

# Public Document Pack



<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>WEDNESDAY, 15 DECEMBER 2021 9.30 AM</b>
<b>VENUE:</b>	<b>KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

<b>Members</b>		
<u>Conservative</u> Sue Ayres (Vice-Chair) Peter Beer Mary McLaren Adrian Osborne	<u>Independent</u> John Hinton Alastair McCraw Lee Parker Stephen Plumb (Chair)  <u>Liberal Democrat</u> David Busby	<u>Green and Labour</u> Alison Owen 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/21/22 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 01 DECEMBER 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 Chief Planning Officer will report on any other applications which require site inspections.

6 **PL/21/23 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 10

An Addendum to Paper PL/21/23 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

- a **DC/19/05419 LAND SOUTH OF TOWER MILL LANE/EAST OF FROG HALL LANE, HADLEIGH, SUFFOLK, IP7 6LA** 11 - 132
- b **DC/21/04477 PARSONAGE BARN, PARSONAGE LANE, CHELSWORTH, SUFFOLK, IP7 7HT** 133 - 144
- c **DC/21/05652 LAND WEST OF SUDBURY ROAD, ACTON, SUFFOLK** 145 - 166
- d **DC/21/03718 LAND TO THE EAST OF, DUKE STREET, HINTLESHAM, SUFFOLK** 167 - 188
- e **DC/21/00745 THE SLAUGHTERHOUSE AND LAND ADJACENT CUCKOO HILL, BURES ST MARY, SUFFOLK** 189 - 192
- f **DC/21/02810 BRANTHAM INDUSTRIAL ESTATE AND LAND TO THE NORTH AND PENINSULA, FACTORY LANE, BRANTHAM** 193 - 198

**Notes:**

1. The next meeting is scheduled for Wednesday 05 January 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, 5 January 2022 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](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, Claire Philpot on: 01473 276396 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

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

### **Domestic Arrangements:**

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

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

If you hear the alarm:

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





## PL/21/23

### BABERGH DISTRICT COUNCIL

#### PLANNING COMMITTEE

15 DECEMBER 2021

#### SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	11-132	<b>DC/19/05419</b>	<b>Land South of Tower Mill Lane/East of Frog Hall Lane, Hadleigh, Suffolk, IP7 6LA</b>	VP
6B	133-144	<b>DC/21/04477</b>	<b>Parsonage Barn, Parsonage Lane, Chelsworth, Suffolk, IP7 7HT</b>	EF
6C	145-166	<b>DC/21/05652</b>	<b>Land West of Sudbury Road, Acton, Suffolk</b>	EF
6D	167-188	<b>DC/21/03718</b>	<b>Land to the East of, Duke Street, Hintlesham, Suffolk</b>	SS
6E	189-192	<b>DC/21/00745</b>	<b>The Slaughterhouse &amp; Land Adjacent Cuckoo Hill, Bures St Mary, Suffolk</b>	SB
6F	193-198	<b>DC/21/02810</b>	<b>Brantham Industrial Estate and Land to the North and Peninsula, Factory Lane, Brantham</b>	RW

Philip Isbell  
Chief Planning Officer

## BABERGH DISTRICT COUNCIL

### PLANNING COMMITTEE

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

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

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

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

#### DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

#### **PLANNING POLICIES**

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

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

National Planning Policy Framework:

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

## **LIST OF ABBREVIATIONS USED IN THIS SCHEDULE**

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

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## **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

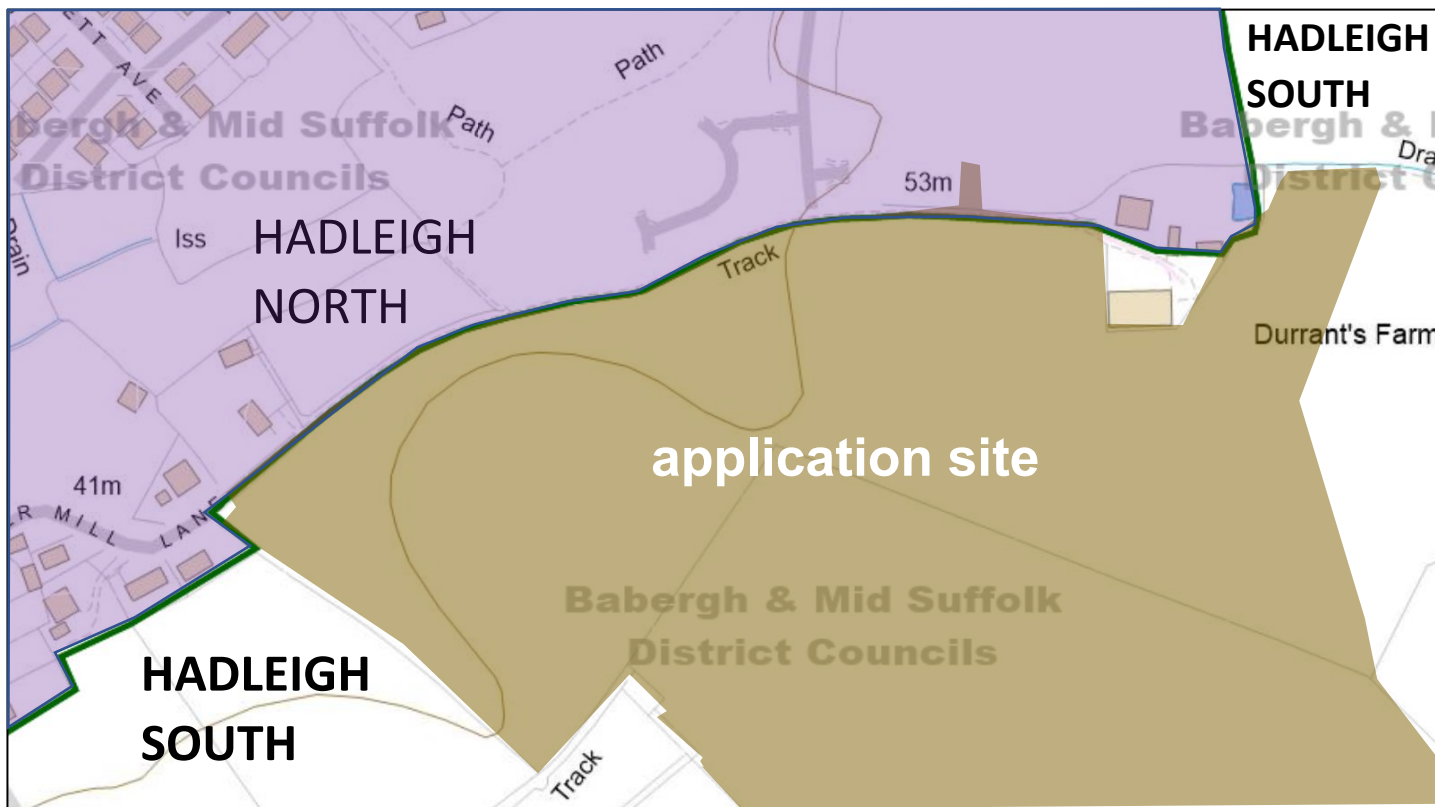
Reference: DC/19/05419

Case Officer: Vincent Pearce

Item No: 6A

Ward: Hadleigh South [note site adjoins Hadleigh North]

Ward Members: Councillor Kathryn Grandon and Councillor Mick Fraser [Hadleigh South]



Plan: The Ward Boundary between Hadleigh South, the application site and Hadleigh North

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### RECOMMENDATION:

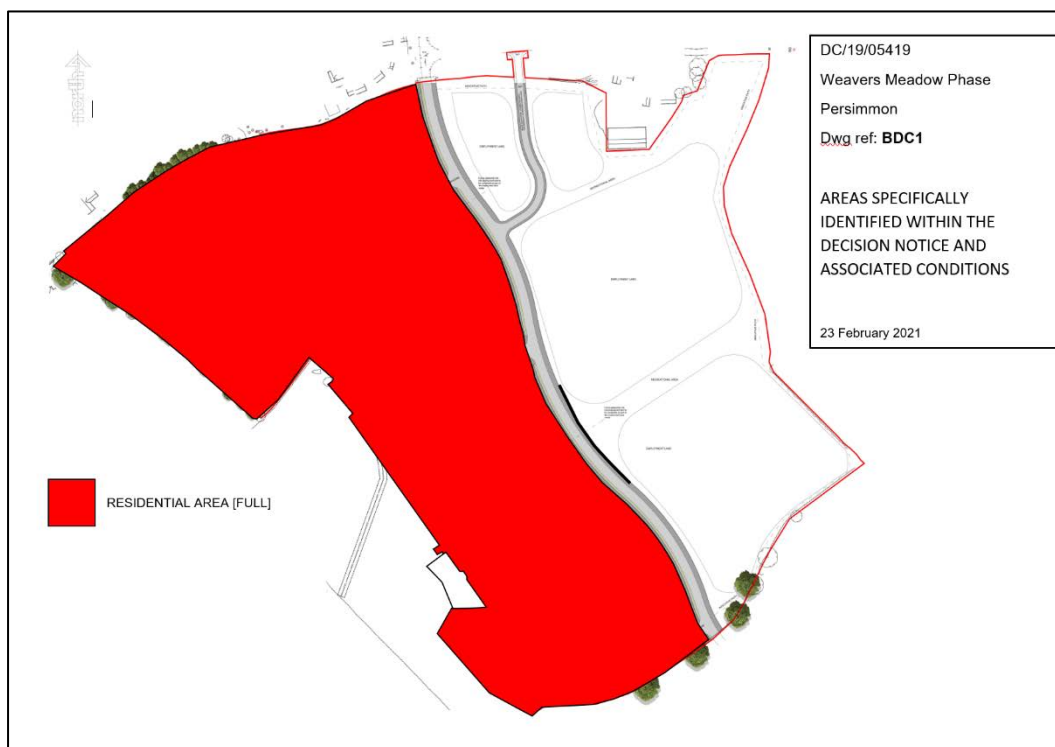
Delegate authority to the Chief Planning Officer to **GRANT** conditional HYBRID planning permission **SUBJECT** to the prior completion of a **S106** to secure benefits and mitigation identified in this report

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## **Description of Development**

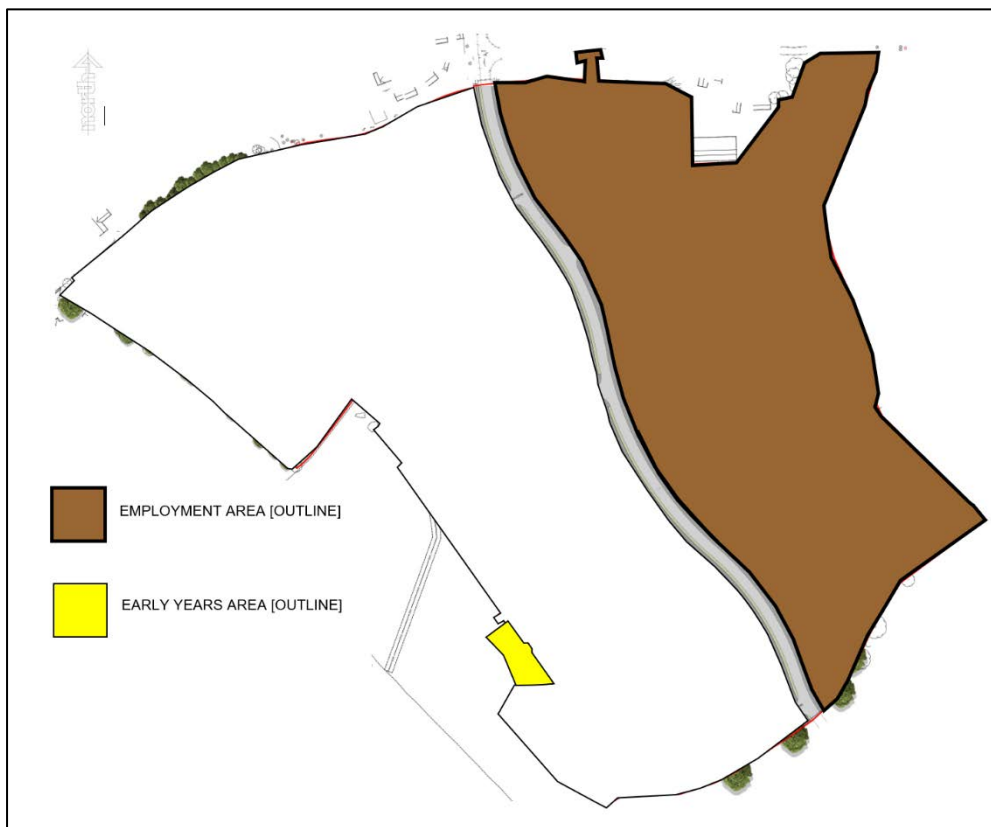
Revised Hybrid Application. Phase 2 of Hadleigh East Urban Extension Area [HEUEA] (part of Core Strategy Policy CS6: Hadleigh). On 19.6Ha of land to the South of Tower Mill Lane/East of Frog Hall Lane, Hadleigh comprising the following elements:

**[Element A]: Full Planning Application.** (11.98Ha) Proposed residential development of 273 dwellings, associated infrastructure, including main access and estate roads, drainage attenuation ponds, utilities/services equipment, provision of Public Open Space and structural landscaping, secondary access (loop) road to serve the employment land. (including secondary link to Phase 1).



**[Element B]: Outline Planning Application** (7.64Ha). (Access to be considered) to include 5.5Ha of land for B1, B2 and B8 employment uses, a 928sqm pre-school site (Use Class D1), associated infrastructure and landscaping. All matters reserved apart from the primary means of access (from the main access road) and secondary access road, including a secondary emergency and bus only link to Phase 1b.





**Location**

Land South Of Tower Mill Lane/East Of Frog Hall Lane, Hadleigh

**Expiry Date:** Extension of time secured to facilitate Decision by Committee and S106 process if necessary

**Application Type:** MAJOR largescale

**Development Type:** HYBRID - FULL residential and OUTLINE employment uses

**Applicant:** Persimmon Homes

**Agent:** Persimmon Homes

**Town Ward:** Hadleigh South *[unparished]*

**Site Area:** *[from application form]*

19.6 ha [red line area including both elements of the hybrid application and associated roads]

**Density of Development:**

24.4 dph [gross] / 32.5dph [net] [figure quoted is for the FULL application site area – residential component]

**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

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## PART ONE – REASON FOR REFERENCE TO COMMITTEE

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The application is referred to committee for the following reasons:

- It is a “Major” application for a residential land allocation of 15 or more dwellings. [273 in total]; and,
- The area of the proposed employment uses exceeds the threshold permitted in the scheme of delegation for determination by officers.

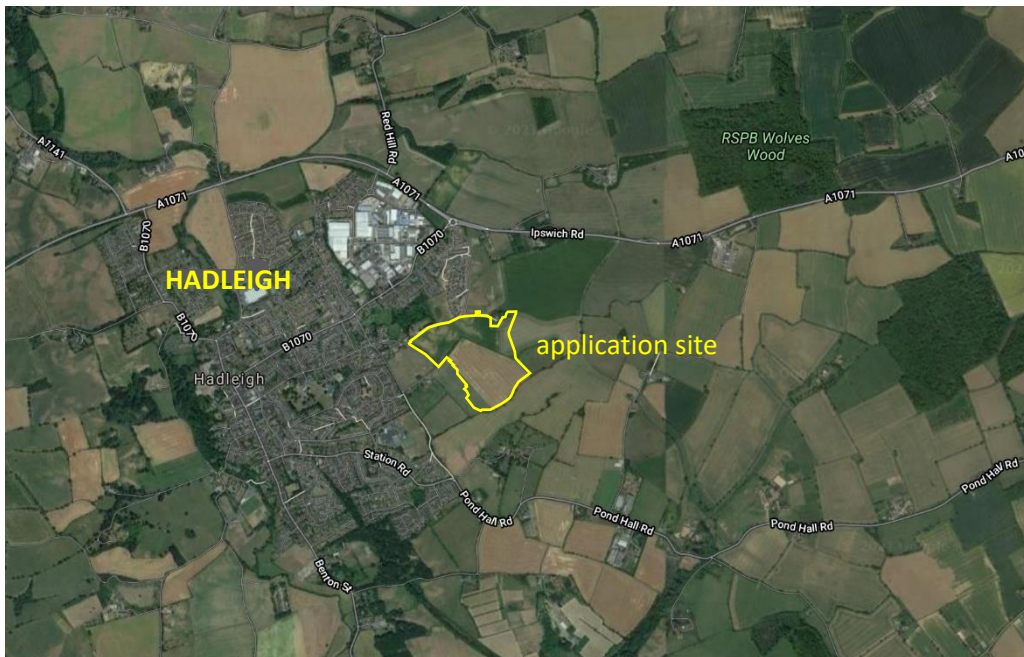


figure 1: **Application site – Location in the context of Hadleigh**



figure 2: **The Red Line Plan**

## **The Content of this Report from this point forward**

### **PART TWO - POLICY AND CONSULTATION SUMMARY**

Summary of Policies

Neighbourhood Plan Status

Status of the Development Plan

5-Year Housing Land Supply

Housing Delivery Rate

Consultations and Representations

Relevant Planning History

### **PART THREE - ASSESSMENT OF THE APPLICATION**

- 1.0.1 Introduction
- 1.1.1 Site and Surroundings
- 1.2.1 Principle of the proposed residential use
- 1.3.1 Principle of proposed community use
- 1.4.1 Principle of proposed employment use
- 1.5.1 Principle of proposed open space use
  
- 2.0.1 Layout
- 2.1.1 Connectivity
- 2.2.1 Permeability and Legibility
- 2.3.1 Parking
- 2.4.1 Density
- 2.5.1 Gardens
- 2.6.1 Housing: Tenure, Mix and Size
- 2.6.5 Unit sizes
- 2.6.7 Bungalows
- 2.7.1 NDSS [Nationally Described Space Standards
- 2.8.1 Materials
- 2.9.1 Detailing
- 2.10.1 Boundary means of enclosure
- 2.11.1 Residential amenity
- 2.12.1 Sports provision
- 2.13.1 Play facilities
- 2.14.1 Ecology and landscaping
- 2.15.1 Drainage
- 2.16.1 Highway matters

continued.....

- 2.16.7 Tower Mill Lane
- 2.16.13 PRow network
- 2.16.14 Bus Improvements
- 2.16.18 Crossings on the main spine road
- 2.16.20 Out of hours emergency taxi facility
- 2.16.24 Emergency access / no through road

3.0.1 Heritage matters

4.0.1 The Employment Component

4.1.1 Floorspace and proposed uses

5.0.1 Sustainability Matters

6.0.1 CIL liability

7.0.1 S106 Agreement

8.01 Planning Balance

9.0.1 Recommendations

## Figures

1. Application site – Location in the context of Hadleigh [preceding section]
2. The red line plan
3. Adopted Core Strategy 2014 CS6 plan
4. Extract Draft JLP November 2020 LA028 plan
5. Hadleigh and surrounding area Neighbourhood Plan Area map
6. LA028 concept plan at time of Phase 1b
7. LA028 concept plan at time of Phase 1b enlarged
8. Phase 2 residential layout and basic road hierarchy
9. 'Weavers Meadow' [Persimmon Homes] – Phases including present application
10. Amended layout drawing [received 01.01.2021]
11. The Central Village Green
12. Connectivity
- 13A. Open Market Proposed Mix
- 13B. Affordable Rented Housing Proposed Mix
- 13C. Affordable Shared Ownership Housing Proposed Mix
- 14A. Adjacent or Relatively Close Existing Properties
- 14B. Layout Superimposed over Aerial Image to demonstrate avoidance of amenity harm
- 14C. as above
15. Basin Cross Section & plan [north west corner of residential site] 06.04.21
16. Basin plan [north east corner of residential site] 06.04.21. Showing terracing
17. Proposed Pedestrian Passing Places – Tower Mill Lane
18. Further proposed improvements to Tower Mill Lane
19. Position of required northern-most crossing [S278/S38 SCC]
20. Existing PRow [east side of Hadleigh]
- 21A. Preliminary crossing points [subject to s38/S278 Highways Act approvals by SCC]
- 21B. Examples of 'Tiger' Controlled Crossings
22. Employment Land masterplan
23. Council Plan reference BDC1 [cross reference to S106, Rec. and Conditions]
24. Council Plan reference BDC1 - larger image

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## PART TWO - POLICY AND CONSULTATION SUMMARY

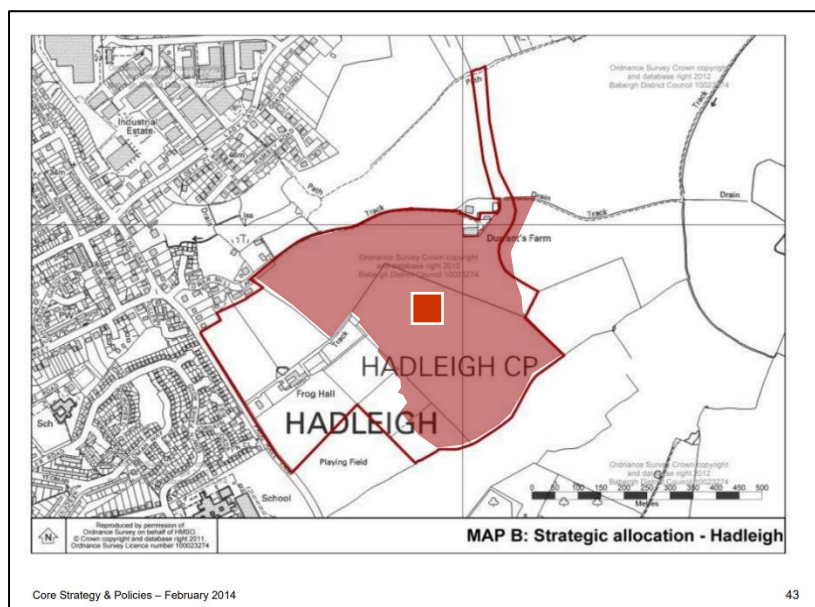
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### Summary of Policies

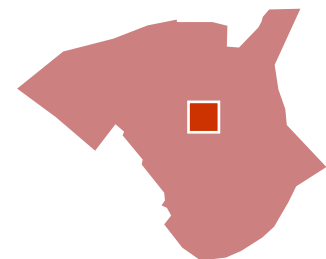
#### Adopted Core Strategy February 2014

#### CS6: HADLEIGH

##### A. Hadleigh Strategic Site Allocation



Note: detail added to CS Map B for the purpose of this report



application site DC/19/05419 added for information.  
[note conformity within boundary of allocation]

figure 3: **Adopted Core Strategy February. 2014: Strategic Allocation CS6**

*“Land is allocated to the immediate east of Hadleigh for mixed use development as indicated on the Key Diagram and shown on Map B. Development within this area should be guided by a Masterplan and development feasibility evidence and provide:*

- i) approximately 5.5 hectares of employment land;*
- ii) approximately 250 dwellings;*
- iii) how the development will be designed to suit the landform / topography and landscape characteristics of the site and its local context;*
- iv) high quality design, structural landscape planting, and layouts and scale of development that respect adjacent landscape or townscape features, and maintains the separate identity of Hadleigh;*
- v) design principles for each development parcel (residential and business/employment land) including addressing the sustainable development policies in this and subsequent local plan documents, and how*

- they will be implemented;*
- vi) the range, density and mix of housing types and the level of affordable housing provision in line with Policies CS18 and CS19;*
  - vii) phasing of the development including social and physical infrastructure and services, and where appropriate, including any development or provision proposed beyond the plan period;*
  - viii) a green infrastructure / open space framework connecting with and adding or extending formal and informal green spaces, wildlife areas, and natural landscape settings and features, and proposals for green and blue infrastructure to assimilate new development into the landscape and create new habitats. This must provide for a significant functional buffer providing effective separation between residential and employment uses (where such uses may have material adverse impacts on residential amenity);*
  - ix) a biodiversity plan including any measures for protection, mitigation, compensation and/or new habitat creation;*
  - x) a drainage strategy, with provision for a sustainable urban drainage system;*
  - xi) good links and/or the enhancement of existing links for pedestrians and cyclists to the town centre and other local shops and services, employment areas, schools, etc.;*
  - xii) enhanced or additional social / community facilities (such as provision of allotments, or cemetery, or community open space within the green infrastructure framework, and/or meeting room / social centre / community hall) as evidenced through local community engagement in the masterplanning process*
- xiii) vehicular access by means of the main north-south spine road served from the A1071 roundabout together with an access on to Frog Hall Lane only for pedestrians, cyclists and emergency vehicles. Off-site transport improvements may also be necessary. In addition, a travel plan will be required.*

#### *Implementation and Delivery*

*No critical obstacles have been identified for this development to proceed and its implementation has been provided for in the early part of the Plan period. The principal planning mechanism of a Masterplan will facilitate this early delivery. Development of this allocation together Hadleigh will be closely monitored and appropriate amount of new housing and period:*

*with any other new development in reviewed to ensure delivery of an employment land through the plan*

*i) 2012 - 14 – preparation and consultation on a Masterplan for the area shown on Map B in accordance with this Policy;*

*ii) 2014 - 15 - review of progress with submission and consideration of a planning application for the allocated site;*

*iii) 2018 – review progress with delivery and if necessary review alternatives through a neighbourhood plan or other DPD.*



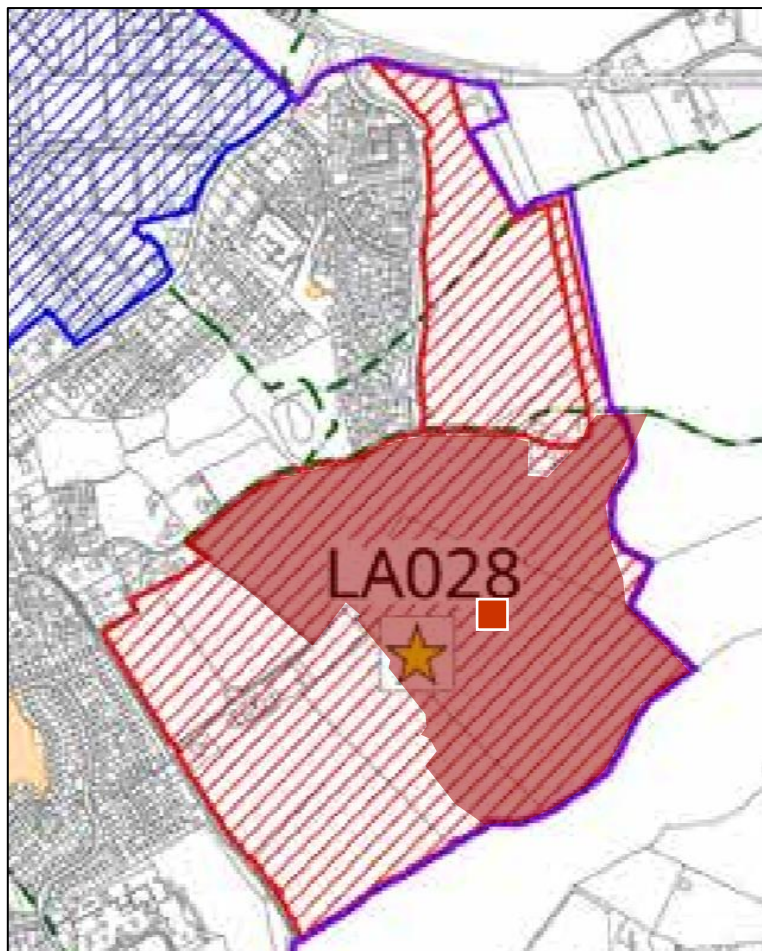
## **B. Strategy for Hadleigh**

*Hadleigh will be promoted as a visitor attraction and a wide range of diverse uses and facilities will be encouraged. Development for town centre uses and refurbishments that enhance the retail quality, choice and vitality / viability of Hadleigh town centre will be encouraged.*

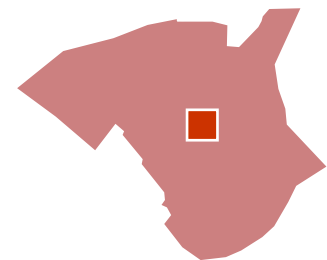
*Note: The land uses identified above are indicated as a guide for the preparation of a detailed Masterplan as part of the planning application process, and individual elements of the development will be considered in the context of the comprehensive development of the site, and on evidence available at the time.”*

**Draft Babergh Mid Suffolk Joint Local Plan – Examination Stage** [the Examination has been adjourned pending review of the work programme on 16 December 2021]

### **LA028 Allocation: Land north-east of Frog Hall Lane, Hadleigh**



Note: detail added to CS Map B for the purpose of this report



application site DC/19/05419  
added for information.  
[note conformity]

figure 4: **Extract from Draft Joint Local Plan [Nov 2020] Strategic Allocation – site reference: LA028**

## **LA028 – Allocation: Land north east of Frog Hall Lane, Hadleigh**

Site Size– 25ha

Approximately 600 dwellings and 5.5ha of employment land (with associated infrastructure)

The development shall be expected to comply with the following:

- I. The relevant policies set out in the Plan;
- II. Applications for full flexibility or for a single or flexible use involving one or more of the uses within Class E will be considered on their individual merits. Prior to submission applicants should engage with the LPA to agree the required assessment work in support of any proposal
- III. Development should consider the sensitivity of visually prominent and open slopes seeking opportunities to soften the existing settlement edge.
- IV. Screen development with vegetation and hedgerow boundaries, expanding the existing hedgerow network.
- V. An archaeological assessment and measures for managing impacts on archaeological remains are provided;
- VI. Nearby Public Rights of Way should be protected and enhanced to enable access to the countryside and enable active transport;
- VII. Potential noise pollution from the A1071 is effectively mitigated;
- VIII. An ecological survey, and any relevant mitigation measures, are provided;
- IX. A full assessment of increased discharge on the watercourse, and relevant mitigation measures;
- X. A free serviced site of 0.1ha should be reserved for a new pre-school school plus proportionate contributions towards the build costs;
- XI. 1.2ha of land is reserved for the replacement playing fields for Hadleigh High School;
- XII. Contributions, to the satisfaction of the LPA, for the provision of primary and secondary school provision;
- XIII. Contributions, to the satisfaction of the LPA, towards healthcare provision;
- XIV. Vehicular access from the A1071 roundabout together with multiple pedestrian and/or cycle accesses to existing footway network to Hadleigh; and
- XV. Contributions, to the satisfaction of the LPA, towards mitigation measures of the A1071 / A134 Assington Road junction.

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
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes
- CS21 Infrastructure Provision



Relevant saved policies of the Babergh Local Plan (Alteration No.2) 2006:

- CN01 - Design Standards
- CR07 - Landscaping Schemes
- CR08 - Hedgerows
- EM03 – Land East of Lady Lane
- TP15 Parking Standards – New Development

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)

NPPF - National Planning Policy Framework

### Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at Stage 2: Preparing a draft neighbourhood plan. Accordingly, the Neighbourhood Plan has no determinative weight at this time.

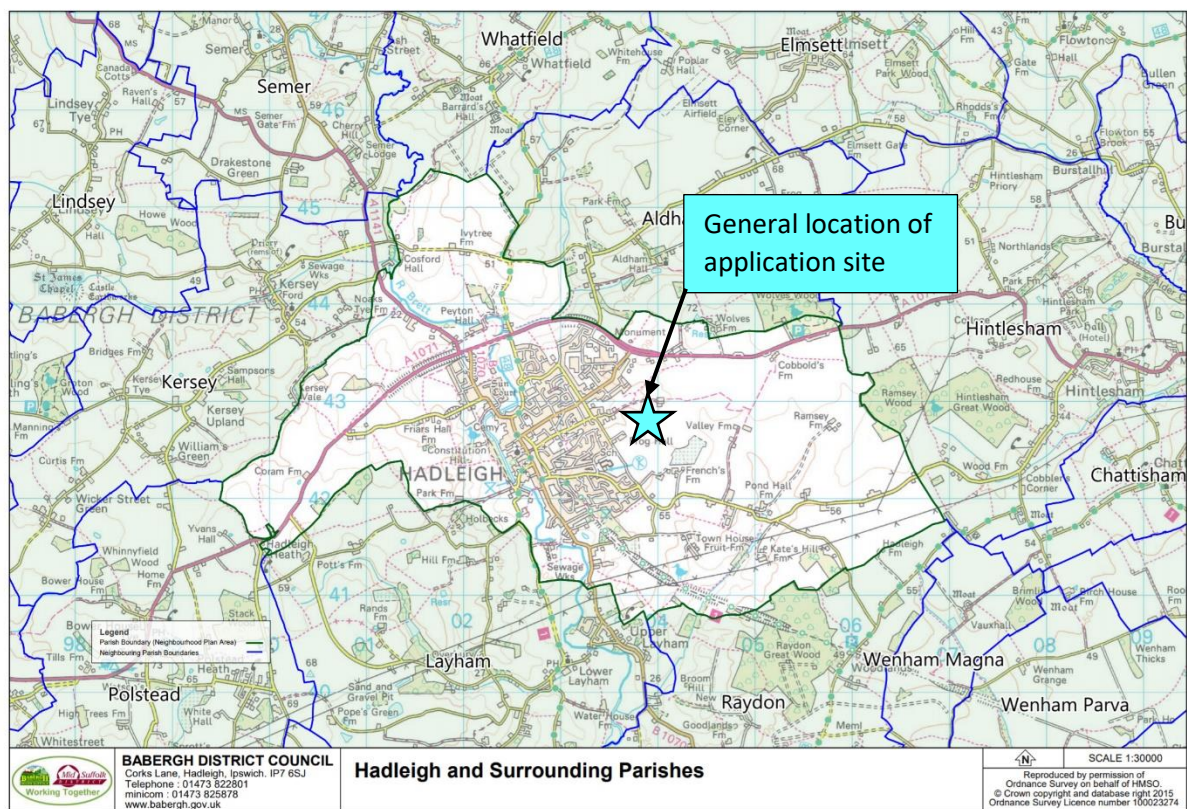


figure 5: Hadleigh and Surrounding Areas Neighbourhood Plan Area

## **Status of the Development Plan**

The Adopted Development Plan for Babergh carries full weight. The Draft Joint Local Plan (November 2020), which was submitted in March 2021 for Examination, is now a material planning consideration of increasing weight. As can be seen from representations to the draft JLP LA028 is an allocation that has attracted very little comment and is supported in principle by Hadleigh Town Council

## **Five Year Housing Land Supply [5YHLS]**

The Council's latest published HLS Statement demonstrates a 6.86 year housing land supply [October 2020]. A consultation draft is in circulation but the consultation period remains open.

