is not landlocked. Officers also disagree with the agent in that they do not accept the allocated [employment] part of the site is effectively land locked.

S1.13. The applicant has two access points to the allocated part of the site all within their ownership (accordingly to the agent's initial comment in respect of ownership). If the application site were to be developed for commercial purposes then they can gain access from both Aldham Road and Lady Lane. The accesses do not need to be included within the employment allocation in order for them to be used to access a potential employment site. Also it should be noted that employment use includes a wide range of uses with the changes introduced by the creation of the new Class E.

S1.14. Officers maintain that access could be obtained through Lady Lane industrial estate and The Tullet Yard site to the application site if landowners (family members) co-operated. Parking can be provided for the application site within The Tullet Yard and walk through to the application site and its new commercial buildings easily delivered. Vehicular access can be provided via Lady Lane. Such an arrangement is not fantasy and is instead entirely possible.

S1.15. The application site can still be developed for employment purposes without requiring access from the existing Lady Lane Industrial Estate given the existing accesses which already exist for the site (regardless of whether they fall within the allocation or not, the accesses are still in place).

S1.16. The Tullet Yard area can also be redeveloped (either now or at a later date) from within the existing industrial estate network, no new industrial estate access or network is required to facilitate this.

S1.17. Employment does not simply mean industrial uses and HGV movements; the application site is allocated for all types of employment that Class E provides which include :

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

S1.18. As such, the application site is still considered appropriate for employment purposes.

S1.19. With regards to the Aspinall Verdi viability assessment and the Agents claims, a response has been sought from Aspinall Verdi directly, unfortunately this has yet to be received however will form part of the tabled papers prior to committee.

S1.20. The comments previously received from the Policy Team on the 9th of June 2021 remain valid and pertinent to this application.

S.1.21. Officers are satisfied that the report as previously written, the conclusions, planning balance and recommendation therein remain appropriate and are therefore unchanged.



REPORT FROM 16 JUNE 2021

Committee Report

Item No:

Reference: DC/20/04615

Case Officer: Katherine Hale

Ward: Hadleigh North.

Ward Member/s: Cllr Siân Dawson.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application (some matters reserved, access and structural landscaping to be considered) - Erection of up to 45 No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

Location

Land off Lady Lane, Hadleigh, Suffolk

Expiry Date: 30/06/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Place Farm Developments Ltd

Agent: Artisan PPS Ltd

Parish: Hadleigh

Site Area: 1.4 Hectares

Density of Development:

Gross Density (Total Site): 32.1 dwellings per hectare

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: Yes DC/19/00025

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings and represents a departure from the Adopted Local Plan.
 - Brought forward as a land swap with DC/20/05137

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Babergh District Council comprises the Babergh Local Plan [alteration no2] 2006 Witten Statement with associated Proposals Maps and Babergh Core Strategy 2014.

The following are considered the most relevant to the determination of this proposal

Babergh Local Plan (Alteration No.2) 2006

CN01 – Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 – Landscaping Schemes
EM01 – General Employment
EM02 – General Employment Areas Existing and New Allocations
EM03 – Land to southeast of Lady Lane Hadleigh
EM24 – Retention of Existing Employment Sites
HS27 – Density & House Type
HS28 – Infilling
TP15 – Parking Standards – New Development

Babergh Core Strategy 2014

CS1 - Applying the Presumption in favour of sustainable development in Babergh
CS2 - Settlement Pattern Policy
CS3 - Strategy for Growth and Development
CS6 - Hadleigh
CS11 - Strategy for Development for Core and Hinterland Villages
CS12 – Sustainable Design and Construction Standards
CS15 - Implementing sustainable development in Babergh
CS19 - Affordable Housing

Draft Joint Local Plan Submission Document. 2021 [Reg 22]

Policy SP09 – Enhancement and Management of the Environment
Policy SP10 – Climate Change

Policy LP19 – Landscape
Policy LP25 - Sustainable Construction and Design
Policy LP26 - Design and Residential Amenity

Now that the Draft Joint Local Plan has reached Reg 22 stage (Submission) it begins to carry some weight as a material planning consideration. In part that weight depends upon the nature of and degree of conflict over issues that are to be explored at the Examination.

The National Planning Policy Framework (NPPF)

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:

Section 2: Achieving Sustainable Development
Section 4: Decision Making
Section 6: Building a Strong, Competitive Economy
Section 12: Achieving Well-Designed Places
Section 15: Conserving and Enhancing the Natural Environment

The National Planning Practice Guidance (NPPG)

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.

Other Considerations

- Suffolk County Council- Suffolk’s Guidance for Parking (2014 updated 2019)
- BMSDC ‘Open for Business’ Economic Strategy 2018

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Hadleigh Neighbourhood Plan is however at a very early stage with little progress since Area Designation in 2015. There appears to have been little consultation and there is currently no draft plan. There is therefore nothing of relevance or of any weight in respect of the determination of the application currently before Members

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 (Appendix 3)

Hadleigh Town Council

“Councillors discussed the density of the number of houses being proposed for the site, and access issues both for cars and pedestrians. Concern was also raised about flooding of the site and water flow, which the Suffolk County Council Engineer had also alluded to; Anglian Water had requested measures be put in place to mitigate the risk of flooding.”

It was noted that the water treatment plant could cope with this and other new planned developments for the Hadleigh envelope, but demand does need to be monitored. The land is currently not being used, and as one third of the properties will be affordable it was deemed to be of benefit to Hadleigh, though the lack of a Neighbourhood Plan prevents building development cohesion in Hadleigh, and the development of the plan should be brought up the agenda. Without the plan to support development, it is difficult to object to such applications. Proposed by Councillor McLeod, seconded by Councillor Schleip it was agreed that the Town Council were in favour of the development in principle, but had concerns around the infra structure. Councillor Bayliss abstained from voting.”

National Consultee (Appendix 4)

Anglian Water

“ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Hadleigh Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required

by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

CONDITION No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding."

East Suffolk Drainage Board

"Thank you for your consultation on planning application DC/20/04615. 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."

County Council Responses (Appendix 5)

SCC Contributions

SCC Fire & Rescue

"A CONDITION IS REQUIRED FOR FIRE HYDRANTS (see our required conditions) I refer to the above application. The plans have been inspected by the Water Officer who has the following comments to make. Access and Fire Fighting Facilities Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly,

Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments. Water Supplies Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Sprinklers Advised Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter). Consultation should be made with the Water Authorities to determine flow rates in all cases. Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.”

SCC Police

“Thank you for allowing me to provide an input for the above Planning Application.

On behalf of Suffolk Constabulary, I have viewed the available plans and would like to register the following comments with regards to Section 17 of the Crime and Disorder Act.

It is pleasing to note that a number of properties will have garages and that a number of these garages are flush with the property and not set too far back to allow an offender the ability to access the rear/side gate of properties, as is often the case with developments.

However, it is very disappointing to see that not all properties will have allocated garaging. A number of parking areas are also a concern either because they are set too far back to provide surveillance or they provide rear parking and rear courtyard parking, which is discouraged by the police, as it provides no surveillance for an owner’s vehicle.

I realise this is an Outline Plan, but I have concerns regarding the parking area for plots 16-21 and hope that there will be some active surveillance from these properties to reassure vehicle owners that they will have active surveillance for their vehicles.

1.0 Main Security Concerns in brief

1.1 Parking and garaging areas are set too far back for plots 1-2 and plot 30.

1.2 Parking for plots 1, 24, 33 and plot 35 are too far to the side of their respective properties for any surveillance.

1.3 Rear parking has been incorporated for plots 25-29 in the form of a rear courtyard. Along with plots 31-32 and plot 34.

1.4 The visitor parking space by plot 8 is a concern as there does not seem to be any active surveillance for this vehicle to be viewed.

1.5 An Alley is incorporated between plots 5-6, to access the rear of plot 7, making the rear of all these properties more vulnerable to unlawful incursion. There is an alley at the rear of plot 9 to access the rear of plot 10 and by plot 12 to access plot 11. With a final alley by plot 42 to access the rear of plot 41.

1.6 The open spaced area by plots 16-21 is a concern as it could become an area for antisocial”

SCC Archaeology

“This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), on the site of the medieval manorial complex of Hadleighs (HER ref no. HAD 082) located on the north-eastern edge of the medieval town of Hadleigh (HAD 046). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

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.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS10 of Babergh District Council Core Strategy (2011- 2031) Submission Draft and the National Planning Policy Framework (2012).

INFORMATIVE:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Babergh District Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on

the basis of the results of the evaluation. Additionally, the archaeological evaluation will inform a demolition strategy for the site.

Further details on our advisory services and charges can be found on our website:

<http://www.suffolk.gov.uk/archaeology/> “

SCC Flood & Water Management

“The following submitted documents have been reviewed and we recommend approval of this application subject to conditions:

- Flood Risk Assessment Ref EX18_116_06
- Site Plan Ref 3917-80 Con • Contaminated Land Assessment Ref 72785/R/010
- Site and Block Plan 3917-01B
- JMS Technical Note Dated Dec 2020

We propose the following condition in relation to surface water drainage for this application.

1. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible; i. Note this is subject to issues around land contamination being resolved to the LPA’s satisfaction
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100-year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- 1. Temporary drainage systems 2. Measures for managing pollution / water quality and protecting controlled waters and watercourses 3. Measures for managing any on or offsite flood risk associated with construction
- h. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-developmentand-flood-risk/construction-surface-water-management-plan/>

2. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

Informatives

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991
- Any works to a main river may require an environmental permit"

SCC Travel Plan

"Thank you for consulting me about the proposed residential development at Land off Lady Lane in Hadleigh. On reviewing the application documents I have no comment to make, as the size of the development does not meet the thresholds in the Suffolk Travel Plan Guidance that would require a Travel Plan."

SCC Highways

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

COMMENTS

We have reviewed the data supplied with this application; the summary of our findings are as follows:

- Lady Lane is a 'B' classified highway (B1070). The proposed vehicular access onto the highway is within 30mph speed limit. The proposed visibility splays are sufficient for the speed limit as shown in Design Manual for Roads and Bridges (DMRB)
- the proposal will generate 27 vehicle trips in the morning Peak Hour; approx. 1 vehicle every 2 minutes.
- footways within the site are to be linked to existing footways on Lady Lane and Aldgate Road

- A new footway is proposed on Lady Lane between the site access and the Bus Stops creating a direct link to the Bus Stop.
- There have been 6 injury accidents in the past 5 years in the area. The analysis shows there are no patterns and no significant highway safety concerns
- The catchment primary is in Hadleigh in Station Road (approx. 0.7 miles) and the secondary school is in Hadleigh High in Highlands Road 0.6 miles away, both within walking distance and safe route for the vulnerable user.

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.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

Visibility Condition: Before the access is first used visibility splays as indicated on Drawing No. EX18_116_06/PSK104(P1) with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

Access Condition: Before the development is commenced, details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.

Footway Condition: Before any dwelling is first occupied, the developer shall provide details and construct the footway between the access point and the Bus Stops on Lady Lane and uncontrolled pedestrian crossing point which shall first have been submitted to and approved by the Local Planning Authority. Reason: To ensure that suitable footways are provided to access the application site and to connect the sites with footway network and bus stops.

Estate Roads Design Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.

Estate Roads Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority. Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

Parking Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including electric vehicle charging points and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall

be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose. Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety, to promote the use of sustainable travelling alternatives within the area and use of electric vehicles.

Bin Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose. Reason: To ensure that refuse recycling bins are not stored or presented on the highway causing obstruction and dangers for other users.

NOTES

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority. Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage:

www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.”

SCC Contributions

“I refer to the proposal: planning application – Outline Planning Application (some matters reserved, access and landscaping to be considered) Town and Country Planning Act 1990 - Erection of 45No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

Suffolk County Council (SCC) previously provided a written response to this application on 22 October 2020 which was time limited to six months. As this planning application will be determined outside of this six months’ period, SCC has reviewed matters.

Updated summary of infrastructure requirements:

	Infrastructure	Total contribution	Per Dwelling
CIL	Primary school expansion @ £17,268 per place 12 pupils arising	£207,216.00	£4,604.80
CIL	Secondary school expansion @ £23,775 per place 9 pupils arising	£213,975.00	£4,755.00
CIL	Sixth form expansion @ £23,775 per place 2 pupils arising	£47,550.00	£1,056.67
S106	Early years new build @ £20,508 per place 4 places arising	£82,032.00	£1,822.93
CIL	Libraries improvements & books etc @£216 / dwelling	£9,720.00	£216.00
CIL	Waste Improvements	£0.00	££0.00
S106	Highways	tbc	
S106	Monitoring fee for each planning obligation trigger	£412	

1. Education

The most recent scorecard is 2019 and the national average school expansion build cost per pupil for primary schools is £17,268 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£17,268 / 1.00) produces a total of £17,268 per pupil for permanent expansion of primary schools. The most recent scorecard is 2019 and the national average school expansion build cost per pupil for secondary schools is £23,775 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£23,775/1.00) produces a total of £23,775 per pupil for permanent expansion of secondary schools. The DfE guidance in paragraph 16 says, “further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place”.

2. Pre-school provision

In paragraph 16 of the DfE guidance it says, “Developer contributions for early years provision will usually be used to fund places at existing or new school sites, incorporated within primary or all-through schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school”. The most recent scorecard is 2019 and the national average new build school cost per pupil for primary schools is £20,508 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national new build cost (£20,508 / 1.00) produces a total of £20,508 per pupil for new primary schools. There is a deficit of places in Hadleigh. A new Early Years setting is being secured on land east of Frog Lane and contributions are required as set out in the table on page 1. 3

3. The above information is time-limited for 6 months only from the date of this letter.”

Internal Consultee Responses (Appendix 6)

Strategic Housing

“Key Points

1. Background Information

- This is an outline development proposal for 45 dwellings
- This major development proposal triggers an affordable housing contribution under current local planning policy of 35% of the total number of dwellings. Based on 45 dwellings this equates to 15.75 dwellings

- We would therefore expect to see 15 affordable dwellings delivered on site with the remaining 0.75 provided as a commuted sum

2. Housing Need Information:

2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2019, confirms a continuing need for housing across all tenures and a growing need for affordable housing.

2.2 The 2019 SHMA indicates that in Babergh there is a need for 110 new affordable homes per annum.

2.3 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property-owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.

2.4 The Council's Choice Based Lettings system currently has circa 844 applicants registered for affordable housing in Babergh.

2.5 This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need. The housing register shows the highest housing need across the district is for 1 and 2 bedrooms followed by 3 bedrooms with a much smaller need for 4+ bedrooms.

3. Preferred Mix for Open Market homes.

3.1 The open market needs to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property-owning market and require appropriate housing enabling them to downsize.

3.2 With an ageing population, both nationally and locally new homes should, wherever possible, be built to Building Regulation Part M (4) Category 2 standards and this can include houses, apartments and bungalows. Built to this standard will help our ageing population to remain in their homes for longer. Level access showers are recommended on all ground floor apartments and flats.

3.3 There is strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storey. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups. This application does not provide any indicative layout in terms of type and tenure.

3.4 Broadband and satellite facilities as part of the design for all tenures should be standard to support.

3.5 All new properties need to have high levels of energy efficiency.

3.6 The applicant is expected to have due regard to table 4.4c from the SHMA 2019 in terms of the proportion of 1,2, 3, 4 bed + homes for the open market sale homes.

3.7

Table 4.4c Size of new owner-occupied accommodation required in Babergh over the next 18 years

<i>Size of home</i>	<i>Current size profile</i>	<i>Size profile 2036</i>	<i>Change required</i>	<i>% of change required</i>
One bedroom	598	1,183	585	12.2%
Two bedrooms	5,037	6,765	1,729	36.1%
Three bedrooms	12,327	13,774	1,447	30.2%
Four or more bedrooms	10,065	11,098	1,033	21.5%
Total	28,026	32,820	4,794	100.0%

4. Preferred Affordable Housing Mix:

4.1 This scheme should provide an affordable contribution of 35% of total dwellings = 15 dwellings with a commuted sum for the remaining 0.75.

4.2 The tenure split should be approximately 75% affordable rented and 25% shared ownership and the following mix is recommended:

- 11 Affordable Rented dwellings = 4 x 1b 2p flats or bungalows - level access showers are recommended on all ground floor apartments and flats. 4 x 2b 4p houses 3 x 3b 5p houses
- 4 Shared Ownership dwellings = 2 x 2b 4p houses 2 x 3b 5p houses

5. Other requirements for affordable homes:

- Properties must be built to current Homes England and Nationally Described Space Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 100% on subsequent lets.
- The Council will not support a bid for Homes England grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.
- The location and phasing of the affordable housing units must be agreed with the Council to ensure they are integrated within the proposed development according to current best practice. On larger sites such as this one, the affordable housing should not be placed in groups of more than 15 units.
- Standard triggers points as set out below to be included in the S106: -
 - (a) Not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and
 - (b) Not Occupy or permit Occupation of more than eight per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider
- Adequate parking and cycle storage provision is made for the affordable housing units adjacent to the dwellings.
- Properties must be tenure blind.
- It is preferred that the affordable units are transferred freehold to one of Babergh's partner Registered Providers and for the avoidance of doubt this could include the Council itself."

Waste Management

"No objection subject to points raised below to be clarified in conditions.

Ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around attached are the vehicle specifications.

The road surface and construction must be suitable for an RCV to drive on.

The bin presentation points need to be at the edge of the curtilage. There is one shown outside plot 44 and it is unclear which properties will place bins there? This needs to be clarified.

Plots 37 and 38 in particular are a long way from this point and it looks like vehicle access to these plots, if expected, could prove difficult for turning and reversing which is discouraged. Please note vehicle specifications and clarify collection points.

The presentation point shown alongside plot 9 is this for plots 12-6? This needs to be clarified.

There is no presentation point shown for plots 39-42. This is a concern as to where bins will be presented and left especially as vehicle parking is provided in the area. Please clarify presentation points for these plots.

All other plots would require the bin presentation points to be beside the main service road.

Communal bin stores such as that shown for plots 16-21 must have a level threshold and be large enough to easily manoeuvre bins out of the bin store to the RCV which should be a short distance from the bin store, there should be a dropped curb so that the bins are not manhandled over different levels of ground."

Heritage Team

"HOLDING OBJECTION This is an Outline Planning Application with some matters reserved. Access and landscaping is to be considered. It is for the erection of up to 45No dwellings (including up to 15 affordable dwellings), following demolition of three existing buildings. The issues of Heritage Team concern focus on the impacts of the work on the significance of the Grade II listed red brick boundary walls to Lady Lane, which date from circa 1500.

The proposal to develop 45 houses will impact on the walls and will quite probably result in harm to their significance. However, given that the current application is in outline only, the level of harm cannot yet be defined. Therefore further information is required. A detailed Heritage Statement is required now, at outline stage, to help inform of the meaning and importance of the walls and if, on its production, the developer wishes to progress the outline application, the Statement should guide the extent and layout of the scheme. The Statement will need to consider the role that the setting plays in their significance and the potential impact of any future scheme on that significance, in line with the expectations of the NPPF."

Environmental Health - Sustainability

"Many thanks for your request to comment on the sustainability and Climate Change Impacts of this application.

It is acknowledged that the application is for outline permission but considering the size of the development some consideration of this topic area is expected.

Babergh Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable

techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

On that basis my recommendation is refusal. If the planning department decided to set conditions on the application, I would recommend the following.

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

The Sustainability and Energy Strategy requires the applicant to indicate the retrofit measures and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage.

Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planninganddevelopment-advice/parking-guidance/>

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used.

Evidence should be included where appropriate demonstrating the applicants previous good work and standards achieved in areas such as site waste management, e.g. what recycling rate has the applicant achieved in recent projects to show that their % recycling rate commitment is likely.

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF. Guidance can be found at the following locations:

<https://www.midsuffolk.gov.uk/environment/environmentalmanagement/planningrequirements/>

Environmental Health – Noise/Odour/Smoke/Light

“Thank you for your consultation on the above application.

Noise

I have had regard to the document 'Sound Level Assessment: proposed residential development on land off Lady Lane and Aldham Road, Hadleigh' (Sharps Redmore, dated 16th April 2019, project reference 1817919)

A noise survey has been carried out at the site. The site is adjacent to the industrial estate and at locations closest to the industrial estate the noise climate was noted to contain noise from the manual handling of barrels, reversing alarms and HGV engines. Therefore, there may be some loss of amenity due to the character of the noise, particularly where this is impulsive in nature. The assessment assumes (as confirmed at that time during night-time monitoring) that the industrial units were not operating at night. I am unsure as to whether the permissions of the industrial units closest to the site have any operating hours restrictions on them – should operating hours on the units change in future to include night-time working then this may be fettered due to the proximity of residential dwellings.

The sound level assessment has found that the majority of the site experiences noise levels which are within BS8233 and WHO guidance levels - therefore at indicative plots 2-42 internal noise guidance levels can be met with standard thermal glazing. Amenity areas are also likely to be within these guidelines.

However, indicative Plots 1 and 49 have facades close to Lady Lane where existing noise levels are above BS5228 and WHO guidance levels and as such façade insulation will be required to be of a higher performance level, and windows will need to be kept closed in order for internal guidance levels to be met. Therefore passive ventilation will be required (as per the performance requirements as given in section 5.5 and table 5.6 of the SIA) and it will be important to ensure that the performance of the windows (including the frame), and the façade/building envelope as a whole meet the specification.

I would recommend that a condition be attached to the effect that at the detailed design stage, a validation sound survey is conducted in the area of the development close to Lady Lane to enable detailed calculations of the window and ventilation system requirements, and a detailed noise mitigation scheme is submitted to include details of glazing, ventilation and façade treatment for each plot.

In terms of external amenity areas, the assessment also identifies that gardens to indicative plots 1, and 44 – 49 would need to be protected by acoustic barrier with a height of 1.8m in order to achieve an acceptable noise level. This should be addressed as part of the noise mitigation scheme.

In addition, the assessment identifies that plots 12 – 16 will be the nearest garden to the active industrial estate and whilst measurement taken do not indicate that mitigation measures are necessary, section 5.3 recommend that a screen should be located between the industrial area and the plots. I would recommend that such a screen be of solid construction.

Odour

I note that the contaminated land assessment submitted with the application states in section 2.1 that 'strong smells of solvents were periodically noted that were coming from the adjacent chemical works'. I would recommend that an odour assessment be provided prior to this application being determined to assess potential loss of amenity.

Construction

The proposed development is in close proximity to existing residential dwellings who are at risk of loss of amenity during site clearance/construction phases of the development, should permission be granted. I would recommend that a condition be attached to any permission to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the

Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours. I would recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- Loading and unloading of plant and materials
- Wheel washing facilities
- Hours of operation and vehicle movements
- Lighting
- Location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Noise and vibration management (to include arrangements for monitoring, and specifically for piling) and;
- Litter management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: The Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development.

Lighting

I would recommend that a condition be attached to any permission to the effect that no external lighting be installed until such time as a full written scheme, details to include luminaire type, operating hours, position, height, aiming points, lighting levels and a polar luminance diagram (based on the vertical plane and marked with 10, 5, 2, 1 and 0 lux contour lines), be submitted to and approved by the LPA."

Environmental Health – Air Quality

"Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of local air quality management. The scale of the development, at 45 dwellings, is far below the level that we would anticipate an actionable impact of local air quality. The existing air quality in and around Hadleigh is regarded as being good with no air quality management areas and background levels of nitrogen dioxide being around 10ug.m³ according to DEFRA background air quality maps. The Institute of Air Quality Management takes a precautionary approach and indicates that an air quality impact assessment may be necessary for developments that are to add 500 vehicle movements a day and at 45 dwelling this threshold is unlikely to be passed.

In light of the above I can confirm that I have no objections to the proposed development from the perspective of local air quality management. However, the development offers opportunities to improve the existing good air quality through the provision of Electric Vehicle Charging Points to the levels set out in

the Suffolk Parking Standards – this will be picked up in detail in the consultation on Environmental Management Issues which will be dealt with by another member of the team.

I would also add that we will require a consultation on Land Contamination Issues, given the timescale on this application I would recommend that this is sent across as a matter of urgency.”

Environmental Health – Land Contamination

“Many thanks for your request for comments in relation to the above development from the perspective of land contamination. Having reviewed the application I note that the applicant has failed to submit the required information to demonstrate that the site is suitable for the proposed end use. The applicant has submitted an investigation by Nott Group (Reference : 72785/R/010) dated 25th February 2020 which involves a detailed investigation into a small portion of the site. As the report is for only part of the development site then this is not appropriate for us to determine that the site as whole is suitable, or otherwise, for the proposed residential end use. We would require that the applicant submits, as a minimum, a Phase I investigation that conforms to BS10175 for the whole of the development site. The investigation submitted is not in vain and the findings should be incorporated into a comprehensive Phase I report. I would also note that the current submitted report omits a number of appendices from its report that will need to be included with any future submission. As things currently stand we are not in a position to recommend that the application be approved, even with conditions, and would therefore raise a holding objection until such time as the relevant information becomes available to us.

Should the applicant wish to source the appropriate documents to support their application then we may be in a position to review our recommendation but we would require formal notification of newly submitted information quoting the above EP Reference number. It should be noted that any documentation submitted in relation to a planning application should be sent directly to the Development Management Team and not the Environmental Protection Team as this may lead to delays in the planning process.

For details regarding how Babergh and Mid Suffolk District Councils approaches Land Contamination, including templates for planning submissions, please view our website at <https://www.babergh.gov.uk/environment/contaminated-land/>. “

Place Services – Ecology

“Thank you for consulting Place Services on the above outline application.

No objection subject to securing:

- a) a proportionate financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA/Ramsar.
- b) ecological mitigation and enhancement measures

Summary

We have reviewed the Ecology Report (MHE Consulting Ltd, August 2020), relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and with appropriate mitigation measures secured, the development can be made acceptable.

It is encouraging that the scheme design has been amended to create green corridors around the site and to link habitats off site. Loss of trees and the section of hedgerow will be compensated for as part of the

proposed landscaping with new native species of trees, hedgerows and plants. In addition, bird boxes (targeting species such as swifts and house sparrows), bat boxes and hedgehog passes will be provided between garden boundaries and adjacent habitat areas.

The mitigation measures identified in the Ecology Report (MHE Consulting Ltd, August 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy.

Furthermore, this application also falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, the LPA is advised that a financial contribution should be sought, in line within the Suffolk Recreational Avoidance and Mitigation Strategy (RAMS), from the residential development within the 13 km ZOI specified. This will need to be secured by a unilateral undertaking or S.111 agreement, following advice contained on the council's website: <https://www.midsuffolk.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/habitats-mitigation/>. The LPA will also need to prepare a HRA Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of the visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar site.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting Ltd, August 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecology Report (MHE Consulting Ltd August 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).”

Place Services – Landscape

“Thank you for consulting us on the outline planning application (some matters reserved, access and landscaping to be considered) Town and Country Planning Act 1990 – Erection of 45No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

This letter sets out our consultation response on the landscape impact of the outline planning application and how the proposal relates and responds to the landscape setting and context of the site.

Recommendations

There will be a change in the landscape character, from undeveloped land to residential but the change will not be out of context in relation to the surrounding local character. It is considered that the site is suitable for the kind of development outlined.

In general, the proposed landscape strategy shown on drawing LSDP 1524.02 is welcome and we would expect to see the same level of tree planting and soft landscaping kept at detail stage to deliver good public realm and landscape mitigation.

If the outline application is approved, we will expect the design issues below to be embedded in the layout design submitted as part of the reserved matters application to provide adequate levels of visual amenity:

1) Boundaries fronting the public realm should be brick with associated soft landscaping, including parking courts, streets and green open spaces. Close board fence is indicated in many of these locations and will have to be amended to show a brick wall instead.

2) Opportunities to enhance and complement the existing Grade 2 Listed walls. For instance, brick walls B and C identified in the heritage report could be linked by a new brick wall, instead of close board fence. In addition, the new brick wall along Lady Lane needs sensitive design to complement the existing listed wall providing a continuous boundary across the whole of this elevation - including the boundary on proposed dwelling to the far south-east corner.

3) The relationship between the development and the new public open space (POS) should be review. Either its location is moved to a more central position within the development or the POS is visually and physically better connected with the development.

The proposal

The site forms part of an employment land use designation policy (EM02) in the 2006 Babergh Local Plan (second alteration). The application site is located to the south-west and represents a very small part of the Lady Lane industrial estate allocation site. The site area is currently vacant and has seen the demolition of existing buildings in the past.

To the east and north are industrial buildings. The southern boundary abuts Lady Lane and settlement beyond. Back gardens and parking court of existing dwellings forms the western boundary.

The areas of trees and scrub to the north and eastern parts of the site have been identified to be retained and improved to make a positive contribution to biodiversity net gain. A group of crack willows is proposed to be removed but the indicative landscape strategy has provided mitigation through new tree planting.

The outlined landscape proposal shows a decent number of trees within the site layout which will contribute towards delivering a high-quality public realm and softening the built form. We welcome the native hedgerows proposed.

The new open space (POS) is located on the north-west corner and appears to be disconnected with the development. We would recommend that public open spaces are in a more central location within the development or integrated within it. This is to provide acceptable levels of passive surveillance and for the residents to get a better benefit from it. The current layout gives its back to the POS and we would recommend that this area is open and more connected to the development instead.

Several parking courts have been proposed and tree planting and soft landscaping has been proposed to soften the hard environment of these areas. We noted that boundary treatment on a number of parking courts is showing timber close board fence and we would recommend that brick wall is used instead.

Grade 2 Listed walls bordering Lady Lane and within the site has been proposed to be retained, which is welcome. There are opportunities for new brick walls to be included to complement these assets and to provide a continuous boundary.

With appropriate levels of planting and plant species (tree and soft landscaping) and boundary treatment the outlined scheme could deliver a good quality development with enhancements to biodiversity and existing character of Lady Lane.”

Communities

“Thank for your e-mail regarding the application for the land off Lady Lane, Hadleigh. I have consulted with my colleagues in the Communities Team and we do not have any comments we wish to make regarding this application.”

The Hadleigh Society

“The Society both objects to the proposal and is also concerned regarding several procedurally matters concerning the submission.

Inaccurate Description of Proposal

Firstly it is considered that the proposed development is materially inaccurately described and if not corrected could result in legal challenges to any subsequent decision issued by the Council. The development contained in the application submitted by applicant is described as an outline application for ‘...the demolition of existing buildings (three) and erection of up to 45 dwellings (including up to 15 affordable dwellings), site access, structural landscaping.’

It is considered that the failure to include up to before 45 no. dwellings, and site access, structural landscaping in the description of the development given by the Council is regrettable as in the case of *Finney v Welsh Minsters* [2019] EWCA Civ 1868 it is unlawful to use section 73 of the Town and Country Planning Act 1990 to amend or contradict the description of the development permitted by a planning permission. It follows therefore by specifically tying the development to 45 dwellings rather than up to, it leaves the Council no discretion to refuse 45 dwellings (in regard to scale) on a Reserved Matter submission if the Outline application is approved. Similarly in determining the current application the council must determine at this stage whether 45 dwellings are an acceptable Scale of development, and if not, it must refuse the application.

The description of the development should therefore be amended before determination to :-The demolition of existing buildings (three), erection of up to 45 dwellings (including up to 15 affordable dwellings), together with site access, and structural landscaping details’ .