## **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**

## **PLANNING POLICY [BMSDC] 1 December 2021**

### ***"1. Policy position***

***The proposed development is on part of the site identified as an allocation in the Babergh Core Strategy and Policies Development Plan Document (February 2014), Policy CS6, for employment land and residential development.***

***The proposed development is also on part of the proposed site allocation LA028 identified in the Babergh and Mid Suffolk Joint Local Plan (JLP) Pre-Submission (Regulation 19) Document (November 2020). This identifies approximately 600 dwellings and 5.5ha of employment land on a larger site allocation.***

***Planning permission has previously been granted on 12<sup>th</sup> June 2020, reference DC/17/03902, for 170 dwellings and an outline planning permission for 0.65ha of non-residential development, also within another area of the LA028 allocation identified in the JLP Pre-Submission (Regulation 19) Document.***

***Therefore, taken together with this proposal, the total number of dwellings on LA028 currently identified is 443, with the remainder of the site to come forward in the future.***

***It is noted that the application proposes a 2.14ha increase to the land area for employment use for outline permission. Whilst this does not conform directly to the Policy (CS6 and LA028) nor is it considered necessary to support meeting the District's overall employment land requirements at the present time, as part of a wider proposed strategic allocation site the opportunity exists for any imbalance to be redressed on site with the master-planning and delivery of future phases of development.***

Officer Comment:

For the avoidance of doubt, the actual employment land area to be secured for such uses will be restricted to 5.5 Ha, in accordance with the lead allocation policy from the current Core Strategy and draft allocation in the JLP.

Whilst it is the case that the overall land area within the outline/"employment" half of the site is of a greater area (7.64ha), as explained elsewhere in this report that land area also includes land reserved education purposes and for strategic open space/infrastructure, as indicated on the masterplan which is capable of being controlled by condition/obligation. Thus, irrespective of such a restriction the application otherwise does provide for the 5.5ha of land for employment uses, consistent with the policies]

## **2. Infrastructure Delivery Plan (IDP) position**

***The IDP of September 2020 provides an updated position from the previous IDP of July 2019, and it sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on 12<sup>th</sup> November 2020 as evidence which supports the JLP – Pre-Submission (Regulation 19) Document.***

***The infrastructure requirements for the proposed allocation LA028 are set out in the JLP. Policies SP08, LP33 and LP35 within the JLP also make reference to the IDP.***

***The position on primary education is noted, however each application must be considered based upon its individual merits. Suffolk County Council have stated that they would like it brought to the attention of the Committee that this approach will mean that latter developments will have to contribute more as there will be less surplus to be shared over the plan period. This would need to be addressed through the district wide Community Infrastructure Levy in accordance with its due process and procedures.***

## **3. Summary**

***Overall, this site is considered strategic and of district wide significance. It remains a key site within Hadleigh and will make a significant contribution to meeting the district needs in a sustainable and accessible location. Therefore, whilst having regard to the issues set out above, the principle of development of this strategic allocation is supported."***

Officer comment:

The Council's Planning Policy Service supports the principle of development of this strategic allocation in accordance with the Adopted Development Plan Policy CS6 and Policy LA028 in the Draft Joint Local Plan (November 2020). Later developments will need to contribute more to primary education provision [including land] as identified by Suffolk County Council, which would need to be addressed through future development proposals and/or the district wide Community Infrastructure Levy in accordance with its due process and procedures. However, it remains a key site within

Hadleigh and will make a significant contribution to meeting the district needs in a sustainable and accessible location. The opinion from the Policy Team should be given strong material consideration. Indeed, Members may take the view, after considering the wider analysis of the relevant planning issues delivered in this committee report along with the details of the scheme explored herein, that it proves decisive.

**Suffolk County Council Highways – Received 06/04/2021 [consolidated commentary].**

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

*Trip Generation and Capacity - The trip rates in the Transport Assessment (TA) for the proposed scheme are suitable for this location. The TA indicates all the junctions will operate within capacity; maximum RFC 0.48 (where RFC of 1.0 is at capacity) in the PM peak hour in the future year.*

*There are 2 points of access to the highway and an emergency access via Tower Mill Lane so sufficient access is provided.*

*There are no recorded personal injury accidents on Ellen Aldous Avenue in the last 5 years. There has been 1 slight accident at the junction of Ellen Aldous Avenue and Ipswich Road and 2 slight accidents at the junction of High St and Angel Street. There is no set pattern to the accidents that have occurred and no clusters of accidents to suggest there is a common causation factor.*

*The developer is willing to contribute towards the highway improvement scheme on Benton Street to mitigate the harm from the development.*

*Department for Transport Local Transport Note 1/20 (LTN1/20) was published in July of this year where ‘cycling will play a far bigger part in our transport system from now on’. This national guidance aims to help cycling become a form of mass transit. Shared footways are to be included in the design to accommodate cycling.*

*Tower Mill Lane is to be improved for pedestrian and cycle connectivity to Hadleigh Town Centre*

*The developer is contributing to a bus service to promote sustainable travel for all.*

*Some of the 4 bed-roomed dwellings with triple parking layouts has been addressed by the applicant.*

*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.*

**NOTE: November 2021:**

**SCC as local transport authority has agreed with the developer a requirement for a S106 obligation for the developer to provide new bus services to serve the sites to a specification agreed with SCC.**

**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:*

*Highway Improvement Condition: Before any dwelling is first occupied, the developer shall provide details and construct the improvements to Tower Mill Lane 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 site 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.*

*Residential Travel Plan Condition: prior to first occupation of any part of the development a Site Wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council (as Local Highway Authority). The approved Site Wide Travel Plan shall then be implemented in full.*

*Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car as set out in the NPPF, and policy CS15 of the Babergh Core Strategy (2014).*

*Employment Travel Plan Condition: prior to occupation of any commercial unit a Full Travel Plan in respect of that commercial unit shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council (as Local Highway Authority). Full Travel Plans shall include Travel Information Packs, commitment to monitor the Full Travel Plan annually and provide a monitoring report to the Local Planning Authority, commitment to fund and maintain the Full Travel Plan until five years has passed after occupation of that unit.*

*Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car as set out in the NPPF, and policy CS15 of the Babergh Core Strategy (2014).*

*Shuttle Bus Condition: prior to occupation of any commercial unit details of Shuttle Bus shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council (as Local Highway Authority). Details to include frequency and hours of operation and size of vehicle.*

*Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car as set out in the NPPF, and policy CS15 of the Babergh Core Strategy (2014).*

*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: The areas to be provided for presentation and storage of Refuse/Recycling bins as shown on Drawing No. 941-P-193A and 941-P-192A 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.*

*S106 contributions*

*Highway Mitigation*

*As previously mentioned, there is a desire to improve Benton Street due to on-street parking and narrow footways. To construct highway improvements on Benton Street, a contribution of £50,000 is required for the scheme.*

*Revised S106 Contributions for PROW as follows:*

*Access is required between the development and the bridleway network north of the A1071 for recreation and leisure purposes. To enable this, Hadleigh Public Footpath 22 and Aldham Public Footpath 3 need to be upgraded to bridleway status. The cost for this is legal order making at £5,000.*

*Hadleigh Public Bridleway 27 provides access between the development and the rights of way network east of the development, including access to RSPB Wolves Wood. Works are required to improve the surface of the bridleway including surfacing a section behind Durrants Farm. Cost is £10,000.*

*Total s106 contributions are £15,000”*

*Enhanced bus services*

#### **Suffolk County Council Highways [supplementary] – Received 18/02/2021**

“There are 7 Plots on Drawing Nos. 941-P-240B and 241B still have triple parking layout for 4 and 5 bedroomed dwellings accessed from what will be public highway. On adopted highway Suffolk Guidance for Parking indicates triple parking is acceptable private drives only. We recommend the layouts are revised to remove tandem parking in front of a garage<sup>1</sup> that is part of the parking requirements where accessed from the adopted highway.”

#### **Officer comment:**

***Further amendments have been received that have reduced the occurrence of triplex parking. Now 70% of what were the remaining open market plots with triplex parking [where access was from adoptable highway] have been modified so as to leave just 3 plots with a triplex arrangement accessed from an adoptable highway.***

***With this amendment and subject to securing the S106 contributions identified later in this report and appropriate conditions the local highway authority is satisfied with the proposal from a highway safety and capacity perspective. Persimmon’s attitude to making widespread amending of off-street parking arrangements is welcomed.***

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<sup>1</sup> This constitutes triplex parking and the position has changed following a series of amendments



**Members are advised that negotiation has been ongoing between officers of BDC [DM] and SCC [Highways] and Persimmon in order to further enhance pedestrian and equestrian safety along Tower Mill Lane [PRoW including a bridleway] and additional improvements have now been agreed that will be secured under the Highway Act by SCC. [S278/38 as appropriate].**

**These include:**

- **Creation of pedestrian 'lay-bys' to allow pedestrians to step off the track and out of the way of the limited number of vehicles that presently enjoy a right of access to and from the small number of properties along its route.**
- **Creation of a gateway feature at the western end of Tower Mill Lane to draw attention to the fact that the lane is used by walkers and horses/riders**
- **New signage to warn of pedestrians and horses in the road**
- **The construction of 4 x raised tables to reduce speed and raise driver alertness to potential hazards**

**Members will also be pleased to note that SCC [Highways] and Persimmon are working to identify a scheme of managing private access to Tower Mill Lane that will make it possible to prevent unauthorised access to vehicles from the extended spine road that will serve Phase 2. [as it will cross Tower Mill Lane]. This is important to safeguard pedestrian and equestrian safety along the Lane but must also afford the occupiers of Durrants Farm continued access via the Lane. A verbal update on the mechanism selected to deliver that objective will be given at the committee meeting.**

**The Highway Authority has also identified a need for a safe means of crossing the extended spine road where it crosses Tower Mill Lane and it is expected that the selected mechanism will resolve all of these issues and requirements**

#### **Suffolk County Council Highways – received 18/02/2021**

“ It has come to light that some of the contribution requests for Public Rights of Way Team have previously been secured from Phase 1 of Hadleigh East Urban Extension. The request is shown below for off-site contributions.

The developer is reminded that details on how Tower Mill Lane and the Bridleway 27 affected by the site have not been provided. As the extension to Ellen Aldous Avenue will cross Bridleway 27, the crossing point will require some form of traffic calming/management. With the proposed residential and employment areas, there may be a need to consider a controlled crossing; as it's a bridleway, Toucan or Pegasus Crossing. We recommend the developer investigates if a controlled crossing point is required (measure the degree of

conflict between pedestrians, cyclists and horses crossing the road and the two-way traffic flow).

Revised S106 Contributions for PROW as follows:

- Access is required between the development and the bridleway network north of the A1071 for recreation and leisure purposes. To enable this, Hadleigh Public Footpath 22 and Aldham Public Footpath 3 need to be upgraded to bridleway status. The cost for this is legal order making at £5,000.
- Hadleigh Public Bridleway 27 provides access between the development and the rights of way network east of the development, including access to RSPB Wolves Wood. Works are required to improve the surface of the bridleway including surfacing a section behind Durrants Farm. Cost is £10,000.

Total s106 contributions for PRoW are £15,000.

### **Communities Major Development – Received 18/12/2019**

“Although the lack of sporting provision within the town is referred to within the Design and Access Statement, as is the opportunity to consider the rugby club's needs within Phase 2, this has not been followed up within the submitted plans. I would like the opportunity to explore this further and/or consider any alternative contribution towards addressing this specific need or overall deficit, noting that the high school is nearby and an important contributor to local sporting provision.”

Officer comment;

A sports provision contribution has now been agreed and would be secured through a S106 Agreement. **[£98,250]**. Expanding rugby facilities could be one of the projects necessary to accommodate additional; demand from this development.

### **Public Realm – 06/02/2021 [comments from Corporate Manager for Public Realm]**

“Thank you for re-consulting the Public Realm Team following the receipt of amended drawings for the proposed development known as Hadleigh 2. I am aware that the Team has previously provided commentary and has done so as recently as December last year.

As you may also know Babergh District Council is in the process of bringing open space maintenance back in house this year. I am leading this project, the result of which will create a public realm team with the capacity to ensure high standards of management and maintenance across Babergh and Mid Suffolk districts.

I can now state that the Council is willing to consider the adoption of public open space within major developments again.

I realise that this may well chime with the needs of private housebuilders as the creation of management companies to manage such spaces and the levying of service charges has become something of a challenge in the light of growing customer . Affordable Rented Housing Proposed Mix NDSS dissatisfaction.

I hope therefore to work with Persimmon in delivering an excellent management product that will assist in the marketing of their homes to purchasers who are more familiar with the principle of such spaces being managed by their local council for the public good.

In terms of why I believe there is a need for a NEAP, I am taking a strategic overview of what is happening in Hadleigh, particularly on its east side largely through Persimmons commitment to building. Current policy CS6 identifies a need for a masterplan to be developed for amongst other things to allow the Council to ensure that future social infrastructure is delivered along with new homes and jobs. I note that such a masterplan has not been produced but I am aware that this site forms part of a strategic allocation of housing and as such will not currently provide CIL funding.

It is my strong professional opinion that a strategic allocation which in time will produce 600 new homes (of which Phase 2 is designed to deliver 273 dwellings if approved) to complement the 170 already under construction (phased 1b) and Weavers Meadow (Phase 1 now complete) will generate the need for a range of play facilities across the entire strategic allocation.

I note and welcome the delivery of a LEAP. This is a good start to delivering facilities to cater for children who are beginning to go out and play independently. And the urban gym trail within phase 1b.

The Covid-19 pandemic and in particular the local lockdown restrictions has forced people to make better use of their local area and demonstrates how important it is to have recreational facilities close to homes to enable social interaction, wellbeing, and fitness as well as the acquisition of social skills. We have seen significant increase in the number of people using, and the frequency of use, of our parks, play spaces and footpaths. This need will not go away once we are again free to move around at will, people have realised the benefits of local access to facilities – and are now used to using them.

A NEAP is a key part of the overall public space jigsaw, offering play facilities for older children with play opportunities for younger children and something that becomes a hub for community social interaction. A good quality NEAP is a valuable local resource with people willing to walk at least 10 minutes to get to it. Purchase and installation costs for a NEAP is £91,000 and its delivery fits with the Council's open space strategy and is another part of its wider Communities strategy.

I have considered the management regime likely to be employed by the Council for the open space and I believe that the majority should be managed as parkland. Well managed parkland provides significant benefits for local biodiversity (habitat, food resources) and in turn provides improved residential visual amenity to the properties it surrounds. Well-designed planting schemes can also significantly help with carbon sequestration and influence atmospheric dispersion of pollution and its deposition.

On that basis I will calculate the commuted management sum and provide that figure shortly.

I am keen that from here on my Team is closely involved with developments of this nature from the earliest stage possible as I want to ensure that developers get a good service and in turn our communities get real benefits from that development.”

**Officer comment:**

***The updated comment from the Public Realm Manager has resulted in the inclusion of pro-rata<sup>2</sup> funding for a NEAP in the S106 package a facility that was identified locally as being needed. [see comments of Hadleigh Town Council and Hadleigh Society for example].***

***Managing the majority of the open space as parkland if offered for ‘Adoption’ with an appropriate maintenance sum with able all the adopted areas to be careful maintained and for the Council to take a positive lead in enhancing biodiversity across the site and for developing an environment capable of responding to and adapting to climate change over time- or a management company***

**Hadleigh Town Council – Received 17/01/2020**

Hadleigh Town Council objects to the proposed development

- Proposed development does not meet some of the Babergh planning policies

**Officer comment:**

***Unfortunately, the objection does not identify which policies HTC believes are breached by this application.***

***Members will see from the report below that the site is actually allocated for development purposes of this nature in the Adopted Core Strategy and is therefore acceptable in principle, subject to compliance with the relevant criteria***

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***Without refinement from HTC it is difficult to provide a detailed response but the report below explores the extent to which the application meets Council planning policy and the planning balance provided towards the end of this report concludes that there is a strong compliance with both local and national planning policy.***

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<sup>2</sup> As a percentage of remaining LA028 dwelling numbers in this case  $0.65 \times \text{£}140,000 = \text{£}91,000$  site may be adjacent phase

- There is insufficient infrastructure to accommodate the quantum of houses proposed

**Officer comment:**

***The S106 package described in detail in this report will deliver a comprehensive package of infrastructure benefits [it is however noted that the Town Council comments being analysed here are from January 2020 and the S106 package has developed further since this date.***

- No meaningful green space

**Officer comment:**

***The concern of the Town Council is noted and whilst parties may disagree over what is meant by 'meaningful' it is clear that the Council's Public Realm Team believes the strategic open space within this proposal is acceptable and provides what will become a new green hub within this Urban Extension Area.***

- No landscape buffer between employment and residential areas

**Officer comment:**

***Amendments have been secured to deliver such a buffer and a condition is recommended within the employment site to secure a minimum 20m deep planting buffer around the entire perimeter of the site***

- The development would be car-dominated with poor accessibility for pedestrians and cyclists
- 

**Officer comments**

***This concern was shared and subsequent negotiation and amendment has resulted in a what is now a pedestrian and cycle friendly layout. It is further noted that the proposed S106 package now delivers bus service improvements, improvements to Tower Mill Lane and other designated public footpaths along with electric vehicle charging to all plots.***

- Poor emergency vehicle access arrangements

**Officer comment:**

***Adequate provision has now been made through amendments***

- No provision for social/ community/ sports uses

***Officer comment;***

***This was a valid concern that has since been remedied by the agreement of the following elements within the proposed S106 Agreement:***

- ***£91,000 towards a Neighbourhood Equipped Area Play facility***
- ***£98,250 towards delivery of sports facilities***
- ***Multi-million pound education contributions***
- ***£157,300 towards the expansion of healthcare facilities***

***The application as submitted did include a site for a new early years facility***

- The development is too dense resulting in an over-developed site

***Officer comment:***

***Density levels are well within acceptable limits 32.5dph [net] within what is a settlement at the apex of the Council's settlement hierarchy. The site includes at least 10% strategic open space and the layout has been devised to create a stimulating and attractive place.***

- Out of character with the local vernacular

***Officer comment:***

***"The site must now be read in the context of Weavers Meadow Phase 1 and 1b to the north and north east respectively. Clearly land south of Tower Mill Lane currently has a rural character because it is countryside. However, when the site was allocated within CS6 as an Urban Extension Area that dictated that its character will change to absorb the need for the growth of an established Town at the apex of the Council's settlement hierarchy. The description describes exactly what is expected. It is not realistic to expect village character to dominate here because the density of development required to meet the allocation target is necessarily higher than that in a typical edge of village context. However, within the proposed layout there are character areas that do include an urban village green and the open space has been carefully designed into the layout to create a sense of airiness as will be explained in great detail later in this report. It should be noted that at 32.5 dph the density is at the low***

***end of what might ordinarily be considered an urban density which may reach 45-55 dph. Obviously in City Centres the density often even exceeds such density levels.***

***A density of 32.5dph is right here because it allows good levels of open space, rear gardens, off street parking and good urban design all to be provided without compromise and the target level of development to be achieved.”***

- Allocation is considered out of date given the forthcoming Joint Local Plan and should be considered premature

***Officer comment:***

***The Council has an up to date Development Plan that being the Core Strategy 2014. Within that Plan this site is allocated under Policy CS6 for a development of this nature.***

***It is therefore incorrect to suggest the allocation is out of date.***

***If HTC means the CS 2014 is due to be superseded by the Emerging Joint Local Plan and therefore any decision on this site if taken now will be premature misunderstands the relationship between an Adopted and up to date Development Plan and an Emerging Development Plan.***

***The starting point for any decision taker [In this Case the Council’s Planning Committee] is the Adopted Development Plan [even where this may be out-of-date which is not the case in Babergh]. The NPPF at paragraph 11 states that decision takers should be***

***“...approving development proposals that accord with an up-to-date development plan without delay;”***

***That is the case [with S106 mitigation and conditions] here.***

***Members will also note from the report that follows that within the Draft JLP Nov 2020 this site forms part of a larger site allocated for similar purposes under the allocated LA028 and so the status of the application site does not change between Development Plans.***

***To be fair to the Town Council it is right to say that the JLP has moved on since HTC’s comments were received in Jan 2020 but the basic position in respect of CS6 has not.***

**Hadleigh Town Council UPDATED COMMENT [following re-consultation]  
LATEST COMMENTS of 13 January 2021**

*“It was agreed to oppose the plans; that we fully concur with the views of Hadleigh Society and we believe there is an overdevelopment of the area, a strain on infrastructure and not enough green space.”*

**Officer comment:**

***Hadleigh Town Council has re-iterated its earlier objection and therefore the officer comment provided in respect of that initial objection remains valid in terms of the Town Council’s restated position***

**Public Health Suffolk – Received 27/11/2019**

“We recommend the applicant to undertake Health Impact Assessment using the tool developed by Suffolk Public Health. The applicant should be encouraged to discuss the HIA scoping with Ipswich District Council [*sic*] and Suffolk Public Health prior to submission. This should address social infrastructure or should be included within the HIA and cross referenced.”

**Officer comment:**

***A Health Impact Assessment has not been required by the local planning authority as the site is not within or close to an Air Quality Management Area [AQMA]. It is also noted that many of the issues have been tackled in discussion with Persimmon in the interest of promoter public health and wellbeing.***

Neighbourhood

- Since the plan shows a high density of housing developments, there needs to be clear guidelines for dealing with issues such as pets, parking and noise in order to not cause undue stress and poor mental health
- “We recommend considering a dedicated space for community to promote physical activity, engagement of mixed population groups, health and facility etc.”
- 

**Officer comment:**

***10% open space being provided ; new footpaths and cycleways, FP improvements and NEAP funding.***

Housing

- “As this is a new build we assume it will meet all quality standards – living in a good quality and affordable housing is associated with numerous positive health outcomes for general population and those from vulnerable groups, including improved social outcomes among older adults, reduced injury among older adults and children and improved physical and mental health”



- It is important to consider affordable, diverse and secure housing groups with vulnerable groups

**Officer comment:**

***Exercise facilities have been built into this development to complement an urban gym trail secured within phased 1b. All affordable dwellings meet NDSS***

Healthier Food Environment

“We would recommend the new development should consider allocation for residents to reduce the risk of cardio-vascular diseases such as allotments and adequate garden space”

Officer comment:

Every dwelling has its own private garden

Natural and Sustainable Environment

- Construction noise and dust need to be carefully considered and mitigations are considered in the planning application
- The traffic could be the main potential sources of poor air quality in the area during the construction as access roads to be used to get to construction site – traffic would also be the main source of air pollution after the construction
- “There will be a need for onsite energy production by renewable energy, and confirmation is needed that this will not affect air quality”

**Officer comment:**

***Construction activity will be controlled via the need for a Method of Construction Statement [prior to commencement condition]***

Transport

- “We would recommend the applicant consider active travel provisions for all age population group, provide with shed/ racks for those who chose to travel by cycles”
- “The applicant needs to consider traffic calming measures in areas where it is close to main roads and roundabouts”

**Office comment**

***All dwellings have a lockable shed, cycle ways are included as are charging and enhanced bus-services***

**Suffolk County Council Flood and Water Management – Received 20/12/2020 [reaffirmed 01/02/2021]**

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

- Flood Risk Assessment and Drainage Strategy Ref 619574-MLM-ZZ-XX-RP-C-0001 Rev 05
- Ref 5171,SK/GF/LRT001/23-09-2020/V1
- Site Location Plan Ref 941-P-099
- Planning Layout Ref 941-P100 Rev B
- Planning Layout Coloured Overview Ref 941-P-101 Rev C
- Phase 1 and 2, Desk Top Study and Site Investigation Report Ref 2815,SI/SITEINV/EP,SG/14.02.18/V2 Issue 2
- Proposed Landscape Master Plan 941-E-SK108

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

1. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated October 2020, ref: 619574-MLM-ZZ-XX-RP-C-0001 Rev 05) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

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-assetregister/>

3. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, detailing how surface water and stormwater 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:

a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life

#### 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 is 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

#### Outline 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. Further 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;
- 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-ondevelopment-and-flood-risk/construction-surface-water-management-plan/>

4. 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-assetregister/>

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 is 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

### **Environmental Health – Sustainability Issue Response – Received 11/12/2019**

Should planning permission be granted, Sustainability recommend the following condition:

“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). Details as to the provision for electric vehicles should also be included.”

### **Suffolk County Council Fire and Rescue – Received 26/11/2019**

Hydrants are required for this development.

#### Access and Fire Fighting Facilities

- “Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document – 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 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”

#### Water Supplies

“Suffolk Fire and Rescue Service recommends that fire hydrants e installed within this development on a suitable route for laying hose (for example avoiding obstructions). However, it is not possible to determine the number of fire hydrants required for fire

fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies”

#### Sprinklers Advised

- 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
- Consultation should be made with the Water Authorities to determine flow rates in all cases

#### **Suffolk Fire and Rescue Service – Automatic Fire Sprinklers - Received 26/11/2019**

- Consider the benefits of installing automatic fire sprinklers in your house or commercial premises

#### **Ecology Place Services – Received 13/12/2019**

**“Brief description of the Habitats Sites within scope [follows....]”**

#### **Stour and Orwell Estuaries Special Protection Area**

The Stour and Orwell Estuaries have been designated as an SPA under article 4.1 of the EU Birds Directive (79/409/EEC) as it is used regularly by 1% or more of bird species listed in Annex 1. In summer, the SPA supports important numbers of breeding avocet, *Recurvirostra avosetta*, whilst in winter they hold major concentrations of waterbirds, especially geese, ducks and waders. Additional Annex 1 species recorded include Hen Harrier *Circus cyaneus*. The site also qualifies under article 4.2 of the Directive as water assemblages of over 20,000 birds use it regularly in any season.

#### **Stour and Orwell Estuaries Ramsar Site**

The Stour and Orwell site is a wetland of international importance, comprising extensive mudflats, low cliffs, saltmarsh and small areas of vegetated shingle on the lower reaches. It provides wintering habitats for important assemblages of wetland birds and supports internationally and nationally important numbers of wintering wildfowl and waders, and holds several nationally scarce plants and British Red Data Book invertebrates.

#### **Summary of recreational disturbance mitigation package**

#### **Test 1: Likely Significant Effect**

The development is for up to 273 dwellings within the 13km Zone of Influence (ZoI) of the Stour and Orwell Estuaries SPA and Ramsar site and therefore mitigation, in line with the emerging Suffolk Coast RAMS, must be provided to minimise the impacts of increased recreational disturbance at the coastal European designated sites (Habitats

sites). This is because it is considered likely that residents of new housing will regularly visit the relevant designated sites for recreation purposes.

It is considered by Babergh District Council to be “relevant development” in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity.

### **Test 2: the integrity test**

Information to inform HRA Screening and Appropriate Assessment has been submitted in support of the application by James Blake Associates Ltd 2019, which provided sufficient information to allow Babergh District Council to prepare the appropriate assessment. As a result, the following mitigation measures have been secured:

- Provision of SANGS and recreational opportunities for a 2.7km daily walking route for new residents (273 dwellings will generate 655 new residents (based on 2.4 people/dwelling) and 82 dogs (based on Kennel Club figures for 30% households owning a dog). These opportunities shall be promoted by way of leaflets and an interpretation board on site for the high quality greenspace to be provided as shown on the submitted and connections to the local public rights of way network. To secure the management and maintenance of these provisions, the developer will produce a long term management plan (as a condition of consent) and has committed to including signage within the open space to promote it for recreation and leaflets for new residents.

#### **This mitigation aims to avoid impacts from the development alone.**

- The proposal to erect 273 dwellings will trigger a proportionate financial contribution towards offsite visitor management measures for the Stour and Orwell Estuaries SPA and Ramsar site, in line with the Suffolk Coast RAMS Strategy for delivery prior to occupation.

#### **This mitigation aims to avoid impacts from the development in combination with other plans and projects.**

#### ***Officer comment:***

***Appropriate funding is being secured through the required s106 Agreement and must be paid on commencement. Dog bin provision within open spaces on the development is also required via S106 Agreement + a contribution towards collection. Members are advised that circular routes within the red line measure a length of at 3168m. [3.168km]. The requirement above is more than satisfied.***

**SCC Development Contributions Manager – Received 24/11/2021**

## LIBRARY CONTRIBUTION

SCC have asked for £58,968 towards improvements for Hadleigh Library. SCC are under a statutory duty as set out in the Public Libraries and Museums Act (1964) to provide a flexible library service for people who live and work in Suffolk. SCC has taken the approach that flexibility means being able to access whatever library or library service is convenient at the time or place that it is needed. However for the purposes of securing developer contributions to ensure this, SCC must look at the most conveniently placed library to the development to identify what would be required at that library which will mitigate the proposed development, in order to make it CIL compliant.

Libraries are no longer just book lending entities, they provide access to information, advice and guidance on a range of services including (and not exclusively): employment advice, financial support, mental health support, access to the internet for children and adults on low incomes, perinatal information and advice, as well as the traditional offer of book loans and activities.

The way people access library services has therefore changed. Physical attendance at events and digital engagement has increased significantly. The change in the way people use libraries does not mean that the Hadleigh development will not increase its use. EFM have looked at how libraries have been in the past (book issues etc) whereas when people sign up to the library service, they become a lifelong user and access the service in different ways throughout their life-time.

The EFM report states that the FOI justifies that visits and items issued have declined. We do not see this as a reason to not invest in the library service as I will set out.. If we look at the data for the last recorded year 2019/20 we can see that library use between 2017 to date is on an upward trend (given the pandemic circumstances). The below are extracts from the FOI data.

1. The number of active borrowers (people who have borrowed at least one item during the last year).

Library	2014/15	15/16	16/17	17/18	18/19	19/20
Hadleigh	2116	2117	2011	1988	2276	2248

We can see there was a dip in 2017/2018 but that active borrowers was high in 2018/19 and was only a fraction smaller in 2019/2020, a reduction of only 28 borrowers between the last two years at a time when there was a pandemic and people were nervous to go out and all 'usual' habits changed. Overall there is a pattern that libraries are still being used in Suffolk. They are an important part of the community and even more so in rural areas post the pandemic.

2. Number of visits

Library	2012/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
Hadleigh	73,427	72,453	69,769	62,849	57,558	50,704	52,671	61,548

2017/18 BUT that there has been a significant increase in the past 3 years. In 2019/20



the difference from the year before was 61,548 (19/20) from 52,671 (18/19) this is an increase of 14.4% (8,877 visits).

Pre pandemic visits from 2017/18 were rising (£50,704 to £61,548) as libraries moved towards providing greatly needed social infrastructure. Since the pandemic libraries have been a central hub for other activities and have moved away from just being a borrowing of books facility. These activities and experiences fulfil a key role in reducing loneliness, increasing community cohesion, and supporting those most in need. By their nature they require floor space and as communities expand it is anticipated that audiences will not only recover but continue to grow.

E-borrowing has significantly increased as libraries have adapted to changes in the way people read and library space is adapting to the way people want to use the space. The number of e-book issues rose from 515,241 in 2018/19 to 959,586 in 2019/20 almost double. Many libraries now serve the groups most in need which can only truly be identified after the population has moved in. e.g. mums and babies clubs, job seekers support services, elderly social events to prevent loneliness and maintain independence etc.

The current floor area in Hadleigh is 390sq meters which is under the recommended floor area of 620sq meters for the catchment area of approximately 20,000 people. Additional population growth as proposed by the Hadleigh development will put pressure on the services being provided by the library and it will need to expand and improve to cater for this. Failure to secure funds will result in this library not being able to meet the needs of the population that this development will add to.

Specific projects for the Hadleigh library have been identified as:

- 1) Replacement of the floor to extend the use of internal space to meet anticipated demand in all age groups.
- 2) A dedicated children's area within the library to generate a safe environment for learning and fun

Anticipated costs of development are approx. £30K for floor replacement as the structure for attaching the floor is already in place. Children area fit out circa £25 to £30K based on similar fit outs. **SCC maintain their position of requesting £58,968 which will be spent on Hadleigh library on the two projects identified**

## **EARLY YEARS AND PRIMARY CONTRIBUTIONS OVERALL STATEMENT**

The county council has gone to great lengths to meet with EFM and listen to their arguments for reducing developer contributions from this site. This has taken up considerable officer time which the county have felt was necessary to ensure that both sides were understood and listened to. The site is seen as a strategic site by the LPA in the emerging joint local plan and has as a result (currently) been deemed as zero for CIL purposes.

The main issue of discussion has been the pupil yield and surplus places (the capacity buffer) for both early years and education. The county have responsibility for pupil and place planning and have been using these established formulas in local plan preparations across the county: East Suffolk which is approved; BMSDC which is emerging and West Suffolk which is just starting the local plan process have all had their education requirements determined by the use of the same formula. The county has a duty to look at the whole county and plan

accordingly. To deviate from the formulas that have been used to date could jeopardise the viability of the place planning process and the local plans already approved and in examination.