Inadequate Information regarding disposal of land for commercial development or the provision of Compensatory Alternative employment land

Secondly, in the applicant agent’s submissions for this application it is supposedly materially linked to a second, simultaneously submitted, Outline application for employment development on a 2.33 hectare ‘greenfield’ site at Cobbolds Farm, Ipswich Road, Hadleigh and currently owned by members of the ‘Munson family’, several of whom are Directors of Place Farm Developments Ltd. who are applicants for this housing proposal. Currently no such planning application is however shown registered on that land nor is any there any supporting legal agreement etc that link the two separate and independent proposals. Accordingly no weight can be given to the matter in determining this application.

It is also argued by the applicant's agents that there is no demand for the use of this site for commercial purposes, despite the clear pre-application opinion given by the Planning Authority that no evidence that a proper nor concerted marketing of the land for employment purposes has been undertaken now nor in the past decade. Indeed the only residential development proposals have been sought on the land over the past decade and evidence purporting to demonstrate there is no commercial demand for the site is anecdotal and of no real substance. Therefore the proposal is contrary to the long-established policy of safeguarding the greater part of this site for employment purposes, and the objection is further compounded as there is no realistic alternative provision made for such loss of this employment allocation.

Prejudicial to both short- and long-term viability of existing Industrial/commercial premises
Further objection is raised as use of this site for family housing close to long established, heavily industrialised commercial premises, and HGV service yards will cause loss of reasonable residential amenity and moreover be likely to prejudice the short- and long-term viability and employment opportunities of the adjoining companies due to likely imposition of future restrictions on the company's commercial operations and proposals for expansion.

The illustrative layout demonstrates that the site is unsuitable for the housing types proposed
Although the layout and house designs are purely illustrative they demonstrate that the result of permitting such development will create a cramped housing scheme, with inadequate public and private amenity space, poor relationship of dwellings to each other thereby creating a disjointed and unattractive street scene and living environment, the domination of parked cars on road frontages, with other parking courts creating unpleasant, anti-social and unsafe areas. In all the illustrative scheme demonstrates that such a proposal would create a wholly sub-standard, poor quality neighbourhood that would fail to meet current design requirement contained in Babergh Core Strategy and as sought in the current NPPF.

Conclusion

Put simply the application ought to be refused until;-

1. A more thorough and vigorous marketing exercise is undertaken to demonstrate its suitability or otherwise for employment development, and/or
2. A legally binding proposal for provision of an alternative replacement employment site (i.e. land gifted to BDC with appropriate employment planning permissions), and if housing is then to be permitted, then conditions/s106s be imposed to require;-

A. A strong visual, noise and odour barrier and buffer zone be required to be provided between the site and adjoining commercial premises (the current proposals are weak, to say the least)

B. A requirement to provide a minimum of 0.15ha. of useable/attractive open space with minimum inclusion of a LAP.

C. The submitted illustrative layout and house designs are specifically excluded from the outline approval

D. Every dwelling other than flats be provided with a minimum of 75 sq. metres of private amenity land i.e. private rear garden

E. A scheme of repair and restoration of the listed walls on site be submitted and as approved be completed in full before the last dwelling is commenced.

F. That a minimum of 35% of all dwellings permitted (rounded up to the nearest whole number) must be affordable housing, thus if 45 dwellings were eventually permitted 16 and not 15 affordable houses must be provided.”

Economic Development

“The site itself has not been marketed for alternative commercial use, whilst noting the agents comments that it has not had any use or interest for a significant number of years there is no evidence to support this or to demonstrate that this alternative has been explored satisfactorily, therefore EM24 is still relevant.

This application references an additional application (no DC/20/05137) as an offset for any loss of commercial opportunity. Whilst welcome, this application would not be seen as a comparable site being a speculative outline application in a greenfield site. The majority of the application area in application DC/20/04615, remains within an employment allocation and offers an extension to an existing industrial site. It is therefore likely to be a more sustainable location with regard to transport links, deliverability, access to workforce and potential access to amenities and services for people working from the site.

I recognise that the site in this application has challenges and is bordered on one side by housing, compatibility of which would need consideration in any future use, however the relationship between this and the adjacent commercial uses at the main industrial area of Lady Lade is extremely significant to this application. An intensification of residential use at this site has the potential to have a detrimental impact on the operational amenity and servicing of the variety of commercial uses in existence on the Lady lane industrial site, thereby risking a sustainable future for those businesses.

Economic Development therefore object to this application .”

Public Realm

“Public Realm Officers have considered this application in relation to public open space. The provision of accessible public open space within the development site appears small (as viewed this outline planning stage) however, with the inclusion of the new 'thicket' linking the steep banks at the edge of the development there is potential for biodiversity gains. Public Realm Officers have no objections to this development.”

B: Representations

At the time of writing this report at least 6 letters/emails/online comments have been received. It is the officer opinion that this represents 5 objections, and 1 neutral comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Brownfield development
- Environmental impact
- Ecology/wildlife issues
- Loss of commercial land to be offset with land elsewhere
- Highway safety
- Increase in vehicles
- Overlooking
- Noise impact
- Should be a batter between industrial site and existing residential dwellings
- Loss of privacy
- Flooding
- Better developed for industrial/commercial
- Lack of units within Hadleigh for existing companies to migrate to

(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: B/12/00104	Notification under Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, Demolition of buildings.	DECISION: GRA 27.06.2012
REF: B/08/01750	Erection of external lighting, consisting of 4 No. lighting columns with 2 No. floodlights on each, as amended by details of shielding received 09/02/2009 and lighting diagram received 10/02/2009.	DECISION: GRA 12.02.2009
REF: B/08/01903	Outline- Erection of two-storey residential care home with 61 No. bedrooms and staff accommodation and 2 No. B1 office units (following demolition of existing warehouses).	DECISION: WDN 27.02.2009
REF: B/06/02127	Erection of 35 No. dwellings and construction of vehicular access and associated parking, provision of amenity space and erection of a building for Class B1 use and associated parking as amended by Tree Survey and Arboricultural Implication Assessment prepared by Hayden's, received by the Local Planning Authority on 28/06/07, and by Drawings numbered 07-02-01Q, -02H, -03G, -04J, -05K, and -06H, received by the Local Planning Authority on 17th December 2007 and 17th January 2008, and Colin Buchanan Drawing No.104281/05/004 Rev.A received by the Local Planning Authority on 9th January 2008.	DECISION: WDN 17.05.2012
REF: B/05/01367	Erection of 33 No. dwellings (existing buildings to be demolished) including new roads, private amenity space and car parking. Construction of new vehicular access.	DECISION: REF 27.09.2005
REF: B/05/01368	Application for Listed Building Consent - Demolition of and alterations to listed walls (to be exposed by proposed residential development).	DECISION: REF 27.09.2005

REF: B/05/00688	Application for Listed Building Consent - Existing listed wall to be exposed by proposed residential development.	DECISION: ANR
REF: B/05/00687	Erection of 33 No. dwellings (existing buildings to be demolished) including new roads, amenity space and car parking. Construction of new vehicular access.	DECISION: ANR
REF: B/04/01078	Erection of 3m high boarded fence.	DECISION: GRA
REF: B/04/01334	Outline - Residential development.	DECISION: REF 17.12.2004
REF: B/04/01612	Outline - Residential development.	DECISION: WDN 16.12.2004
REF: B/04/01891	Erection of 29 No. dwellings (existing buildings to be demolished) including new roads, amenity space and car parking. Construction of new vehicular access.	DECISION: WDN 14.12.2004
REF: B/04/00637	Erection of production warehouse and associated offices as amplified by additional drawings received on 9th and 28th June 2004.	DECISION: REF 30.06.2004
REF: B/86/00555	ADDITIONAL USE OF EXISTING HAULAGE DEPOT SITE FOR PLANT HIRE AND REPAIRS AND ASSOCIATED BUILDERS YARD	DECISION: GRA
REF: B/92/00586	ADDITIONAL USE OF PREMISES FOR THE RETAIL SALE OF BUILDING MATERIALS AND TOOLS. INSERTION OF REPLACEMENT WINDOWS AND DOORS TO FRONT ELEVATION AND RETENTION OF CHAIN LINK FENCING TO LADY LANE FRONTAGE AS AMENDED BY REVISED DRAWINGS RECEIVED 08.07.92	DECISION: GRA
REF: B/0335/77/FUL	Erection of prefabricated workshop.	DECISION: GRA 08.08.1977
REF: B/0334/77/FUL	Continued use of disused self-service store as a workshop.	DECISION: GRA 08.08.1977

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site consists of a parcel of land that lies adjacent to the Landy Lane Industrial Estate to the northeast of Hadleigh. The site is approximately 1.4ha.
- 1.2 The site is bounded by Lady Lane Industrial Estate to the north, northeast, with Lady Lane (B1070) to the south and Aldham Road to the west of the site.
- 1.3 A large portion of the site is currently designated as employment land under Babergh Local Plan policy EM02 in conjunction with the neighbouring use of Landy Lane Industrial Estate. A small section of the site, closest to the highway of Lady Lane falls outside this employment allocation but clearly reads as part of the same site.
- 1.4 The topography of the site is such that it rises towards to north, northeast (towards the industrial estate) and sits above the existing residential dwellings situated along Aldham Road.
- 1.5 To the north and east of the site is Lady Lane Industrial Estate whilst to the west and south are a number of residential dwellings all situated in a linear fashion along the road.
- 1.6 The site has previously been in commercial use although these buildings have since been mostly demolished and removed although a number of residue floor slabs still exist.
- 1.7 The site is not subject of any landscape designations and is not within the setting of listed buildings or a Conservation Area.
- 1.8 When buildings populated the site it would have clearly read as part of the wider Lady Lane Industrial Estate complex in terms of its character and activity.
- 1.9 Members should be aware that the applicant has control over a parcel of adjoining land also within the defined Employment Area but that parcel is not included in the present residential application. Figure 1 below defines the application site (red line) and land within the control of the applicant but outside of the application site (blue line).

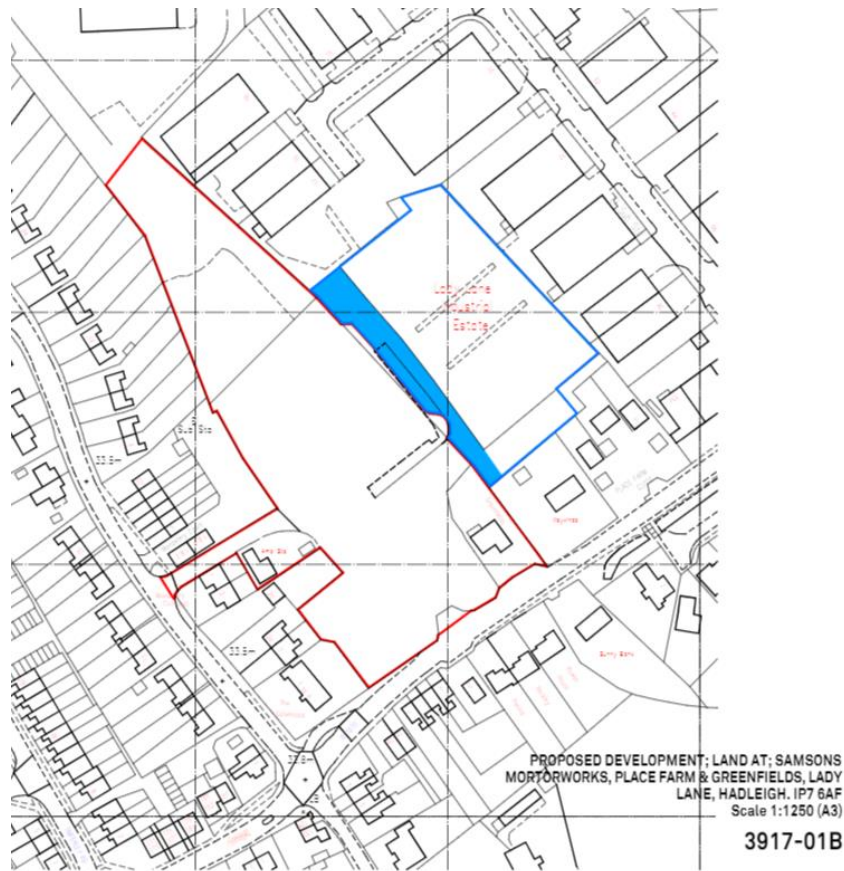


Figure 5. The application site (red line) and the land also within control of the applicant (blue line).

2.0 The Proposal

- 2.1 The application seeks outline planning permission is sought with all matters reserved save for access and structural landscaping, for the erection of up to 45 dwellings (including 15 affordable) together with demolition of the existing buildings on site.
- 2.2 This leaves layout, scale, appearance and detailed landscaping for resolution at Reserved Matters stage should outline planning permission be granted.
- 2.3 The existing access off Lady Lane would be used and would be the singular vehicle access to the site.
- 2.4 Members attention is drawn to concurrent application reference DC/20/01537 for outline planning permission is sought with all matters reserved save for access and structural landscaping, for the change of use of land for employment use Class B2, B8 and Class E business also submitted by the same applicant and the report for which is included on this agenda.

2.5 Potentially the applicant is offering a land use swap that would require the impact and merits of the combined applications to be considered as well as each proposal's own individual merits.

3.0 The Principle Of Development

3.1 This committee report will look at the merits of this application in its own right, followed by the merits of the proposed land swap later (set out in section 4).

3.2 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the Adopted Development Plan unless material considerations indicate otherwise.

3.3 The Council's Adopted Development Plan comprises:

Babergh Core Strategy (2014)
Babergh Local Plan Alteration No.2 (June 2006)

3.4 As the most recent of these is dated 2014 the question arises as to the extent to which they can be considered up to date and consistent with the NPPF. If it is determined that the relevant policies are not up to date then the Council may be required to exercise the 'Tilted Balance' described by paragraph 11(d) of the NPPF. This is triggered by the Council not being able to demonstrate it has a 5YHLS or where its relevant planning policies are out of date or absent. In such cases the presumption becomes favourable to sustainable development within the general presumption under paragraphs 10-12.

3.5 The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF.

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

3.7 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.

3.8 This report will therefore look at relevant Development Plan policies as its starting point and then move on to the Joint Local Plan which currently has limited weight as a material planning consideration and then NPPF.

3.9 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need.

- 3.10 The proposal lies within the Built-Up Area Boundary (BUAB) of the town of Hadleigh, which is identified as a Town/Urban Area under Policy CS2 and as such Policy CS2 is not engaged in this instance as the site cannot be considered as a countryside location.
- 3.11 Policy CS11 is considered to be consistent with the aims of the NPPF, in particular with regard to the need for development to respond positively to local circumstances which is consistent with paragraph 77 of the NPPF, and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS11 and CS15 accord with the NPPF, particularly in relation to paragraphs 77 and 78 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas, paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 127 to achieve well-designed places and paragraph 170 to contribute to and enhance the natural and local environment.
- 3.12 The proposal does not engage CS11 given that it is located within the BUAB of Hadleigh, designated as a town.
- 3.13 In terms of Policy CS15, the residential proposed can be said to be sustainable in its own right due to its location. The site can also be said to be sustainable for employment use (as existing) for the same reason. Members will therefore need to consider which of the two sustainable types of development – proposed residential or existing employment should attract the greatest weight in terms of relevant policies.
- 3.14 Babergh and Mid Suffolk District Councils have been working on a Joint Local Plan 2020 which is currently at the “Submitted” (Regulation 22) stage.
- 3.15 Paragraph 48 of the National Planning Policy Framework allows weight to be given to policies contained within an emerging plan. The weight given to the plan is dependent on what stage it has reach, in this case it is at Submission stage, and whether there are unresolved objections to its content. At this stage Officers afford the Joint Local Plan limited weight for decision making purposes however, noting that this is likely to increase as the plan progresses through examination. The plan does show the direction of travel that the Local Planning Authority is likely to take in regard to future development.
- 3.16 Babergh has a 6.64year residential land supply. This position does not engage paragraph 11d of the NPPF.
- 3.17 The application site is situated within the settlement boundary for Hadleigh wherein policy directs that the majority of new development, particularly residential and therefore housing development where appropriate is ordinarily acceptable in principle.
- 3.18 However, the application site is currently allocated as employment land under Local Plan Policy EM02, in addition, the site remains as allocated for employment land within the Emerging Joint Local Plan.
- 3.19 The application site was allocated for employment in the Babergh Local Plan for strategic reasons, as such Local Plan policy seeks to retain this existing use.

- 3.20 Local Plan Policy EM02 identifies Lady Lane as a General Employment Area whereby employment related development is acceptable in principle whilst Local Plan Policy EM24 seeks to retain existing employment sites:

EM24 Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:

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

- 3.21 The Agent has submitted a brief report to demonstrate that the land is unsuitable/unviable for all forms of employment use in order to satisfy the criteria in Policy EM24 above. The Agent did not however submit the site for residential development as part of the call for sites, this would have been an appropriate time to seek an allocation whilst the Council was looking at its strategic housing land use options for the emerging Joint Local Plan.

- 3.22 Looking at the Agent's reasoning for the sites unsuitability for continued employment use the following points have been stated:

- ... that the remaining allocated land is now effectively land locked. There is no access which forms part of the allocation, demonstrating that all commercial traffic was intended to be taken through the industrial estate and not through the residential area along Aldham Road. There is no access to the lower part of Lady Lane as part of the employment allocation.
- significant difference in the land level between the application site and the Lady Lane Industrial Estate. This material change in topography is something which the council must have realised when it gave consent for the haulage yard. Moreover, the council ought to have realised that no phase of the Lady Lane Industrial Estate's development has included the application site. The cumulative effect of this is that the remaining allocated land is not deliverable
- While the allocation is carried forward into the emerging Joint Local Plan, there is nothing in the supporting evidence which demonstrates a review of the site and nothing which considers why the site has not been brought forward for development in the last 20+ years. There does not even appear to be any consideration given as to how suitable access for employment use will be achieved commensurate with the employment allocation

- In light of the assessment of EM02 above and that it is out-of-date in the context of this application/ site, the protection afforded by EM24 must be reduced. Even more so when one notes that EM24 is inconsistent with the NPPF, the latter preferring a much more flexible approach to those allocated sites that have failed to deliver its allocated use. Paragraph 120(b) of the NPPF should be preferred to EM24. Any conflict that may be identified with EM24 (we do not say that there is), is likely to be outweighed by the conclusions in respect of EM02 above and the material consideration of NPPF120(b). A rigid application of EM24 will fail to make effective use of a brownfield site which is plainly contrary a central aim of national planning policy”
- 3.23 Interestingly the agent describes the site as land-locked due to lack of access, whilst it is noted that the land is not accessed via the existing Lady Lane Industrial Estate, it currently benefits from an existing (albeit separate) access off Lady Lane and Aldham Road. The site is therefore not considered to be land locked given this access although it is of course noted that this separate access would potentially limit the type of operation for the site.
- 3.24 The Economic Development Team has been consulted and object to the application on the basis of the loss of employment land. The Economic Development Team state inter alia that no evidence has been submitted to support or demonstrate that the site has not had any employment interest for a significant number of years and therefore Policy EM24 is still considered to apply. Furthermore, whilst the additional application (DC/20/0517) is being offered as an offset for any loss of commercial opportunity here, this is not seen as a comparable site due to it being both outline and a greenfield site outside any BUAB. The majority of this site remains within an employment allocation and offers an extension to the existing industrial site whilst it is noted that the site is bordered on one side by housing and therefore the compatibility of any future employment use would need careful consideration, the relationship between this site and the adjacent commercial uses at the main industrial area of Lady Lane is extremely significant to this application.
- 3.25 The Agent has chosen not to submit a viability statement evidencing the uneconomic prospects of an employment-based redevelopment of this site.
- 3.26 It is significant to note that the Agent has chosen not to provide this evidence under subsection 1 of Policy EM24 in respect of the requirement of a sustained marketing campaign for employment use of the site. This may suggest that the prospect of a greater financial returning from residential development is the real driver for this application.
- 3.27 The site is currently vacant however; it has previously been used for employment purposes with wide ranging use rights. It is of course acknowledged that given the proximity to the existing dwellings, the most appropriate employment use for the site going forwards would likely be either office use or potentially light industrial or storage within buildings.
- 3.28 Clearly the introduction of the new Class E under the General Permitted Development Order potentially raises a number of new material considerations as this new class now includes restaurants and drinking establishments etc, which could also have an impact on the existing residential amenity. Given that the site has largely been cleared of all buildings, any new proposal for employment and therefore the associated buildings/structures would require planning permission and therefore the Council would be able to exercise suitable controls where appropriate in order to safeguard the existing amenity.

- 3.29 The Government places emphasis for authorities to resist residential use where it may prejudice existing businesses. This application site is situated to the south of a large industrial estate with a number of units operating over-night. There is a risk that if residential use were to be permitted within such close proximity could result in future nuisance problems leading to action under Environmental Legislation that could mean existing businesses are unable to continue operating successfully. This could therefore impact the economic viability of those businesses which in turn would lead to a loss of employment use within the settlement boundary and sustainable location.
- 3.30 The agent of change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise sensitive development. In other words the person responsible for the change must also be responsible for managing the impact of the change.
- 3.31 The proposed residential development would be much closer to the existing industrial units, in addition, the parcel of land immediately adjacent to the site, whilst currently unoccupied still has employment use rights and is within the control of the applicant. This creates a concern that the residual employment land outside of this proposed residential area may be more difficult to develop for employment purposes in the future as a result of the proximity of the new proposed residential development were Members minded to grant this application.
- 3.32 Until recently, the site within the Applicant's blue line is believed to have been occupied by Kersey Freight and used as a trailer/hauler yard. A similar use could potentially return, particularly as the site has right of access via the existing Lady Lane Industrial Estate.
- 3.33 Strategic employment sites are important and have been considered prior to their allocation or proposed allocation. Whilst the site is in the BUAB and therefore housing could be acceptable in principle, there is, at this present time, no overriding need to allow residential dwellings here in order to make up any shortfall in numbers given that Babergh District Council can currently easily demonstrate that it has a 5-year housing land supply.
- 3.34 The applicant has not provided sufficient evidence to indicate that this site is no longer viable as employment land within an existing employment allocation. It is noted that the majority of Lady Lane Industrial Estate is still in active employment use.
- 3.35 As such, the principle of the change of use from employment to allow residential is not considered acceptable.

4.0 Land Swap – Second Application DC/20/05137

- 4.1 This application raises an interesting issue that is uncommon in terms of the normal material planning considerations that Members of the Committee are asked to take into account when determining the merits of an application.
- 4.2 On the one hand it can be considered as a freestanding outline planning application that falls to be judged on its own individual planning merits.
- 4.3 On the other hand, the applicant has indicated that the loss of existing employment land that arises from this application if approved can be suitably re-provided through the grant of permission for the application of an employment site under reference DC/20/05137 also for Members' consideration.

- 4.4 In essence, what is potentially being proposed is a land swap of sorts albeit that this site under consideration for residential development is currently previously developed existing employment land within the BUAB whereas the new proposed site under DC/20/01537 is currently undeveloped farmland outside of the BUAB. Such a swap if approved would result in a net loss of greenfield land.
- 4.5 Members are perfectly at liberty to determine the two applications independently or to link them as circumstances dictate, where the residential use is being accepted on the grounds that the existing employment land being lost will be adequately re-provided and where decisions are reasonable.
- 4.6 In this way a variety of outcome permutations exist:

DC/20/05137 CoU to employment	DC/20/04615 CoU from employment to residential
GRANT	GRANT
REFUSE	REFUSE
GRANT	REFUSE
REFUSE	GRANT
NOTE: Depending on the need for a S106 permutations are likely also to include defer for the satisfactory completion of a S106, S106's or linked S106's. Members may also defer one, other or both for other reasons [e.g. additional information, legal advice etc]	

4.7

Whilst the applicant is offering the potential of a land swap with employment going elsewhere (DC/20/01537, Cobbolds Farm) it is purely speculative. The Council can try and restrict residential development until new employment is delivered however it cannot require the delivery of that employment use. This makes securing the employment use elsewhere very difficult even by S106. The only way the Council could play an active role in delivering the employment use on the alternative site is for the land to be transferred to it for £1 and for it to procure development (similar to the situation at Weavers Meadow with the employment land transfer). This of course assumes that such an employment use is acceptable in the location used for application reference DC/20/01537. Members will see from the recommendation in respect of that report that the proposal is not considered acceptable.

- 4.8 Furthermore, on the east side of Hadleigh and within walking distance of the town centre there is already largescale residential development under construction (the Weavers Meadow, Persimmon Site, with a further large allocation in the JLP (current application reference DC/19/05419 and DC/17/03902). That allocation includes a large new employment area.
- 4.9 As such strategically, both new housing and new employment site are both suitably catered for.

5.0 Nearby Services and Connections Assessment Of Proposal

- 5.1 The site is located within the Built-Up Area Boundary (BUAB) for Hadleigh approximately 800m away from what is considered to be the town centre. The site is therefore within an acceptable walking and cycling distance with continue footpaths from the site to the facilities and services.
- 5.2 As the site lies within the BUAB of Hadleigh which is by definition a Town and therefore at the top of the Settlement Hierarchy in Policy CS1, therefore it is considered to be one of the most sustainable of all locations and is well connected to a number of bus services which operate in and through the town.

6.0 Site Access, Parking And Highway Safety Considerations

- 6.1 The proposed access would be located off Lady Lane and forms part of this outline planning application before Members to be considered.
- 6.2 All proposed footways within the site will be linked to existing footways and a new footway will be constructed on Lady Lane between the site access and the bus stops in order to create a direct link to the bus stops.
- 6.3 The development will result in a moderate increase in local traffic generation. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence before officers to indicate that the effect on the local transport network by traffic generated from the development would be severe.
- 6.4 SCC Highways have calculated that the proposal would generate approximately 27 vehicle trips in the morning peak hour.
- 6.5 The Highways Authority does not raise any concern in this regard, nor in respect to increased traffic levels more generally stating that they consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking.
- 6.6 The proposal can provide safe and suitable access to the site for all users as per paragraph 108 of the NPPF and would not have a severe impact on the road network as per paragraph 109 of the NPPF.

7.0 Design And Layout [Impact On Street Scene]

- 7.1 As the proposal is Outline (with only access and landscaping to be considered), matters of layout and design are left to the Reserved Matters stage. However, it is beholden on the applicant to demonstrate that the desired quantum of development can be satisfactorily achieved.
- 7.2 The application is for outline only with access and landscaping to be considered and all other matters reserved. The application seeks the erection of up to 45 dwellings with 15 of those being affordable.
- 7.3 The existing access off Lady Lane would be used. As the application is outline only, the design and layout details are not for consideration at this stage although the indicative site plan does clearly demonstrate that the plot is large enough to accommodate this.

7.4 Sectional drawings have been submitted to indicate how the built form will respond to the changes in level within the site and the adjacent land and the indicative street scene demonstrates how the development could present itself to the Lady Lane frontage although, of course, the detailed design and layout is of course reserved and subject to change.

8.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

8.1 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

8.2 The structural landscaping forms part of this outline application to be considered. The proposal would see the existing trees and scrubland to along the north-western boundary retained with new planting also being introduced in order to create a buffer between the existing industrial estate and the proposed dwellings.

8.3 New native species together with a small area of open space would be provided in the north-western corner of the site.

8.4 The proposed structural landscaping features are considered to act as a screen between the existing industrial estate and the proposed dwellings.

9.0 Land Contamination, Flood Risk, Drainage and Waste

9.1 Environmental Health currently raise a holding objection as the submitted investigation by Nott Group (Reference:72785/R/010) dated 25th February 2020 only involves a detailed investigation into a small portion of the site. This has been submitted and Officers are currently waiting for updated comments from Environmental Health, these shall be provided to Members by way of tabled papers or verbal update at committee.

9.2 SCC Flood & Water Management confirms that it has no objection to the proposal in this regard and recommend conditions which run concurrent with the reserved matters application.

10.0 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

10.1 Whilst there are no listed buildings on the site, part of the former site entrance includes a brick wall which is considered to be listed. This brick wall is considered to be Grade II listed.

10.2 Given that the proposal is for outline only, the full impact of the proposal on the listed wall cannot be established at present.

10.3 The Heritage Team have been consulted and have requested additional information, which has been provided, amended comments shall be provided by way of late papers or a verbal update at committee.

11.0 Impact On Residential Amenity

- 11.1 The application is for outline only with all matters reserved save for access and landscaping.
- 11.2 However, given the close proximity of the proposed site to the existing industrial estate and the issue of agent of change residential amenity is appropriate to be considered at this stage. Planning Practice Guidance requires that, in these circumstances, the agent of change (the Appellant) needs to 'put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme' and that they should, 'define clearly the mitigation being proposed to address any potential significant adverse effects'.
- 11.3 In addition Paragraph 182 of the NPPF expects new development to be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant or 'agent of change' should be required to provide suitable mitigation before the development has been completed.
- 11.4 It is the Council's view that the proposals neither identify the significant adverse effects nor clearly show how the significant adverse effects would be avoided/mitigated.
- 11.5 Environmental Health – Noise/Odour/Light/Smoke have been consulted as part of the application and have assessed the Sound Level Assessment: proposed residential development on land off Lady Lane and Aldham Road, Hadleigh' (Sharps Redmore, dated 16th April 2019), whilst they raise no objections, in principle, a number of conditions and recommendations have been suggested in order to protect residential amenity.
- 11.6 Whilst Environmental Health do not object and suggest a 1.8m high acoustic barrier be installed, Members should note that the application site slopes down towards Aldham Road. The land edged in blue on the submitted site location plan can still be used for employment purposes, this could be redeveloped or used for outside storage of goods/shipping containers given its previous use, this would therefore potentially result in noise sources above the proposed fence line and higher than a number of the residential properties shown on the illustrative layout.
- 11.7 In addition, given the previous use of this parcel of land there is the potential for this to then be used for the stacking of containers to an unspecified height and the running of a 24hour operation which would cause significant noise disturbance.
- 11.8 The proposal would bring residential use much closer to the existing industrial estate and therefore potentially causing conflict between the residents and the businesses as a result of what may be seen by new residents as nuisance, disturbance and pollution coming from the existing commercial use on the neighbouring industrial estate. Furthermore, the expansion of the Lady Lane Industrial Estate or renewal of premises could also be similarly prejudice by the proximity of new residential accommodation.

12.0 Planning Obligations / CIL (delete if not applicable)

- 12.1 The proposal is for up to 45 dwellings with 15 affordable proposed.

- 12.2 If Members were minded to grant permission for this proposed development then a S106 Agreement would first need to be completed to be sought to ensure that these 15 dwellings plus a financial contribution for the remaining 0.75 of a unit [35%] are delivered as affordable dwellings and can be offered in accordance with the Council's nomination rights and allocated through Choice-based lettings system.
 - 12.3 As per SCC Contributions comments an Early Years new build contribution of £82,032 will be secured by way of S106 Agreement.
 - 12.4 Depending on the Committee's reasoning for being minded to grant permission Members may also wish to ensure the potential land swap is secured (assuming that application ref DC/20/01537 is also viewed favourably) by S106 Agreement along with suitable terms and restrictions (phasing a sequencing of delivery).
 - 12.5 All the other infrastructure impacts of this proposal would be subject to funding via CIL.
-

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 Judged on its individual merits this is contrary to the Council's employment strategy as expressed through its employment policies. Not only is the proposal contrary to these policies but it will also result on significant harm. That harm can be expressed as the undermining of the Council's well considered employment strategy as based on the appropriate Employment Land Needs Assessments. Allowing this unallocated site will prejudice the efficacy of the Council's planning policies designed to bring forward allocated employment sites.
- 13.2 The applicant has failed to demonstrate how the principle of the 'agent of change' is to be managed. This places responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise sensitive development. In other words, the person responsible for the change must also be responsible for managing the impact of the change
- 13.3 Whilst residential development might ordinarily be acceptable within the Built-up Area Boundary in this particular case the priority afforded by policy to safeguarding strategic employment sites is not outweighed by the need for additional residential development in this location.
- 13.4 The proposal offers the potential of an unspecified number of construction jobs in the event that outline planning permission is granted, reserved matters approved and that permission implemented. This is given limited weight.
- 13.5 Residential development would also increase the population within Hadleigh such as to provide a limited boost to local spend and support for facilities.
- 13.6 It would also provide a small contribution to the market stock however as we have a 5year housing land supply this has limited weight.