“Securing Developer Contributions for Education” published by the Department for Education (DfE) in November 2019 states in paragraph 13 page 9 that "All education contributions are based on an assessment of probability and averages, recognising that the precise mix of age groups and school choices cannot be known before a development is built. "

The County do their best to accurately plan but until the actual population move into the area, the county are reliant on a tried and tested formula, which includes a buffer which allows for parental choice and the unknown factor of who will actually live in the houses. To date these formulas have worked well and we have not had any place planning crisis where children couldn't be offered a school place. We have been using these for over 20 years

## **EARLY YEARS CONTRIBUTION**

Looking at the EFM report Nov 2021 and the issues raised my comments are as follows:  
(3.1 and 3.2) Both parties agree that there should be a provision of a setting on site as in accordance with the emerging joint local plan policy LA028. SCC will pay £1 for the site. The table provided in the County's response is a standard costs table. Apologies if this miss led the audience that the developer would be paying the £1.

The drafty joint local plan policy LA028 for this site states

**measures;**  
**X. A free serviced site of 0.1ha should be reserved for a new pre-school school plus proportionate contributions towards the build costs;**

### **SCC will pay £1 for the early years site**

(3.3) The report states that the developer would still like to retain the option to build the setting. As stated previously the onus would be on the developer to satisfy SCC as to how this can work whilst maintaining safeguards, overcoming defects etc. SCC have an established arrangement for early year setting provision and it would be very unusual for the developer to construct the setting. The cost to build the setting will no doubt be more than the contribution being requested from this development. SCC have other contributions previously secured to deliver this. SCC would need to have control over the final costs if a third party were to construct the setting. There would need to be a partnership arrangement established which gave SCC the decision making and final vote on design and costs to meet statutory requirements. SCC would only be willing to contribute the finance for the remaining places being provided in addition to the 22 which this development will generate if all the measures set out in the S106 are met. A very tight legal agreement would be required to protect the county financially and to ensure the successful delivery of such a provision.

It would have to be built to SCC specification in a timeline that met the need for the area, which would need to be set out by SCC over which there would be very little negotiation. The building would have to be built to EYFS premise requirements so that it was able to be registered by Ofsted as childcare premises. These are responsibilities that the county council has a duty to achieve and failure to do so could result in the building not being acceptable.

The DfE Developer Contributions paper annex comments further on requirements for developer delivery of new schools regarding state aid. (I have made the assumption that the guide applies as equally to early years provision as it does to a new school.) This model of delivery should not contravene state aid or public procurement rules, as it may require public subsidy. It would be imperative for the county to be reassured that the cost wasn't more than market costs. The annex further advises how this can be done which protects the county with key points for example when assessments can be made for the county to step in and take over.

**The county would prefer to deliver the Early Years setting itself and would only accept the developer doing so if the developer could assure SCC that it would meet the correct specification.**

(3.4) It would appear that we are still at odds with the calculation. EFM do not agree with SCCs calculation. EFM feel that it does not appear to take account of the number of children entitled to 30 hours of free care. SCC have looked at the number of children likely to arise from the development. We then applied the entitlements that each group of children are eligible for (2 year funding, universal funding and 30 hours), and this was turned into full time equivalent places.

Using a dwelling based approach we conclude the following :

$15.1 \times 2.73$  (273 houses divided by 100 houses) = 41.2

5% buffer = 2.06

$2.06 + 41.2 = 43.26$  (15 hours) so 44 lots of (whole children) at 15 hours which equals 44 divided by 2 to give us 30 hours = 22 places not 24

OR Retaining the decimal point  $43.26$  divided by 2 = 21.63 rounded up to 22 places

**or SCC could concede  $21.6 \times \text{£}20,508 = \text{£}442,972.80$**

**SCC are requesting  $22 \times \text{£}20,508 = \text{£}451,176$  for new early years provision**

(3.5 )

a) Rounding up: the council has a duty to provide a space for a child. If the formula calculates more than a whole number then the calculation has been rounded up as places are required for a whole child. Had the above figure been less than 21.5 we would have rounded down to 21. As you will see from above SCC is willing to concede to the decimal place should the LPA feel appropriate.

The government publication Securing Developer Contributions for Education November 2019 refers to places being provided by developer contributions. It does not make reference to part places or the accumulation of part funds. The formula for early years has worked in SCC to date. All estimates are based on probability until the actual number of children and their ages are known.

b) The addition of 5% as a buffer: SCC remain consistent with this that we will require a 5% buffer to enable us to place plan. I will address this more fully later in my response.

c) Lack of recognition that not all eligible children take up places: SCC has a duty to provide sufficient places for ALL children. EFM have suggested take up rates should be included in the formula. SCC are of the opinion that as we have a duty to provide for every child who wishes to attend. Our objective is to do this and to strive to achieve 100%. SCC do not accept a reduction as proposed by EFM as this would be contrary to the Governments objectives which we are duty bound to deliver.

d) Lack of recognition of local moves (Accounting for children already in the area). SCC's remains of the opinion that as we have no specific data for the area so we are unable to make this adjustment. Houses built will increase the housing stock in Hadleigh, even if children are already in local schools, they will be vacating a house which could then be filled with another family and so on down the chain. If they are new to the area then they will move in to the local school. Some families may have children in a different school and may choose to move so that they can become within catchment of the new school and move schools. Until the actual family move into the house none of this data is known. What we do know is that this development will increase the housing stock across the county and that a house could have children in it and if they do SCC are required to provide a place for them. Old houses are not demolished when a new house is built.

e) Lack of recognition of the part year factor (Delay Start). This was raised in EFM's June Report, although it is now accepted the factors suggested at that time were incorrect. This aspect has been the subject of a considerable amount of discussion, and EFM has now reconsidered the position further. Firstly, EFM does accept that SCC needs to plan for take up in the Summer Term, which SCC identifies as the point of maximum demand. Notwithstanding this, EFM is firmly of the view that there is a point to be understood here that SCC has not yet accepted

SCC comment: It would appear that agreement has been reached on the 2 and 3 year old provision but now EFM are suggesting a reduction for 4 year olds. SCC must plan for the summer term when take up is at its fullest. The 4 year olds haven't gone to school yet but will do so in the autumn. To look at a cohort of Early Years children we count how old each child will be on the 31<sup>st</sup> March in the year we are forecasting for. This is because School Reception starts in September for all children – 1 point of entry. In Early years there are 3 points of entry as children become eligible for funding the term after their 2<sup>nd</sup> or 3<sup>rd</sup> birthday. In the Autumn term (Sept-Dec) Nurseries are less full as older children have left for School and younger children will be turning 2/3 throughout the year. By the Summer term there are three groups of children who have become eligible for funding throughout the year.

**SCC are seeking an Early Years contribution of £451,176 for 22 places. EFM are suggesting £296,781 which is for 14.7 places. This reduction in the number of places generated is because of a number of factors which SCC does not agree with as outlined below:**

1. Vacant dwellings adjustment of 2.2%. SCC can reassure EFM that this has already been taken into consideration in the formula and this would be double counting.
2. A take up factor : SCC pay for all Ofsted registered child care spaces irrespective of the setting in which they are provided. Those settings which are voluntary drop in sessions with both parent and child would not fall into this category. This covers all those that require a formal Ofsted registered place. As stated above SCC have a duty to provide for all children and this responsibility lies solely with us so we must plan for that full responsibility.
3. A local moves factor : EFM are suggesting an 80% reduction in the figure. SCC are unaware as to where this figure has come from. Houses that are moved out of by families with children in a setting will most likely be back filled by other families into those houses, creating a chain reaction. More houses means more people.
4. A part year factor. This issue has been discussed at length with EFM and Head of Planning as summarised above. SCC have looked at this and feel that our formula has considered this for all early years age groups.

**CONCLUSION** : EFM conclude from their calculation that only 14.7 places are required, SCC maintain 22 (or 21.6) are required and have justified our position above. SCC do not accept a vacant dwelling adjustment (as this has already been included), nor a take up factor ( as we have to provide and plan for 100%) or local moves factor (SCC has no specific data for Hadleigh to be able to do this), nor a part year factor (as we assess from end March each year when provision demand is at its maximum )

**SCC are requesting 22 x £20,508 = £451,176 for new early years provision or 21.6 x £20,508 = £442,972.80**

## **EARLY YEARS LAND**

The application included land for the pre school setting in outline. SCC highways commented that the proposed scheme still had some outstanding issues that needed to be resolved. My early years colleagues have met with Concertus and highways and have made the following comments regarding the proposed location:

1. Inadequate car parking for the centre;

The current design is unable to provide enough parking on site for the 60 place setting. Highways raised this earlier as an issue. SCC advice: If the site was a more regularly rectangular shape this could accommodate the additional parking, this would also allow Persimmon to ensure that there is no break in the footpath which Highways were concerned about. Concertus will draw up what we believe would be an acceptable boundary shift.

## 2. Pre- school foundations and new tree locations;

The Developers proposed new trees will affect the depth we need for Pre School foundations. As a result SCC will need to agree with Persimmon that the location of new trees won't affect the foundations of the building.

3. Right of access over unadopted roads and access rights for the Pre School to connect to the highways; SCC will require right of access over unadopted roads. There is currently no access rights for the Pre School to connect to highways. This will need to form part of the S106 and the land transfer agreement.

4. Agreement will be needed to connect to foul and surface water sewers as well as what will be required for utility connection. This will need to be supplied by the Developer, SCC can provide details on what will be needed in terms of utilities if required.

## **EDUCATION CONTRIBUTIONS**

### 5% BUFFER

The 5% buffer is an issue which SCC and EFM can not agree on. Having reflected on the buffer issue and taken into consideration the discussions that have been had between SCC education colleagues and the points raised by EFM and the conversations between the Head of Planning at SCC and Jan Kinsman from EFM, SCC is of the opinion that SCC must retain the request for a 5% buffer.

EFM has said they want 0% but would accept 2%. 2% is the basic need minimum for the existing stock whereas a greater banding is recommended by the Audit commission (2002 which was the latest review on the matter) and 5% is at the lower end of their recommendation. The 2% figure is based on basic need which has a shorter funding window of three years which is a far greater risk to the county especially where it concerns a large development which may be built out over a considerable amount of time.

As stated earlier the County has a responsibility to place plan across the whole county and the formula with the 5% have been used to inform the local plans of East Suffolk, BMSDC and the start of West Suffolk's plan preparation. To remove this 5% capacity buffer will potentially undermine the county's ability to deliver its statutory duty.

SCC has had the same formula in place since since at least 2011 when the first developer guide was published by the county. This was based on the NAO reports from 1996 and 2002 that identified it as 'The bare minimum for education authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools'

SCC original request was for £1,122,420 in our response in December 2020. From discussions with EFM, SCC have reduced the primary contributions to reflect surplus places and permissions already granted in LPA. The revised request is now: £448,948 which includes a 5% capacity buffer.

When I met on Monday 15 November with yourself and BMSDC Head of Planning the county were asked to consider whether this 5% could be separated out in the S106.

This 5% is a capacity buffer which we include in all pupil place planning. It is not an additional 5% of costs. It is related to the number of places we keep surplus as no formula is 100% accurate as no one knows who will actually move into the area. EFM are of the opinion that there shouldn't be a buffer at all and in doing so feel that without it, there are sufficient places for their development and that they should be awarded all the places leaving no room for error in the formula. They are suggesting they pay nil contributions for primary education.

The Department for Education published guide: Securing Developer Contributions for Education November 2019: Top of page 5 states : This guidance is not intended to replace local approaches, which often provide detail on: .....(others listed but excluded as this is the most relevant )

- Minimum surplus capacity to allow for fluctuations in demand and parental choice, not counted as available when calculating developer contributions.

In this statement it can be concluded that the DfE accept and support that authorities should have a minimum surplus built into their calculations

SCC feel that 5% is a low minimum surplus. SCC do not want a situation whereby the County have to request additional funding from the developer should the 5% buffer not be included.

SCC have used a 5% buffer in line with a large number of Local Authority areas for a long time now and it is our established approach to ensuring adequate places are available to mitigate late admissions, inward migration and changes to trends/popularity of schools. In a turbulent period such as this, where we are still unsure on the impact of the pandemic and continued impact of BREXIT on pupil populations, it is even more important to maintain the buffer at this level.

Surplus school places

The development generates the need for 65.08 primary places which I am rounding down to 65.

Our original request in December 2020 was for contributions towards the total number being mitigated. There has subsequently been much discussion about whether this figure should include the surplus available.

December 2020: 65 places @ £17,268 = £1,122,420

Discussions have since taken place with Jan Kinsman from EFM about the surplus and the 95% buffer. The buffer, as identified above, the County will stick to. The surplus I address below:

In my letter 30 June 2021 in response to EFM June 2021 report I stated that there would be 47 places required to be mitigated, this took into consideration the requirement for the whole LA028 plan allocation and surpluses based on the 'number on roll' over the forecast period which is how we have always looked at applications

June 2021 :  $47 \times \text{£}17,268 = \text{£}811,596$

Our traditional approach across the county is to respond to applications on the basis of the highest number on roll (NOR) across the 5 year forecast based on 95% capacity. This spreads the surplus / deficit across proposed development as set out in the local plan.

It includes pupils from completions post the forecast period, housing approved since the latest forecast and applications pending decision and the local plan. ie we look at the whole plan period and what is required to provide school places.

By not looking at the plan as whole and allocating all of the surplus to a current application, the last development to come forward will have to mitigate more than their fair share purely based on who got an application in first and who got the fastest approval. This is one allocation in the local plan but has been submitted as three separate applications. The cumulative effect of all three will have a requirement for the school to be expanded and places to be provided

Since our original calculation there has been a further change as we update our profiling based on actual approvals and refusals. Using our traditional approach SCC estimate that there would now be 13 surplus places

$65 - 13 = 52$  places that would need to be mitigated  $\times \text{£}17,268 = \text{£}897,936$

In the spirit of working with the developer, when this application was discussed, we further calculated the forecast deficit based on a "flat profile" of the year 5 forecast and based any surplus/deficit calculation off this 5th year figure. Using this flat profile from 2025 which EFM are proposing there would be a surplus of 40 places.

$65 - 40 = 25 \times \text{£}17,268 = \text{£}431,700$  (NB this is one less than proposed by EFM as I have rounded down the pupil yield to 65 and not rounded up to 66)

This is a significant concession that the County have offered from our original request of over £1million. It does not account for a pro- rata proportion of the deficit caused by the total of these developments and is highly favourable to the developer.

SCC primary contributions request is :  $\text{£}431,700$  . We have already taken into consideration the arguments put forward and do not wish to change our position regarding 5% capacity buffer. We have however accepted a greater surplus being available for this development.

SCC would like this brought to the attention of committee that this is approach will mean that latter developments will have to contribute more as there will be less surplus to be shared over the plan period.



**Officer comment:**

***It is acknowledged this would need to be addressed through the district wide Community Infrastructure Levy in accordance with due process and procedures]***

Primary contributions request : £431,700

**SECONDARY SCHOOL LAND CONTRIBUTION**

SCC maintain the position that the emerging local plan states that land is required for the expansion of the school in policy LA 028. SCC see this as the responsibility of the whole allocation and do not accept a piece meal approach to the division of this responsibility.

The report from EFM states in: 5.2 However, EFM's understanding is that the applicants are willing to provide the contribution sought by SCC in the interests of allaying SCC's expressed concerns over this matter

SCC expressed concerns that the dividing up of the allocated site into three planning applications could cause an issue if at the phase 3 stage the developer then said they couldn't deliver the expansion of the school.

**Secondary land contribution requested of : £134,916.60**

**SECONDARY CONTRIBUTIONS**

SCC are seeking a financial contribution of £1,093,650 towards secondary expansion for 46 places . Persimmon are suggesting £689,475 . The issue of discrepancy is the 5% buffer which reduces the figure and SCC stand by the 5%

**Secondary contributions requested of £1,093,650**

**SIXTH FORM CONTRIBUTIONS**

SCC request £213,975 over which there is no dispute

**Sixth form contributions requested of £213,975**

**Archaeological Services**

Discussion [*Feb 2021*] with the SCC Archaeological service indicates that it has now agreed a programme of archaeological investigations with the applicant [including extensive trial trenching across the northern half of the site] and it is satisfied that archaeology can now be dealt with by condition.

**Anglian Water – Received 30/12/2020**

No objection subject to conditions

**Natural England – Received 14/01/2021**

No objection subject to appropriate mitigation being secured

**NHS England - Ipswich and East Suffolk Clinical Commissioning Group  
Received 16/02/2021**

**“....6.0 Conclusions**

- 6.1 *In its capacity as the primary healthcare commissioner, Ipswich and East Suffolk CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.*
- 6.2 *The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.*
- 6.3 *Assuming the above is considered in conjunction with the current application process, Ipswich and East Suffolk CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.....”*

S106 contribution of **£157,300** requested [to deliver 43.6sq.m. of additional healthcare space.

**Heritage Team – Received 12/12/2019**

No comments regarding this application.

**Hadleigh Society – Received 30/12/2019**

“The application should be refused due both to its many design failings and as the allocations upon which the application is based is now out of date and does not meet the current community needs of the town and is thus premature and prejudicial to the emergent Local Plan.”

“In summary the residential component in this hybrid application is considered to be an unfortunate overdevelopment, creating a dense, urban, housing scheme in conflict with and out of character with its rural fringe location. It fails to provide many of the facilities and quality of layout and design originally intended by local planning policies. Without significant design alterations and provision of improved pedestrian/cycle connections, generous and useable areas of POS, linked with well -esigned laid out substantial landscaping in a non-car dominated environment the residential area will become a barren and environmentally depressing area for people to live.”

“In summary the employment proposal represents a poorly thought out and located site which fails to provide the good quality and versatile location necessary to meet the future employment needs of the community. Indeed the proposal/allocation appears to be more a ‘box ticking’ exercise to provide solely an area of land to meet the overall target for employment land identified in the emergent local plan, but with minimal thought given to its actual usefulness and appropriateness as a suitable long term employment location.”

## **Hadleigh Society [dated 28/12/2020]**

The Society objected to both parts of the original Hybrid Application on grounds of policy, principle and detailed design issues, and the latest amendment has not altered the Society's general objection to the current proposals.

### **Policy Aspects**

In respect of policy it is considered that, in many senses, the proposals are now premature and prejudicial to the emergent Local Plan, as demonstrated by reason of recent Council decisions for Hadleigh which strongly imply that the Core Strategy allocations are seriously out of date and require reviewing under the auspices of the Local Plan Inquiry process. This view is particularly relevant in respect of the employment component of the application which now appears unnecessary on any proven grounds of need. Conversely there is a failure to take into account a strong emerging need to provide significant new sports field, leisure and recreational facilities for the community and in this location, and as suggested in both early masterplan proposals for the site, and more recent detailed sports facility review for the town as supported by the Town Council and this Society.

The anticipated housing need for Hadleigh to 2036 is 625 new dwellings. Currently there are about 292 dwellings "approved" to be built in the town which, with existing completions, leaves only about a further 300 new dwellings required to meet the 16 year target. As the Council has a ready 5-year supply and availability of housing land there is no justification, nor urgency, for this further increased housing proposal to override the ability to properly consider the growth of the town in the next 16 years. There is therefore no need to approve either the large housing component of now 273 dwellings nor employment proposals prior to the Local Plan Inquiry, currently anticipated to be held in late 2021.

### **Officer comment:**

***The issue of prematurity housing allocations in the Adopted Local Plan and the status between and Adopted Development Plan and an emerging Development Plan have been addressed under officer comment in respect of Hadleigh Town Council 's response and elsewhere in this report.***

### **The Full Application – Residential**

Despite the applicant's agent's submissions to the contrary the residential development fails to meet the basic requirements of Core Strategy policy CS6 specific to this site, as well as to Core Strategy policies CS13, CS14, CS15, & CS21. There also appears to have been a neglect of most of the 'Critical' and 'Required' development delivery requirements for the site set out in Appendix 3 - Delivery, Infrastructure and Monitoring Framework in the adopted Core Strategy 2014

The prime inadequacies are;-

The scheme does not comply with the agreed Masterplan CPT 268 – Rev A dated 13.12.18 contained in submission in support of application DC/17/03902

### **Officer comment:**

***The point made here by the Hadleigh Society is noted but it should be recorded that the plan in question did not form part of the approved drawings for what was the phase 1b Hybrid residential/employment approval.***

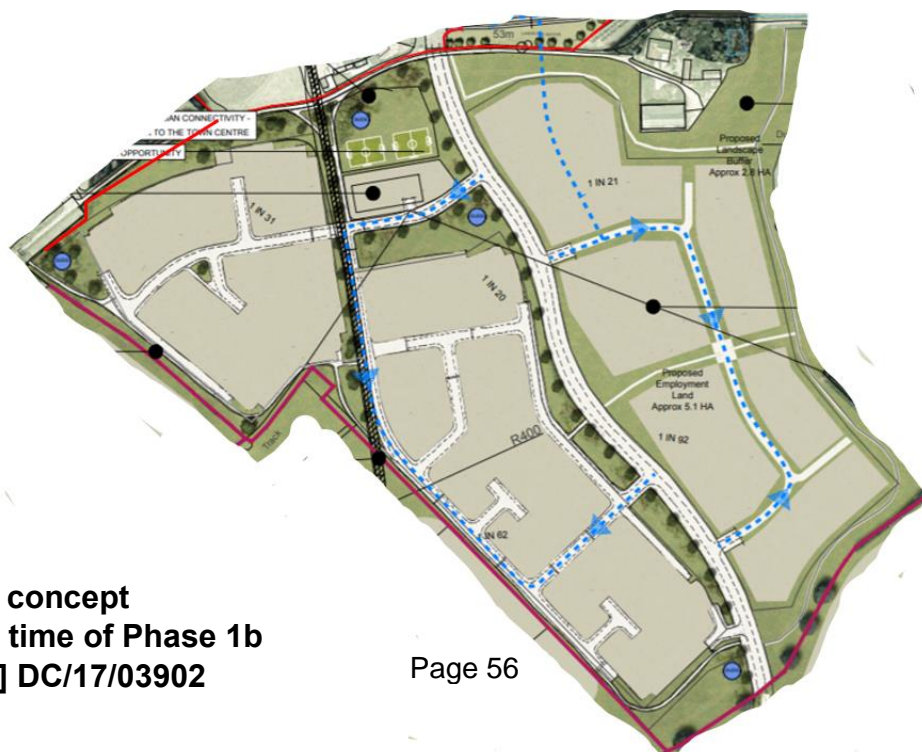
**Hybrid Planning Application comprising of the following elements - 1. Full Planning Application - Proposed residential development comprising of 170 dwellings, associated infrastructure, the provision of Public Open Space and Structural Landscaping. 2. Outline Planning Application - Outline: 0.65 hectares (10,000 sq ft.) of Class A1, A3 and B1 employment uses and associated infrastructure and landscaping. DC/17/0392. GRANTED 12 June 2020**

**Looking at the masterplan drawing referred to by the Hadleigh Society there appears to be very little difference between what was shown on in in illustrative conceptual terms and the underlying layout skeleton upon which the fleshy full details have been added within the current HYBRID application. The plan on the following page is the plan in question referred to by The Hadleigh Society**



**figure 6: LA028 Concept Plan [DC/17/03902] Not part of the Phase 1b approved detailed drawings for that development**

**What is very evident is that the plan deals with the whole of the area included within the JLP allocation LA028 thereby incorporating details for Phase 1b the application to which it relates, and the subsequent possible concept for Phases 2 and 3 and a possible 4<sup>th</sup> beyond the allocation. However, if we juxtapose the section of the 'masterplan concept that relates to phase 2 and the actual current details for Phase 2 the similarities are striking.**



**figure 7:**

**Extract from concept submitted at time of Phase 1b [to the north] DC/17/03902**



**figure 8:**  
**Phase 2 residential layout.**  
**basic road hierarchy**

developer's agents and show diminished quality of layout and provision of facilities in comparison to the 'approved' masterplan

***Officer comment***

***This point is addressed in the policy section and the principle of development is supported by the Council's Policy Team as noted above.***

It fails to provide a substantial landscape framework and planting scheme for both the enhancement of the housing areas and the site boundaries as required in policy No proper landscape scheme accompanies the application and the limited details, as submitted, show a lack of understanding or appreciation of the need to creatively integrate ground, shrub, and tree planting within and around the development to create an attractive and sustainable green environment for the pleasure and amenity of residents It does not provide any meaningful green infrastructure/open space framework connecting with and adding or extending formal and informal green space, wildlife areas and landscape elements,

There is a depressing absence of good, well laid out and planted corridors connecting to existing hedgerow boundaries or flowing through the estate linking public open

space areas, additionally there are insufficient ecological details to show adequate safeguarding of local fauna and flora.

It fails to show a significant functional buffer to effectively separate the proposed residential and employment uses,

**Officer comment**

***The Hadleigh Society's concerns have been noted and action taken such that landscape masterplan drawings now satisfactorily resolve these points***

Due to the lack of any detail regarding the layout, nature and size of the industrial and warehousing development the provision of a narrow, grassed strip with just about 20 trees can hardly be seen as a significant, nor a functional, buffer to safeguard residents from potentially damaging visual and sensory disturbance.

It does not provide any good new, nor enhancement of existing links for pedestrians or cyclists to access the town centre, local services, schools and employment areas, nor provide a safe and secure access for pedestrians, cyclists and emergency vehicles to the development via Tower Mill Lane & Frog Hall Lane

**Officer comment**

***Please see the connectivity section of this Committee report where the connectivity improvements are explained. The highway authority is also requiring a Pegasus crossing across the extended spine road to facilitate easy crossing for horse riders using the bridleway along Tower Mill Lane.***

The site is set a considerable distance from the town centre and most community services, yet there is no attempt to seek improvement in the uneven, un-metalled and unlit Tower Mill Lane that the applicants expect most residents and all schoolchildren to use as the primary pedestrian and cycle route to and from the estate. There is also a failure to provide multiple safe connections to Tower Mill Lane from the various residential groupings and no provision of dropped kerb crossings for pedestrians/disability vehicles to cross Lady Lane.

**Officer comment:**

***Ecological advice has been such as to deter the use of lighting along Tower Mill Lane because of the harm it might do to bat navigation along hedgerows as well as possible sky glow.***

***Persimmon has however been asked to provide additional detail as to land ownership rights along this route because lighting need not be ruled out if it is deliverable in terms of land ownership. Part of Tower Mill Lane appears to be privately owned but with public rights of way over it.***



It provides no coherent provision for future accessing of the additional land outside the site as allocated for residential and educational needs required as part of a proper comprehensive masterplan, There remains in excess of 10 hectares of land to the west of the site lying within the current allocation and the parameters of the masterplan which will require access and servicing for both new housing and other facilities, yet no provision is made for serving the south western part of the allocated site south of Frog Hall Farm, Such omission will frustrate future delivery of the allocation.

***Officer comment:***

***Access can be secured to land to the west through the phase 2 development and the S106 Agreement ensures that an access will be freely available.***

It provides no separate cycleway provision within and beyond the residential development for safe separation from heavy commercial and residential traffic.

The development is supposed to provide for a range of sustainable modes of movement. The development is solely motor vehicle orientated with no exclusive, safe and segregated cycleways. This is particularly sad bearing mind that both employees and residents need such provision and separation from commercial and HGV traffic

It provides no trim track cum segregated pedestrian ways to provide recreational opportunities for healthy wellbeing of the residents. A further example of neglect of the residents welfare and a deviation from the original Masterplan. This is particularly unfortunate as no sports or recreational facilities are provided on site and those that exist in the town are 1 to 2 miles away.

***Officer comment:***

***These issues are addressed in detail within the Committee report***

There is both a serious overall deficit of public open space provision and an inadequacy in quality and functional use in that provided being of inadequate size and poor location to serve the residents needs.

The scheme indicates provision of 2.5 ha. (6 acres) of open space for 273 dwellings yet when examined over half is made up of narrow strips of land adjacent to roads and boundaries providing neither useable space nor visual delight. There is a reasonable expectation under both national and local policy that new residential development ought be provided with children's play areas ranging from LAP's, LEAP's and NEAP's - there is a complete absence of any such facilities.

***Officer comment:***

***These issues are addressed in detail within the Committee report***

No provision of social/community /sports and leisure facilities,

There is a clear need (well documented locally) to provide in addition to any normal public open space provision, significant new sports facilities for the town and the provision of such facilities within Phase 2 and which was also indicated in the approved Masterplan.

No provision is made for these expected sports/recreational amenities.

**Officer comment:**

***This is incorrect as will be explained within the Committee report. These issues are addressed in detail within the Committee report and especially in the S106 section. [NEAP & Sports contribution, perimeter recreational route]***

Poor location and site provision for early learning centre The site for the centre is squeezed on to a narrow, peripheral piece of land, poorly related to adjoining housing, road ways, footways and open space provision and is now on a cul-de-sac which will create enormous turning difficulties for deliveries and visitors etc It is effectively a dead, left over, piece of land Persimmon doesn't require and totally contrary to the positive locational characteristics shown in the original masterplan.

**Officer comment:**

***SCC education service is expected to comment on the suitability of the suggested site by the time of the Committee meeting as it is undertaking feasibility work***

It fails to provide high quality design or a density that reflects the separate and distinct characters of Hadleigh or the countryside periphery of the town

There is no analysis of the architectural styles and character of Hadleigh which historically is medieval, traditional rural Suffolk and victorian brick terraces, instead a mixture of contemporary, 'anywhere' house designs are jumbled together in a pretence of creating "character areas". The design of the flat blocks are particularly wanting in architectural design quality. The resultant nw even denser , urban layout is wholly out of context with its rural fringe location. The scheme could be immensely improved by reduction of dwelling to 200 without sacrificing efficient use of land, yet inset the scheme is worsened in environment by increase numbers by 23 dwellings

The amendment creates an even more car dominated, sterile, street frontages throughout the development contrary to principles of good design and provision of a quality environment for residents.

The environment created for residents is that of a sea of cars and parking spaces with little, if any, private frontage green spaces to provide realistic planting opportunities to add visual delight to soften the otherwise intense urban character created.



## ***Officer comment***

### ***Addressed in Committee report***

In summary the residential component in this hybrid application is considered to be an unfortunate overdevelopment, creating a dense, urban, housing scheme in conflict with and out of character with its rural fringe location. It fails to provide many of the facilities and quality of layout and design originally intended by local planning policies.

Without significant design alterations and provision of improved pedestrian/cycle connections, generous and useable areas of POS, linked with well designed laid out substantial landscaping in a non-car dominated environment the residential area will become a barren and environmentally depressing area for people to live.

It is regretted that despite negotiations to improve the scheme, in the Society's opinion they have failed miserably by resulting in an amended scheme whose sole objective appears is to have increased the housing numbers at the expense of creating a well designed and pleasant living environment that a concerned Authority would wish to achieve.

### **Outline Application – Employment**

The proposal seeks to establish permission for an unspecified quantity and mix of light and general industrial units together with warehousing. Such uses and associated operations are seldom good neighbours to residential property and with the use of Ellen Aldous Avenue for all traffic serving the industrial and warehousing units the site's development will cause serious permanent amenity loss to existing and future residents.

Specific objections relate to:-

#### **Failure to provide for alternative sustainable transport options**

There exists no comprehensive or well provided cycleway options for employees to access the site from other parts of the town. The development makes no provision for bus accessing and is wholly reliant upon motor vehicle borne movements

Inadequate swept path of junction for HGV's on secondary access road The secondary access road serving the employment land does not appear to possess adequate junction radii necessary to accommodate expected HGV's turning movements and will cause loss of amenity to nearby residents due to the consequently slow speed manoeuvring and low gear movements of the HGV on the secondary road's incline.

Reduction in green space and parking spaces for the housing contained application DC/17/03902 due to proposed secondary access to employment land The secondary access traverses PROW, a proposed footway, and green space forming part of housing development and interfere with proposed parking spaces to detriment of amenity of future residents contained in application DC/ 17/03902

Unsuitability of much of the site for modern sized business, industrial, and warehousing units due to steep gradients over half the site Modern business units require large level sites to facilitate maximum flexibility for large floorspace units, parking, HGV loading/unloading and outside storage. The rise of land by about 10 metres over half the site, will either require substantial costly earthmoving and or seriously restrict the attractiveness of the site for employment uses to detriment of the towns future employment opportunities.

Inability to accommodate many forms of industry and warehousing due to potential nuisance to housing with consequent planning restrictions Due to the close proximity of the business units to housing there will be a need to restrict hours of operation, industrial processes undertaken in the units and outside storage. The restrictions further reduce the attractiveness of the site to meet the future employment needs and opportunities of the town. In summary the employment proposal represents a poorly thought out and located site which fails to provide the good quality and versatile location necessary to meet the future employment needs of the community. Indeed the proposal/allocation appears to be more a 'box ticking' exercise to provide solely an area of land to meet the overall target for employment land identified in the emergent local plan, but with minimal thought given to its actual usefulness and appropriateness as a suitable long term employment location.

***Officer comment:***

***The application is supported by the Council's Economic Development Team and is allocated in the up to date Adopted Development Plan [CS6] and within the JLP LA028 [albeit that document carries limited weight at present]***

**Conclusion**

The Hybrid amended proposals should be refused due both to its many design failings and as the allocations upon which the application is based are now out of date and does not meet the current community needs of the town and is thus premature and prejudicial to the emergent Local Plan.”

**Environment Agency – Received 16/12/2019**

“We have checked the application against the constraints on site and have no further comments to make regarding the scheme. This application was deemed to be outside our statutory consultation checklist and is therefore an inappropriate consultation.”

**Sudbury Group – Received 17/12/2019**

Amenity group (Sudbury Ramblers) objects to the planning application due to loss of open space and over development of the site.

“Rambler’s wishes to object to this development on grounds of loss of open countryside on edge of the town, loss of views from users of PROW 27, over development of the site if it were to be built as shown on plans. Also lack of pedestrian routes from site to town centre unless Tower Hill road is upgraded with hard surfacing, street lighting, etc”

### **Environmental Health Air Quality – Received 03/01/2020**

No objection to the proposed development from the perspective of local air quality management.

### **Environmental Health Land Contamination – Received 26/11/2019**

No objections to proposed development.

“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 Noise/ Odour/ Light/ Smoke – Received 11/12/2019**

- The site is far removed from the A1071 so traffic noise is unlikely to impact on the proposed residential dwellings
- The concern comes from the impact of the employment area on both existing and proposed dwellings, particularly as all associated traffic will need to access the site via Ellen Aldous Avenue which passes through an existing residential area as well as the proposed residential area
- The volume of traffic during construction and at hours of employment related traffic may result in loss of amenity
- In order to be viable, employment uses on this site must be carefully zoned to ensure the louder uses are located further from residential dwellings and units orientated so that noisy facades are facing away from the dwellings
- “Employment uses will only be acceptable if it can be demonstrated that their use and associated traffic will not result in loss of amenity at proposed or existing dwellings”
- Potential noise arising from the proposed sub-station and the pumping station and would request that the applicant provide further details in that regard

Conditions:

1. Ensure that the rating level of noise emitted from the site’s plant, equipment and machinery (including air conditioning and extraction units) shall not exceed 0dB above the background levels determined at 1m from the facades

- of noise-sensitive premises – to protect the future occupiers of noise sensitive dwellings from adverse impacts of employment use noise.
2. Hours for equipment shall be agreed in writing from the LPA before the first occupation of each unit. This should not be before 07:30hrs or beyond 20:00hrs – to protect the future occupiers of noise sensitive dwellings from adverse impacts of employment area noise
  3. The residential accommodation shall be constructed to provide sound insulation against external noise levels to achieve internal noise levels not exceeding 30dB LAeq at night, 45dB LAm<sub>ax</sub> measured with F time weighting for bedrooms and 35dB LAeq during the day, with other means of ventilation provided if windows are required to be shut to meet these levels – to protect future occupiers of noise sensitive dwellings from adverse impacts of road traffic noise
  4. No means of external lighting shall be installed in relation to the employment units except in accordance with details of an illumination scheme to reflect impact and an assessment of glare on surrounding residents which shall have been submitted to and approved in writing by the Local Planning Authority and shall be implemented and retained as approved – to protect amenity of surrounding sensitive dwellings
  5. No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority – to protect the occupiers of noise sensitive dwellings from adverse impacts of construction noise
  6. All construction 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 to 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 should only be made during these hours – to protect the occupiers of noise sensitive dwellings from adverse impacts of construction noise
  7. No burning should take place during the construction phases of the development, including site clearance, and at no point in the employment area phase – to protect amenity of surrounding sensitive dwellings
  8. No play equipment shall be installed until a full scheme of equipment and location has been submitted to an approved by the LPA – to protect amenity of surrounding sensitive dwellings

### **Historic England – Received 29/11/2019**

“We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers.”

### **Strategic Housing**

*At the time of finalising this report [23 February 2021] the Strategic Housing Team was considering additional information related to the overall mix. The view of the Strategic Housing Team will be presented by way of the tabled papers facility or through a verbal update at the Committee meeting. Discussions between the applicant and the Strategic Housing Team have been ongoing and a number of amendments have*

*been made in response to their requirements – particularly in terms of changes to the proposed open market housing mix with a significant increase in family 3 bed units and a reduction of larger units. Members will be pleased to see that 9 bungalows are included in the proposal. **NOTE: this now stands at 12 bungalows [confirmed 01 Dec 2021]***

### **Economic Development and Tourism – Received 16/12/2019**

Economic development welcome and support the development of the employment land.

### **Sport England – Received 12/12/2019**

“The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.”

“The existing playing fields for Hadleigh High School must be protected as part of the overall masterplan”

“The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement”

### **B: Representations [review to make sure no late response]**

The Council’s normal neighbour notification process [313 letters] has triggered a total of 18 objections from 11 properties.

Concerns expressed are summarised thus: [please note all correspondence received can viewed in full on the Council’s planning website under the application reference].

#### **Objections**

- **Increased Traffic/ Highways Issues 11**
- **Strain of existing community facilities (schools, doctors, dentists etc.) 10**
- **Drainage 7**
- **Loss of privacy 6**
- **Increase danger of flooding 6**
- **Inadequate parking provision 5**
- **Affects Local Ecology and Wildlife 5**
- **Affect the overall character of the area 4**
- **Increase in pollution 4**
- **Loss of open space 4**
- **Loss of outlook 4**
- **Strain on existing infrastructure 3**

- Inadequate access – additional traffic produced will create danger to pedestrians using Ellen Aldous Road 3
- Design 3
- Overlooking 3
- Poor reputation of developer’s construction team 2
- Development too high 2
- Dominating/ overbearing 2
- Inadequate public transport provisions 2
- Light pollution 2
- Landscape Impact 2
- Loss of light 2
- Building work 1
- Development proposal includes poor quality housing 1
- Disturbance during construction 1
- Goes against Local Development Plan 1
- Impact on listed buildings 1
- Increase in anti-social behaviour 1
- Increase in litter 1
- Lack of pedestrian routes 1
- Lack of affordable housing 1
- Lack of employment opportunities 1
- Loss of parking 1
- Loss of sunlight 1
- Noise 1
- More open space needed on development 1
- Residential amenity 1
- Scale 1
- Sewage problems 1
- Smells – odour 1
- Trees 1

### **Relevant Planning History**

Whilst there is no relevant planning history on this site it should however be noted that this application seeks permission for what would constitute the third major phase of development within the HEUEA. [Hadleigh Urban Expansion Area] after phases 1 and 1b.

The previous phase, currently under construction comprises 170 dwellings [*with an element of employment use*] on land to the immediate north of the employment element of the current application.

The previous phase is known as Phase 1b to differentiate it from the original ‘Weavers Meadow’ development which effectively formed Phase 1 of Persimmon’s strategic development on the east side of Hadleigh. The diagram below identifies the three phases 1, 1b and 2 the present phase comprising this hybrid application [DC/19/05419].

23.11.2009 Outline planning permission GRANTED [B/06/01488] ‘Weavers Meadow Phase 1’ : Mixed use development comprising of up to 170 No. dwellings, 5 hectares of industrial/commercial (B1, B2 and B8), provision

of open space and highways infrastructure. Land between Lady Lane and Tower Mill Lane, Hadleigh.

- 15.07.2011 Reserved Matters APPROVED [B/09/01431] 'Weavers Meadow Phase 1' 166 dwellings
- 12.06.2020 Hybrid permission GRANTED [DC/17/03902] 'Weavers Meadow Phase 1b' : FULL 170 dwellings [currently under construction] OUTLINE employment uses [land due to be transferred under S106 for £1 to BDC]

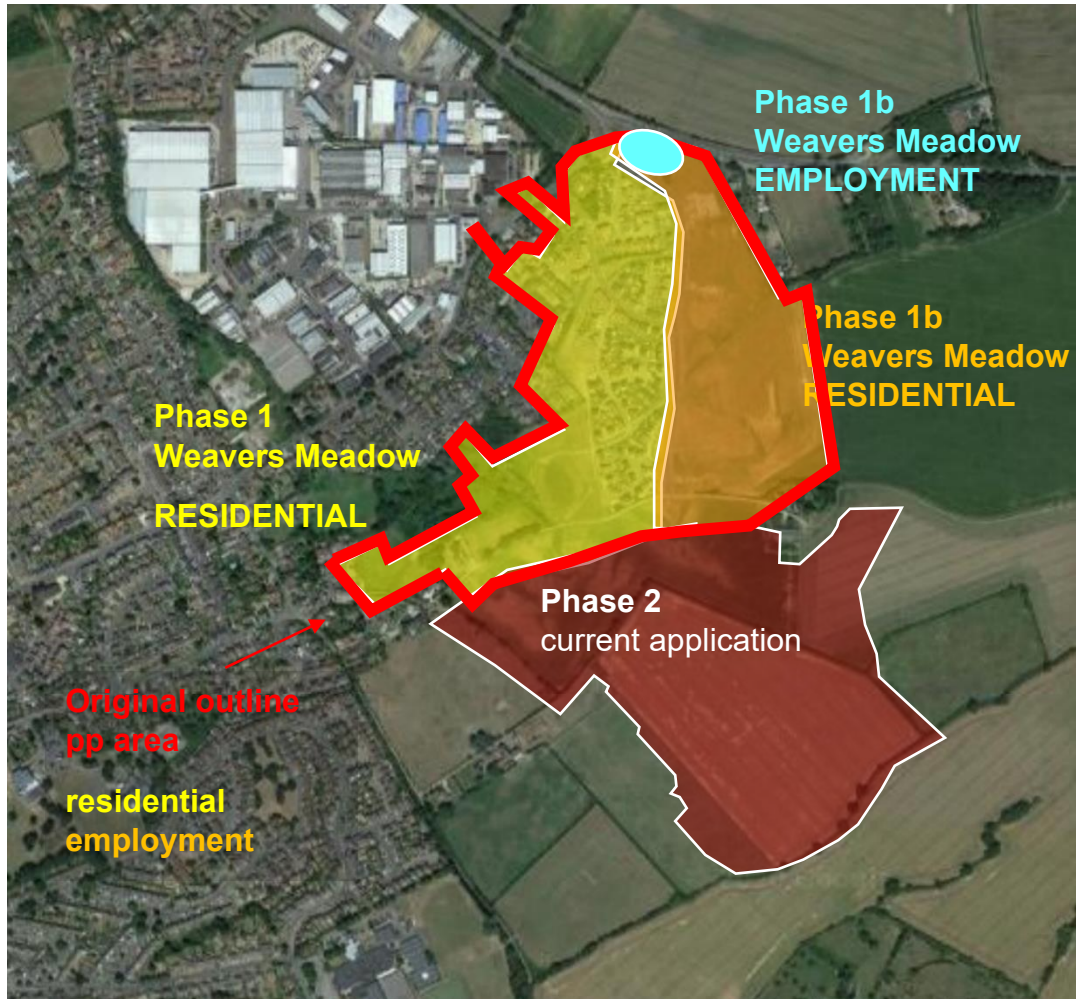


Figure 9: 'Weavers Meadow' [Persimmon Homes] – Phases including present application

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

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### **1.0.1 Introduction**

1.0.2 In considering the merits of the latest proposal Members will, amongst other things, want to explore – To what extent...

- (i) Does the proposal comply with adopted local plan policies,
- (ii) Can the proposal be said to create a balanced and sustainable development, providing both homes and jobs?
- (iii) Is the residential component likely to come forward?
- (iv) Is appropriate infrastructure also being delivered?
- (v) Does the residential component achieve high quality design and layout?
- (vi) Does the residential component incorporate sustainable benefits?
- (vii) Will the proposed development cause any harm to heritage assets?
- (viii) Is the proposal acceptable in highway safety and capacity terms?
- (ix) Is there adequate ecological mitigation?
- (x) Can the proposal be properly drained.?
- (xi) Is there sufficient open space and landscaping?
- (xii) Will the development adversely impact residential amenity

### **1.1.1 Site and Surroundings**

1.1.3 This approximately 19.6 ha site is located south of Tower Mill Lane which runs east west along the site's northern boundary.

1.1.4 Immediately to the north east sits what is now known as Weavers Meadow Phase 1b [currently under construction] by Persimmon] and to the north west is Weavers Meadow Phase 1 a completed residential development by Persimmon.

1.1.5 It is currently farmland.



**1.2.1 Principle of the proposed residential use**

**1.2.2 The principle of residential use is acceptable** as it conforms to the strategic allocation CS6 [Part A] in the Adopted Core Strategy [February 2014].

1.2.3 Taking a summary look at this stage at the criteria within CS6 [a more detailed analysis follows later] Members are advised that:

*“Land is allocated to the immediate east of Hadleigh for mixed use development as indicated on the Key Diagram and shown on Map B. Development within this area should be guided by a Masterplan and development feasibility evidence and provide:*

*i) approximately 5.5 hectares of employment land;*

*Officer comment:*

***With the strategic open space deducted it is approx. 5.5ha***

*ii) approximately 250 dwellings;*

***officer comment:***

***The application comprises 273 dwellings which is approx. within 10% of 250 dwellings and below the 600 identified for the entire LA028 allocation. [please note the 600 is for all the site described as LA028 in the JLP which includes the site now known as Phase 1b where 170 dwellings are under construction 273 + 170 = 443. This leaves a residual before the allocation is met of 157]***

*iii) how the development will be designed to suit the landform / topography and landscape characteristics of the site and its local context;*

***officer comment:***

***the proposed development achieves this goal***

*iv) high quality design, structural landscape planting, and layouts and scale of development that respect adjacent landscape or*

*townscape features, and maintains the separate identity of Hadleigh;*

**officer comment:**

***the proposed development achieves this goal subject to the recommended S106 and conditions***

- v) design principles for each development parcel (residential and business/employment land) including addressing the sustainable development policies in this and subsequent local plan documents, and how they will be implemented;*

**officer comment:**

***the proposed development achieves this goal subject to the recommended S106 and conditions***

- vi) the range, density and mix of housing types and the level of affordable housing provision in line with Policies CS18 and CS19;*

**officer comment:**

***the proposed development achieves this goal***

- vii) phasing of the development including social and physical infrastructure and services, and where appropriate, including any development or provision proposed beyond the plan period;*

**officer comment;**

***Members are advised that if the recommendation contained in this report is agreed then the required S106 will be drafted such as to deliver the mitigation and required social and physical infrastructure at the earliest appropriate and reasonable point in time***

- viii) a green infrastructure / open space framework connecting with and adding or extending formal and informal green spaces, wildlife areas, and natural landscape settings and features, and proposals for green and blue infrastructure to assimilate new development into the landscape and create new habitats.*

*This must provide for a significant functional buffer providing effective separation between residential and employment uses (where such uses may have material adverse impacts on*

*residential amenity);*

**officer comment:**

***One of the highlights of this scheme is the extent to which connectivity has underpinned the layout and is a golden thread running thorough its design.***

- ix) a biodiversity plan including any measures for protection, mitigation, compensation and/or new habitat creation;*

**officer comment**

***the proposed development achieves this goal subject to the recommended S106 and conditions.***

- x) a drainage strategy, with provision for a sustainable urban drainage system.*

**officer comment:**

***the proposed development achieves this goal***

- xi) good links and/or the enhancement of existing links for pedestrians and cyclists to the town centre and other local shops and services, employment areas, schools, etc.*

- xii) enhanced or additional social / community facilities (such as provision of allotments, or cemetery, or community open space within the green infrastructure framework, and/or meeting room / social centre / community hall) as evidenced through local community engagement in the Masterplanning process;*

**officer comment**

***The proposal will deliver a site for an early years facility, Equipped Area Play facility funding], GP expansion funding education expansion funding, a significant sports provision financial contribution and expanded bus service provision. The is another phase of development to come of LA028 is to be realised and within that can come other infrastructure needs including an expansion to the playing fields for Hadleigh Secondary School. AS members will see from the extract from the IDP produced below securing the school paying field extension makes more sense in the next phase of development***

**due to the requirement for the site to be adjacent to the existing school for obvious operational and management reasons.**

*xiii) vehicular access by means of the main north-south spine road served from the A1071 roundabout together with an access on to Frog Hall Lane only for pedestrians, cyclists and emergency vehicles, cyclists and emergency vehicles may also be necessary. In addition a travel plan will be necessary.*

**Officer comment:**

**Whilst this Phase is not intended to connect directly to Frog Hall Lane the application site is connected to Hadleigh Town Centre via Tower Mill Lane. A travel plan is being secured**

1.2.4 The site will contribute to the Council's Housing Land Supply if the application is approved and will therefore be a significant contributor to its overall strategic housing delivery projections going forward. It is noted that CS6 suggests the allocation to be approximately 250 dwellings. The proposal comprises 273 dwellings which is 23 more than the approximate figure in CS6 but that is just a 9.2% increase in what is after all an approximate figure. *[+ or – 10% is generally accepted as an acceptable deviation within an approximate target]*. Questions as to how the site accommodates 273 dwellings in less a matter of principle and more of one of detail which will be explored elsewhere in this report as this is a FULL application and that detail is known.

**1.3.1 Principle of the proposed community facilities use [pre-school site]**

1.3.2 **The principle of a pre-school use is acceptable** as it conforms to the strategic allocation CS6 [Part A] [vi] in the Adopted Core Strategy [February 2014] in that it will facilitate "*development including social and physical infrastructure*".

**1.4.1 Principle of the proposed employment uses**

1.4.2 **5.5ha of employment land is identified within the Policy (CS6 and LA028).** This proposal does conform with Policy (CS6 and LA028) and it is considered necessary to support meeting the District's overall employment land requirements at the present time. As set out above, the area reserved for employment uses amounts to 5.5ha; this is capable of being controlled.

### **1.5.1 Principle of open space**

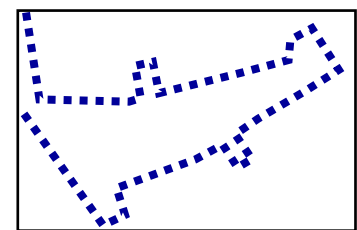
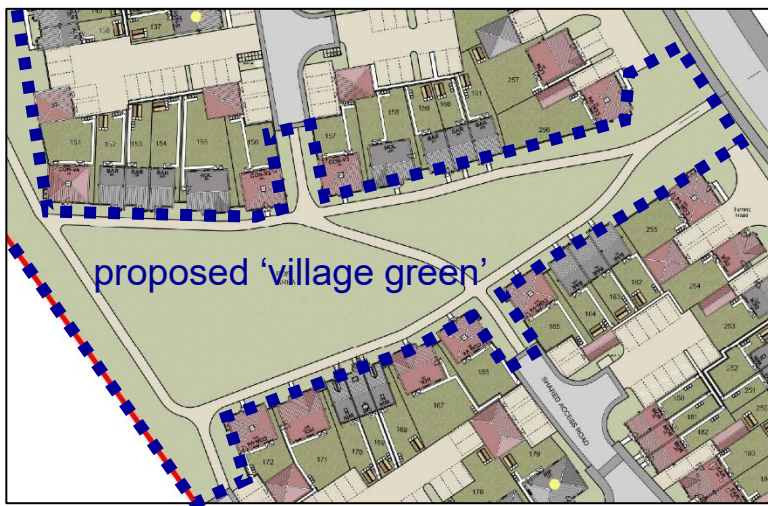
- 1.5.2 The provision of strategic open spaces within the proposed development for both the residential and employment elements of this hybrid application meet the Council's 10% requirement. It is considered important that the employment area, although only outline in nature, makes clear reference to a landscaped setting that delivers in excess of the necessary 10% area for open space as this will provide continuity between residential phase 1b to the north and proposed residential phase 2 to the west in terms of connectivity contiguous green links, permeability, landscape softened built development, character, access to the countryside and wildlife corridors.
- 1.5.3 The principle is therefore acceptable as is the principle of adoption of that open space by the Council subject to receipt of the appropriate commuted maintenance sum. Good management of this strategic open space as the first part of a wider strategic network is considered vital to its long-term success.
- 1.5.4 A S106 maintenance sum for Council in the event of public adoption has been calculated at £601,293 The S106 will include a cascade arrangement for management that requires the transfer of the open space land for a £1 and the agreed maintenance sum; if the District Council decides not to accept transfer then the open space land and maintenance sum shall be offered to the Town Council on the same basis. If and only if that option is declined then the open space shall be managed by a private management company funded by services charges paid by occupiers of the development but on the basis of public access that that space and those facilities.

### **2.0.1 Layout, scale and appearance [Residential component FULL APPLICATION]**

- 2.0.2 The layout of this phase of development is based on the attractive layout previously agreed for phase 1b [as now under construction] in that its centre piece is a new village green with properties overlooking it. Roads to these frontages have been deliberately designed out to create a visually pleasant and pedestrian/cycle friendly environment.
- 2.0.3 However, within Phase 2 the built-form is organised into three distinct islands separated by greenswards which work to break up the visual impact of the new development. This is not a development characterised by an endless wall of buildings. This is a reaction to what critics of new estates might describe as a 'concrete jungle'. [albeit they are usually brick].



figure 10: **Amended layout drawing** [received 01.01.2021]



extent of car free area

figure 11: **The central 'village green'**

### 2.1.1 Connectivity

2.1.2 In negotiating the overall layout officers have taken care through negotiation to ensure that excellent connectivity between the residential application site and Phase 1 Weavers Meadow, Phase 1b Weavers Meadow, Phase 2



employment land, future phase 3 land identified in the JLP [west and southwest] and Hadleigh is achieved.

2.1.3 Persimmon has responded enthusiastically and positively and successfully to this design requirement. In essence a green corridor runs through this development focussing on what is hoped will become a green hub sitting at the core of the LA029 allocation. This corridor has been designed to have green pedestrian cycle friendly tendrils that stretch out in key local journey directions to and from key destinations. This includes improvements to Tower Mill Lane which provides a direct link to Hadleigh.

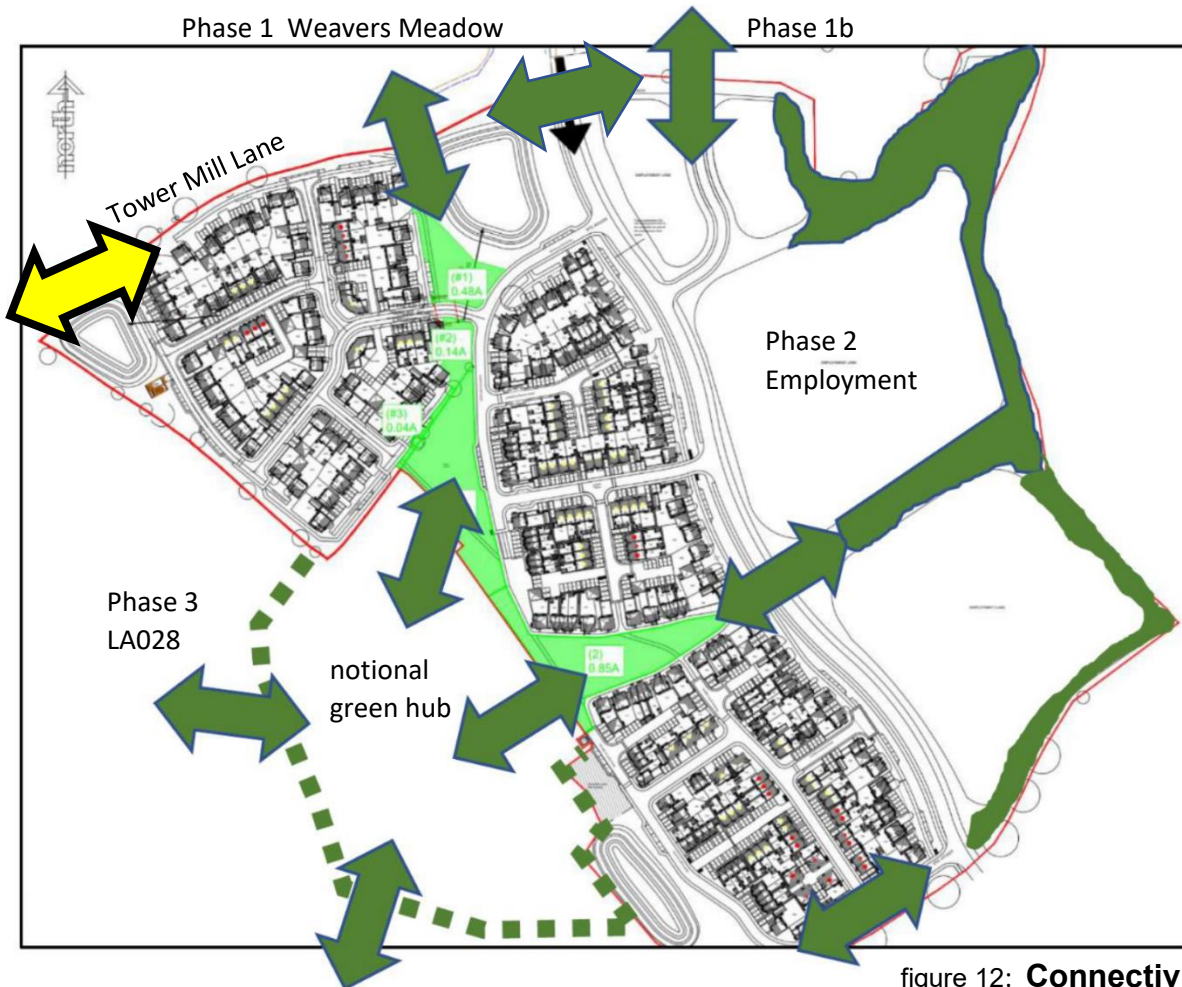


figure 12: **Connectivity**

### 2.2.1 Permeability, legibility

2.2.2 Good permeability and legibility are delivered as care has been taken to design the estate in ways that aid pedestrians and cyclists to safely and conveniently travel around the site and ease navigation by providing focal points and key buildings at strategic positions in the layout so as to aid navigation and announce different character areas. This will be drawn out in the associated Committee presentation.

### **2.3.1 Parking**

- 2.3.2 Rented Parking provision meets the Council's adopted standards in terms of the number of spaces in terms of their number and size.
- 2.3.3 Members will however wish to be advised as to the extent to which there are examples of what has become known as 'triplex<sup>3</sup>' parking within the proposed layout. Working with the applicant the number of plots with triplex parking was initially reduced to 34 from the total of 273 dwellings. This represents 12.4%
- 2.3.4 By amending the layout further to reduce triplex spaces to just 3 the applicant has responded positively to the Committee and its desire to see the use of such parking arrangements significantly reduced. This now is just 1.1% of the total number of units.
- 2.3.5 Helpfully the applicant has responded constructively to the concern of the Committee that the triplex parking arrangement if used on a widespread basis [which this is not in this case] in new development is likely to become inconvenient to all but the driver wishing to use the last car in - households having to shunt vehicles in and out to rearrange the vehicles depending who wishes to use what car. Persimmon has also included on-street parking laybys [unconveyed to individual dwellings] within the layout of the estate roads.
- 2.3.6 The amendments made by the applicant are welcomed.
- 2.3.7 Members are now advised that proposed parking arrangements are therefore considered satisfactory and compliant with the Council's adopted standards.

### **2.4.1 Density**

- 2.4.2 The gross density [273 dwellings ÷ residential red line area] at 24.4 dwellings per hectare and net density [273 dwellings ÷ area of built form] at 32.5 dwellings per hectare is entirely appropriate within the context of an allocated site within a settlement that sits at the apex of the District's Settlement Hierarchy. A town is the most sustainable location for new development and you would expect development to make good use of land. The balance here between proposed levels of built-form and open space is considered to be very good.

### **2.5.1 Gardens**

- 2.5.2 All gardens provide adequate private amenity space. In addition, all properties have access to the large expanses of open spaces which offer additional

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<sup>3</sup> Triplex parking is the term used to describe three parking spaces [which may include a garage] where such spaces are aligned one in front of the other in a straight line of three [rather than side by side] or a combination of the two



amenity and recreational opportunities not just to residents of the estate but all members of the community in the wider area and visitors.

**2.6.1 Housing : tenure, mix and size**

2.6.2 The development will deliver the full 35% affordable housing as required by Policy.

2.6.3 This development will result in the provision of 96 much needed new affordable homes in a highly sustainable location.

2.6.4 Members will recall from the discussion of another recent application also in Hadleigh that the Town is expected to deliver and accommodate a sizeable tranche of new affordable homes for the entire District as might be expected considering its status as a town at the top of the settlement hierarchy. It is large ‘allocated’ sites such as this that will deliver strategically important quantities of new homes thereby ensuring the Council’s Five-Year Housing Land Supply and housing delivery meet the required levels in a plan-led system to avoid the penalties built into the NPPF where these conditions are not met.

**2.6.5 Unit sizes** [ described here as ‘X’ number x ‘Y bed [ ‘Z’ person] units

The proposed overall mix of accommodation has evolved over the life of this application. The table below provides a chronology and identifies the latest proposed mix.

<b>250 Dwelling Application</b>		
Private Dwellings	Number	Percentage of Private Dwellings
1 bedroom properties	0	0%
2 bedroom properties	13	8%
3 bedroom properties	76	46%
4 bedroom properties	45	27%
5 bedroom properties	30	18%
<b>Total</b>	<b>164</b>	<b>100%</b>
<b>Intial 273 Dwelling Application</b>		
Private Dwellings	Number	Percentage of Private Dwellings
1 bedroom properties	0	0%
2 bedroom properties	46	26%
3 bedroom properties	59	33%
4 bedroom properties	43	24%
5 bedroom properties	29	16%
<b>Total</b>	<b>177</b>	<b>100%</b>
<b>Current 273 Application</b>		
Private Dwellings	Number	Percentage of Private Dwellings
<u>1 bedroom properties</u>	<u>0</u>	<u>0%</u>
<u>2 bedroom properties</u>	<u>56</u>	<u>31.5%</u>
<u>3 bedroom properties</u>	<u>49</u>	<u>27.5%</u>
<u>4 bedroom properties</u>	<u>53</u>	<u>30%</u>
<u>5 bedroom properties</u>	<u>19</u>	<u>11%</u>
<b>Total</b>	<b>177</b>	<b>100%</b>

**LATEST MIX** and the one now being presented to Members

figure 13A: **Open Market Proposed Mix**

size	No of units
<b>1b, 2p</b>	<b>6</b>
<b>2b, 3p</b>	<b>11</b>
<b>2b, 4p</b>	<b>34</b>
<b>3b, 5p</b>	<b>20</b>
<b>TOTAL</b>	<b>71</b>

figure 13B: **Affordable Rented Housing Proposed Mix**

size	No of units
<b>2b, 3p</b>	<b>4</b>
<b>2b, 4p</b>	<b>15</b>
<b>3b, 5p</b>	<b>6</b>
<b>TOTAL</b>	<b>25</b>

figure 13c: **Affordable Sh. Ownership Housing Proposed Mix**

2.6.6 It will be noted that with the uplift in numbers there has been a sizeable increase in the overall number of 2 bed units [and therefore percentage rise] a reduction overall in 3 bedroom units.an increase in 4 bed units and a fall in 5 bed units.

### 2.6.7 Bungalows

2.6.8 Members will be pleased to note that some bungalows are to be provided. The proposed 12 units represent 4.4% of the overall total number of units.

2.6.9 JLP Submission document [Mix]

2.6.10 Draft policy LP06 sets out the Council's emerging policy in respect of mix and type of accommodation. It states.

#### **Policy LP06 – Mix and type of composition**

- 1) For all major housing development proposals for ten units or more, or sites of 0.5ha or more, including supported and special needs housing, the scheme composition:
  - a) Must accommodate 35% affordable housing to meet affordable housing need.
  - b) Must accommodate 50% of the dwellings which meet the requirements for accessible and adaptable dwellings under Part M4(2) of Building Regulations (or any relevant regulation that supersedes and replaces).
  - c) Will be expected to reflect the mix and type (including bungalows) of housing needs identified in the most relevant district needs assessment evidence supported by the Council. Any bungalows provided will be required to remain in perpetuity through the removal of permitted development rights. Therefore, it may be necessary for the Local Planning Authority to apply conditions and/or request in a planning obligation/legal agreement.

2.6.11 The proposed development meets the 35% affordable housing requirement and will deliver bungalows. In this sense the proposal is fully compliant with emerging policy LP06.

2.6.12 In terms of requirements the Strategic Housing Team is satisfied that whilst the number of proposed units meeting Part M4(2) of the Building Regulations is lower than 50% the Council is unable at this stage to insist on that level of delivery at present as it is not adopted policy. It endorses the proposed mix and types.

### **2.7.1 NDSS [Nationally Defined Space Standards]**

2.7.2 All affordable dwellings are designed to meet NDSS levels and 44% of the open market units will comply with NDSS levels.

2.7.3 Whilst Members may wish to see a higher proportion of the open market units meeting NDSS levels the applicant cannot presently be required to meet this standard. Whilst other housebuilders routinely now offer higher internal space standards [even 100% in some cases] for open market units in developments within the District, Persimmon has chosen not to do so on this site for its own reasons. [as it chooses not to do across most if not all sites in the District]

2.7.4 Officers have however ensured that all the affordable units meet NDSS level as has been Members' desire for some time to establish a benchmark for living space quality for those being housed from the Housing Register.

### **2.8.1 Materials**

2.8.2 Discussion with the applicant has included identifying the types of external material to be used and as with Phase 1b Members will be pleased to note that Persimmon has agreed to the use of traditional vernacular materials over much of the development within the most visually sensitive areas. This is to be commended as it is further evidence of the company's commitment to delivering a high-quality place when developing in District of Babergh. These include.

Clay pantile

Clay plain tile

Clay stock bricks

Synthetic artificial slates [not unconvincing concrete facsimiles]

### **2.9.1 Detailing**

2.9.2 As with Phase 1b a number of the proposed house types have undergone amendment to enhance their character and appearance and include added architectural detailing and the proposed house types are now considered acceptable and on par with those approved in Phase 1b. [these having been considered to raise the bar of design quality within the Persimmon portfolio by the Council] This co-operation is welcomed.

2.9.3 Corner turning units have all been elevated so as to avoid prominent blank flank walls being presented to public view. In this way added visual interest is provided along with additional surveillance particularly of open space areas or paths where these adjoin dwelling. Thereby enhancing safety and reducing fear of crime.