- 13.7 The proposal would result in the provision of 15 affordable homes which has moderate weight however Hadleigh is getting significant affordable homes delivery through a number of existing strategic housing allocations on the east side of the tow and therefore this benefit from the scheme is not outweighed by the overriding harm and loss of the existing employment site.
- 13.8 However, set against such benefits is the overriding harm that such a proposal will generate if approved.
- 13.9 It would undermine the Council's employment policies/strategy as described earlier and potentially stifle allocated sustainable employment sites in Hadleigh from coming forward.
- 13.10 This harm is significant.
- 13.11 On this basis the proposal is recommended for refusal.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:-

1. The application site is currently allocated employment land in both the Adopted Development Plan and the Emerging Draft Joint Local Plan and has therefore been given strategic employment importance. Whilst the proposal is located in the BUAB and therefore housing could be acceptable in principle there is at present time no overriding need to allow residential dwellings here in order to make up any shortfall in numbers given that Babergh District Council can currently easily demonstrate that it has a 5-year housing land supply.

The applicant has not provided sufficient evidence to indicate that this site is no longer viable as employment land within an existing employment allocation. It is noted that the majority of Lady Lane Industrial Estate is still in active employment use.

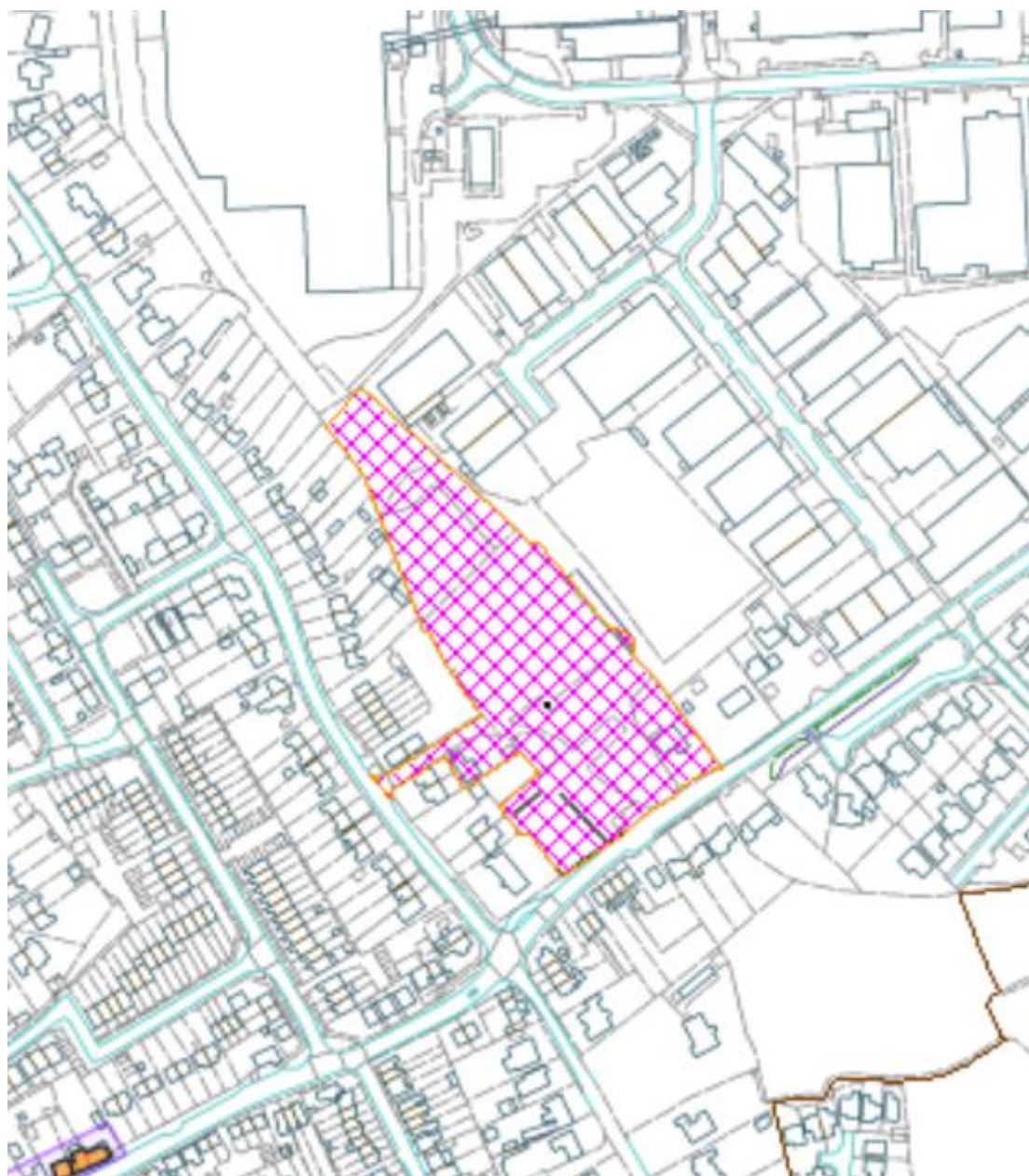
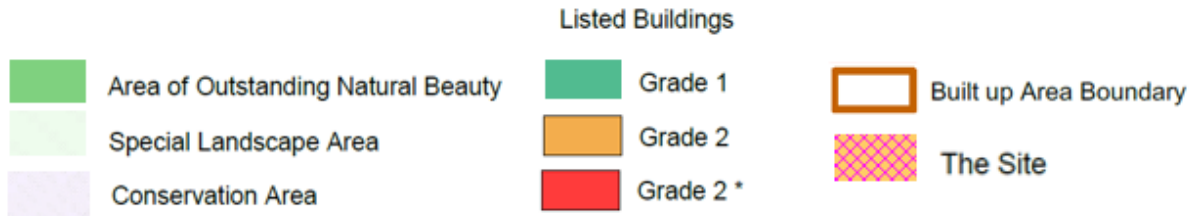
As such the proposal is considered contrary to Local Plan Policy EM02, EM24 and paragraphs 81 and 182 of the NPPF.

2. Whilst the application is outline only given the close proximity of the proposed site to the existing industrial estate and the issue of agent of change, the proposal would bring residential use much closer to the existing industrial estate and would potentially cause conflict between the residents and the businesses as a result of what may be seen by new residents as nuisance, disturbance and pollution coming from the existing commercial use on the neighbouring industrial estate. As such the proposal is also considered to be contrary to paragraph 127 of the NPPF.

Application No: DC/20/04615

Parish: Hadleigh

Location: Land off Lady Lane



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Agenda Item 6d

Committee Report

Item 7D

Reference: DC/20/05137

Case Officer: Katherine Hale

Ward: Hadleigh South.

Ward Member/s: Cllr Kathryn Grandon. Cllr Mick Fraser.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application. (Access and **Structural** Landscaping to be considered).
Employment land for use as Class E Business buildings up to 1900m² and Classes B2 and B8 buildings up to 4200m²

Note:

Whilst the applicant has described the total level of floorspace being proposed as 6,100sq.m. Members are advised that if they are minded to grant planning permission and they have considered the merits of the proposed based on a ceiling of 6,100sq.m. then the floorspace ceiling should be conditioned. This will ensure that there is no confusion later and that the implications of additional floorspace and the principle can be properly via a new application.

Location

Land at Cobbolds Farm, Ipswich Road, Hadleigh, Ipswich Suffolk IP7 6BG

Expiry Date: 30/06/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Large Scale - Manu/Ind/Storg/Wareh

Applicant: Mr Philip Munson

Agent: Mr L Short

Parish: Hadleigh

Site Area: 2.33 hectares

Details of Previous Committee / Resolutions and any member site visit: This application was presented to the Committee meeting of 16 June 2021 but was not discussed following its deferral pending the presentation of an updated report on an accompanying application by the same applicant that was also deferred at the same meeting. Both applications appear on this agenda.

A Member site visit was carried out on Wednesday 4th August 2021

Has a Committee Call In request been received from a Council Member (Appendix 1): No
Has the application been subject to Pre-Application Advice: Yes DC/20/03006

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application is being reported back to Committee following deferral of the item at the Development Control Committee Meeting of 16th June 2021.

The official minutes of the meeting of 16th June records:

“16.5 It was RESOLVED:- That application DC/20/05317 be Deferred in order for the Chief Planning Officer to arrange a Member site visits (following the protocol)”

As this application is linked to application DC/20/04615, Members voted to defer this application without the need to go through it. As such this supplementary report now provides the Committee with an updated statement and details of any further information received since the Committee Meeting on 16th June 2021.

The application was presented to Committee for a decision originally as it is:

- Contrary to the Development Plan
- Potentially this is effectively a land/use swap with concurrent application reference DC/20/04615 report in respect of which is also on this agenda.

NOTE IN RESPECT OF THE FORMAT OF THIS REPORT

This report is presented to address the additional information that has been submitted since the 16th June Committee together with the concerns raised by Members when discussing the potential land/use swap with concurrent application reference DC/20/04615 report.

Members are advised that the contents of the previous report including the conclusions, planning balance and recommendation section all remain as previously stated in the previous report. The June version is therefore the one that should be voted on.

SUPPLEMENTARY INFORMATION FOR 11 AUGUST 2021

No additional information has been submitted in relation to this application.

The Case Officer however wishes to address the comments made during the 12th June Committee with regards to the interest in the site. The Agent has indicated that the applicant has tenants lined up and that this is therefore not a speculative application; however, the evidence provided by the agent is limited to fewer than five speculative requests for employment space and demonstrating their interest in the proposed space at Cobbolds Farm.

As Members will see from the contents of the below committee report, whilst it is noted that this application would create additional employment land and thus opportunities, it is considered to represent a departure from Local Plan policies and would undermine the Council's employment policies/strategy as described earlier and potentially stifle allocated sites in Hadleigh from coming forward because its policies are predicated on careful scrutiny of the likely future demand for employment space.

Officers are satisfied that the report as previously written, the conclusions, planning balance and recommendation therein remain appropriate and are therefore unchanged.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Babergh District Council comprises the Babergh Local Plan (Alteration no. 2) 2006 and the Babergh Core Strategy 2014.

The following are considered the most relevant to the determination of this proposal

Babergh Local Plan (Alteration No.2) 2006

CN01 - Design Standards
CN04 - Design & Crime Prevention
EN22 - Light Pollution - Outdoor Lighting
CR07 - Landscaping Schemes
CR08 - Hedgerows
TP15 - Parking Standards - New Development
EM01 - General Employment
EM20 - Expansion/Extension of Existing Employment Uses
EM24 - Retention of Existing Employment Sites

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
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres

Draft Joint Local Plan Submission Document. 2021 [Reg 22]

Policy SP03 – Settlement Hierarchy

Policy SP05 - Employment Land

Policy SP09 – Enhancement and Management of the Environment

Policy SP10 – Climate Change

Policy LP12 – Employment Development

Policy LP13 – Safeguarding Economic Opportunities [land swap context]

Policy LP19 – Landscape

Policy LP25 - Sustainable Construction and Design

Policy LP26 - Design and Residential Amenity

Now that the Draft Joint Local Plan has reached Reg 22 stage (Submission) it begins to carry some weight as a material planning consideration. In part that weight depends upon the nature of and degree of conflict over issues that are to be explored at the Examination.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 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:

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 6: Building a Strong, Competitive Economy

Section 12: Achieving Well-Designed Places

Section 15: Conserving and Enhancing the Natural Environment

The National Planning Practice Guidance (NPPG)

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.

Other Considerations

- BMSDC 'Open for Business' Economic Strategy 2018
- Suffolk County Council- Suffolk's Guidance for Parking (2014 updated 2019)

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Hadleigh Neighbourhood Plan is however at a very early stage with little progress since Area Designation in 2015. There appears to have been little consultation and there is currently no draft plan.

There is therefore nothing of relevance or of any weight in respect of the determination of the application currently before Members

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 (Appendix 3)

Hadleigh Town Council

“This planning application relates to the industrial units being developed on the land next to Wolf’s Wood, which is a green field site, with houses on the opposite side of the road being developed a brown field site. Councillor McLeod advised that with industrial units dotting the side of the road it was having a ribbon effect and was there sufficient demand for these types of units to warrant this development. It appears that the application has not met all of the requirements other organisations have requested, and as the site is not on the main drainage system, any water would run off the car parks into a natural area, potentially with contaminants. The impact of the lighting in the local area would be intrusive, transport links were poor with no pavements or cycling links, and it would be visually intrusive on the approach to Hadleigh. Hadleigh Society were not supporting the application and it was felt that the application needed to be reworked to meet all the criteria which are currently not satisfied. Proposed by Councillor Bayliss, seconded by Councillor McLeod it was agreed to object to the application on the grounds that the proposed scheme is contrary to the Council Policy CS15; there is over development in the area, a need has not been established for this type of development and transport links are not in place, and Hadleigh Town Council support the comments of the Hadleigh Society.”

Officer comment: Officers share the Town Council’s concerns about the intrusion of built-form along the A1071 in the form of ribbon development into the countryside.

The report will fully explore this and other issues.

Chattisham and Hintlesham Parish Council

“Chattisham & Hintlesham Parish Council Object to this planning application on the following grounds:-

- Increased traffic levels on an already busy road A1071
- Environmental impact
- noise & light pollution
- Industrialisation of a rural setting
- Increase in class to B2 from B1 and Class E retail”

Officer comment: Officers share the Parish Council’s concerns about the intrusion of built-form along the A1071 in the form of ribbon development into the countryside.

The report will fully explore this and other issues.

Aldham Parish Council

“Thank you for your letter of 18th November. The parish council has considered this application and its only concern is that of light pollution and possible future ribbon development along the A1071 from the edge of Hadleigh. The land concerned is opposite the Wolves Wood RSPB reserve and was, until your

council granted permission for the Beestons bus park and HGV holding area, in an area of open countryside.

The night-time darkness of the area has already been spoiled to some extent by the security lights of that development and the parish council is concerned that similar lights on the development now proposed will exacerbate this. The spread of industrial development must not mean that local people should automatically accept after working hours the glow of lights shining upwards or even laterally. Any lights which really do need to remain switched on during darkness should be kept to a minimum and, at the very least, be pointed downwards.

Councillors also expressed concern that the temptation will arise for street lighting to be extended from the A1071/B1070 roundabout to the new development. This would only add to the increased urbanisation of this open countryside.”

Officer comment: Officers share the Parish Council’s concerns about the intrusion of environmental impacts of built-form along the A1071 in the form of ribbon development into the countryside.

The report will fully explore this and other issues.

National Consultee (Appendix 4)

Natural England

SUMMARY OF NATURAL ENGLAND’S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Hintlesham Woods Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Natural England advises that an initial screening for air quality impacts should be completed prior to determination of this application. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal.
- A Wildlife Sensitive Lighting Design Scheme.
- A Construction Environmental Management Plan (CEMP).
- A condition which limits the hours, volume and nature of noise following construction, or a noise assessment.

Without this information, Natural England may need to object to the proposal.”

RSPB

“Thank you for the opportunity to comment on this application. As neighbours at RSPB Wolves Wood nature reserve, we have reviewed the application to determine whether the proposals are likely to have a measurable ecological impact on the reserve and Hintlesham Woods SSSI.