### **2.10.1 Boundary Enclosure**

2.10.2 Again, careful consideration has been given to presenting high boundary walls rather than fences to public facing boundaries. This is another mark of attention to detail and quality and represents good urban design.

### **2.11.1 Residential Amenity**

2.11.2 The diagram that follows identifies existing properties that may be said to be adjacent or relatively close to a boundary of the application site.

2.11.3 Existing residential properties adjacent or close to the site will not experience undue or unreasonable loss of amenity or restricted access as a result of the careful positioning of new dwellings, reasonable separation, adjacency of greenspace, proposed building heights. It should be noted however that some will experience a loss of view but as members are aware this is not a material planning consideration.

2.11.4 The loss of a view is not the same as an adverse impact on outlook. The latter is a material consideration but the proposed layout is such that no existing property will experience a sense of physical domination such as to create a sense of claustrophobia to existing habitable rooms.

2.11.5 The amenity enjoyed by new properties will be good as a result of the fact that the layout has been designed to meet amenity space standards thereby protecting the amenity of those moving into the new dwellings in the future. Therefore the principle of '*caveat emptor*' [buyer beware] need never be applied to make up for an inadequacy in amenity.

continued.....



figure 14A: **Adjacent or relatively close existing properties**





figure 14B: **layout superimposed over aerial image to demonstrate careful layout design avoiding adverse impact on amenity to existing properties**



figure 14C: **layout superimposed over aerial image to demonstrate careful layout design avoiding adverse impact on amenity to existing properties**

### **2.12.1 Sports facilities provision**

- 2.12.2 The extent of public open space has been discussed earlier in this report. and is therefore not repeated here.
- 2.12.3 Members will be pleased to note that the applicant has agreed to pay **£98,250** towards the provision of additional sports facilities in Hadleigh to mitigate the impact of the added demand on facilities from this development that presently under pressure from existing usage. Such contributions are welcome and are in line with the Council's Open Space and Sports Strategy and their need are further evidenced in the Open Space Assessment that is part of the evidence base for the JLP. Members will have noted from the representations section of this report that the agreement of this sum now directly responds to the point made by the Town Council about the need for such facilities as a result of this development and it also responds positively to the Town Council's representations on this matter in respect of the Draft Joint Local Plan. This commitment from Persimmon is welcomed and will reasonably mitigate the impact of the proposed development on local sports facilities.

### **2.13.1 Play Facilities**

- 2.13.2 A further feature of this phase of development is the provision by the applicant of NEAP [Neighbourhood Equipped Areas Play facility] funding secured by way of a S106 Agreement and an agreed contribution of **£91,000**. This will most likely be located within one of the areas of open space within Phase 3 adjacent to phase 2 and will be designed in discussion with the Council's Public Realm Team.
- 2.13.3 The NEAP will eventually complement the LEAP and urban gym trail being delivered within Phase 1b of development [again by Persimmon] and will create a network of recreational facilities for a wide range of users from young children to teens/adolescents and adults.
- 2.13.4 One of the lessons already emerging from the covid pandemic is the importance of recreational facilities in the open air being available within communities as is the need to encourage active recreation to tackle health and wellbeing issues [both physical and mental].

### **2.14.1 Ecology and Landscape**

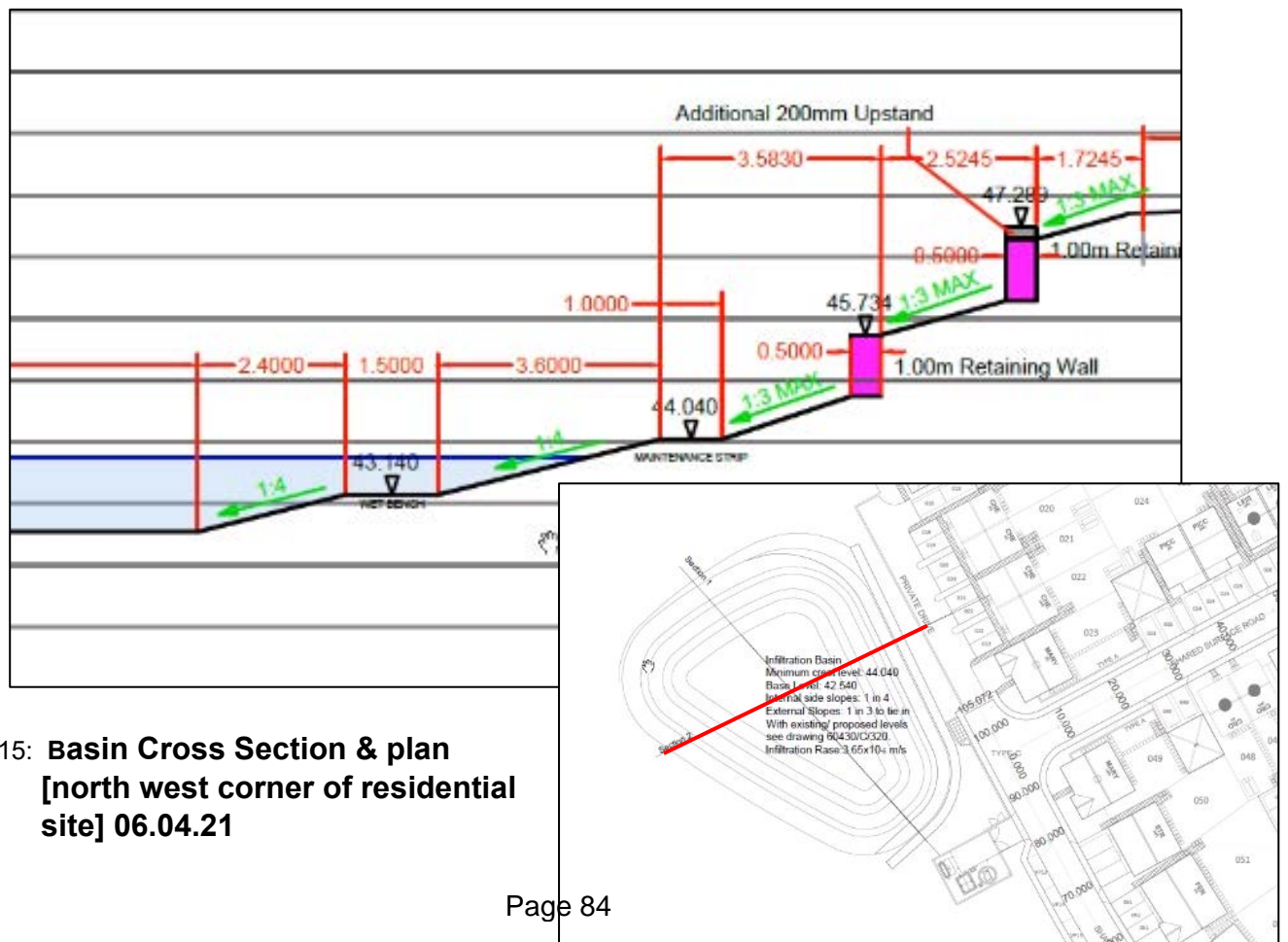
- 2.14.2 Appropriate mitigation has been agreed and Place Services and Natural England raise no objection. A S106 sum of **£23,000** for farmland bird mitigation and a further payment of **£33,276** for HRA mitigation [Suffolk Recreational Disturbance Avoidance and Mitigation Strategy] have been agreed.

## 2.15.1 Drainage

2.15.2 SCC Water & Floods [the SudS Authority] and Anglian Water are satisfied and conditions are recommended.

2.15.3 It should be noted that the design of the proposed drainage basins has undergone a series of revisions designed to create attractive landscape features that will provide attractive focal points as well functional SuDS solutions. A significant level of negotiation has occurred to achieve a satisfactory basin profile that now avoids the need for a number of high retaining walls in places [initially to cope with a 5m drop]. For the northern most basins where the land is highest the designer has cleverly designed a series of terraces that produce a gradual gradient into the base of the basin. Cross sections reveal that the resultant slope has sufficient shelves for safety purposes but also maintenance purposes. The terraced slopes will also facilitate innovative planting which will soften the visual impact of the basins as well as providing for biodiversity. Consequently, the design of the basins is now a real step forward in terms of creating attractive wildlife and landscape friendly features whilst securing effective drainage capability. This will be one to watch as other developers are likely to be encouraged to follow suit across the District. The actual full planting detail around the basins will be the subject of a condition if Members agree the recommendation in this report.

2.15.4 The cross sections and plan reproduced below provide some of the detail described above.



figures 15: **Basin Cross Section & plan**  
**[north west corner of residential**  
**site] 06.04.21**



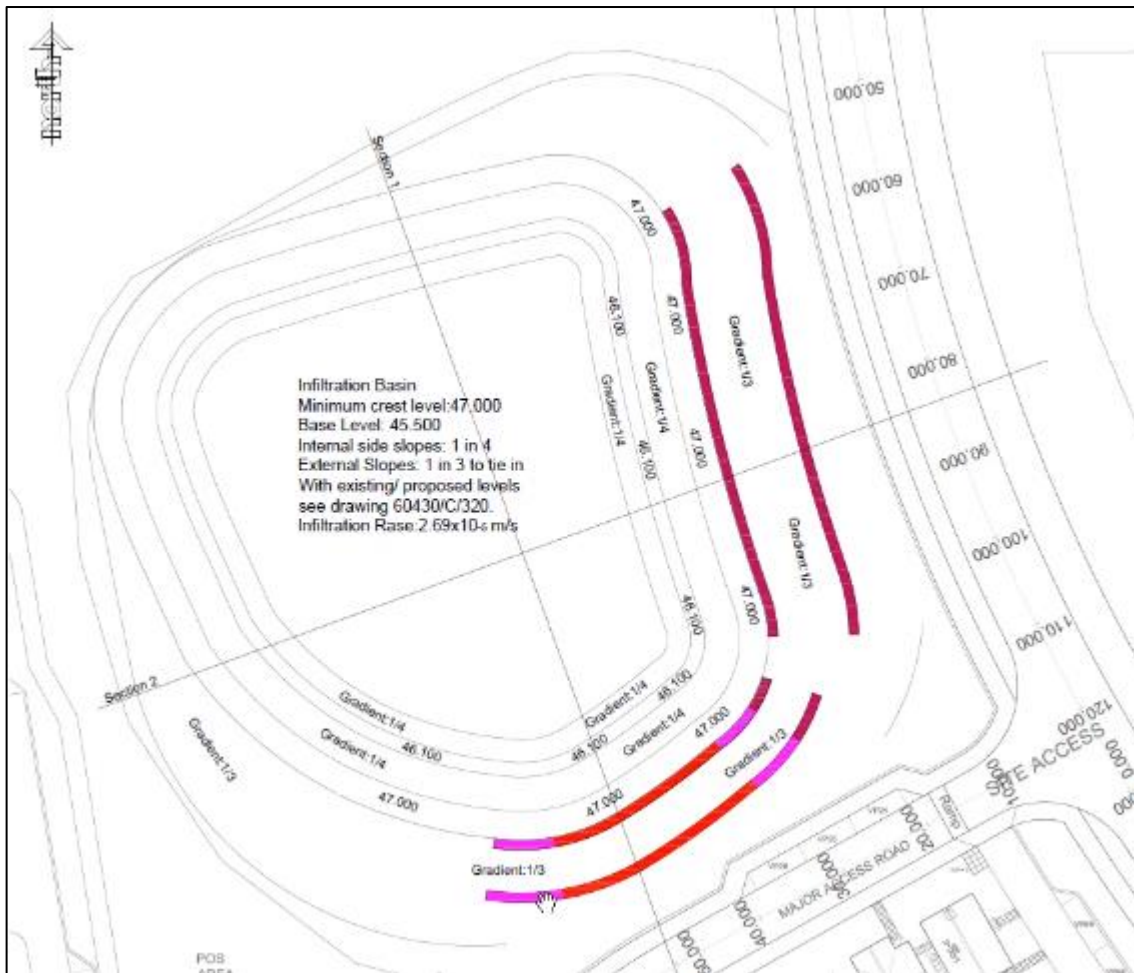


figure 16: Basin plan [north east corner of residential site] 06.04.21. Showing terracing

## 2.16.1 Highway Matters

- 2.16.2 Members will be pleased to note the development of this allocated site has not generated an objection from Suffolk County Council as local highway authority following extensive traffic analysis and the submission of additional evidence by the applicants highway consultants after requests for further information from SCC.
- 2.16.3 This additional analysis did however demonstrate that the proposed development would generate some additional traffic movement through the Benton Street area of Hadleigh. Members familiar with Hadleigh will know that Benton Street is something of a bottleneck as a result of its relative narrowness and the impact of parked vehicles on traffic flow.
- 2.16.4 Indeed in 2019 Suffolk County Council undertook a public consultation in Hadleigh to identify possible solutions to the issues experienced in Benton Street. To date no preferred option has been identified and the Local Transport Plan [LTP] includes no provision for the funding of improvements to Benton Street.
- 2.16.5 However, as a result of additional traffic being expected in Benton Street from the development now before Members SCC Highways has required the applicant [Persimmon] to provide **£50,000** for improvement measures in

Benton Street to eased traffic flow This sum has been agreed by Persimmon and will be secured by way of a clause with the recommended S106 Agreement – in the event that Members are minded to grant permission for this development.

2.16.6 Certainly funding for improvements is welcomed as this is backed by SCC in this case and will help to provide some relief to a known bottleneck within an old part of the Town where feasible options are physically few and far between.

**2.16.7 Tower Mill Lane**

2.16.8 As part of the proposal Persimmon has offered to construct passing places where pedestrians can step off the lane to afford themselves added protection from vehicles accessing properties along this stretch. The diagram below shows the intention location of such passing places.

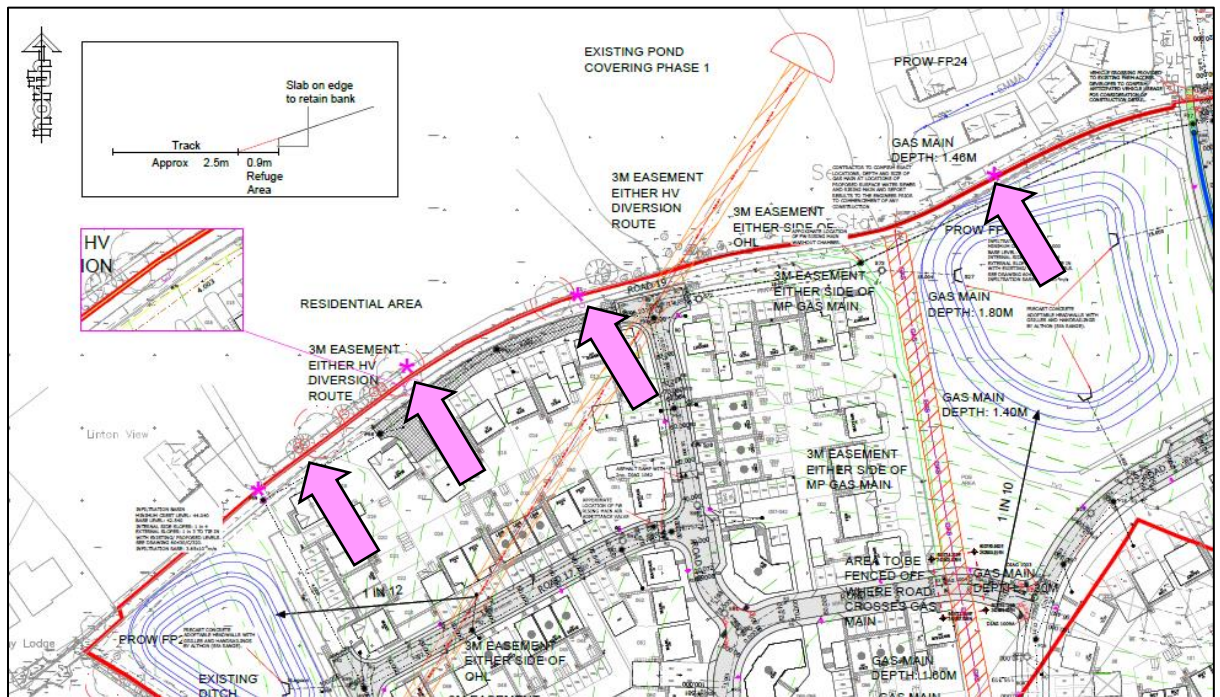
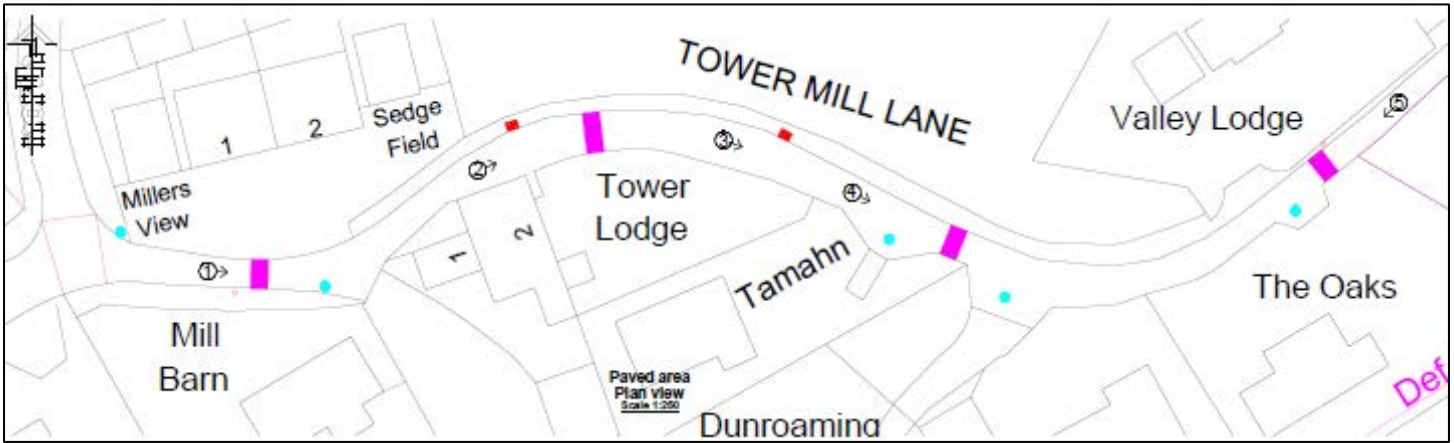


figure 17: **Proposed pedestrian passing places - Tower Mill Lane**

2.16.9 Recently the improvement and safety works being proposed to Tower Mill Lane by the applicants have been extended to include the elements shown on the plan below. [all supported by SCC Highways]









-  Depicts proposed placement of signs 513.2 (max speed 20Mph) & 544.1 (warning of pedestrians)
-  Depicts existing refuge areas
-  Depicts proposed 2m block paved strip
-  Depicts proposed refuge area

figure 18: **Further proposed improvements to Tower Mill Lane**

2.16.10 These benefits will make Tower Mill Lane a safer and more attractive route for pedestrians and cyclists to directly access Hadleigh Town Centre thereby encouraging sustainable travel to and from the application site into what is one of the Districts largest towns – with all that implies for access to services.

2.16.11 A crossing may be required to facilitate safe crossing of the new spine road where it cuts across the PRoW and the emergency vehicle access. This issue will be secured by way of a S38/S278 Agreement with SCC. The type of crossing will be resolved by SCC and delivered by the developer at the time of road building. In this way the safety of pedestrians, cyclists and horse riders will be protected where necessary.

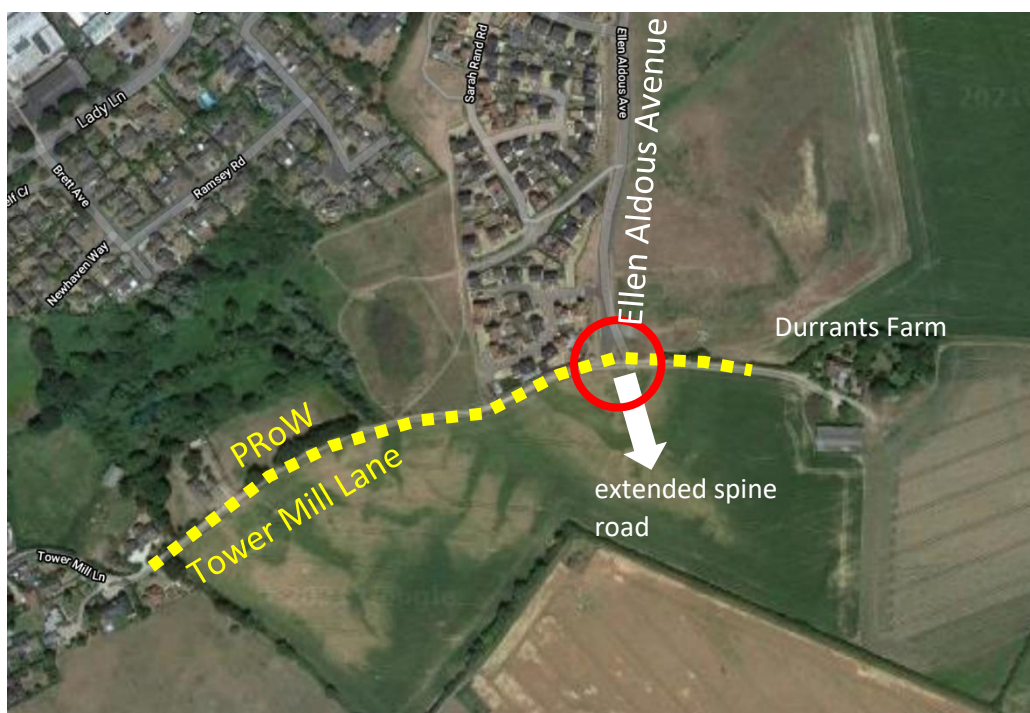


figure 19: **Position of required northern-most crossing [S278/S38 SCC]**

2.16.12 As was reported earlier in this report SCC [Highways] and Persimmon are working to identify a scheme of managing private access to Tower Mill Lane that will make it possible to prevent unauthorised access to vehicles from the extended spine road that will serve Phase 2. [as it will cross Tower Mill Lane]. This is important to safeguard pedestrian and equestrian safety along the Lane but must also afford the occupiers of Durrants Farm continued access via the Lane. A verbal update on the mechanism selected to deliver that objective will be given at the committee meeting. The Highway Authority has also identified a need for a safe means of crossing the extended spine road where it crosses Tower Mill Lane and it is expected that the selected mechanism will resolve all of these issues and requirements. Such mechanisms will be secured through the Highways Act by SCC [S38/278]

### 2.16.13 PRow Network

2.16.14 The application site and its immediate environs is well served by a network of designated public footpaths and bridleways. The applicant has agreed to further fund improvements as required by SCC PRow Team to the tune of **£15,000**. This will supplement improvements already secured within Phase 1b [now under construction]

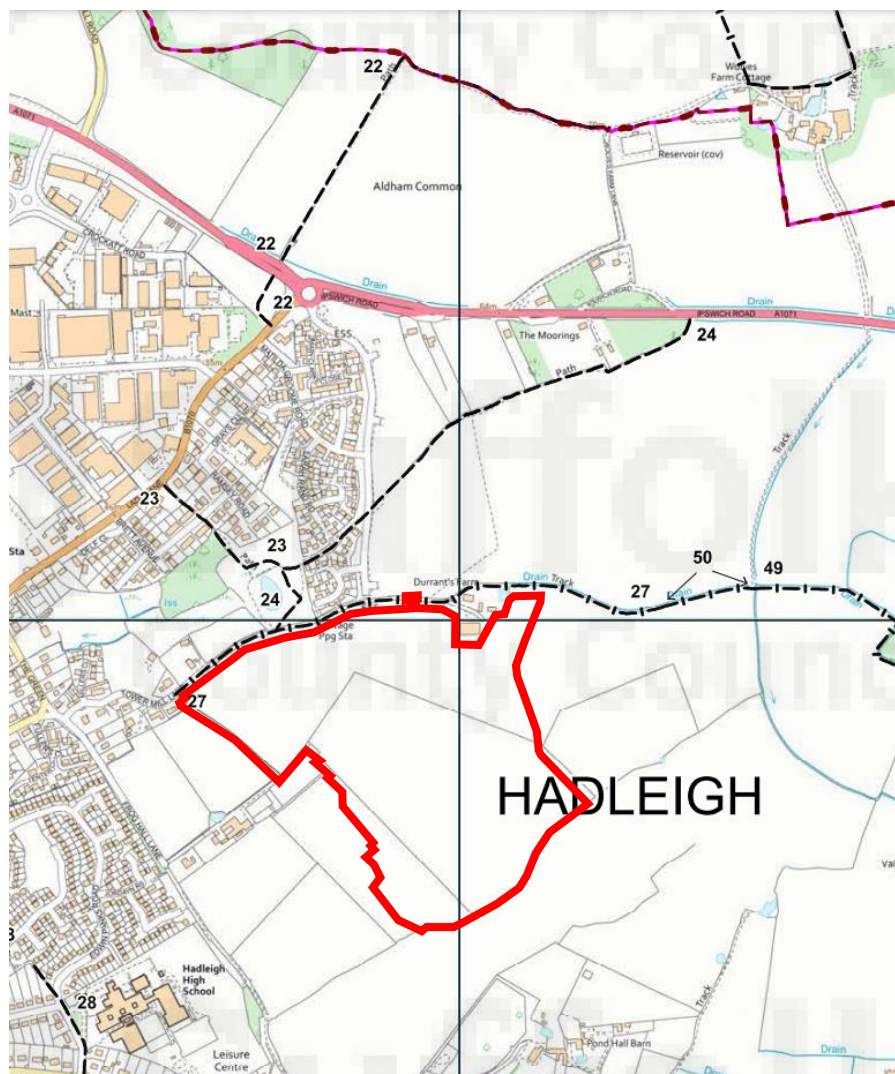


figure 20: **Existing PRow [east side of Hadleigh]**  
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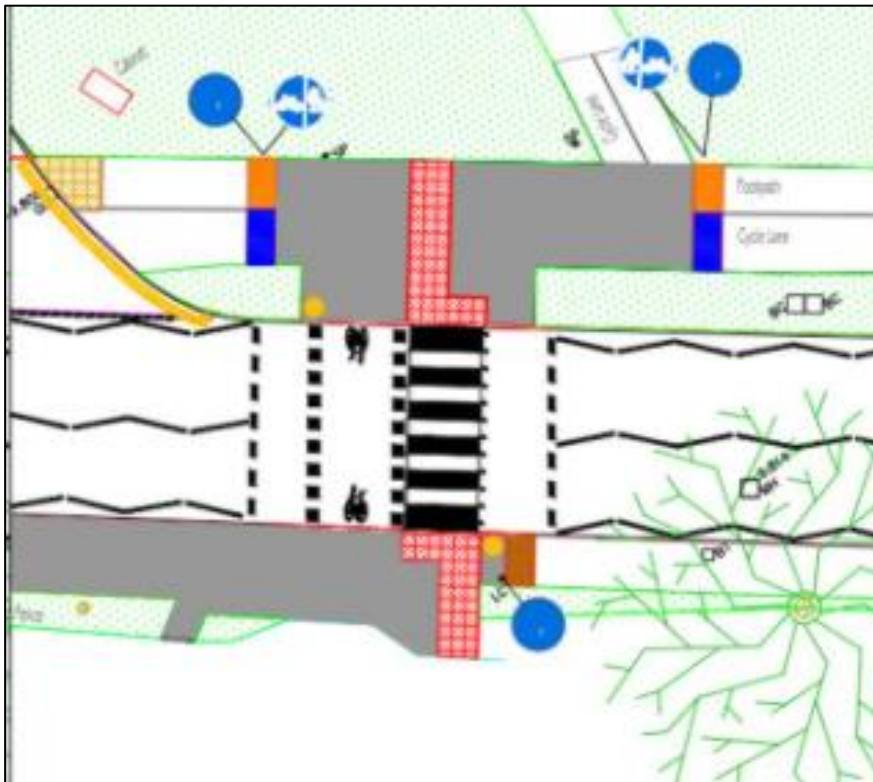


### 2.16.15 'Tiger' 'Controlled Crossings on Main Spine Road

2.16.16 Suffolk County Council as local highway authority will require two 'tiger' controlled crossing points on the proposed spine road extension that will serve both elements of the proposed development. This is necessary to facilitate safe and convenient connectivity for pedestrians and cyclists between Phases 1b and 2 and the connections therefrom to the countryside and Hadleigh Town Centre. Rather than secure these by way of a S106 Agreement Suffolk County Council will secure these via S38 or S278 of the Highways Act. The approximate location for these 'tiger' controlled crossings are shown below [subject to further discussion between the applicant and SCC]



figure 21A: **Preliminary crossing points** [subject to s38/S278 Highways Act approvals by SCC Highways]



figures 21B:

**Examples of 'Tiger' controlled crossings**

**2.16.17 Out of Hours emergency Taxi Service**

2.16.18 Included in the S106 package is a commitment from the employment site promoter to ensure that business tenants offer a free out of hours emergency taxi service for vulnerable employees. A similar scheme has been agreed as part of the planning permission to expand the Port One Business Park at Great Blakenham [Mid Suffolk].

2.16.19 The following example explains a typical circumstance in which the scheme might be triggered:

*A vulnerable employee has been working an evening shift in premises at the site. Upon leaving her/his car which is in the company car park will not start and he/she is unable to secure a lift from colleagues or be picked up by family or friends. All bus services have stopped running by that time. She/he needs to get home and it is cold and raining. He/she does not have a roadside rescue membership. In such circumstances she/he can contact a retained taxi company to collect him/her and get her home safely and her/his employer is charged on account.*

2.16.20 Members at Mid Suffolk found this to be a helpful commitment from an employer to support staff who are expected to work anti-social hours and then emergency circumstances arise that potentially might put that employee at risk were it not for the support of such a scheme.

### **2.16.21 Emergency Access / No through Road**

2.16.22 It is proposed to provide an access for emergency vehicles into the employment land from the north but this access will be controlled so as to prevent a general through route for traffic being created between the residential component of phase 1b and the employment component within Phase 2. Lockable bollards will be employed. SCC Highways has agreed this feature and with the controls required there will be no threat to residential amenity safety arising from employment related vehicles [lights vans and HGV using the residential estate [Phase 1b as a cut through].

### **3.0.1 Heritage Matters**

3.0.2 Having considered the duties placed on local planning authorities under S66 and S72 of the Planning (Listed Building & Conservation Areas) Act 1990 and the advice in the NPPF in Section 16 'Conserving and Enhancing the Historic Environment' the Council's Heritage Team has raised no objection to the proposed development. The proposal will cause no harm to any heritage asset/s

3.0.3 Historic England has advised the Council that it has no comment to make.

3.0.4 Consequently the proposed development is considered acceptable from a heritage point of view and paragraphs 201 and/or 202 are not engaged. Policies CN06 and CN08 would be complied with.

### **4.0.1 The Employment component [OUTLINE APPLICATION]**

4.0.2 Being an outline component of this hybrid application the level of detail available to the Council to assess the merits of this part of the proposal is sparse. This report has already established that the principle of the employment use is acceptable in policy terms and that is perhaps the principal hurdle that must be vaulted if this element of the scheme is to be seen as acceptable. Clearly if Members are minded to approve this element much of the detail would follow via the Reserved Matters submission in due course. What officers have done to help shape the overall form of

development going forward and to ensure that the connectivity achieved in the residential component is well-linked to the employment element and in turn beyond is to secure an amended layout plan that establishes a strategic landscaping masterplan. It is when adding the 5.5ha of land for employment uses to those strategic areas that the overall land take amounts to 7.64ha. As noted, the 5.5ha is capable of being expressly controlled alongside measures to ensure that future development generally accords with the masterplanned layout below.

4.0.3 As can be seen from the plan below it provides a framework within which building areas have been defined thereby establishing a network of important green links that will facilitate connectivity and help to buffer the employment uses from view from the open countryside.