Having read the Ecology Report, we are satisfied with the findings of the consultant that, provided the recommended mitigation and compensation measures are taken forward, there will be no measurable ecological impact. We also support the proposed biodiversity enhancements to achieve Biodiversity Net Gain. We request that all of the mitigation, compensation and biodiversity enhancements set out in the report are made a condition of planning consent to ensure their full implementation, and also make further suggestions below.

We make particular note of the presence of turtle dove *Streptopelia turtur* in the surrounding landscape, with recent records within 2km of the site. The turtle dove is Britain's fastest declining breeding bird, and therefore any opportunity to provide suitable nesting and feeding habitat is considered a priority for the RSPB. With this in mind, we endorse the recommendations set out in Table 5.1 of the Ecology Report for native hedgerow planting to include a high proportion of thorny species (including hawthorn) and a mixture of wild clematis and honeysuckle to be planted at regular intervals along the hedges. Where possible these hedges should be managed to grow to at least 3 metres tall and 4 metres wide, and that once established with a dense scrubby structure, that they are cut on a rotational basis (around one-fifth every three years) to keep them in optimum condition as a nesting habitat. This will have many other benefits for wildlife as described in the Ecology Report.”

Suffolk Wildlife Trust

“Thank you for sending us details of this application, we have the following comments: We have read the Ecology Report (MHE Consulting, November 2020) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted. We also note that the Ecology Report states that a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Scheme are required for this development. We recommend that these are secured as a condition of planning consent, should permission be granted. Please do not hesitate to contact us should you require anything further.”

East Anglia Drainage Board

“Thank you for your consultation on planning application DC/20/05137. 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.”

County Council Responses (Appendix 5)

SCC Archaeology

“Thank you for your email, we had seen the consultation on the planning lists and in our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.”

SCC Travel Plan

“Thank you for consulting me about the proposed commercial development at Cobbolds Farm on Ipswich Road in Hadleigh. I will be providing a response to the Travel Plan that was submitted as part of the planning application, however these will be included as part of the formal Suffolk County Council Highways response that Sam Harvey is leading on to comply with internal protocol.”

SCC Public Rights of Way

“The proposed site does contain a public right of way (PROW): FP25 Hadleigh. The Definitive Map for Hadleigh can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-ofway/Hadleigh.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We object to this proposal on the basis that, while FP25 is shown on the Applicant's Structural Landscaping Masterplan, unfortunately it is not depicted on the legally definitive route. We would suggest that the Applicant contacts the Definitive Map Team for information about the legally definitive route of the footpath, and that they then discuss any plans or issues which may affect it with the appropriate Area Rights of Way Officer via PROW.west@suffolk.gov.uk.

The Applicant MUST also take the following into account:

1. PROW are divided into the following classifications:

- Public Footpath – only for use on foot or with a mobility vehicle
- Public Bridleway – use as per a public footpath, and on horseback or by bicycle
- Restricted Byway – use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
- Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle.

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-andresponsibilities/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- To discuss applying for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-andtransport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
- To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rightsof-way-in-suffolk/public-rights-of-way-contacts/> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the

discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roadsand-transport/public-rights-of-way-in-suffolk/ ”

SCC Police

On behalf of Suffolk Constabulary, I have viewed the available plans and would like to register the following comments with regards to Section 17 of the Crime and Disorder Act.

It is noted that this is an outline planning application and more in-depth details will follow through further proposals, as a result it is hard to make specific in-depth comments.

As the proposed development area comprises open land, historically it is a low crime area. However, a number of criminal offences have been recorded around the surrounding area, (see para 10).

It is noted that an established right of way will go through the main site, so it would be preferred to know more about how that will integrate with the site from a security point of view?

It is good to see that the perimeter between the two sites will comprise defensive vegetation, which is always recommended by police to deter the risk of unauthorised intrusion. It would be preferred if the whole perimeter could comprise defensive vegetation, backed up with good quality fencing.

It is strongly recommended any proposed business units are designed along Secure By Design guidelines through SBD commercial 2015 Version 2, as per this link.

http://www.securedbydesign.com/wpcontent/uploads/2015/05/SBD_Commercial_2015_V2.pdf “

SCC Highways

“We have reviewed the data supplied with this application; the summary of our findings are as follows:

- It is unclear from the information provided, what the applicant’s plans are for Public Rights of Way Footpath 25 which is within the site. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.
- The Travel Plan (dated October 2020) that was submitted as part of the planning application does identify some suitable measures to encourage sustainable and active travel to the site, like the provision of showers, lockers and changing facilities to encourage walking and cycling, and a minibus to transport staff from Hadleigh to the site. However, due to the location of the development encouraging travel by sustainable modes of transport through a Travel Plan will be difficult for the occupier, as there are currently no surfaced walking and cycling links linking Hadleigh to the site and the times and frequencies of the existing bus services may not be suitable for all employees.

- there have been 3 injury accidents in the past 5 years on A1071 in the immediate area of the site. The accident data supplied within the Transport Assessment confirms that there are no significant highway safety concerns.

Taking all the above into account, it is our opinion that this development achieve would not necessarily provide safe and suitable access to the site for all users (NPPF Para 108). However, it would not have a severe impact on the road network (NPPF para 109) therefore we do not object to the proposal.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

Travel Plan Condition: Within one month of first occupation, each employee on the commercial site shall be provided with Travel Information Pack that contains the sustainable transport information and measures to encourage the use of sustainable transport. Not less than 3 months prior to the occupation, a completed Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include up-to-date walking, cycling and bus maps, relevant bus and staff employee minibus information, car sharing information, and sustainable transport discounts. The Travel Information Pack shall be maintained and operated thereafter.

Reason: In the interests of sustainable development as set out in the NPPF and policy CS15.

Travel Plan Condition: Prior to the occupation of any commercial unit, details and the location of an employee minibus service in accordance with the details in the Travel Plan (dated October 2020) will need to be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of sustainable development as set out in the NPPF and policy CS15.

Footpath Condition: Before the development is commenced, details of the treatment of PROW footpath including surfacing and landscaping adjacent to the route, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that PROW footpath is not obstructed and designed to an acceptable standard.

Parking Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 4006-14B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Cycle Condition: The areas to be provided for secure covered storage cycle parking as shown on Drawing No. 4006-14B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that the provision for cycle parking is provided in line with sustainable transport policies.

Bin Condition: The areas to be provided for presentation and storage of Refuse/Recycling bins as indicated on Drawing No. 4006-14B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

Construction Management Plan Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning

Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a photographic survey to be carried out to determine the condition of the carriageway and footways prior to commencement of the works
- Means of access for construction traffic
- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety
- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

NOTES

The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. For further information go to <http://www.suffolkpublicrightsofway.org.uk> and www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk. “

SCC Flood and Water Management

“The following submitted documents have been reviewed and we recommend a holding objection at this time

- Flood Risk Assessment Ref EX20_046_03
- Site location plan Ref 4006-02 Rev A
- Site plan 4006-14 Rev B

The reason why we are recommending a holding objection is because whilst the applicant has evaluated the predicted flood risk and has presented a viable strategy for the disposal of surface water, the LLFA need assurance that the applicant has the right of has acquired the rights to discharge surface water in perpetuity. T

he points below detail the action required in order to overcome our current objection:-

1) Confirmation that they have the applicant has the right of has acquired the right to discharge to the watercourse. 2) Applicant is also to review the proposal for second upstream flow control devices size for smallest catchment a. Small orifices are proven to blockages and this is located downstream of an open SuDs feature.

3) As the site has 50 (fifty) car parking spaces, the applicant needs to take note of the following guidance and make the necessary changes to the surface water drainage strategy to ensure its compliance.

- a. <https://www.gov.uk/guidance/pollution-prevention-for-businesses> “

SCC Fire &Rescue

“A CONDITION IS REQUIRED FOR FIRE HYDRANTS (see our required conditions)

I refer to the above application. The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

Water Supplies

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Sprinklers Advised

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control or appointed Approved Inspector in the first instance.

For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.”

Internal Consultee Responses (Appendix 6)

Economic Development

“The Economic Development Team would welcome the application as it is bringing in new businesses units. The councils Workspace Study (October 2019)

<https://www.midsuffolk.gov.uk/assets/Economic-Development/Workspace-Study-redacted-002.pdf>

highlighted the need for additional workspace across the district to meet the demands of local businesses.

It is clear that the recent COVID 19 pandemic is leading to a change in working patterns, with increased demand for premises (with good broadband connections) located away from larger urban centres and closer to where people live within our district to reduce commuting distances and allow flexible working. This application is to enable the future growth of a specific business within an established employment site which will create a significant number of new jobs. I, therefore, support the application
We note in the application the site is referenced to DC/20/04615, as comparable offer for “Land off Lady Lane” application,— we have addressed our response in the DC/20/04615 application.

It is noted that this is an outline planning application and more in-depth details will follow through further proposals, as a result it is hard to make specific in-depth comments.”

The Hadleigh Society

“This is a proposal for erection of 28 commercial units totalling 6100 sq. metres of floorspace all of about 2 storeys in height, set in open countryside and with long distant views both into and out of the site. Such proposals are contrary to several Core Strategy policies concerning locational criteria, countryside protection and sustainability. The inappropriateness of the proposal on these planning and environmental grounds is agreed and acknowledged by the applicant’s own agents in their Planning Statement and accompanying documents.

The only justification given for overriding such clear local and national planning guidance is that it ought be treated exceptionally as a substitute to the loss of a similar area of land specifically allocated for employment development set within the urban area of Hadleigh off Lady Lane and on which the applicant wishes to develop for housing.

As any planning practitioner is aware, each proposal must be determined against adopted planning policy and relevant material considerations and to imply that;- “I promise to develop this land for employment purposes if you grant planning permission for my housing scheme” is wholly unenforceable and thus irrelevant to determination of the proper planning merits of each proposal.

Given the aforementioned policies and the NPPF, clear and convincing justification is needed as to why the proposed employment area would be located in a remote location away from the existing built up area for Hadleigh, particularly given that there is an existing site within Hadleigh and future sites for employment land have already been identified for allocation in the Emerging Draft Joint Local Plan. As such it is considered that there is sufficient employment land allocated and there is insufficient evidence to justify the need for the site to be released

BUILT ENVIRONMENT

The design and built environment created internally within business estates tends to be ignored yet many people spend the majority of their lives working in such places, therefore the quality of the environment being proposed is of critical importance. As central government and local planning policies indicate a key element to achieving sustainable development is good and appropriate design with the overall objective being that it contributes positively to making places better for people. Design is about more than aesthetics of a development, but also ensuring usable, durable places. The underlying principles which contribute to good and successful design are reflected in Policy CS15 and Policies CS4-11.

This site is in a rural area, it is remote from town facilities, therefore it needs to provide a greener, more worker friendly environment with pleasant sit-out areas, buildings foiled by greenery, with carefully placed shrub and tree planting. There is a need for dedicated, well located cycle sheds, and disabled parking bays, and screened outside storage units to serve the units. There ought, in the rural environment, be a sense of space and airy ness created between and around the buildings but regrettably here is not in this proposal.

It is quite clear that the floorspace as requested represents creation of a depressing overdevelopment as a densely packed, heavily urbanised industrial estate. It is dominated by buildings surrounded by little else other than hardstandings. It creates neither a pleasant worker/ employee friendly environment, nor an external appearance that positively reflects its countryside setting.

SUSTAINABILITY

One of the primary principles in national and local planning policy is to achieve maximum sustainability in building design, modes of movement, and provision of energy and services. The site due to its remote

location has no safe cycle lane routes to serve it, nor are there any dedicated pedestrian routes linking the site to Hadleigh. Moreover there is a very restricted bus service passing the site. Thus the site has poor sustainability in respect of modes of transport to serve it and does not provide safe and suitable access to the site for all users (see NPPF Para 108). Additionally due to limited access options it deprives or restricts employment opportunities for the disabled and non-driver.

The site foul and surface water have to be dealt with privately as it is not connected to the mains. It is proposed to dispose of foul waste via a private treatment plant and surface water through natural drainage systems. Full details of neither are provided at this important outline stage and therefore in absence of such details there must be rejection of the scheme until satisfactory details are provided.

LANDSCAPE

In a countryside location the blending of the built development into the local landscape requires particularly good design and skill. In regard to this proposal it fails to respect the landscape and compounds the issue by not making a positive contribution to the local countryside character (see CS15). The site, lies in the designated Ancient Plateau Clay lands wherein the landscape guidance states;-This is quite open landscape with the potential of any form of development to be visibility intrusive if it has been designed without sufficient screening or an appropriate landscape design plan ‘. [see The Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015]

The visibility of the site, particularly from the south, is extensive being up two kilometres (1.25 miles) as can be viewed from Clay Lane. The application provides no specialised landscape assessment, nor proper planting proposals to accompany the applicant’s request that Landscape be determined at the outline stage. Nor is there any lighting assessment that would be expected in a potentially visually intrusive lit site on a plateau set above surrounding countryside. All that is provided as support for the landscaping is a copy of an informal view given by of a planning officer [who did not possess the necessary information] contained in a Pre-Application Planning Enquiry dated 14 August 2020. The current proposals fail miserably to provide the rigour and professional landscape assessment that is expected to be provided for this location and if requiring Landscape not to be a reserved matter.

The actual “structural landscape” proposed is considered of poor quality as it seeks generally to retain existing indifferent hedging and weed strewn earth mounds on the eastern and southern boundaries with some new hedge planting giving limited screening of about 2-3 metres height whilst buildings and lighting stanchions will have heights well in excess, and up to 6 metres in height.

The Society would expect a substantially wider planting strip to be provided on the country side boundaries of the site to allow long term growth and maintenance for both new hedge and large native tree planting to develop, together with islands of planted green space within the estate to quality of foiling deserving of such development in this open landscape. In conclusion, to approve the ‘Landscape Proposals” as submitted would be to allow a cramped, poor quality development more akin to the worst of 1970s urban industrial estates, rather than a 21st century, well landscaped, rural business estate of commensurate quality to fit into and make a positive contribution to the countryside character of Hadleigh

CONCLUSION

The proposal is contrary to policy CS15 as it demonstrates ;-

1. That the scale of built development proposed represents an overdevelopment of the site resulting in detriment to the local landscape and countryside character.
2. It creates a cramped unpleasant built environment not conducive to promoting healthy living and working conditions.
3. It fails to minimise the need to travel by car thus adversely affecting sustainability, the local air quality and is not accessible to people of all abilities including those with mobility impairments.

4. There is a lack of detailed information demonstrating satisfactory and safe disposal of surface and foul water.

Overall the proposed scheme completely fails to make a positive contribution to the local character of the area, and although the applicant pleads exceptional reasons for approval the scheme as submitted fails to demonstrate provision of a quality development deserving for an exceptional approval in this rural area of Hadleigh.”

Public Realm

“No comments as there is only landscaping associated with this business park and no publicly accessible open space.”

Place Services - Ecology

“No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reviewed the Ecology Report (MHE Consulting Ltd, November 2020) relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecology Report (MHE Consulting Ltd, November 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

However, we note that the site is within the Impact Risk Zone (IRZ) for Hintlesham Woods Site of Special Scientific Interest (SSSI) which comprises two woodlands Hintlesham Woods and Wolves Wood. The latter is located c. 80m north of the application site. It is highlighted that we consider that it is unlikely that development will result in adverse impacts to this statutory designated site. However we recommend that Natural England should consider the likely risks of the development to the SSSI within their comments, as the application meets the following IRZ trigger: ‘Large infrastructure such as warehousing / industry where total net additional gross internal floorspace following development is 1,000m² or more’.

Furthermore, we recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of ‘lit-time’ of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy. In addition, the soft landscaping proposed should be informed by the Ecology Report recommendations and the management and aftercare of these features should be secured within a Landscape and Ecological Management Plan.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting Ltd, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. CONCURRENT WITH RESERVED MATTERS: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecology Report (MHE Consulting Ltd, November 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).”

Environmental Health – Sustainability

“I have viewed the applicant’s documents particularly the planning statement where it acknowledges and confirms compliance with the core policies of Babergh District Council.