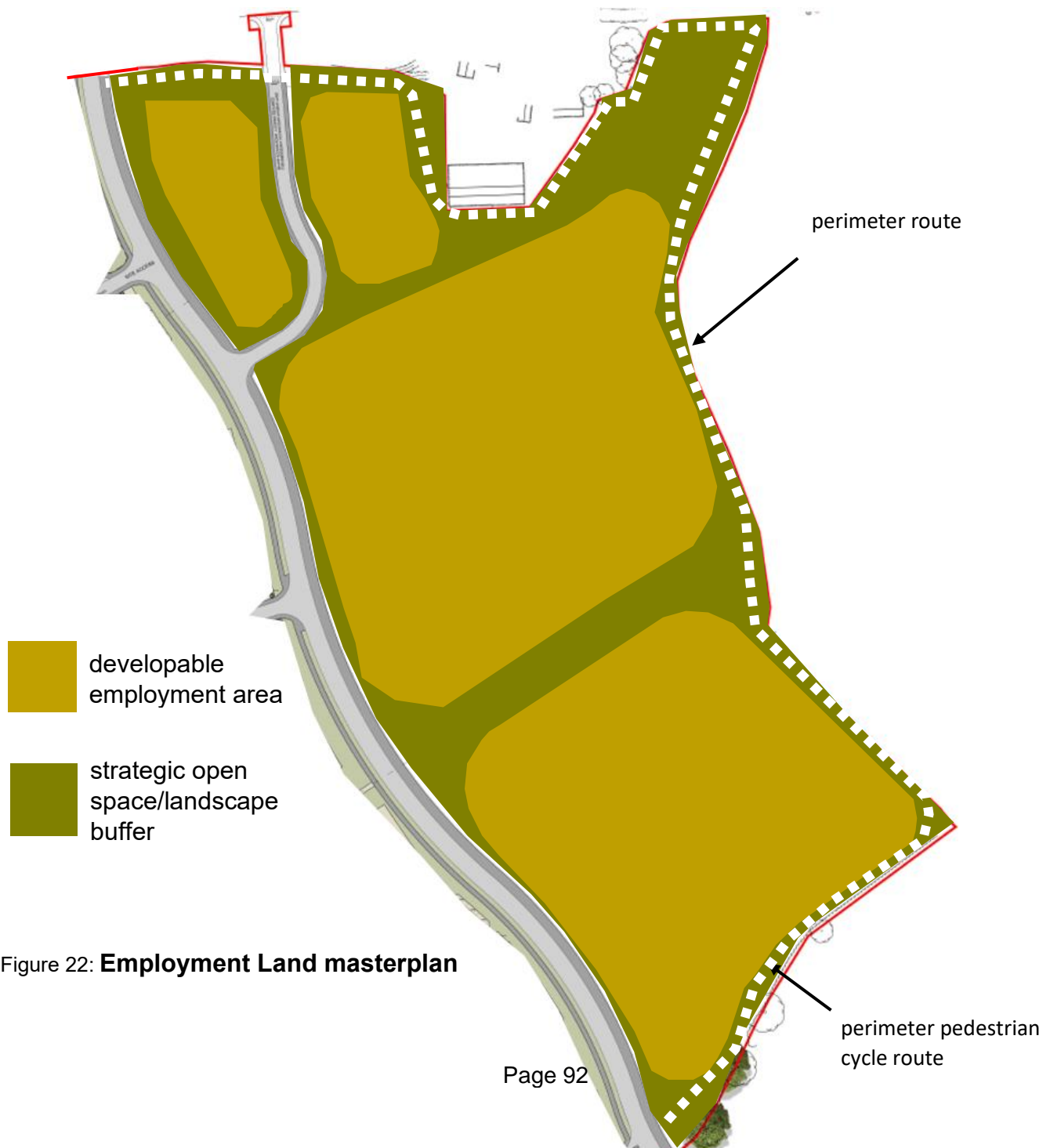


Figure 22: **Employment Land masterplan**



#### 4.1.1 Floorspace and proposed uses

- 4.1.2 The application form does not specify the amount of floorspace. This would therefore be a matter for reserved matters [if permission is granted] in terms of the scale of development.] However in impact terms the allocated area of 5.5ha has been assessed e.g. for traffic modelling purposes.
- 4.1.3 As is permitted within an outline application no detail is provided as to appearance scale or layout of buildings and associated features [including estate roads] within the employment area. Members are only being asked to consider the principle of use here and access.
- 4.1.4 The applicants have applied for: the following uses:

#### **B1 - Business**

B1(a) is for use as an office other than a use within class A2 (financial and professional services),

B1(b) for research and development of products or processes, or

B1(c) is for use for any light industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

#### **B2 – General Industrial**

Class B2 building use is for the carrying on of an industrial process other than one falling within class B1 above or within classes B3 to B7

#### **B8 – Distribution or Storage**

Class B8 building use is for storage or as a distribution centre

on the east side of the new spine road along with an early years educational use within the residential area on the west side of the spine road.

- 4.1.5 Recent changes to the Use Classes Order have created a new Use Class – ‘Class E’ which amalgamates a number of uses previously in separate use classes. [as from 31 July 2021 under the circumstances of an application that was submitted prior to September 2020]. In considering the merits of this outline application officers have taken the view that it is **not appropriate** to consider the present application as one for E class uses rather than the more narrowly defined description on the application form which was submitted prior

to the changes. Members could if they so expand the uses applied for by condition beyond those that appear on the application form and the present description of development.

- 4.1.6 Officers advise that whilst the Government's approach to stimulating the economy has involved making the planning process more flexible it is not in this case appropriate to consider the application as if it comprised an employment area for Class E uses. The reason for this is simple:
- 4.1.7 Class E includes amongst other things retail uses and as the application is in outline and does not specify a quantum of floorspace allowing retail uses could prejudice the viability and vitality of Hadleigh Town Centre. This might be particularly devastating during a period when high streets will be undergoing a potentially significant transformation after the impacts of the covid pandemic.
- 4.1.8 Class E also includes what are currently Class A3 uses.

Class E uses are as follows:

Use, or part use, for all or any of the following purposes:

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (shops – formally use class A1)
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (cafes and restaurants – formally use class A3)
- c) for the provision of the following kinds of services principally to visiting members of the public—
  - (i) financial services, (banks and building societies – formally use class A2)
  - (ii) professional services (other than health or medical services), or (estate and employment agencies etc. – formally use class A2)
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (Doctors, clinics & health centres, acupuncture clinic etc. (must be medical or health related)) (but not beauticians, nail bars, massage parlours etc which are now “Sui Generis” formally use class D1(a)) ,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

g) for—

(i) an office to carry out any operational or administrative functions, (Offices – formally use class B1(a))

(ii) the research and development of products or processes, or (formally use class B1(b))

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial – formally use class B1(c))

Where a property falls within two use classes then it will be classed as “Sui Generis”. The one exception is a building with Class E, sub-paragraph (g) (or B1 prior to September 1st 2020) & B2 use as long as the section allocated to B2 is not substantially increased.

4.1.9 The proposed employment use has been considered in this report and the Council’s Adopted Development Plan allocates this site for 5.5ha of employment land. It is a sustainable location close to a large redoubt population much of which is within easy walking or cycling distance.

4.1.10 The proposed employment area is compatible with the NPPF Section 6 - *‘Building a strong, competitive economy’*

4.1.11 It is supported by the Council’s Economic Strategy and the Council’s Economic Development Team.

4.1.12 The employment area has the potential to stimulate significant numbers of jobs although at present this being an outline application the likely number cannot be accurately quantified.

#### **5.0.1 Sustainability matters [construction and energy]**

5.0.2 6 [six] of the 273 dwellings will include solar panels

5.0.3 The majority of properties will have ev. charging to garages or the house. As with earlier proposal Persimmon has not indicated ev to parking courts but the Council has required a connection point to be installed into the parking court to provide capability for easy retrofitting without having to dig up the parking court accessway. This is recommended here by way of a condition.

5.0.4 Persimmon originally provided this more general statement:

*“This Sustainability Statement accompanies the planning application for the proposed phase 2 residential development at Ipswich Road, Hadleigh. The Statement has detailed the measures that will guide the construction of the development and considers the following categories; materials, pollution, water consumption and energy efficiency. These measures can be summarised as follows;*

- Persimmon Homes will operate a robust Sustainable Procurement Policy which emphasises the legal and sustainable sourcing of building materials;*
- A comprehensive, efficient and robust SWMP will be implemented. This plan will adhere to the waste hierarchy of reduce, re-use and diversion from landfill;*
- Best practice policies with respect to site pollution will be implemented as standard;*
- Measures will be incorporated into the design of each property to achieve a water consumption lower than 125 litres per person per day;*
- Electrical vehicle charging points will be installed in 185 no. properties;*
- The proposed homes will be energy efficient. The same energy efficiency measures will shrink CO2 emissions by 5.02%;*
- PV arrays capable of generating 41,091.16kWh/year of electricity will be installed on the roof slopes of a number of properties; and*
- The measures will shrink CO2 emissions by 10% when compared to the Building Regulations Part L1A.*

*In conclusion, the measures above take account of current best practice guidance and are in line with the letter and spirit of the NPPF. As such a sustainable development is proposed and we recommend the approval of these measures by Babergh District Council.”*

5.0.5 Persimmon has updated its position since [30.11.2021] with the following commitment:

*“I can advise you that in respect of renewables, Persimmon intends to CO2 emissions reduction in accordance with the emerging JLP policy*

*which I hope will find favour with officers and members. See attached revised Sustainability Report.*

**Stuart McAdam email dated 30 November 2021 @ 11.56hrs**

5.0.6 The Sustainability Statement referred to is dated November 2021 and is produced by JSP Sustainability Ltd 5.0.for Persimmon Homes.

5.0.7 It has the following Executive Summary:

**EXECUTIVE SUMMARY**

- The proposed Persimmon Homes phase 2 development at Ipswich Road, Hadleigh will see the construction of 273 no. properties.
- Persimmon Homes has proposed the adoption of a Sustainability Strategy which incorporates robust practices with respect to site pollution, waste generation and material selection.
- The construction of energy efficient homes and the installation of PV arrays capable of generating 115,289.39kWh/year of electricity will deliver a 19% saving in CO<sub>2</sub> emissions.

5.0.8 Members will no doubt wish to explore how the scheme will deliver on this commitment directly with representatives of Persimmon who are expected to attend and make representation.

5.0.9 Inevitably Persimmon is likely to opt for the use of gas boilers as they have on earlier phases.

5.0.10 Members will note that when last asked Persimmon confirmed they would use pv panels on 6 dwellings of the 273 included in the proposed development [see paragraph 5.0.2. above].

**6.0.1 C.I.L. Liability**

6.0.1 **Members are advised that this proposal will currently not generate a CIL liability [confirmed by the Council's Infrastructure Team] as the current CIL charging scheme exempts strategic sites such as this. Whilst that situation may change in the future **officers have sought to secure appropriate and reasonable mitigation through the use of a S106 Agreement.****

### **7.0.1 S106 Agreement**

7.0.2 The proposed development is accompanied by an agreed commitment to an extensive package of S106 benefits to mitigate the impact of this development such as to make it acceptable in terms of policy and other material planning considerations. Officers are content the obligations as set down below meet the CIL test.

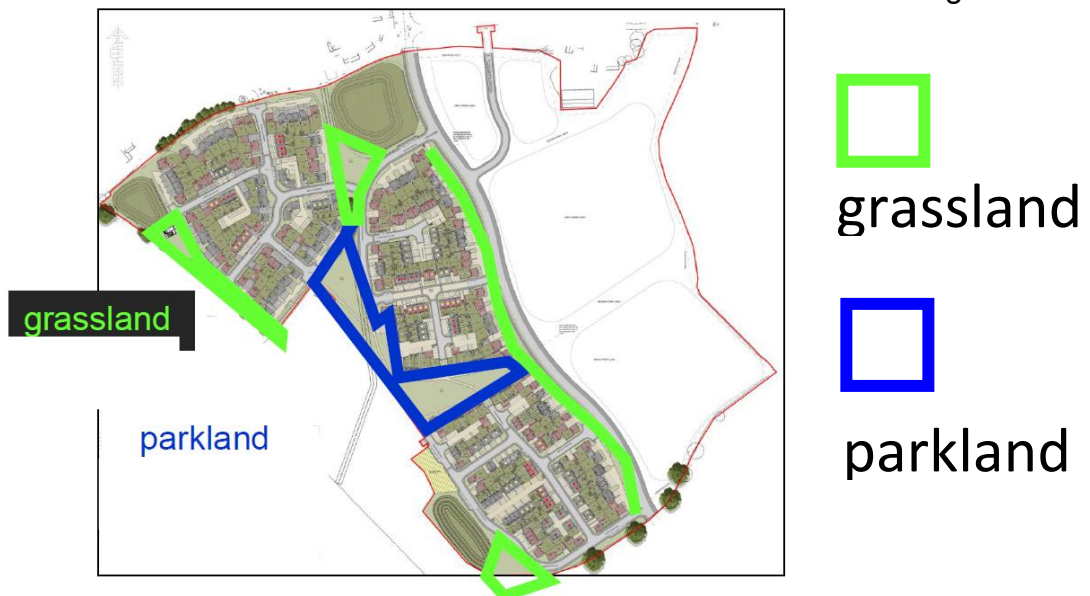
**The list of S106 elements is as detailed below:**

#### **Residential component [FULL] [as at 29 November 2021]**

- Affordable Housing  
**35% [96 dwellings]**

Location size distribution and split between affordable rented and shared ownership as agreed with the Council's Strategic Housing Team

- Sports facilities contribution  
**£98,250**
- Open Space maintenance sum ] **£601,293** [with transfer of open space land to BDC or nominated cascade parties for £1] [as determined by the style of open space e.g. parkland and/or grassed area and the relevant management sch



- The requirement to provide an estate road connection to the site boundary with no ransom strip from within the residential development capable of providing a suitable vehicular connection [to the satisfaction of the lpa and lha] to the remaining land to the west of the residential site [Phase 2] the subject of FULL planning permission so as to provide unobstructed and free vehicular cycle and

pedestrian access of appropriate dimensions to serve remaining land allocation within the Draft Joint Local Plan Submission Document 2020 currently known as LA028 .

### **Detailed location to be agreed within the S106**

- HRA Mitigation  
**£33,276**
- Farmland bird/Skylark mitigation  
**£23,000**
- NEAP contribution  
**£91,000**
- Benton Street Improvements contribution  
**£50,000**
- Primary school expansion contribution  
**£431,700**
- Secondary School Land Contribution  
**£134,916**
- Secondary School Expansion Contribution  
**£1.093,650**
- Sixth form expansion contribution  
**£213,975**
- Early Years Build Cost Contribution  
**£451,176**
- Early years school site land for £1 + additional land adjoining that site for off-street parking to adopted parking standard or as may be agreed]  
**Land transfer to SCC with cascade for open space [BDC] if school not provided**
- Bus service scheme TBA. To ensure the provision of a bus service within the development which may include an enhanced service on an existing route. Scheme to include a specification for the new or enhanced service, details of the expected route and programming of its inauguration and delivery relative to occupation of the development, frequency of service, timetable including hours of operation and with appropriate fallback measures to ensure the delivery of such a service if the bus operator withdraws. New or enhanced service to be procured in accordance with scheme not later than first occupation of any dwelling. Service to be funded by the developer directly for a minimum

of 5 years with fallback provision for funded service delivery by way of Travel Plan Bond in the event that new or enhanced service is not delivered at any point during expected lifetime of developer led service.

- Travel Plan contribution  
**£101,365**
- Libraries contribution  
**£58,968**
- PRoW contributions [excludes works to Tower Mill Lane adjacent to site 's northern boundary west of the spine roady which is subject to a proposed condition and highway works [s38/s278]  
**£15,000**
- Health contribution [GP expansion]  
**£157,300**
- Dog bins within open space and financial contribution towards emptying and maintenance  
**Details to be agreed by way of a dog bin strategy document**
- S106 monitoring sums  
**BMSDC [£500 per clause] & SCC [£412 per clause].**

**Currently, 15 residential related clauses indicated above to be monitored by BDC [15 x £500 = £7,500] 10 x SCC clauses £412 x 10 = £4,120**

All payments to be index linked

### **Employment Land [outline]**

- No more than 5.5ha of land reserved for employment uses and future development/reserved matters shall generally accord with the masterplan.
- recruitment and training programme  
**commitment to interview candidates [school leavers and long term unemployed] who have undergone associated appropriate training via Job centre BMSDC or other nominated agencies**
- open space  
**Minimum 10% with transfer of land to BMSDC for £1 with appropriate maintenance sum**
- 20m planting buffer around entire perimeter of site
- The developable employment area shall be restricted to those shown on the plan produced at figure 18 of this committee report. [except where the 20m



perimeter buffer required below is required to encroach into that area in which case the developable area is decreased.

- The area shown in square shading below shall only be used as open space and for no other purpose including the creation of a vehicular access/accesses and/or road/s or other route/s for motorised vehicles



- Emergency taxi service home in extenuating circumstances for vulnerable employees at anti -social working times and shuttle service for employees all to be agreed and provided with a Employee Travel Scheme
- Bus service procurement to an agreed specification
- S106 monitoring sums  
**BMSDC [£500 per clause] & SCC [£412 per clause].**

**Currently, 7 employment related clauses indicated above to be monitored by BDC [7 x £500 = £3,500] 3 x SCC clauses £412 x 2 = £824**

All payments to be index linked

Total monitoring sums based on the above clauses are:

**BDC £7,500 + £3,500 = £11,000**

**SCC £4,120 + £824 = £4,944**

**8.0.1 Planning Balance**

**8.0.1 Planning Balance**

- 8.0.2 Members are advised that the proposed development fully accords with Adopted Policy and on a site that is allocated for the proposed purposes in the Adopted Development Plan.
- 8.0.3 The development is entirely consistent with the NPPF and will deliver a strategically significant quantity of much needed housing and more particularly a significant number of vital affordable dwellings. [96]
- 8.0.4 This site is a strategic housing allocation - the development of which will make a significant contribution towards the Council's housing delivery targets as Persimmon is keen to move on from its Phase 1b site and continue building houses in Hadleigh.
- 8.0.5 Members will of course understand the significance of being in a position to manage development for itself through being able to demonstrate it is delivering new homes and that it has a 5 Year Housing Land Supply. Delivery of this significant Phase of residential development in Hadleigh will contribute to delivery performance which will help to avoid penalty in the form of having less ability to shape the pattern of growth for itself. The economy continues to revive after two years of Covid. Clearly the threat of Covid remains and health concerns are still to the fore but there remains a backdrop of an economic recovery that is potentially at risk.
- 8.0.6 The site sits within Hadleigh which is one of the District's most highly sustainable locations and will produce a wide range of important public benefits that includes homes [both affordable and open market] , jobs, enhanced life chances and quality of life prospects, educational facilities, a new early years facility, NEAP funding, added sports facilities and community infrastructure, public transport improvements, improvements to Benton Street, open space sports and fitness facilities, improved pedestrian and cycle facilities enhanced biodiversity a good quality well designed place and much more with little or no adverse impacts.
- 8.0.7 The proposal with the package of S106 benefits will make a significant contribution to meeting District needs. Para 11 of the NPPF refers to the presumption in favour of sustainable development and for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.

**Members are advised that there are no material considerations that would indicate a decision should be taken other than in accordance with the plan.**

**9.0.1 RECOMMENDATION:**

1. That the Chief Planning Officer be delegated to GRANT conditional HYBRID planning permission for this development,

Namely; *[in summary]*

**FULL PLANNING PERMISSION for 273 dwellings and open space [west of the proposed spine road]**

**OUTLINE PLANNING PERMISSION for employment uses [east of proposed spine road] and early years educational use within the residential area west of the proposed spine road**

2. **SUBJECT to :**

**[A] The prior completion of a S106 on terms to the satisfaction of the Chief Planning Officer delivering the obligations identified above in the S106 section of this committee report [and/or such other obligations as may be reasonably required by the Committee at the meeting]. The Chief Planning Officer may where appropriate exercise judgement to amend clauses during the detailed drafting stage to ensure they are reasonable and where such amendments do not adversely impact the prospect of the overall delivery of any required obligation/s.**

**AND that such planning permission be subject to**

**[B] appropriate conditions including those below and such others as the Chief Planning Officer thinks fit**

For full details please see after 3 below:

3. In the event that the required S106 cannot be completed to the satisfaction of the Chief Planning Officer within a period of 6 [six months] from the date of this resolution [if agreed] or such time as he believes reasonable where good progress has been made and all parties remain

committed to concluding the required agreement to an agreed timetable and/or where force majeure applies;

THEN,

The application must be referred back to Committee for determination in the light of the fact that it has not been possible to conclude the S106 with the terms and sums expected by the Committee.

Such an outcome will require a fresh Committee report to be prepared within which the impact of not being able to achieve certain elements of the required S106 are explored in terms of the impact this has on relevant material considerations and the merits of the proposal along with a review of the overall planning balance that then arises and there after the consequent recommendation.



figure 23. Council Plan reference BDC1  
[cross reference to S106, Recommendation and Conditions]



figure 24: **Council Plan reference BDC1 - larger image** [cross reference to S106, Recommendation and Conditions]

**RECOMMENDED CONDITIONS** *[associated with recommendation 2 if agreed]*

**CONDITIONS in RESPECT of FULL PLANNING PERMISSION:**

**Residential component [shown with horizontal cross-hatched shading on plan ref: BDC 1 attached to this decision notice]**

**CONDITIONS [as may be reasonably amended, modified, omitted or extended prior to completion of the S106 Agreement where appropriate by the Chief Planning Officer]**

**1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:  
COMMENCEMENT TIME LIMIT**

The development hereby permitted shall be begun not later than 18 months from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

**2. COMPLIANCE: DRAWING SCHEDULE**

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.

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

**3. THE EARLY YEARS FACILITY**

For the avoidance of doubt the early years site shown on a number of the residential layout drawings [shown with diagonal cross-hatched shading on plan ref: BDC 1 attached to this decision notice] associated the FULL application component of this HYBRID application is not included within the FULL PLANNING PERMISSION. Whilst its position is fixed in the location shown [THIS MAY CHANGE DEPENDING ON SCC's AWAITED FORMAL COMFIRMATORY RESPONSE] the details form RESERVED MATTERS associated with the OUTLINE application component of thus HYBRID PERMISSION.

Reason – For the avoidance of doubt as to the scope of this FULL planning permission and in order to ensure that the full details are provided as [art of the RESEVED

MATTERS for the OUTLINE PLANNING PERMISSION. [The Employment Land and the Early Years Land]

4. 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.

OR

4. SPECIFIC RESTRICTION ON DEVELOPMENT

The materials to be used shall not be other than as specified on the approved materials schedule ref : [ADD REFERENCE] and plan no: [ADD REFERENCE]

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.

OR

4. A variation of the second option identifying plots for clay and artificial slates

COMMENT which version depends on progress securing approved details prior to committee or issuing the decision

## 5. SPECIFIC RESTRICTION ON DEVELOPMENT

All window frames in masonry facades shall be set back within a 45mm [min] reveal. All glazing bars on double glazed window units identified on the drawings hereby approved, shall be agreed with the Local Planning Authority prior to installation and shall be applied to the exterior of the outer pane of glass. No glazing bars shall be inserted between the internal and external panes of glass. Pitched porch roofs shall be tiled using clay plain tiles only. GRP roofs are not permitted with the exception of flat roof porches. Where shown on approved drawings all architectural detailing including chimney and elevated flank ends to buildings shall be provided prior to occupation of that unit/s.

Reason - In order to ensure that the required high quality of appearance is achieved in line with the intentions of the applicant as agreed during negotiations and ensure the quality achieved matches that of the previous phase of Weavers Meadow [Phase 1b] being constructed by Persimmon Homes.

## 6. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS [CHECK REFERENCES AND LATEST PD PRIOR TO ISSUING]

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-

- no enlargement, improvement, insertion of new openings or other alteration of the dwelling house/s shall be carried out,
- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

## 7. SPECIFIC RESTRICTION ON DEVELOPMENT: SHEDS

All plots shall be provided with on-plot secured sheds/cycle stored [including flats] prior to occupation of the unit concerned.

Reason – To ensure that adequate provision is made for the storage of cycles in order to encourage occupiers to use cycles for local trips and in order to provide secure garden storage in the interest of security.



## 8. EXTERNAL CLOTHES DRYING FOR FLATS

Prior to occupation all flats shall have access to on-plot secure external drying areas adequate for all residents in the block even if all the individual flats are themselves provided with drying equipment such as tumble dryers.

Reason – To ensure that occupiers have access to secure drying facilities that in good weather [or good drying weather] that do not add to electricity bills and allow the clothes to dry naturally with the fresh clean smell that implies.

## 9. ACTION REQUIRED PRIOR TO COMMENCEMENT OF ESTATE ROADS: DETAILS OF SURFACE MATERIALS FOR ROADS AND ACCESSES

Prior to the commencement of estate roads and footpaths, 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.

## 10. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION OF ROADS AND ACCESSES

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.

## 11. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT STATEMENT / PLAN

Before the development hereby permitted is commenced a Construction Management Statement [with appropriate plans where necessary] 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 Statement and any associated plans. The Construction Management Statement and any associated plans shall include the following matters:

- o details of haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- o details of compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,

- o details of overburden/topsoil storage areas, fuel storage, hazardous materials storage
- o provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting
- o details of proposed means of dust suppression
- o details of proposed means of noise suppression
- o full piling details
- o details of measures to prevent mud from vehicles leaving the site during construction
- o details of deliveries times to the site during construction phase
- o details of provision to ensure pedestrian and cycle safety
- o programme of works (including measures for traffic management and operating hours)
- o parking and turning for vehicles of site personnel, operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials
- o 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.
- o the construction programme
- o details as to how local people will be kept reasonably informed of the build programme

Reason - In the interest of highway safety, residential amenity and good neighbourliness.

## 12. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: OPERATION FOR CONSTRUCTION WORKS

Noise intrusive construction/ground works to the site shall be limited to the following hours:

Monday to Friday between 07:30 hrs and 18:00 hrs; and,  
Saturday between 09:00 hrs and 13:00 hrs.

No noise intrusive work to be undertaken on a Sunday, Bank, or Public Holiday.

Reason - To minimise detriment to nearby residential amenity.

## 13. PRIOR TO OCCUPATION: TOWER MILL LANE IMPROVEMENT

Before any dwelling is first occupied, the developer shall provide details and construct the improvements to Tower Mill Lane 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 site with footway network and bus stops.

#### 14 PRIOR TO OCCUPATION: ROAD CONSTRUCTION

No dwelling shall be occupied until the carriageways [including the spine road extension [Ellen Aldous Avenue] 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.

#### 15. PRIOR TO OCCUPATION: TRAVEL PLAN

Prior to first occupation of any part of the development a Site Wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council (as Local Highway Authority). The approved Site Wide Travel Plan shall then be implemented in full.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car as set out in the NPPF, and policy CS15 of the Babergh Core Strategy (2014).

#### 16. RESTRICTION ON DEVELOPMENT: BINS

The areas to be provided for presentation and storage of Refuse/Recycling bins as shown on Drawing No. 941-P-193A and 941-P-192A 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.

#### 17. ACTION REQUIRED PRIOR TO OCCUPATION: ELECTRIC CHARGING POINTS

All garages shall be provided with electric vehicle charging points/apparatus prior to the occupation of the associated dwelling. Plots without garages shall be provided, with an external electric vehicle charging point convenient to that dwelling's off street parking space/s prior to the occupation the associated dwelling such that 100% of dwellings have access to a either charging apparatus or an appropriate power supply where apparatus is not required to be fitted. Where communal parking areas are provided electric connections shall be pre-laid to a point within those communal parking areas prior to the occupation of any associated dwelling, such as to facilitate easy future installation of EV charging points.

Reason - In order to facilitate the delivery of EV charging across the estate prior to occupation and in the case of communal parking areas easy retro fitting of such facilities in the interest of encouraging the take up of sustainable car travel and allow future occupiers to make their own provision for EV charging.

#### 18. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING

Prior to any development proceeding above slab level and notwithstanding such landscaping detail as may have been submitted further landscaping details shall be submitted to and approved by the Local Planning Authority for the margins and slopes of the proposed drainage basins. Furthermore prior to any development proceeding above slab level a Detailed 'Landscape Maintenance Plan and Implementation Plan' shall be submitted to and approved by the Local Planning Authority. Such detail as shall subsequently be approved shall be implemented in accordance with those approvals. Landscaping for the areas outside of the drainage basins is approved but must first be subject to the approval of the required Maintenance and Implementation Plan referred to above. Any tree that is dead or dying within the first five years of planting shall be replaced and planted by the developer in the first available planting season.

Reason - In the interests of visual amenity and the character and appearance of the area and ensuring that the newly planted landscape has the best chance of surviving.

#### 19. ACTION REQUIRED: PRE-COMMENCEMENT: TREE PROTECTION

Before any work on site commences all trees to be retained shall be protected as detailed in the arboricultural report [INSERT DETAILS OR REQUIRE SUBMISSION OF SUCH DETAILS]. Thereafter such protection shall remain in place and in good order until completion of relevant areas of development. Any trees dead or dying within 5 years of completion of the development shall be replaced in the first available planting season.

Reason - In order to safeguard the continued presence of established flora beyond the construction phase such that it can continue to provide visual amenity and wildlife value.

continued.....

## 20. SPECIFIC RESTRICTION ON DEVELOPMENT: BOUNDARY TREATMENTS

Notwithstanding such detail as may otherwise have been approved no development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority further full details of all means of boundary. The development shall thereafter be carried out in accordance with such details as agreed.

Reason - To ensure satisfactory development of the site.

OR

## 20. SPECIFIC RESTRICTION ON DEVELOPMENT

The boundary treatment details to be used shall not be other than as specified on the approved materials schedule ref : [ADD REFERENCE] and plan no: [ADD REFERENCE] continued.....  
...continuation

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.

COMMENT: which version depends on progress securing approved details prior to committee or issuing the decision.

## 21. ACTION REQUIRED PRE-SLAB LEVEL: SIGNING OF FUTURE PLAY AREAS

Prior to the marketing of any property a notice shall be prominently displayed on all sites due to be used as Public Open Space or play areas advising of the future delivery of open space and play areas within these areas. Such signage shall remain in position and publicly visible until such time as the open space / play area has been provided.

Reason - In order to ensure that prospective purchasers of dwellings are made aware of the future provision of open space and play areas so as to inform their investment decisions and to avoid future objection to the provision of such facilities close to occupied dwellings

## 22. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

#### 23. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC EVENT: CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

#### 24. ACTION REQUIRED PRE-SLAB LEVEL: ARCHAEOLOGICAL REPORTING

Before any work proceeds above slab level the applicant shall secure the written confirmation of the SCC Archaeological Service that all the appropriate archaeological reports arising from site investigations have been received and are signed off.

Reason - In order to ensure that there is a proper public record of the findings from archaeological investigations undertaken by the applicant and in order to ensure that SCC Archaeological Service has sufficient information to update the Historic Environments.

Records [HERS] for future research and education purposes.

#### 25. ACTION REQUIRED DURING CONSTRUCTION

For the areas of the site that are not subject to prior archaeological investigation in accordance with the WSI already agreed by the Suffolk County Council Archaeological Service areas outside of these areas shall be subject to....

[CHECK WITH SCC ARCHAEOLOGY PRIOR TO ISSUING]

## 26. ACTION REQUIRED ONGOING: ECOLOGICAL MITIGATION

Ecological mitigation measures as described in the submitted Ecological Assessment Report shall be implemented in full in accordance with that report and where timescales are not specific then completed prior to the substantial completion of the development.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

## 27. ACTION REQUIRED PRIOR TO SLAB LEVEL: SUSTAINABLE CONSTRUCTION STRATEGY

No development shall proceed above slab level until such time as the developer has submitted to and had approved by the local planning authority a sustainable construction strategy [energy and water conservation, reusable energy, insulation]. Such strategy as shall have been agreed shall thereafter be implemented prior to the occupation of any relevant dwelling. That Strategy will demonstrate how the developer is to achieve reductions in CO2 emissions of 19% below for the Target Emissions Rate of the 2013 Edition of 2010 Building Regulations (Part L) or any subsequent more recent legislation or council policy which would lead to a greater reduction in CO2 emissions'

Reason - To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

## 28. RESTRICTION ON DEVELOPMENT: DRAINAGE 1

The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated October 2020, ref: 619574-MLM-ZZ-XX-RP-C-0001 Rev 05) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

## 29. TIME RESTRICTED ACTION: DRAINAGE 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-assetregister>

### 30. PRE-COMMENCEMENT: DRAINAGE 3

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principal site contractor, 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:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life

### 31. PRIOR TO OCCUPATION: TWO 'TIGER' CONTROLLED CROSSINGS

Prior to occupation of any dwelling the application shall have agreed with Suffolk County Council as local highway authority a strategy for delivering two crossing points on the extended spine road included in the application These crossing shall be at the point which Tower Mill Lane and associated footpath bridleway crosses what will be an extended Ellen Aldous Avenue and adjacent to the new 'village green' feature [west side] and the connectivity corridor east side of the extended spine road. Such crossing detail and requirements as shall be agreed by Suffolk County Council as local highway authority shall be provided in accordance with such timescale as shall have been previously agreed.,



Reason In the interest of highway safety and to enhance connectivity and encourage walking cycling and horse riding as leisure pursuits an alternative modes of travel

### 32. BUNGALOWS: Restrictive

The units on plots 177, 178, 179, 216, 217, 199, 200, 201, 202 and 271, 272, and 273 shall be bungalows only with no habitable floors[ace within the attic/roof. These units shall be constructed to comply with P{art M4 [3] of the Building Regulations.

Reason: In order that the development shall include at least 12 bungalows as offered by the applicant and in order to ensure that the proposal complies with the Council's emerging policy LP06. These units shall be constructed to comply with P{art M4 [3] of the Building Regulations.

*...and such further conditions where relevant as may be agreed by the Planning Committee and/or The Chief Planning Officer*

continued.....

CONDITIONS in RESPECT of OUTLINE PLANNING PERMISSION follow.....

**CONDITIONS in RESPECT of OUTLINE PLANNING PERMISSION:**

**Employment component [shown with horizontal cross-hatched shading on plan ref: BDC 1 attached to this decision notice ]]**

**Early Years Site and Facility [shown with diagonal cross-hatched shading on plan ref: BDC 1 attached to this decision notice ]]**

**33. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION**

Application for approval of reserved matters must be made not later than the expiration of five years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

**34. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRECOMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS**

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority. The reserved matters submission shall also include

[i] details of existing and planned level details along with Finished Floor levels for all buildings relative to adjacent sites. *[beyond the current red line]; and,*

[ii] shower facilities within every business premise; and

[iii] landscaping shall include a 20m deep planting belt around the entire perimeter of the site

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is

required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

Showers are seen as an essential facility to encourage the take-up of cycling to and from work as an alternative to car borne modes of transport.

It is noted that the illustrative layout masterplan for the employment area does not provide sufficient detail as to access to identify the intended access point/s to the employment area save for an emergency vehicle access.

### 35 RESTRICTION IN DEVELOPMENT: VEHICULAR ACCESS POINT/S

At no point [including submission of reserved matters] shall any vehicular access be shown or formed or otherwise created within the area shown with cross-hatched square shading on plan ref BDC 1 attached to this decision notice.