Therefore I have no objection and if the planning department decided to set conditions on the application, I would recommend the following.

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, CS12, CS13, CS15 and NPPF) including details on environmentally friendly materials, construction techniques and use of renewable energy generation to minimise carbon emissions and reduced use of potable water (suggested maximum of 105ltr per person per day).

Babergh and Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at

an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

With developments constructed with levels of insulation to just equal or slightly better the current building regulations' Part L requirements it is likely that they will need to be retrofitted with extra insulation and low carbon heating systems within a few years to meet the National milestones and targets leading up to zero carbon emissions by 2050.

With all future Sustainability and Energy Strategy the Council is requiring the applicant to indicate the retrofit measures and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage. The applicant may wish to do this to inform future owners of the properties.

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-developmentadvice/parking-guidance/>

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF. Guidance can be found at the following locations:

<https://www.babergh.gov.uk/environment/environmental-management/planningrequirements/> “

Environmental Health – Land Contamination

“Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.”

Environmental Health – Air Quality

“Many thanks for your request for comments in relation to the above application. I can confirm that given the existing good air quality at the development site and the limited scale of development I have no objection to the proposed development from the perspective of local air quality management.”

Environmental Health – Noise/Odour/Light/Smoke

“The site is adjacent to a coach and lorry parking area, as well as Cobbolds farmhouse itself. The coach and lorry parking development was approved under B/13/11492, condition 3 of which states that “Occupation of the existing dwelling within the application site shall be limited to a person solely or mainly working or, last working, in connection with the hereby permitted coach depot and overnight lorry parking facility, or a widow or widower of such person and to any resident dependant’s”. This condition was imposed

to make any loss of amenity at the farmhouse as a result of activities at the lorry/coach parking facility more acceptable. I note that the proposed development appears to be under the same ownership.

The proposed development includes both class B2, B8 and E units, with hours of operation being unknown. Whilst I appreciate that a certain amount of loss of amenity due to noise may already exist at Cobbolds Farmhouse as a result of activities at the coach and lorry parking facility, the introduction of noise sources particularly from site B is likely to result in different noise sources both in terms of hours and in character (including potentially impulsive banging, crashing etc. associated with manufacturing and use of roller doors etc) as well as other mechanical sources such as air handling plant which may also be installed in site A.

If it is possible to attach a condition similar to that of condition 3 of B/13/1492 then this might be made acceptable. However, if this is not possible then I would strongly recommend that a noise assessment, based on BS4142 would be needed, prior to commencement of development, to establish a baseline noise level for the site, from which a rating level can be derived to apply to each unit upon occupancy. This will inform the types and nature of units acceptable based on operating hours and nature of work. I would consider such a control to be essential to the viability of this application.

I would also recommend that, in order to protect amenity, a condition be attached to the effect that 'Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority. The scheme shall provide that each pole/wall counted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5/%. The submitted scheme shall include a polar luminance diagram (based on the vertical plane and marked with 5, 2, 1 and 0 lux contour lines), be submitted to and approved by the LPA. Note: The applicant's attention is drawn to the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011.

I would recommend that a condition be attached to any permission to the effect that all construction/site clearance works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of: -

- Operating hours (as detailed above)
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- Loading and unloading of plant and materials
- Wheel washing facilities
- Hours of operation and vehicle movements
- Lighting
- Location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Noise and vibration management (to include arrangements for monitoring, and specifically for piling) and;

- Litter management during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Finally, I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development.”

Heritage Team

“The Heritage Team have no comments to make on the above application.”

B: Representations

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

Views are summarised below:-

(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/20/03712	Screening Opinion - Proposed development for the use of 2.33ha of developable land for a business park comprising uses within class B1, B2 and B8 of the Use Classes Order 1987 (as amended), (Class E for the B1 elements after September 1 2020)	DECISION: EAN 23.09.2020
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PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site consists of a parcel of agricultural land situated approximately 1.9miles from the centre of Hadleigh and less than a mile from the urban edge of the town.
- 1.2 The site is accessed off the A1071 which lies to the north of the site. To the west of the site lies Kersey Freight haulier yard and Beestons Coaches depot.
- 1.3 The surrounding area is predominantly rural countryside with a large woodland to the north and north east on the opposite side of the A1071.

1.4 The site is not subject of any landscape designations and is not within the setting of listed buildings or a Conservation Area and is relatively unconstrained however there is a Public Footpath that runs along the northern boundary of the site.

2.0 The Proposal

2.1 The application seeks outline planning permission is sought with all matters reserved save for access and structural landscaping, for the change of use of land for employment use Class B2, B8 and Class E business.

2.2 It is believed to be a speculative application as the applicant has not identified any occupiers which are currently lined up for this site and has not associated the proposal with adjacent haulage activity. It is noted however that the adjacent site is owned by the applicant.

2.3 The proposal seeks to provide up to 1,900 square metres of Class E (formerly B1) business space and up to 4,200 square metres of Class B2 and B8 buildings (total of 6,100square metres).

2.4 This leaves layout, scale, appearance and detailed landscaping for resolution at Reserved Matters stage should outline planning permission be granted.

2.5 The existing access off the A1071 would be used and would be the singular vehicle access to the site.

3.0 The Principle Of Development

3.1 This committee report will look at the merits of this application in its own right, followed by the merits of the proposed land swap later (set out in section 4).

3.2 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the Adopted Development Plan unless material considerations indicate otherwise.

3.3 The Council's Adopted Development Plan comprises:

Babergh Core Strategy (2014)
Babergh Local Plan Alteration No.2 (June 2006)

3.4 The proposed site is currently agricultural land and has not been allocated for development purposes, particularly employment uses within the Adopted Development Plan nor the Emerging Joint Local Plan which is currently at Regulation 22 (Examination Stage). As such the site is not considered to be appropriate or necessary for development purposes in the context of the planned allocations.

3.5 As required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.

3.6 This report will therefore look at relevant Development Plan policies as its starting point and then move on to the Joint Local Plan which currently has limited weight as a material planning consideration and then NPPF.

- 3.7 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need.
- 3.8 The proposed site falls outside the Built-Up Area Boundary for Hadleigh and is therefore considered a countryside location under Policy CS1 and CS2.
- 3.9 Local Plan Policy CS15 allows for development which respects the local context and character of the district as well as meeting a number of requirements as set out below:
- "i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;
 - ii) make a positive contribution to the local character, shape and scale of the area;
 - iii) protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting, and raise workforce skills and incomes;
 - iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;
 - v) retain, protect or enhance local services and facilities and rural communities;
 - vi) consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;
 - vii) protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;
 - viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;
 - ix) make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district;
 - x) create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the enhancement of biodiversity, and mitigate some of the impacts of climate change e.g. enhancement of natural cooling and reduction in the heat island effect, provision of pollution sequestration for the absorption of greenhouse gases, and through the design and incorporation of flood water storage areas, sustainable drainage systems (SUDs);
 - xi) minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and

where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk;

xii) minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate;

xiii) minimise the demand for potable water in line with, or improving on government targets, and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;

xiv) minimise waste (including wastewater) during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development;

xv) minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change (e.g. resilience to high winds and driving rain);

xvi) promote healthy living and be accessible to people of all abilities including those with mobility impairments;

xvii) protect air quality and ensure the implementation of the Cross Street (Sudbury) Air Quality Action Plan is not compromised;

xviii) seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality; and

xix) where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car-based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.

- 3.10 Whilst the proposal would potentially protect or create jobs through either the land swap with DC/20/04615 or on its own as a new employment site, there is no guarantee the application if approved would be implemented. It appears to be a purely speculative proposal. The application fails to meet a number of other criteria set out under Policy CS15.
- 3.11 The proposal does not seek to prioritise the use of brownfield land and as such does not make a positive contribution to the local character or existing landscape by way of development of a parcel of agricultural land. The proposal is in the countryside and not well connected in terms of cycles or pedestrians.
- 3.12 Within the Adopted Development Plan, policy EM01 states “Employment related development proposals which are not covered by other policies will be judged, in particular, against the expected job creation, the potential effect on residential amenity, environmental quality, traffic generation and road safety, and site accessibility by a range of transport modes. “

- 3.13 In addition Policy EM02 states “On the sites identified as General Employment Areas and new employment allocations, namely: Lady Lane, Hadleigh Land east of Lady Lane, Hadleigh (see Note 1) Crowcroft Road, Nedging Farthing Road, Sproughton Ballingdon Hill Industrial Estate, Sudbury Bulmer Road, Sudbury (see Note 2) Chilton Industrial Estate, Sudbury Church Field Road, Sudbury Woodhall, Sudbury (including its proposed extension) Brantham Industrial Estate (see Note 3) Waldingfield Road, Chilton and Former Sugar Beet Factory, Sproughton (see Note 4) planning permission will be granted for employment related development in principle. This will include the relocation of existing businesses from residential areas where these would be better located alongside other employment generating activities. Exceptions to this policy will include proposals likely to have an adverse impact on town (or village) centre vitality and viability. Proposals able to demonstrate a positive effect on town (or village) centre vitality and viability will be permitted.”
- 3.14 The application site does not fall within a defined general employment area as set out above (under policy EM02) as such there is therefore a presumption against the grant of planning permission for employment use.
- 3.15 Local Plan Policy EM08 states that “Proposals for warehousing, storage and distribution will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.”
- 3.16 Local Plan Policy EM20 states “Proposals for the expansion/extension of an existing employment use, site or premises will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety”
- 3.17 Local Plan Policy EM24 states
- “Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:
1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
 2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.”
- 3.18 As this site is not an existing employment site Policy EM24 is not relevant to the direct consideration of the merits of this application but may become relevant in the context of the consideration of the merits of the concurrent application (under reference DC/20/04615) particularly if it is material to consider the implications of a land use swap to facilitate residential use on what is an existing employment site. This statement is offered without prejudice to the proper consideration of the concurrent application and a comprehensive assessment of, amongst other things, the acceptability (or not) of the principle of a residential use and the loss of an existing employment site at Lady Lane.
- 3.19 In the context of Policy EM24 Members are advised that it is not part of the applicant’s case that the proposal if successful is intended to provide the adjacent bus company with space to expand. Consequently, it cannot be reasonably argued that EM24 is engaged on the basis that the proposed

change of use of this greenfield site will allow an established local business to expand and grow without having to relocate to a new site or even outside the District.

3.20 It is noted that within the existing Local Plan and the Emerging Draft Joint Local Plan there are a number of designated employment land areas, some of which are already coming forwards for development along the eastern edge of Hadleigh.

3.21 Within the context of paragraph 11(d) of the NPPF it is noted that a number of the Council's Adopted Development Plan policies have been held to be out of date and there these relevant policies are out of date then Members are required to exercise the tilted balance with greater weight being afforded to the NPPF where adopted policies are out of date and no longer consistent with the NPPF.

3.22 The most relevant parts of the NPPF to look at first and in detail are:

- Section 2: Achieving Sustainable Development [which features the 'Presumption in Favour of Sustainable Development' at paragraphs 10 and 11; and,
- Section 6: Building a Strong, Competitive Economy.

3.23 Paragraphs 83 and 84 of the NPPF (Section 6) relate to the rural economy and could be classed as not particularly relevant as this site falls within what could be considered as the radius of influence of the urban fringe of Hadleigh as opposed to a strictly rural area.

3.24 Paragraph 80 of the NPPF includes a requirement that:

"...Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development....."

3.25 This application is in outline form and is entirely speculative intended to assist with the facilitation of a new residential use elsewhere within Hadleigh on a site which currently benefits from existing employment use rights.

3.26 Any rationale for approving this proposal contrary to land use policy appears thin in terms of paragraph 80 unless the Committee determines that the benefits of securing a residential use on the existing employment site (DC/20/04614) are so significant that permission can be justified on this application site on the basis that it will create the conditions for businesses to invest, expand and adapt following the loss of the existing site (Lady Lane) from employment use and will not undermine the Council's wider economic strategy based on careful allocation of employment land to meet predicted future need.

3.27 Paragraph 81 of the NPPF states:

"Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”

- 3.28 As the application site is unallocated land the proposal conflicts with subsection (a) and (b) above in so far as the proposal undermines the economic strategy of the Council.
- 3.29 In addition, there is no evidence to suggest that the proposal would facilitate employment opportunities of a type envisaged by subsection (d) above.
- 3.30 With regards to subsection (c), Members will need to carefully consider whether this applicant when ran concurrently with application DC/20/04615 for residential use on an existing allocated employment site would address the potential barriers to investment etc.
- 3.31 The proposal is submitted as a speculative application with little to no details as to deliverability in terms of the demand for these premises in this location.
- 3.32 Members may consider that the purpose of this application is to make the residential application (DC/20/04615) a little more palatable and justified.
- 3.33 It is evident that there is no justification for this site to come forward as a departure from the Adopted Development Plan and the Council can demonstrate sufficient employment land allocated both within and around Hadleigh including land being brought forward within the Emerging Draft Joint Local Plan.
- 3.34 The proposal is considered contrary to the Council's employment policies and the unjustified departure from Local Plan policy required to permit it is likely to undermine the overall effectiveness of the Council's stated Employment Strategy which is to safeguard existing employment land and to direct employment to allocated sites of which there are a number in Hadleigh.
- 3.35 The proposal is unacceptable and represents unnecessary and undesirable development in the countryside the principle of which is harmful to the character of the countryside around Hadleigh.

4.0 Land Swap – First Application DC/20/04615

- 4.1 This application raises an interesting issue that is uncommon in terms of the normal material planning considerations that Members of the Committee are asked to take into account when determining the merits of an application.
- 4.2 On the one hand it can be considered as a freestanding outline planning application that falls to be judged on its own individual planning merits.
- 4.3 On the other hand the applicant has indicated that the loss of existing employment land that arises from application reference DC/20/04615 if the proposed residential development on the site at Lady Lane is approved can be suitably re-provided through the grant of permission for this application under consideration (DC/20/01537).
- 4.4 In essence, what is potentially being proposed is a land swap of sorts albeit that the site under consideration with this application (DC/20/01537) is presently farmland whereas the site at Lady Lane (DC/20/04615) site is previously developed land.
- 4.5 Such a swap if approved would result in a net loss of greenfield land.

- 4.6 Members are perfectly at liberty to determine the two application independently or to link them as circumstances dictate, where the residential use is being accepted on the grounds that the existing employment land being lost will be adequately re-provided and where decisions are reasonable.
- 4.7 In this way a variety of outcome permutations exist:

DC/20/05137 CoU to employment	DC/20/04615 CoU from employment to residential
GRANT	GRANT
REFUSE	REFUSE
GRANT	REFUSE
REFUSE	GRANT
NOTE: Depending on the need for a S106 permutations are likely also to include deferral for the satisfactory completion of a S106, S106's or linked S106's. Members may also defer one, other or both for other reasons [e.g. additional information, legal advice etc]	

- 4.8 Whilst the applicant is offering the potential of a land swap with employment being allocated here at the Cobbolds Farm site, it is purely speculative. The Council can try and restrict residential development until new employment is delivered however it cannot require the delivery of that employment use.
- 4.9 In addition, on the east side of Hadleigh and within walking distance of the town centre, there is already largescale residential development under construction (the Weavers Meadow, Persimmon Site, with a further large allocation in the JLP (current application reference DC/19/05419 and DC/17/03902) That allocation includes a large new employment area.
- 4.10 As such strategically, both new housing and new employment site are both suitably catered for.

5.0 Nearby Services and Connections Assessment Of Proposal

- 5.1 The site is located outside of the Built-Up Area Boundary (BUAB) for Hadleigh approximately 1.9 miles away from the town centre. There are no footpaths to the town centre from the site and the A1071 is within a national speed limit (60mph).
- 5.2 The nearest bus stop is approximately 0.6 miles to the west of the site, however there is no footway or safe pedestrian access to this. Whilst the site is therefore considered to be within close proximity to Hadleigh it is not considered to be well connected to the services and facilities offered particularly for pedestrians or cyclists.