Reason – This area is specifically shown as open space on the applicants submitted illustrative masterplan drawing reference [INSERT] and the Council wishes to ensure that this intended pedestrian /cycle/. Green corridor is provided where shown and to the minimum dimensions indicated because it is intended to form the hub of a planned pedestrian cycle corridors throughout the strategic land use allocation of which the application site forms Phase 2. The corridor is not intended to provide a route for a business park spine road and access.

### 36. ON-GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON USE TO B1, B2 & B8 [CHECK REFERENCES PRIOR TO ISSUING]

The hereby permitted development/uses shall be restricted to classes, B1, B2 and B8 as defined by the Town & Country Planning [Use Classes] Order 1987, as amended or in any Order amending or revoking that order only and no other use/s shall be permitted on the site without the further formal approval of the local planning authority by way of a planning application/permission. The permission hereby granted and the uses permitted do not embrace the uses to be included within the new Use Class E which comes into force from 31 July 2021.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity, in order to protect the viability and vitality of Hadleigh Town Centre and in order to ensure that the site is used for its allocated purpose in the Adopted development Plan – policy CS6 [and LA028 in the emerging Joint Local Plan although this has yet to achieve anything other than limited weight as a material planning consideration it is a strong indication of the Council's Direction of Travel in terms of its economic strategy. [as is CS6]

**735. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS [CHECK REFERENCES ARE UP TO DATE PRIOR TO ISSUING]**

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and/or the provisions of Article 3, Schedule 2, Part 3 - Changes of Use, Class D and/or Class G and/or Class I [the letter not the numeral] and/or Class M and/or Class O [the letter not the numeral] of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification)

and/or

Article 3, Schedule 2, Part 4 - Temporary Use of Land and Buildings, Class B and/or Class C and/or Class D of Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification)

and/or

Article 3, Schedule 2, Part 7 - Non-domestic extensions, alterations etc., Class A and/or Class F and/or Class H and/or Class I [the letter not the numeral] of Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification) No development that might be undertaken as permitted development within the Classes identified above [or in any Order revoking or re-enacting that Order with or without modification] is permitted except pursuant to the grant of planning permission on an application made in that regard to the local planning authority.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality.

**38. 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.

**39 DRAINAGE ON REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:  
DETAILS OF SURFACE MATERIALS FOR ROADS AND ACCESSES**

Prior to the commencement of roads and footpaths, details of the 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.

### 33. ON GOING REQUIREMENT FOR DEVELOPMENT: CYCLE PARKING AREAS

Details of cycle parking shall be submitted and agreed in writing by the Local Planning Authority prior to any works above ground level and shall be provided in their entirety before the dwelling to which the cycle provision relates 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.

### 40. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT STATEMENT / PLAN

Before the development hereby permitted is commenced a Construction Management Statement [with appropriate plans where necessary] 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 Statement and any associated plans. The Construction Management Statement and any associated plans shall include the following matters:

- o details of haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- o details of compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,
- o details of overburden/topsoil storage areas, fuel storage, hazardous materials storage
- o provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting
- o details of proposed means of dust suppression
- o details of proposed means of noise suppression
- o full piling details
- o details of measures to prevent mud from vehicles leaving the site during construction
- o details of deliveries times to the site during construction phase
- o details of provision to ensure pedestrian and cycle safety
- o programme of works (including measures for traffic management and operating hours)
- o parking and turning for vehicles of site personnel, operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials
- o 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.

o the construction programme  
o details as to how local people will be kept reasonably informed of the build programme

Reason - In the interest of highway safety, residential amenity and good neighbourliness

#### 41 ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: OPERATION FOR CONSTRUCTION WORKS

Noise intrusive construction/ground works to the site shall be limited to the following hours:

Monday to Friday between 07:30 hrs and 18:00 hrs; and,

Saturday between 09:00 hrs and 13:00 hrs.

No noise intrusive work to be undertaken on a Sunday, Bank, or Public Holiday.

Reason - To minimise detriment to nearby residential amenity.

#### 42. ACTION REQUIRED PRIOR TO OCCUPATION: ELECTRIC CHARGING POINTS

All employee parking spaces associated with the employment uses shall be provided with electric vehicle charging points prior to the occupation of the associated unit(s). Where communal/visitor parking areas are provided electric connections shall be pre-laid to a point within those communal/visitor parking areas prior to the occupation of any associated unit, such as to facilitate easy future installation of EV charging points.

Reason - In order to facilitate the delivery of EV charging across the employment site prior to occupation and in the case of communal parking areas easy retro fitting of such facilities in the interest of encouraging the take up of sustainable car travel.

#### 43. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING SCHEME

Notwithstanding such detail as may otherwise have been approved no development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a further scheme of hard, soft and boundary treatment landscaping works for the site, along with a Landscape, Open Space and associated Management Plan and Implementation Plan which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained.

Reason - In the interests of visual amenity and the character and appearance of the area.

#### 44 ACTION REQUIRED - PRE-COMMENCEMENT: TREE PROTECTION

[INSERT as appropriate]

#### 45 . ACTION REQUIRED PRE-SLAB: MEANS OF BOUNDARY ENCLOSURE

[INSERT as appropriate]

#### 46. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

#### 47. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC EVENT: LAND CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors

#### 48. ACTION REQUIRED PRE-SLAB: ARCHAEOLOGICAL RECORDING



CROSS REFERENCE TO CONDITION ON FULL AND WSI + XHECK WITH SCC  
ARCHAEOLOGY INSERT AS NECESSARY

**49. ACTION REQUIRED PRIOR TO THE OCCUPATION OF DEVELOPMENT:  
FARMLAND BIRD MITIGATION**

Prior to the occupation of any unit the developer shall have agreed in writing a farmland bird mitigation strategy with the local planning authority. Thereafter the developer will implement that strategy prior to the substantial completion of the development hereby approved.

Reason - In order to safeguard protected wildlife species and their habitats and to mitigate for the impact of residents on protected birds and their habitats.

**50. ABOVE SLAB SUSTAINABLE CONSTRUCTION STATEMENT**

No development shall proceed above slab level until such time as the developer has submitted to and had approved by the local planning authority a sustainable construction strategy [energy and water conservation, reusable energy, insulation]. Such strategy as shall have been agreed shall thereafter be implemented prior to the occupation of any relevant dwelling.

Reason - To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

**51. ON GOING REQUIREMENT FOR DEVELOPMENT: USE OF LAND**

No temporary use of the land unrelated to the implementation of an extant planning permission shall be permitted.

Reason - In order to safeguard residential amenity

**52. ON GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON  
OPERATION TIMES**

The hereby permitted development/use shall only operate between the hours 06.00hrs and Midnight on any day/s. There shall be no deliveries to the development/use arranged for outside of the hours of 07.30 and 21.00hrs on any day/s.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity

**53. ON GOING REQUIREMENT FOR DEVELOPMENT: NOISE**

No music [whether live or recorded] shall be played on any part/s of the site outside of building and where music is being played within a building it shall not be played so as to be audible from any adjacent site/s. [with or without any door/s and/or window/s open within that building].

Reason - In order to safeguard residential amenity.

**54. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF ILLUMINATION**

No means of external lighting shall be installed in relation to the commercial units except in accordance with details of an illumination scheme (to include luminaire types, position, height, aiming points, lighting levels and a polar illuminance diagram, based on the vertical plane to reflect impact and an assessment of glare on surrounding residents) which shall have been submitted to and approved in writing by the Local Planning Authority and shall be implemented and retained as approved.

Reason - To minimise detriment to nearby residential amenity.

**55. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON LOCATION OF STORAGE**

No goods, products, raw materials, scrap material or other materials of any other sort shall be deposited, stacked or stored in the open air outside the confines of the buildings except on the land indicated for said purpose of the hereby approved plan/s listed under Section A above.

Reason - The external storage of these items would be harmful to the local amenity, character and appearance of the area.

**56. ACTION REQUIRED PRIOR TO COMMENCEMENT DEVELOPMENT: MITIGATION TO BE AGREED**

Prior to the commencement of development a scheme of appropriate protected species mitigation measures (including precise details of the timing, any translocation measures deemed necessary and method of protection) shall be submitted to and approved, in writing, by the Local Planning Authority. No development shall be undertaken except in accordance with the approved scheme of mitigation and timings as may be agreed in writing.

Reason - In order to safeguard protected wildlife species and their habitats and because 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 disturb protected species and their habitat.

57. SPECIFIC RESTRICTION ON DEVELOPMENT: ADDITIONAL FLOOR RESTRICTION

No mezzanine, entresol or additional floors shall be inserted into any buildings constructed pursuant to this permission except pursuant to the grant of planning permission on an application made in that regard.

Reason - To prevent intensification of use that would result in detrimental impact on nearby residential amenity by the resulting increase in traffic impact.

58. ACTION REQUIRED PRIOR TO THE OCCUPATION OF DEVELOPMENT: NOISE ASSESSMENT

Prior to First Occupation of each A1, A3 and B1 unit a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery (including air conditioning, and extraction units) shall not exceed 0dB(A)\* above the background levels determined at 1m from the FACADES of noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason - To minimise detriment to nearby residential amenity.

59 . ON GOING REQUIREMENT FOR DEVELOPMENT: OPERATION TIMES

The use of any B1 units hereby permitted shall not operate/be open to customers outside of the following times:

Weekdays: 07:30 - 20:00

Saturdays: 07:30 - 20:00

Sundays and Public Holidays: None

Reason - To minimise detriment to nearby residential amenity.

60. ON GOING REQUIREMENT FOR DEVELOPMENT: DELIVERY TIMES

No deliveries shall be received at, or despatched from, the permitted units outside of the following times:

Weekdays: 07:30 - 20:00

Saturdays: 07:30 - 20:00

Sundays and Public Holidays: None

Reason - To minimise detriment to nearby residential amenity.

61. ACTION REQUIRED PRIOR TO THE FIRST USE OF DEVELOPMENT: FUMES;  
NOISE, LIGHTING,

Prior to the first use of any unit hereby permitted, details of any control measures, external plant, sub station, telecommunication apparatus, or other any other external equipment, lighting, tannoys or other public address or alert system to be installed shall first be the subject of a submission of details to and approval in writing by the local planning authority. Such detail as shall have been approved shall be installed as approved and thereafter maintained in good working order.

Reason - To minimise detriment to nearby residential amenity.

62. ON GOING REQUIREMENT FOR DEVELOPMENT: DEMOLITION

Demolition, construction works and construction related deliveries shall only take place during the following times:

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays and Public Holidays: NONE

Reason - To minimise detriment to nearby residential amenity.

63. CONCURRENT WITH RESERVED MATTERS: DRAINAGE 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. Further 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;
- 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 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.

Reason - 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-ondevelopment-and-flood-risk/construction-surface-water-management-plan/>

#### 64: TIME RESTRICTED ACTION

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-assetregister/>

#### 65. PRIOR TO OCCUPATION: TWO 'TIGER' CONTROLLED CROSSINGS

Prior to occupation of any unit hereby approved the application shall have agreed with Suffolk County Council as local highway authority a strategy for delivering two 'tiger' controlled crossing points on the extended spine road included in the application. These crossing shall be at the point which Tower Mill Lane and associated footpath/bridleway crosses what will be an extended Ellen Aldous Avenue and adjacent to the new 'village green' feature [west side] and the connectivity corridor east side of the extended spine road. Such crossing detail and requirements as shall be agreed by

Suffolk County Council as local highway authority shall be provided in accordance with such timescale as shall have been previously agreed.,

Reason In the interest of highway safety and to enhance connectivity and encourage walking cycling and horse riding as leisure pursuits an alternative modes of travel

*...and such further conditions where relevant as may be agreed by the Planning Committee and/or The Chief Planning Officer*

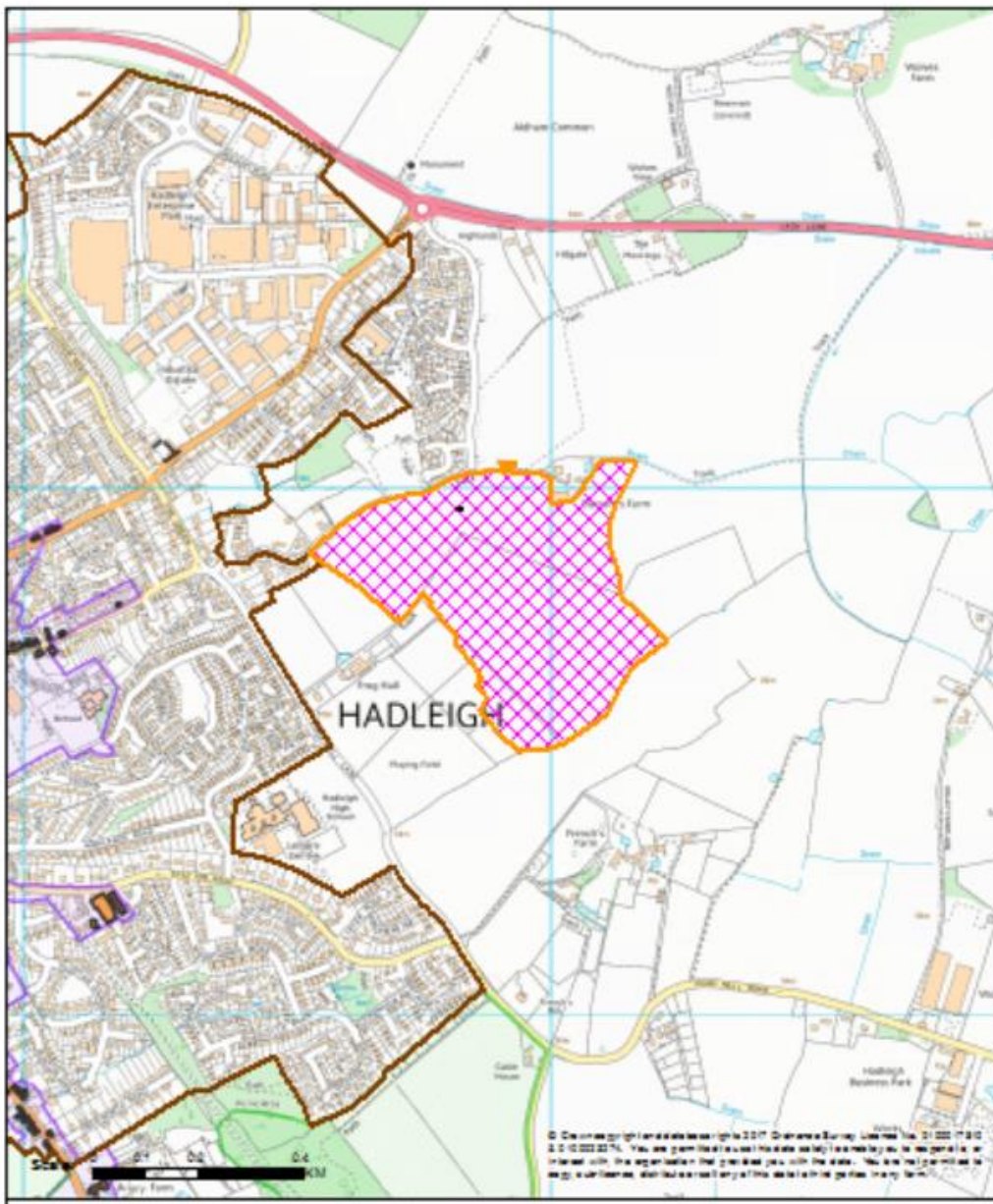
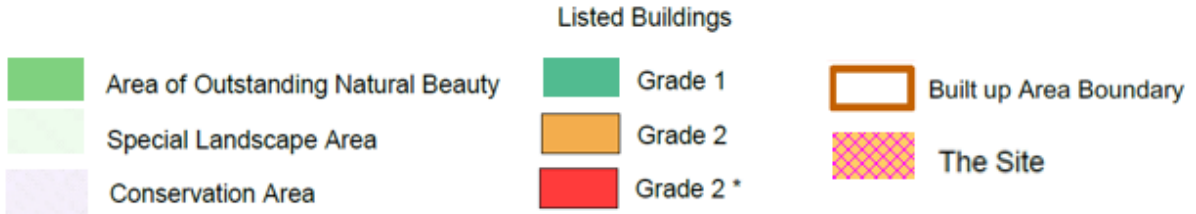
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Application No: DC/19/05419

Parish: Hadleigh

Location: Land South of Tower Mill Lane / East of Frog Hall Lane



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# Agenda Item 6b

## Committee Report

**Item No: 6B**

**Reference:** DC/21/04477

**Case Officer:** Elizabeth Flood

**Ward:** South East Cosford.

**Ward Member/s:** Cllr Leigh Jamieson.

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## **RECOMMENDATION – REFUSAL**

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### Description of Development

Full Planning Application - Erection of 1 No one-and-a-half-storey dwelling, new vehicular access and installation of sewage treatment plant and associated landscaping.

### Location

Parsonage Barn, Parsonage Lane, Chelsworth, Suffolk IP7 7HT

**Expiry Date:** 23/11/2021

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

**Development Type:** Minor Dwellings

**Applicant:** Mr & Mrs Bessell

**Agent:** Mr Alexander

**Parish:** Chelsworth

**Site Area:** 0.23

**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 - DC/21/00860

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

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The application is referred to committee for the following reason/s: The application is considered to be of a controversial nature by way of the extent and planning substance of comments received from third parties.

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

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### Summary of Policies

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

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CN01 - Design Standards  
CN06 - Listed Buildings - Alteration/Ext/COU  
CN08 - Development in/near conservation areas  
HS28 - Infilling/Groups of dwellings  
TP15 - Parking Standards - New Development  
NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Consultations and Representations**

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

#### **A: Summary of Consultations**

##### **Town/Parish Council**

Chelsworth Parish Meeting support the proposal.

##### **National Consultee**

###### **Natural England Comments Received – 19/08/2021**

Natural England has no comments to make

##### **County Council Responses**

###### **Suffolk County Council Highways Comments Received – 01/09/2021**

The Highway Authority did not object to the proposal, subject to the following conditions:

- New vehicular access to be laid out in accordance with DM01 with an entrance width of 3 metres
- Details for the storage of refuse and recycling bins to be provided
- Use shall not commence until the areas for parking and manoeuvring of vehicles has been provided
- Any means of frontage enclosure shall be set back 2.4m from the edge of the carriageway
- Construction Management Strategy to be submitted

###### **Suffolk County Council Fire and Rescue Comments Received – 20/08/2021**

Recommend conditions

##### **Internal Consultee Responses**

###### **Heritage Team Comments Received 24/09/2021**

The proposal concerns a Full Planning Application for the erection of one dwelling and associated works. The heritage concern relates to the potential impact of the works on the significance of Whistlecraft Cottage, a Grade II Listed C17-C18 timber-framed one-storey building with attics, to the west, and the character and appearance of Chelsworth Conservation Area. The site lies outside of, but close to, the Conservation Area.

### History

The current application follows the following previous applications that the Heritage Team has been involved with:

- DC/19/01922 – Full Planning for what was described as a ‘two-storey dwelling’ but was architecturally one-and-a-half storeys, and associated works – Refused and appeal dismissed.
- DC/20/00933 – Full Planning Application for single-storey dwelling and associated works – Granted
- DC/21/00860 – Pre-application for one-and-a-half storey dwelling in lieu of approved scheme.
- 

Under DC/19/01922, the Heritage Team considered that the development fell within the settings of Whistlecraft Cottage and the Conservation Area and identified a low level of less than substantial harm to the significance/character and appearance of both assets, due to the erosion of the rural character of their settings, amplified by the scale of the proposed dwelling. The Heritage Team noted that a smaller building could reduce the level of harm. The application was refused partly on heritage grounds, and a subsequent appeal was dismissed. The Inspector for the appeal concluded that “because of its height and size, the proposal would remain an intrusive and harmful element in the open rural setting of the listed building” (para.9).

Under DC/20/00933, the Heritage Team considered that the reduction in scale of the dwelling, combined with its simplified, contemporary form and flat, grass roof, helped to considerably reduce the scale, bulk and visual intrusiveness of the dwelling, such that it was not considered to harm any heritage assets.

The pre-application under DC/21/00860 proposed a dwelling closer in scale and bulk to the original, refused application, albeit without scaled drawings, and thus I raised concerns in line with those raised by the Heritage Team under that application.

### Current Application

In terms of the scale of the proposed dwelling, and thus its mass/bulk/visual intrusion as it would be perceived while experiencing the heritage assets, I consider it would be broadly similar to the dwelling proposed under DC/19/01922. The current proposal would avoid the prominent, front elevation two-storey gables of the original, but the main range would be taller, by around half a metre, which I consider would be a discernible difference. As scale/mass appears to be the primary heritage issue in regard to both the Conservation Area and Whistlecraft Cottage on DC/19/01922, I therefore consider that the harm to both assets would be the same as identified under DC/19/01922, e.g., a low level of less than substantial harm. This would also appear to equate with the findings of the current Heritage Statement, which identifies harm to these assets “on the lower end of the scale (of less than substantial).”

The Planning Statement states that the “fundamental issue here (with the proposals) is one of design.” However, in heritage terms I consider it is foremost one of scale/mass, with design as a secondary consideration.

I consider that the proposal would cause a low level of less than substantial harm to a designated heritage asset because the proposed dwelling would be a relatively noticeable intrusion into the previously, largely open, undeveloped setting of Whistlecraft Cottage and this part of Chelsworth Conservation Area.

The proposal would therefore not meet the requirements of Local Plan policies CN06 and CN08

**Environmental Health – Land Contamination Comments Received – 06/09/2021**

No objection to the proposed development from the perspective of land contamination but request that the Local Planning Authority is contacted in the event of unexpected ground conditions being encountered during construction.

**Environmental Health – Noise/Odour/Light/Smoke Comments Received – 02/09/2021**

No objections subject to the following conditions:

- Chimney flue shall terminate at least 1 metre above the roof ridge level
- Operations, including construction, site clearance and demolition, shall be restricted between the hours of 08:00 and 18:00hours Monday to Friday, 09:00 and 13:00 on Saturday and no working on Sundays or bank holidays
- No burning to take place on site

**Arboricultural Officer Comments Received – 12/08/2021**

No objection, the trees proposed for removal are of insufficient amenity value to warrant being a constraint.

**B: Representations**

At the time of writing this report at least 7 letters/emails/online comments have been received. It is the officer opinion that this represents no objections and 7 letters of support. A verbal update shall be provided as necessary.

Views are summarised below:-

- Improvement on previously approved dwelling
- More traditional building compared to previously approved dwelling
- In keeping with village
- Contemporary twist on traditional form

(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**

<b>REF:</b> DC/19/01922	Full Planning Application - Erection of two storey dwelling and detached garage structure, including vehicular access, installation of sewage treatment plant & associated landscaping.	<b>DECISION:</b> REF 06.06.2019
<b>REF:</b> DC/20/00933	Full Planning Application - Erection of single storey dwelling and detached garage structure, including vehicular access, installation of sewage treatment plant & associated landscaping (amended scheme to DC/19/01922).	<b>DECISION:</b> GTD 02.09.2020

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

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

The application site is a 0.23-hectare parcel of land located along Parsonage Lane in Chelsworth. Parsonage Lane is a single track, unclassified private road which serves Parsonage Barn, to the east of the proposal site, and Whistlecraft Cottage to the west of the site.

The site is bound by mature hedgerows, with a number of trees on site. A large pond is located to the east but is outside of the site boundary.

Whistlecraft Cottage is a Grade II listed building and the site lies outside of, but directly adjacent to, the boundary of the Chelsworth Conservation Area.

### **2.0 The Proposal**

- 2.1. The proposal is for the erection of one two-storey dwelling.
- 2.2. The gross internal floor area, measured at ground level, is 214.8m<sup>2</sup>
- 2.3. A detached garage and cart lodge are proposed, with additional parking and turning areas on site.
- 2.4. The ridge height would measure at 7.53 metres.
- 2.5. There are no dwellings located to the rear and the Grade II listed Whistlecraft Cottage lies 55 metres to the west.
- 2.6. Materials would consist of black timber weatherboarding, a brickwork plinth, grey aluminium joinery and both thatched and clay tiled roofs.
- 2.7. The site area is 0.23-hectares

### **3.0 The Principle Of Development**

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2 The proposed development has been primarily assessed having had regard to the:  
  
National Planning Policy Framework (NPPF) (2021)  
National Planning Practice Guidance (NPPG)  
Babergh Core Strategy (2014)  
Babergh Local Plan (2006)
- 3.3 The application site has an extant Full Planning Permission for the erection of one single-storey dwelling, reference DC/20/00933. This extant planning permission was considered to be acceptable in principle by the case officer due to its close proximity to the Chelsworth settlement boundary, a Hinterland Village, with sufficient services to meet daily needs.

- 3.4 Contrary to the submitted Planning Policy Statement, the proposal is not for a replacement dwelling. This application is *in lieu* of the extant permission under DC/20/00933, rather than replacing the dwelling as there is no dwelling on site. Therefore HS05 does not apply.
- 3.5 As there is an extant planning permission at this site, which will expire in 2023, with no material change to policy, the principle of residential development has been established.

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

- 4.1. Chelsworth is a small village with a church, public house, village hall and public open space with children's play equipment. Chelsworth is located approximately 1 mile from Bildeston which has additional facilities including a village shop, primary school and health centre. Chelworth is located approximately 6 miles from Hadleigh which provides secondary education, employment and a wide range of retail facilities.
- 4.2 There is a very limited bus service in Chelsworth. There are a number of PROW between Chelworth and Bildeston.

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

- 5.1. The SCC Highway Authority raised no objection to the proposal, subject to conditions previously outlined. The site will be served by a new access created onto Parsonage Lane which is to be created according to Suffolk County Council Standard Drawing DM01
- 5.2 The proposal will provide a minimum of three parking spaces to serve the three-bedroom dwelling, with a secure parking space located in the proposed garage and cart lodge located forward of the principal elevation of the dwelling. The parking provision is compliant with the Suffolk Guidance for Parking (2019).
- 5.3 The proposal is considered to comply with TP15 of the Local Plan and Paragraphs 110 and 111 of the NPPF. There are no impacts on highway safety significant to warrant refusal in this regard.

#### **6.0 Design And Layout**

- 6.1. The footprint of the dwelling would be situated further forward than the dwelling approved under DC/20/00933, with the access relocated towards the north-west corner and the garage relocated to the north-east.
- 6.2 The proposed dwelling would provide three bedrooms and a gross internal floor area of 214m<sup>2</sup> when measured at ground floor level.
- 6.3 The materials proposed consist of black timber weatherboarding that sits upon a brickwork plinth, with grey aluminium joinery and external oak timber framing. The roof of the dwelling would consist of natural thatch roofing, with clay plain tiles on the single-storey rear projections. A large balcony area is proposed between these two rear projections.
- 6.4 A detached garage and cart lodge are also proposed, to be located forward of the principal elevation. This detached garage would measure 6 metres in width, 5.5 metres in depth and 3.83 metres in height to the ridge. The garage would provide one secure parking space with a cat slide roof on the rear elevation.



- 6.5 Policy CN01 of the Babergh Local Plan states that all new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location. The supporters of the application have stated that the design is appropriate for an improvement on the previously approved design.
- 6.6 The approved application DC/18/00933 was for a house with a contemporary design. The proposal is now for a more traditionally designed barn type dwelling, especially when viewed from the front. The design in itself is an appropriate design for a rural setting.

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

- 7.1. The trees that are to be removed are considered by the Council's Arboricultural Officer to be of insufficient amenity value to warrant being a constraint.
- 7.2 Place Services Ecology issued a holding objection due to insufficient information relating to Great Crested Newts. As the current proposal differs the the extant permission, an addendum or updated ecological report has been requested to provide appropriate justification as to the validity of the previous surveys.
- 7.3 Whilst the Preliminary Ecological Appraisal indicated that the Douglas Firs to be removed were unsuitable for roosting bats in 2019, further information is needed to confirm whether this is still the case.
- 7.4 An updated report has been provided and further comments from Place Services Ecology are awaited and an update will be provided in due course.

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

- 8.1. The proposal site lies within Flood Zone 1 and is considered to be at low risk of surface water flooding
- 8.2 The proposal would not have any detrimental impact on land quality, which was confirmed by the Council's Environmental Health Team who raised no objection, with respect to land contamination. In the event of permission being granted, the applicant is reminded that the Local Planning Authority are to be contacted in the event of unexpected ground conditions being encountered during construction.

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

- 9.1. The proposed dwelling is considered to cause a low level of less than substantial harm to the setting and significance of the Grade II listed Whistlecraft Cottage.
- 9.2 Noting the previously refused application, DC/19/01922, which was subsequently dismissed at appeal, the level of harm is considered to be similar to the level of harm found then. The Planning Inspector for the appeal concluded that, "because of its height and size, the proposal would remain an intrusive and harmful element in the open rural setting of the listed building."
- 9.3 When considering the less than substantial harm against the wider public benefit in accordance with Paragraph 202 of the NPPF, given that there is an extant permission for a single storey dwelling, which is not considered to harm the setting of the nearby listed building or the Chelsworth

Conservation Area and Babergh District Council have a five year land supply, it is considered that the dwelling would have no public benefits.

- 9.4 Furthermore, the level of harm found by the Heritage Officer is confirmed by the Heritage Impact Assessment submitted by the applicant, which considers that the harm to the setting and character of Whistlecraft Cottage is considered to be a *“less than substantial harm on the low end of the scale”*. Although the HIA considers that the distance and screening of views from Whistlecraft Cottage are sufficient to allay any concerns, the screening of development from a heritage asset by landscaping is not considered to be a sound basis upon which to justify an otherwise harmful scheme, as confirmed by the Planning Inspector on appeal for DC/18/04162.
- 9.5 Therefore, the visibility, or lack thereof, does not apply in the requirement for a clear and convincing justification as to why the proposal should be approved in respect of the low level of less than substantial harm identified in accordance with Paragraph 200 of the NPPF, where no further public benefit is provided.
- 9.6 The proposal would present a noticeable intrusion into the relatively undeveloped setting of Whistlecraft Cottage and is, therefore, not in accordance with CN06 and CN08 of the Local Plan and Paragraphs 200 and 202 of the NPPF and is, therefore, unacceptable.

#### **10.0 Impact On Residential Amenity**

- 10.1. The proposal is not considered to have significant impacts on residential amenity. At approximately 55 metres to Whistlecraft Cottage and 45 metres to Parsonage Barn, the first-floor fenestration located in both the east and west side elevations would not lead to a significant loss of privacy, nor any loss of light to key amenity areas.
- 10.2 The proposed dwelling is significantly larger than the approved single-storey modular-style dwelling under DC/20/00933; however, impacts to residential amenity would not be sufficient to warrant refusal in this regard.

#### **11.0 Planning Obligations / CIL**

- 11.1. The development will be subject to standard CIL for a residential dwelling.

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## **PART FOUR – CONCLUSION**

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#### **13.0 Planning Balance and Conclusion**

- 13.1. The proposed dwelling would present an unacceptable impact on the character and appearance of the Conservation Area and would detract from the setting and significance of the Grade II listed Whistlecraft Cottage by way of the excessive bulk and mass of the dwelling. The proposal is not in accordance with CN06 and CN08 of the Local Plan and Paragraphs 200 and 202 of the NPPF and is therefore unacceptable.

## **RECOMMENDATION**

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

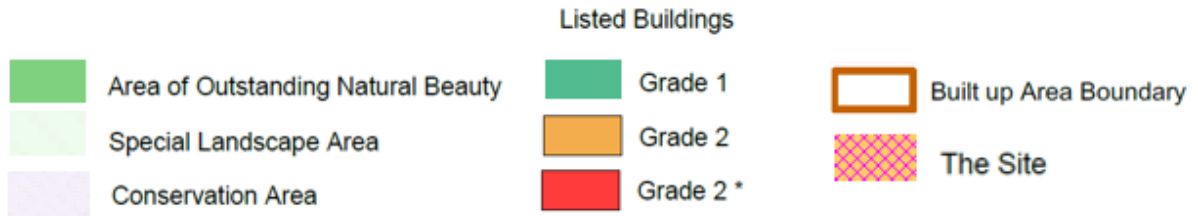
- Impact to character of Conservation Area
- Low level of less than substantial harm to Whistlecraft Cottage

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**Application No: DC/21/04477**

**Parish: Chelsworth**

**Location: Parsonage Barn, Parsonage Lane**



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# Agenda Item 6c

## Committee Report

**Item No:** 6C

**Reference:** DC/21/05652

**Case Officer:** Elizabeth Flood

**Ward:** Long Melford.

**Ward Member/s:** Cllr John Nunn. Cllr Elisabeth Malvisi.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### Description of Development

Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of up to 30 no. dwellings (including 10 no. affordable units) including new vehicular access and public open space.

### Location

Land West Of Sudbury Road, Acton, Suffolk,

**Expiry Date:** 13/01/2022

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Acorn Farms Ltd

**Agent:** Mr Jack Wilkinson

**Parish:** Acton

**Details of Previous Committee / Resolutions and any member site visit:** site visit requested for 8<sup>th</sup> December 2021

**Has a Committee Call In request been received from a Council Member?** No

**Has the application been subject to Pre-Application Advice:** Yes DC/19/00699

This stated (*inter alia*):

It is not possible to conclude on the basis of the information provided whether the application would be compliant with policy CS2 and CS11. If the scheme was deemed not fully compliant with policy CS2 and CS11 it will be necessary to consider what other material considerations could enable us to depart from the development plan. A key issue is the requirement to consider locally identified need.

The planning application for 100 dwellings in Barrow Hill (DC/17/02751), Acton included a Housing Needs Survey which assessed that the local need within Acton was for 100 dwellings. These have been provided by granting planning permission at Barrow Hill. Therefore a strong case will be needed to show that there is an additional need for dwellings within this Hinterland village which will not be provided by the Barrow Hill site. In addition the cumulative impact of the proposed and approved developments in Acton especially in relation to infrastructure (including primary schooling) will need to be considered when assessing this application.