6.0 Site Access, Parking And Highway Safety Considerations

- 6.1 The existing access off the A1071 which currently serves both Beestons and Kersey Freight would be used and forms part of this outline planning application before Members to be considered.

- 6.2 The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence before officers to indicate that the effect on the local transport network by traffic generated from the development would be severe.
- 6.3 SCC Highways have been consulted and whilst it is noted that due to the location of the development encouraging travel by sustainable modes through a Travel Plan will be difficult for any future occupier due to the lack of surfaced walking and cycling links linking Hadleigh to the site.
- 6.4 Despite the concerns raised by Hadleigh Town Council, Aldham Parish Council and Chattisham and Hintlesham Parish Council, the Highways Authority does not raise any concern with regards to the impact of the proposal on the highway, nor in respect to increased traffic levels more generally stating that they consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking.
- 6.5 The proposal can provide safe and suitable access to the site for all users as per paragraph 108 of the NPPF and would not have a severe impact on the road network as per paragraph 109 of the NPPF.

7.0 Design And Layout [Impact On Street Scene]

- 7.1 As the proposal is Outline (with only access and landscaping to be considered), matters of layout and design are left to the Reserved Matters stage. However, it is beholden on the applicant to demonstrate that the desired quantum of development can be satisfactorily achieved.
- 7.2 The application is for outline only with access and landscaping to be considered and all other matters reserved. The proposal would consist of up to 4,200 square metres of Class E floor space (formerly use class B1) and up to 1,900 square metres of Class B2 and B8 units.
- 7.3 The indicative layout submitted demonstrates that the site could accommodate this amount of development together with the appropriate amount of parking.

8.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 8.1 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 8.2 The structural landscaping forms part of this outline application to be considered. The site already benefits from existing screening and a landscaping buffer to the front of the site however the proposal would seek additional planting along the south and western boundaries.
- 8.3 The previous developments and change of use of land established the creation of significant bunds to the site perimeter which are now established but could in some places take further landscaping on the top.
- 8.4 The proposed structural landscaping features are considered to act as a screen between the proposed development and the surrounding countryside.

9.0 Land Contamination, Flood Risk, Drainage and Waste

- 9.1 Environmental Health confirm that there is no objection to the proposal in this regard.
- 9.2 SCC Flood Water Management currently have a holding objection as the applicant has not demonstrated that they have acquired the rights to discharge surface water in perpetuity.

10.0 Impact On Residential Amenity

- 10.1 The application is for outline only with all matters reserved save for access and structural landscaping. As such residential amenity is not a consideration at this stage. There is an existing residential dwelling situated to the northwest which is tied to the use of the Beestons Coach Depot under permission B/13/01492. The surrounding area is then predominantly agricultural fields with a number of residential properties approximately 800m away from the site.
- 10.2 Environmental Health – Noise/Odour/Light/Smoke have been consulted as part of the application and whilst it is noted that there is a certain amount of loss of amenity due to noise which already exists at Cobbolds Farm given the existing activities on the site, the proposed use of B2 and/or B8 is likely to result in different noise sources both in terms of the hours of noise as well as the character of the noise. As such, a noise assessment is required prior to commencement of the proposal in order to establish a baseline noise level for the site.

11.0 Planning Obligations

- 11.1 In view of the recommendation to refuse outline planning permission there are no S106.
- 11.2 If Members are minded to grant permission for this proposal in isolation then it is unlikely that any S106 requirements will be necessary unless the site requires enhanced connectivity and travel plan contributions.
- 11.3 However, depending on the outcome of deliberation in respect of concurrent application reference DC/20/04615 and any requirement to link the phased redevelopment of both sites there will be a requirement for a S106 Agreement to control that process to ensure that the residential development does not occur without the replacement employment use coming forward. Members may also wish to seek the transfer of the employment land to the Council for £1 if it considers it is best placed to develop the site for employment uses.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 The proposal as a stand-alone application is considered to be contrary to the Council's employment strategy and contrary to its policies protecting the countryside from inappropriate development. Not only is the proposal contrary to these policies but it will also result on significant harm. That harm can be expressed as the undermining of the Council's well considered employment strategy as based on the appropriate Employment Land Needs Assessments. Allowing this unallocated site will

prejudice the efficacy of the Council's planning policies designed to bring forward allocated employment sites.

- 12.2 The proposal will also introduce alien-built forms and associated activity into the countryside such as to harm the intrinsic nature of the countryside; at present neither Beestons nor Kersey Freight introduce any significant permanent built form.
- 12.3 The fact that the proposal represents a departure from the local plan indicates that it is not economically or environmentally sustainable.
- 12.4 The proposal offers the potential of an unspecified number of new or even relocated jobs. The speculative 'outline' nature of the proposal however means that this benefit can only be given medium weight as there is presently no information as to its deliverability. This is not an application for an intended occupier who has identified this site for very specific operational reasons/requirements nor is it a proposal to facilitate the expansion of an existing business.
- 12.5 Were the application approved, reserved matters submitted, a tenant found and the permission implemented then jobs prospects would be realised. As this is however a speculative proposal a departure from the local plan cannot be justified on the grounds of commercial imperative.
- 12.6 Construction would create temporary construction jobs and this would carry some limited transitory weight.
- 12.7 Service and related jobs might also flow from the site coming into use and that too would attract moderate weight.
- 12.8 However, set against such benefits is the overriding harm that such a proposal will generate if approved.
- 12.9 It would undermine the Council's employment policies/strategy as described earlier and potentially stifle allocated sites in Hadleigh from coming forward because its policies are predicated on careful scrutiny of the likely future demand for employment space.
- 12.10 This harm is significant.
- 12.11 Furthermore the harm to the character of countryside hereabouts is not justified as the proposal does not represent sustainable development for the reasons discussed. Indeed, it may actually prejudice sustainable planned development from coming forward.

RECOMMENDATION

That the application be REFUSED planning permission for the following reasons:-

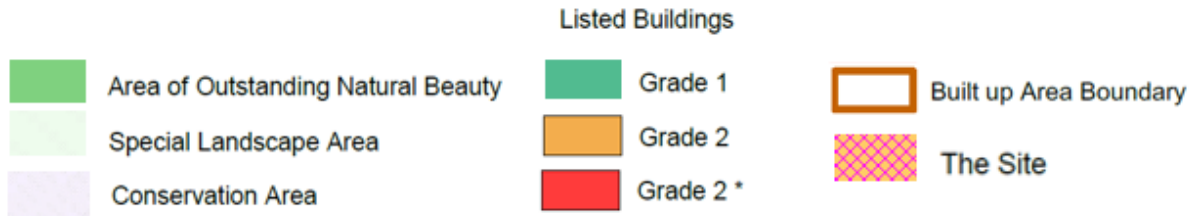
The proposal is outside of any Built-Up Area Boundary and is in a countryside location and in addition the site does not form part of any strategic employment land allocation. There is no justification for the site to come forward as a departure from the Adopted Development Plan for employment purposes and the Council can demonstrate sufficient employment land allocated both within and around Hadleigh including land being brought forward within the Emerging Draft Joint Local Plan. The introduction of new built -form in the shape of various employment use buildings and associated commercial activity will introduce alien elements into the landscape with the effect of harming the character of the countryside hereabouts. Furthermore, the introduction of significant development in this location will extend undesirable ribbon development along the A1071 potentially extending the urban area beyond the built-up boundary of Hadleigh very visibly from a main route into and out of the Town from and to the countryside. On the east side of Hadleigh. The Council is of the opinion that the proposed development is not sustainable from an economic and environmental perspective. The development of employment floorspace on this greenfield site outside of Hadleigh will in the opinion of the Council [i]undermine the efficacy of the Council's Adopted and Emerging Employment Strategy/strategic planning policies by competing with allocated sites thereby potentially prejudicing them from coming forward or remaining in employment use and [ii] resulting in unnecessary and unjustified harm to the character of the countryside and its ecological value. As such the proposal is considered contrary to Local Plan Policy CS1, CS2, CS15 EM01, EM02 and EM08 and paragraphs 80, 81, and 170 of the NPPF.

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Application No: DC/20/05137

Parish: Hadleigh

Location: Land At Cobbolds Farm, Ipswich Road



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Agenda Item 6e

Committee Report

Item 6E

Reference: DC/21/02577

Case Officer: Katherine Hale

Ward: Hadleigh South.

Ward Member/s: Cllr Kathryn Grandon. Cllr Mick Fraser.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Siting 3 No Storage Containers (following demolition of an existing building).

Location

Calais Street Depot, Pykenham Way, Hadleigh, Suffolk IP7 5ER

Expiry Date: 19/07/2021

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Mr John Buckingham On Behalf Of BMS Public Realm Team

Agent:

Parish: Hadleigh

Site Area: 0.076 hectares

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: Informal advice with regards to the demolition of the existing building was given in order to ascertain whether it was permitted development or required planning permission.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- The District Council is the owner of the site

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Babergh District Council comprises the Babergh Local Plan [alteration no2] 2006 Witten Statement with associated Proposals Maps and Babergh Core Strategy 2014.

The following are considered the most relevant to the determination of this proposal

Babergh Local Plan (Alteration No.2) 2006

CN01 - Design Standards

CN08 - Development in/near conservation areas

Babergh Core Strategy 2014

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

CS06 - Hadleigh

CS12 - Design and Construction Standards

Draft Joint Local Plan Submission Document. 2021 [Reg 22]

Policy LP26 - Design and Residential Amenity

Now that the Draft Joint Local Plan has reached Reg 22 stage (Submission) it begins to carry some weight as a material planning consideration. In part that weight depends upon the nature of and degree of conflict over issues that are to be explored at the Examination.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 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:

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 15: Conserving and Enhancing the Natural Environment

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Hadleigh Neighbourhood Plan is however at a very early stage with little progress since Area Designation in 2015. There appears to have been little consultation and there is currently no draft plan. There is therefore nothing of relevance or of any weight in respect of the determination of the application currently before Members

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

Hadleigh Town Council

“The Planning Advisory Committee met on 8th June 2021 and agreed to support this application.”

National Consultee

None

County Council Responses

SCC Fire and Rescue Service

“Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

Water Supplies

No additional water supply for fire-fighting purposes is required in respect of this planning application.”

Internal Consultee Responses

Environmental Health – Noise/Odour/Light/Smoke

“Environmental Protection have no objections in principle to the application. I note this is to replace a dilapidated building which is not currently suitable for storage. The containers would be within 10 metres of the nearest property boundary and therefore there is some potential for loss of amenity, particularly if the improved facilities afforded by the container would result in an intensity of use.

The proposed containers would store items which are used on a regular basis and given that they will be located in close proximity to housing I would suggest it would be advisable to limit the hours of operation by means of condition in terms of minimising noise from the opening and closing of metal doors, vehicular movements and general activity. This could be done by negotiation with the applicant but I would strongly advise that operation should start no earlier than 07.00hrs.

I understand that welfare facilities will be included and that this will be connected to the existing drainage arrangements – it is unclear whether this refers to a mains sewerage connection and I would recommend that this matter be clarified.

- 2.3. As the site is located within a Conservation Area and the building is greater than 115 cubic metres planning permission is required for its demolition.
- 2.4. The storage containers would be placed within the footprint of the demolished building.

3.0 The Principle Of Development

- 3.1 As a full application for the siting of three storage containers following demolition of the existing building, the application is assessed against Local Plan policies CN01 and CN08, Core Strategy policies CS01 and CS12 and the NPPF.
- 3.2 The site is located within a Conservation Area and the building is over the threshold of 115 cubic metres wherein planning permission is required for its demolition; as such a formal planning application has been made
- 3.3 The proposed containers are temporary structures which normally do not require permanent consent. However, permanent permission for the use of land for the siting of the containers is considered appropriate. In that way, conditioning the removal of the containers can be considered and will be assessed accordingly. If this is considered appropriate in other respects then conditioning the removal of the containers should BMSDC cease to operate from this site would be appropriate in order to ensure that the containers are not retained unnecessarily.
- 3.4 The proposal complies with the aforementioned policies and therefore the principle of development is considered acceptable.

4.0 Site Access, Parking And Highway Safety Considerations

- 4.1. The site is accessed off Pykenham Way. The proposal would have no impact on the existing access or parking arrangements. The proposal would not have a detrimental impact on the existing highway and is therefore acceptable in this regard.

5.0 Design And Layout [Impact On Street Scene]

- 5.1. The proposal seeks to demolish the existing building and erect three containers on the site.
- 5.2. Two of the containers would be used for storage of ground maintenance equipment, whilst the third container would be used for welfare facilities and include a WC.
- 5.3. Each of the containers would measure 2.43 by 6.05. The storage containers would be placed within the footprint of the demolished building.
- 5.4. The site is set back from the highway and well screened by the residential dwellings which surround the site, as such the proposal is not considered to have an impact on the street-scene or the character of the surrounding area.
- 5.5. The storage containers would provide storage space without the need to erect a permanent structure/building which would likely have more impact. The proposal is considered acceptable in terms of its design and layout.

6.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 6.1. The site has no landscape amenity value. Given the proposal and intended use of the site the proposal is not considered to risk harm to biodiversity or protected species and no enhancement measures are required.

7.0 Land Contamination, Flood Risk, Drainage and Waste

- 7.1. The proposal does not give rise to any land contamination issues.
- 7.2. The site is situated within Flood Zone 1 and is therefore at low risk from flooding.

8.0 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 8.1. There are no listed buildings within close proximity; however, the site does lie within a Conservation Area
- 8.2. The application has gone through the Heritage Triage procedure and the Heritage team does not wish to comment on the application.
- 8.3. The proposal is not considered to have a detrimental impact on the Conservation Area. In addition, the proposed storage containers are not considered as a fixed (permanent) structure and are therefore moveable. As noted above, a condition to ensure their removal would also provide certainty in this respect.

9.0 Impact On Residential Amenity

- 9.1. The site is already in use and the proposal does not change the intended use of the site; however it is noted that residents have raised concern with regards to noise.
- 9.2. Environmental Health -Noise/Odour/Light have been consulted and have no objection to the proposal however they have recommended that a condition is attached with regards to hours of operation given the close proximity of the neighbouring dwellings.
- 9.3. Whilst there are a number of residential dwellings within the immediate area, the vehicle movements into and off of the site are not likely to alter due to the proposal. In addition, the site has already been in use and operation for some time, this application simply seeks to alter the storage facilities available and provide a welfare unit.
- 9.4. The proposal is not considered to give rise to a significant detrimental impact on residential amenity so as to warrant refusal in this regard.

PART FOUR – CONCLUSION

10.0 Planning Balance and Conclusion

10.1 The proposal accords with the relevant development management policies, and the NPPF. The proposal would have no significant detrimental impact on highway safety, residential amenity, nor would it impact on the character of the surrounding area, including the Conservation Area.

10.2. It is, therefore, recommended that permission be granted.

RECOMMENDATION

(1) That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation)
- Approved Plans (Plans submitted that form this application)
- Removal of containers should BMSDC no longer require the site/storage
- Operating hours

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

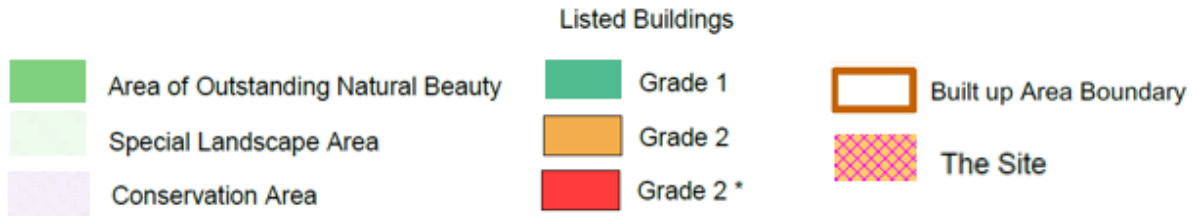
- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles

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Application No: DC/21/02577

Parish: Hadleigh

Location: Calais Street Depot



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