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

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

Residential development greater than 15 dwellings.

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

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### **Summary of Policies**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CN01 - Design Standards  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
National Planning Policy Framework 2021

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area  
Accordingly, the Neighbourhood Plan has little weight.

### **Consultations and Representations**

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

#### **A: Summary of Consultations**

##### **Parish Council**

Acton Parish Council recommends refusal of this application. Its specific objections are as follows:

**Importance of site in the Open Countryside** The application site, which for many years has been used for sheep grazing, contributes immensely to the rural setting of Acton village. The site is bordered on two sides by rural roads; the remaining sides are open countryside. Sudbury Road forms a clear boundary between the built settlement of Acton and the open countryside. Melford Road, with its well-spaced linear row of dwellings and open countryside backdrop, forms an important rural gateway to the village.

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**Flooding, natural spring and water supply main pipe.** The site has a long history of surface water and sewage flooding. All surface water flows away from Acton via the water course through the application site. We believe the application does not properly address surface water management, a natural water spring and the large water supply main running through the site.

**Harm to far-reaching Views.** Despite the agricultural hedgerow along Sudbury Road being allowed to grow tall of late, there are very significant and far-reaching views to open countryside from the village perimeter walking route along Sudbury Road and Marsh Walk/Cobbler's Way. From the lane leading to Cuckoo Tye, there are important views across the valley of the linear row of dwellings and the Grade 2 listed Crown Public House

**Dominate skyline and dominate existing dwellings.** The proposed development will dominate the skyline from many viewpoints and appear overbearing on the existing dwellings at Sudbury Road and Melford Road. The rooftops of the proposed development will sit higher than nearby dwellings and will dominate the rural landscape from all sides.

**Need to scrutinise unbalanced I & LA report.** The applicants Impact and Landscape Assessment opens by suggestion that it is a small site. It understates the immense harm that will be caused to the village setting, important far reaching public views and wider landscape. There is no doubt that immense harm will be caused to the rural setting and character of the village if this application is allowed to proceed. We call on Babergh Planning Officers to closely scrutinise the application's unbalanced Impact and Landscape Assessment.

**Impact, large site small return** As a result of the valley landscape through the proposed site, any configuration of the dwellings will result in a very large intrusion into the countryside but will only deliver a proportionately small number of dwellings for such a large site.

**Lack of community benefits** The proposal will not bring any tangible benefits to the village of Acton. The only small benefit to the wider area is a small number of affordable homes. This small positive factor will fail to offset the harm caused by this proposed infusion into open countryside, backland and out of settlement boundary development. The applicant claims that the site will bring with it the benefit of open space. Acton is not lacking in open space - in fact the loss of open countryside on the edge of the village will result in a massive level of harm, which cannot be offset by the inclusion of a small play area.

**Urbanisation and loss of wildlife corridor** The proposed roadway access for the development will urbanise the rural character of this side of Sudbury Road and destroy the important wildlife corridor afforded by the existing agricultural hedgerow.

**Dangerous Junction Design** The proposed access road is poorly designed and in a dangerous location. Acton Speed Watch Team have recoded many vehicles traveling in excess of the 30-mph limit on Sudbury Rd. The proposed development would access Sudbury Road south of a difficult intersection with Melford Road. The 30 proposed houses would generate additional car movements.

**Insufficient infrastructure.** Acton lacks important infrastructure to support the proposed development. It does not have a doctor's surgery and the village school is oversubscribed and at capacity. Additional traffic onto Sudbury Road will load more pressure onto the dangerous junction opposite the Crown Public House. The application does not provide sufficient information as to how current surface water and sewage flooding issues will be mitigated.

**Failure to assess harm to nearby heritage assets** The application site is close to heritage listed dwellings at Sudbury Road/Post Office Row and the applicant has not considered this issue. The application does not consider the harm caused to the views of and from the Crown Public House, a Grade 2 listed building.

**Cumulative impact** The cumulative impact of a further 30 dwellings, the 200 permissions recently granted in Acton Parish and the high number of new dwellings that have permission in neighbouring Chilton, will have a massively harmful impact on Acton village, both during construction and on completion of the developments.

**Traffic mitigation** Acton’s through-routes are classified as C roads which suffer from serious concerns including speeding vehicles using the routes through the village as rat-runs and HGVs avoiding the Sudbury by-pass. This application does nothing to address these highway issues.

**National Consultee**

**County Council Responses**

**Summary table of infrastructure requests:**

<b>CIL/S106</b>	<b>Infrastructure Type</b>	<b>Summary of Calculation</b>	<b>Capital Contribution</b>	<b>Cost per dwelling</b>
	Education			
<b>S106</b>	- Primary new	7@ £20,508	£143,556	£4785.20
<b>CIL</b>	- Secondary expansion	6@£23,775	£142,650	£4755
<b>CIL</b>	- Sixth form expansion	1@£23,775	£23,775	£792.50
<b>S106</b>	Primary transport costs	7 places	£59,045	£1,205
<b>S106</b>	Secondary transport costs	6 places	£36,150	£1,205
<b>S106</b>	Early years new	3@£20,508	£61,524	£2,050.8
<b>CIL</b>	Libraries improvements	30@£216	£6,480	£216
<b>CIL</b>	Waste	30@£124	£3,720	£124
<b>S106</b>	Monitoring fee	£412 per trigger point in time		
<b>S106</b>	Highways		Tbc by Ben Chester	

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	<b>Total Capital</b>	<b>Cost per dwelling</b>
<b>TOTAL CIL</b>	£176,625	£5,887.50
<b>TOTAL S106</b>	£300,275	£10,009.17

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The development will generate 8 primary school aged children. The local primary school is Acton primary school which will have one surplus place in the forecast period. 7 children will need to be accommodated and the strategy is for contributions towards the new Chilton Woods primary. Acton primary is unable to be expanded. It would be undersized if we were to expand it to 315 places according to Building Bulletin 103 guidelines. There is also the issue that there isn't the quantum of growth proposed in the village to support a 0.5 FE expansion. SCC therefore request a S106 contribution to enable provision to be made at Chilton Woods.

At the secondary and sixth form level the pupils will attend Ormiston Sudbury Academy school. It is not currently forecast to exceed 95% capacity during the forecast period. However, the number of pupils arising from housing completions beyond the forecast period, applications pending decision, and local plan site allocations are expected to cause the school to exceed 95% capacity based on current forecasts. The proposed strategy for mitigating this growth is via future expansion of existing provision. 6 x 11-16 places at £23,775 per place and 1 x £23,775 will be requested via CIL.

NB: Ormiston Sudbury Academy has temporarily paused their sixth form provision but this may be reinstated in the future, so on this basis a CIL request for expansion in the future is made.

### **Highway Authority**

Whilst the proposal is potentially acceptable to the Highway Authority, the submitted drawings do not clearly and consistently illustrate the footway connectivity and access to the site and subsequently, it is not entirely clear what exactly is proposed, or possible to condition the drawings. Examples of the above: • It is unclear from the drawings whether a surfaced footway will be provided alongside the north-western section of Sudbury Road to High Street (not shown on drawings);

- It is unclear from the drawings whether a surfaced footway will be provided along the site frontage on Sudbury Road to the proposed new access point (shown on connectivity drawing but not layout drawing);
- The access drawing does not show any footways on either side of the access, but a footway is shown on the layout drawing;
- It is also unclear whether the Hedge Maintenance Track includes a new access point right next to the proposed new main vehicular access (that we would not support).

A development of this scale should provide safe and suitable pedestrian access by improving the existing limited footway provision wherever possible. The access layout should also be appropriate for the level of development and suitable to serve a layout that could be adopted by the Highway Authority

### **Anglian Water**

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

The sewerage system at present has available capacity for these flows. 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

### **Flood and water engineer**

Recommend approval subject to conditions

### **Environmental Protection: Land contamination**

No objection to the proposed development from the perspective of land contamination

## **Archaeology**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, near a known artefact scatter of Roman material (ACT 015) and not far from a likely Roman enclosure (ACT 007). 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 205), 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.

## **Fire and rescue service**

Recommend conditions

## **Internal Consultee Responses**

### **Place services - Landscape**

#### **The proposal**

The site is to the west of Acton village, outside the built-up area boundary. Acton is classified as a Hinterland Village in the Babergh Core Strategy and Policies (February 2014) and proposals will be assessed against Policy CS11. As the site is outside the settlement boundary, the proposal is also considered as development in the countryside.

There are no landscape designations within the site or in the immediate surrounding area. A group of Grade II Listed Buildings are located to the east of Sudbury Road.

Two landscape character types (LCT) have been identified in the Suffolk Landscape Character Assessment on this site: Ancient Rolling Farmland and Rolling Estate Farmland. The southern part of the site occupies the Ancient Rolling Farmland and the north-west part, the Ancient Rolling Farmland LCT.

The site slopes down towards the north-east and is segmented by a small stream. The western, southern and eastern boundaries consist of mature species rich hedgerow planting, with some gaps on the western and eastern boundaries. Overall, the site presents some characteristics its LCT.

Although the site benefits from well-established hedgerows, because of the topography of the site and the proposed location of the developable area, the proposal will be clearly visible from PROW to the south. The visual experience is of a long and open view onto the rolling countryside. This is characteristic of the Ancient Rolling Farmland landscape character type. The edge of the settlement boundary can be perceived and the introduction of new roofs in the skyline will be detrimental to the landscape character. Any additional screening planting along this boundary will have a negative effect on the visual experience and the landscape character of this long view.

The north-eastern boundary is of open character. Properties along Melford Road back onto the site. Some hedge planting and scatter trees but the overall character of the site along this boundary is open. Screening planting along this boundary will shade the existing properties and back gardens and will have a negative effect.

When visiting the site, we noted the view available into the site and countryside beyond from Cobbler's Way and in our professional judgment extension of the settlement boundary will have a negative impact on the landscape and visual experience.

## **Review on the submitted information**

Relevant to this landscape review, the submitted application includes a Landscape and Visual Impact Appraisal Site Layout Plan and indicative proposed site layout plan.

The Landscape & Visual Impact Appraisal (LVIA) supporting this outline application does not include sufficient information to assess the landscape character and the effect of the development appropriately. The LVIA is not supported by a methodology that then guides the process of the landscape and visual assessment.

The site description and context section does not provide sufficient information and has not been supported with a plan that includes the landscape context such as designations, PROW, and other landscape features, including constraints.

The site comprises mostly grazed semi-improved grassland and it is apparent that the site has certain landscape value due to its topography, landscape condition, and landscape features such as the stream and hedgerow planting, all characteristics of the landscape character type of the site. The section on Landscape Character fails to investigate the landscape value of the site and its contribution and relationship with the village and its community.

The GLVIA considers landscape value as a measure to be assessed in association with landscape character, in order to avoid consideration only of how scenically attractive an area may be, and thus to avoid undervaluing areas of strong character but little scenic beauty. It is defined in the glossary of the GLVIA as:

‘The relative value or importance attached to a landscape (often as a basis for designation or recognition), which expresses national or local consensus, because of its quality, special qualities including perceptual aspects such as scenic beauty, tranquillity or wildness, cultural associations or other conservation issues.’

The TGN 02-21 ‘Assessing the Value of Landscapes Outside National Designations’ has also recently been published and builds on the details within GLVIA3 and the assessment of value (GLVIA3 Box 5.1)

The assessment does not demonstrate a comprehensive identification of landscape receptors and has not included assessment of views from the PROW network to the south, where open views onto the site’s boundary, properties along Melford Road and the countryside beyond to the north are clearly visible.

The visual and landscape sensitivity of the site has not been assessed. Landscape sensitivity relates to the ability of the receiving landscape/townscape to accommodate change of the type and scale proposed without adverse effects on its character.

A Tree survey and Arboricultural Impact Assessment has not been provided. This will be required to give us a greater understanding of the impact on existing trees and hedgerows affected by the proposal. This assessment should be undertaken in accordance with BS 5837:2012 Trees in relation to design demolition and construction recommendations and should provide details on trees and shrubs quality, those to be retained and/or removed, the impact on them and any constraints.

## **Summary**

Overall, from the available submitted information we have concerns over the following principles:

- The LVIA does not include the sufficient level of information to make a judgement on the landscape and visual impact of a development of the proposed nature on this site.
- Screening planting to mitigate the landscape and visual impact of the proposal is not considered to be a positive contribution to the local landscape character and the long views into the countryside, characteristic of the landscape character type.

- Screening along north-eastern boundary for properties along Melford Road is not appropriate. Tree planting will shade properties and back gardens.
- The indicative site layout appears to be of an inward-looking character and has no relationship with the proposed public open space. Development should look onto proposed open spaces to deliver an active frontage development and provide passive surveillance to footpaths and open space.
- The partial development of the site raises questions about the ability of the site to deliver the proposed number of dwellings alongside sufficient and appropriate green infrastructure within the development and the ability to create a high-quality public realm in the benefit of health and wellbeing. Because of the concerns raised above we cannot be supportive of this application.

### Strategic Housing

The 2019 SHMA indicates that in Babergh there is a need for 110 new affordable homes per annum. The Council's Choice Based Lettings system currently has 13 applicants registered for affordable housing with a local connection to Acton as of November 2021, with more than 700 on the Housing Register with a connection to Babergh.

The applicant has proposed that 10 dwellings be provided on site, with the residual 0.5 provided for by a commuted sum. This is acceptable, however the affordable housing mix proposed in the planning statement (paragraph 6.97) is not supported.

3.3The mix proposed is as follows:

Tenure	Number of units	Bedrooms*
Affordable Rent (7 units total)	4	2
	3	3
Rent to Buy (3 units total)	3	2

A preferred mix is set out below. Please note the emerging Joint Local Plan, which may; subject to the progress and outcomes of the examination; require a different approach to the required tenure mix by the time of determination.

Tenure	Number of Units	Size (Bedspaces)	Type	Minimum Floorspace (GIA, m <sup>2</sup> )
Affordable Rent	2	1b2p	Single Maisonette** Storey	50
	3	2b4p	House	79
7 Total	2	3b5p	House	93
Shared Ownership (3 total)	2	2b4p	House	79
	1	3b5p	House	93

Rent to Buy is not supported; Shared Ownership is the Council's preferred option for affordable home ownership.

The commuted sum for the residual 0.5 of a dwelling is £37,968.

The illustrative site plan is understood to be just that; illustrative; and does not specify the location of the affordable housing as this is a matter to be resolved through a reserved matters application or applications.

The eventual reserved matters application will need to ensure that a balance is struck between clustering affordable units for management purposes, and pepper-potting units through the site in support of mixed communities which enable social interaction. Given the number of units involved, the preference is likely to be for the affordable housing to be in two clusters.

A tenure-neutral design will be required for all housing units, in order that the affordable homes are visually indistinguishable from the market homes.

**Environmental protection noise/odours**

Have no objections in principle subject to conditions?

**Environmental protection sustainability**

Recommend conditions

**Environmental Protection- Land contamination**

No objection to the proposed development from the perspective of land contamination

**Place services – Heritage:**

The proposed development site is located within close proximity of several listed buildings including: Grade II listed 1-3 Sudbury Road (List Entry Number: 1193831); Grade II listed Post Office Row (List Entry Number: 1351749); Grade II listed Rose Cottage (List Entry Number: 1036720); Grade II listed 1-4 Long Gardens (List Entry Number: 1036721), all of which have the potential to be impacted through change within their setting.

The proposed development site is a field of rough pasture located to the west of the heritage assets and looks out over uninterrupted views of an open agrarian landscape to the north-west and southwest.

Historic maps show that although the heritage assets had no functional historic association with the proposed development site, there were clear visual links between the heritage assets, the proposed development site, and the open agricultural landscape beyond.

These visual links, and the sense of openness, make a positive contribution to the setting of the heritage assets as buildings set within a rural settlement.

This contribution of the proposed development site to the setting of the heritage assets is further enhanced by the partial loss of openness and visual links through extensive and continued development to the south and south-east of the listed buildings.

As the proposed development site represents the only surviving link between the heritage assets and the open agrarian landscape, it is considered that the proposals would lead to less than substantial harm to the heritage assets, making Paragraph 202 of the National Planning Policy Framework (NPPF) relevant here.

Historic England Guidance on the Setting of Heritage Assets (Good Practice Advice Planning Note 3) states: *“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting.”*

It is not possible to support these proposals, as they would fail to preserve the heritage assets and their setting, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Place services – Ecology**

No objection subject to securing ecological mitigation and enhancement measures Summary

We have reviewed the Updated Ecological Impact Assessment (Geosphere Environmental, October 2021), submitted by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species.

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

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

Therefore, the mitigation measures identified in the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021), should be secured and implemented in full. This is necessary to conserve this protected and Priority Species. As a result, a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent, to set out the ecological mitigation measures during the construction phase. Furthermore, a Water Vole Mitigation Licence will be required prior to any works being undertaken on the ditch, to allow the access road/pedestrian crossing to be delivered. The finalised mitigation measures should be included within the Construction Environmental Management Plan and details of fencing and appropriate buffer planting should be outlined at reserved matters to prevent disturbance from dogs and people using the public open space.

### **Public realm**

The public open space is appropriate for this development. We support the inclusion of a play area within the development and would welcome the opportunity to comment further on the schedule of equipment in due course. It is noticed that there is a hedgerow indicated along a number of property boundaries. It is our experience that if there is also a boundary fence that is the responsibility of the house owner, then any adjacent hedge should be planted to leave a maintenance strip between the hedge and fence. This is to prevent ongoing issues of the hedge damaging the fence and owners not being able to maintain their boundary fence if the hedge is planted too close

### **Suffolk Wildlife Trust**

We have reviewed the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021) and we are satisfied with the findings of the consultant. We request that the avoidance, mitigation and compensation measures outlined within the report are implemented in full, via a condition of planning consent, should permission be granted.

In particular, long-term mitigation measures must be implemented in order to avoid disturbance to water vole during occupation of the site, as outlined within the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021). We also note that the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021) states that a Construction Environmental Management Plan, a Landscape and Ecological Management Plan 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.

### **B: Representations**

At the time of writing this report, at least 46 letters/emails/online comments have been received. It is the officer opinion that this represents 46 objections. A verbal update shall be provided as necessary.



Views are summarised below:-

- Unsustainable development
- Acton has received enough housing development for a hinterland village
- Land is subject to flooding, development will result in flooding elsewhere
- Unsuitable access onto Sudbury Road
- Local roads/junctions do not have the capacity for additional traffic
- Loss of important views
- Detrimental impact to the setting of nearby listed buildings
- Construction traffic will damage neighbouring listed buildings
- Loss of privacy and overshadowing
- Detrimental impact on biodiversity
- Pressure on health, dental and educational services and village shop
- Detrimental to local landscape, as Sudbury Road acts as boundary between village and open countryside
- Low density development, significant loss of land for few houses
- No evidence of local need
- Levels within site
- Piling could cause damage to nearby homes
- Loss of countryside
- No demand for additional affordable housing
- Sewerage system is at capacity
- Loss of outlook
- No local need for the development
- No need within the functional cluster for additional affordable dwellings
- Noise and disturbance during construction period
- Highway dangers
- Sudbury Road is not suitable for construction traffic
- Play area not suitable as land is waterlogged
- Loss of character of village
- Lead to additional parking on Sudbury Road
- Proposed dwellings will dominate skyline
- Increase in carbon footprint of the village
- Village is completely car dependent
- Cumulative impact on village following recent approval for 200 dwellings
- Access to village will be unsafe as involves crossing Sudbury Road in vicinity of parked cars
- Residential development will result in pollutants entering the stream
- Watermain bisects the site
- There are Great Crested Newts within the development site; otters have been seen in here.

(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**

None relevant

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

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

- 1.1. The site is an agricultural field comprising rough pasture, located to the north-west of the village of Acton. The site rises up from east to west and along the north-eastern boundary there is a ditch/steam. The site is adjacent to the Built-Up Boundary of Acton, as defined in the Babergh Local Plan 2006.
- 1.2. To the north-east of the site is a row of properties which back onto the site and face onto Melford Road. To the south-east, the site is bounded by Sudbury Road and to the north-east and south-west by a substantial hedge with agricultural land beyond.
- 1.3. Within close proximity to the site is a number of Grade II listed buildings, including the Crown Public House, 1-3 Sudbury Road, Post Officer Row, 1-4 Long Gardens and Rose Cottage.

### **2.0 The Proposal**

- 2.1. The proposal is for residential development comprising 30 dwellings of which 10 dwellings would be affordable. The indicative layout suggests that the majority of the market dwellings would be 3-bed with four x 4-bed and three x 2-bed properties.
- 2.2. Vehicular access to the site would be from Sudbury Road at the southern end of the development. The indicative proposal shows pedestrian access onto Sudbury Road close to Cobbler's Way and a further internal link leading to a frontage footpath along Sudbury Road to the junction with Melford Road.
- 2.3. The indicative layout plan shows the majority of properties facing onto a spine road through the site with some properties at right angles, with side elevations onto the properties on Melford Road. On the south-western side of the site, the substantial boundary hedgerow would be retained with a hedge maintenance track located between the properties and the hedgerow.
- 2.3. To the rear of the properties along Melford Road would be an area of public open space with a play area. Significant additional planting is proposed to the rear of the properties on Melford Road at this location.

### **3.0 The Principle Of Development**

- 3.1. Babergh benefits from a five-year plus land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged in that respect. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. That said, there is a need for Council to determine whether relevant policies of the Core Strategy generally conform with the aims of the NPPF. Where they do not, they will carry less statutory weight.
- 3.2. 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 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 78 and 79 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas; paragraph 104 relating to limiting the need to travel and offering a genuine choice of transport modes; and paragraph 126 to achieve well-designed places.

- 3.3 Policy CS2 'Settlement Pattern Policy' designates Acton as a hinterland village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 80, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 80 of the NPPF is not engaged.
- 3.4 In the absence of an up-to-date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and, therefore, the policy is given substantial weight.
- 3.5 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development for Core and Hinterland Villages.
- 3.6 The site is located within the Countryside outside of the built-up area boundary of Acton. As such, the principle of development will be accessed under Policies CS2 and CS11 of the Babergh District Core Strategy 2006. Policy CS2 states that (inter alia) *the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and Hinterland Villages will accommodate some development to help meet the needs within them.*
- 3.7 Policy CS11 states (inter alia) that *the following matters are addressed to the satisfaction of the local planning authority (or other decision maker) where relevant and appropriate to the scale and location of the proposal:*
- i) *the landscape, environmental and heritage characteristics of the village;*
  - ii) *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
  - iii) *site location and sequential approach to site selection; locally identified need - housing and employment, and specific local needs such as affordable housing;*
  - iv) *locally identified community needs; and*
  - v) *cumulative impact of development in the area in respect of social, physical and environmental impacts.*

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

- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) is adjacent or well related to the existing pattern of development for that settlement;*
- iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*

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

- 3.8 The site is located adjacent to the BUAB of Acton and is adjacent to built development on two sides. As such, it is considered to demonstrate a close functional relationship to the existing settlement. The site is highly constrained due to surface water flooding, which makes approximately half the site undevelopable. Give this constraint, it is considered that the design, layout and scale of the development is acceptable when considered separately to any other development.
- 3.9 **Local Housing Need** Acton is classified as a Hinterland Village, within the functional clusters of both Sudbury and Long Melford, within Policy CS2 of the Babergh Local Plan. This policy states that (inter alia) *Hinterland Villages will accommodate some development to help meet the needs within them.*
- 3.10 In relation to housing need, Policy CS11 states that (inter alia): *Development in Hinterland Villages will be approved where proposals meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan.*
- 3.11 The application includes a Local Housing Needs Assessment which uses two different scenarios to calculate the need for additional dwellings within the two functional clusters that Acton is located within. The first of these is a proportional share of migration into Babergh. This shows that there is a surplus of 40 dwellings within the Long Melford cluster and a shortfall of 461 dwellings within the Sudbury/Great Cornard cluster. The second scenario is proportional growth, which shows that there is a shortfall of 103 dwellings in the Long Melford cluster and 11 dwellings within the Sudbury/Great Cornard cluster.
- 3.12 As such, it appears that there is a need, albeit small, for additional dwellings in the functional clusters that Acton is located within.
- 3.13 A recent appeal, however, at Land east of Bramford Road, Sproughton (DC/20/02010) confirmed that, for Hinterland Villages the local need for market dwellings required under Policy CS11 relates to the need within the village only rather than the functional cluster. The inspector stated that the application of Policies CS2 and CS11 together appear to support the provision of some development to meet the needs within a HV, that should meet a proven local need
- 3.14 The Local Housing Needs Assessment, which accompanies the application, does not provide any evidence of a local housing need for market dwellings within Acton itself. However, from the information provided within the Local Housing Needs Assessment, it is possible to calculate the local need within Acton. Under the proportional share of migration into Babergh, Acton, which

comprises 2.2% of Babergh's population, would require approximately 97 dwellings; whilst under the proportional growth model, Acton would require approximately 48 dwellings (6.15% of 790).

- 3.15 Although these are approximate figures (as not all the inputs into the Local House Need Assessment are known); given that there are currently 209 dwellings with planning permission in Acton, there is a surplus of between 114 and 161 dwellings. This is a very large surplus and, therefore, it can be concluded that there is not a local need for additional market dwellings within Acton.
- 3.16 In the Sproughton appeal decision, it was considered that the requirement for *affordable* dwellings under CS11 could be looked at on a wider basis than just the need within the Hinterland Village. The Local Housing Needs Assessment considers that, under the worst-case scenario, there is a need for 74 affordable dwellings within Acton up to 2031 and a need for 237 affordable dwellings within the Long Melford Functional Cluster and 634 dwellings within the Sudbury/ Great Cornard Cluster. The only other evidence of housing need comes from the housing register where there are 13 applicants with a local connection to Acton.
- 3.17 The Tamage Road and Barrow Hill applications will together provide 70 affordable dwellings. Leaving a worst-case scenario of a shortfall of 4 affordable dwellings within Acton – however, that is for the entire plan period up to 2031. The proposed development would provide 10 affordable dwellings, 6 more than required for Acton. There is a wider need for affordable dwellings within the functional cluster, which the development would provide. This is an overall benefit of the development. However, Policy CS11 does not suggest that additional market dwellings above that required for local need should be provided to support the development of affordable dwellings. Therefore the application is contrary to Policy CS2 and CS11 and the principle of development is not acceptable.
- 3.18 **Cumulative Impact** Policy CS11 states that the *cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.*
- 3.19 It is generally difficult to assess the cumulative impact of development on a village, as any strain on infrastructure is difficult to quantify. However, in Acton, two developments of 100 dwellings have been approved recently in Tamage Road and Barrow Hill, which will result in an increase in population of approximately 25%. If this application were approved, the increase in population would be approximately 29%. No other Hinterland Village within Babergh has been subject to such significant development; except for Brantham which, although a Hinterland Village, has a special status within the Core Strategy. As such, the cumulative impact of the development in conjunction with other improved developments needs to be carefully considered.
- 3.20 Acton Primary School is a single form entry school, which cannot be expanded due to space constraints. The school has some capacity and it has been calculated that primary school pupils expected from the Tamage Road and Barrow Hill developments can be accommodated within the school. However, this application will take Acton Primary School above capacity, with 6 of the 7 primary school pupils expected from this application unable to have a place within the catchment primary school. Suffolk County Council has not objected to the development as there is the potential to provide school places available within the Chilton Woods School, provided funding for school places and school transport is provided.
- 3.21 The fact that the catchment primary school is unable to take the children from the development is a strong indication that the cumulative impact of development in Acton would have a detrimental impact on village infrastructure. Busing children to Chilton Woods School is also less sustainable

than providing the option for attending the local primary school, which is approximately 625 metres away and, therefore, within easy walking distance. It also has an impact on community cohesion, the Primary School is one of the few facilities within Acton and therefore has an important social aspect. The fact that children within the village could not be accommodated within the village school would deprive families from benefiting from being part of the school community. In the long-term, children from the development may also displace other children within the village who would not be able to attend the school.

- 3.22 The application is contrary to Policy CS2 and CS11, both in relation to need and cumulative impact and the principle of development is, therefore, not acceptable.

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

- 4.1. Acton is categorised as a Hinterland Village within the Babergh Core Strategy (2014). The village has a limited range of facilities including a village shop, public house, primary school, pre-school, church, village hall and recreational facilities including a children's play area.
- 4.2 Approximately 1.1km North-west of Acton are the Bulls Lane/ Acton Place Industrial Estates, comprising a moderately-sized employment site providing a range of buildings. There is no footpath provision from Acton to the Bulls Lane/Acton Place Industrial Estate.
- 4.3 Sudbury is located approximately 2.5km to the south of Acton and provides retail, medical and dental facilities and secondary schooling. There is no direct footpath provision to Sudbury. Nearby footpaths are proposed to be upgraded as part of the Chilton Woods development which is located approximately 2.2km away and will include a new village centre.
- 4.4 There is a reasonably regular bus service between Sudbury and Bury St Edmunds via Acton. With buses approximately once an hour. Sudbury provides onward connections to Colchester and Ipswich. Overall it is considered the site is in a sustainable location.

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

- 5.1. Paragraph 111 of the NPPF states that development may be prevented or refused on highway grounds where the impact on highway safety is unacceptable. The Highway Officer has provided a number of comments regarding the proposed layout and pedestrian footways. However the application is outline only with access to be considered. A revised access plan has been provided which shows a single access from the site. Highways have been reconsulted with regards to this, and officers revised comments are awaited. The Highway Officer has stated that the development is potentially acceptable subject to details.

#### **6.0 Design And Layout [Impact On Street Scene]**

- 6.1. Policy CS11 states that new residential development in hinterland villages needs to be well-designed and appropriate in size / scale, layout and character to its setting and to the village. The development is outline only, but the indicative layout shows development along a spine road perpendicular to Sudbury Road. This would be in keeping with the Cobbler's Way development opposite the site. The layout is dictated by ensuring that the developable area is outside the flood zone. This is likely to lead to a somewhat contrived layout, but overall it is considered that an appropriate layout can be achieved.

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

7.1. Policy CS11 states (inter alia) that new development must take into account the landscape and environmental characteristics of the village. Although the site does not have any special landscape designations, due to its topography, well established hedgerows and agricultural status (rough grassland used for grazing of livestock as opposed to arable land) it has a local landscape value. In addition, there is an important view through the site to Long Melford Church.

7.2 The Landscape officer has stated (inter alia) that:

*Although the site benefits from well-established hedgerows, because of the topography of the site and the proposed location of the developable area, the proposal will be clearly visible from PROW to the south. The visual experience is of a long and open view onto the rolling countryside. This is characteristic of the Ancient Rolling Farmland landscape character type. The edge of the settlement boundary can be perceived and the introduction of new roofs in the skyline will be detrimental to the landscape character. Any additional screening planting along this boundary will have a negative effect on the visual experience and the landscape character of this long view.*

*The north-eastern boundary is of open character. Properties along Melford Road back onto the site. Some hedge planting and scatter trees but the overall character of the site along this boundary is open. Screening planting along this boundary will shade the existing properties and back gardens and will have a negative effect.*

*When visiting the site, we noted the view available into the site and countryside beyond from Cobbler's Way and in our professional judgment extension of the settlement boundary will have a negative impact on the landscape and visual experience.*

7.3 The Planning Officer concurs with this assessment, the development would have a detrimental impact on the character of the village by the creation of a highly discordant development, visible from surrounding roads and footpaths. In addition, although the view to the church would remain, its context would change, from being viewed in a rural setting, to being viewed in a more managed public open space with houses on both sides.

7.4 The Landscape Officer has also stated that the Landscape and Visual Impact Assessment is inadequate to assess the landscape impacts of the proposal. An addendum has been provided and the officer's revised comments are awaited.

7.5 Given the nature of the land and the presence of the stream/ditch, the site has a relatively high biodiversity value, including the use of the stream by water voles. The Ecological Officer has not objected to the proposal subject to conditions.

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

8.1. A ditch/stream runs on the north-eastern boundary of the site and approximately 50% of the site is vulnerable to surface water flooding. The corner of the site between Sudbury Road and Melford Road is a low point within the village and it appears that water drains from the village into the ditch as this location. Representations from the local community have stated that there is a spring located within the flood zone area, however this is refuted by the landowner.

8.2 Development would not be appropriate within the area vulnerable to flooding and, as such, a parameters plan has been provided. This would limit the residential development to the south-east side of the site, which is located higher up, with the area in the flood zone becoming public open space.

8.3 Given that no development would be situated within the flood zone the Flood and Water Officer has no objection to the proposals, subject to conditions, including the parameter plan being part of the approved plans.

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

9.1. The site is within close proximity of several Grade II listed buildings: 1-3 Sudbury Road and Post Office Row which are located off Sudbury Road and Rose Cottage and 1-4 Long Gardens located off the High Street. All of these listed buildings form a line of development and have the potential to be impacted through change within their setting. The amount of change to the setting would be based on how close the dwellings are located to the development. 1-3 Sudbury Road is directly opposite the site and, therefore, would be most impacted, although the nearest part of the site to these dwellings is not proposed to be developed.

9.2 The Heritage Officer states that:

*The proposed development site is a field of rough pasture located to the west of the heritage assets and looks out over uninterrupted views of an open agrarian landscape to the north-west and southwest.*

*Historic maps show that although the heritage assets had no functional historic association with the proposed development site, there were clear visual links between the heritage assets, the proposed development site, and the open agricultural landscape beyond.*

*These visual links, and the sense of openness, make a positive contribution to the setting of the heritage assets as buildings set within a rural settlement.*

*This contribution of the proposed development site to the setting of the heritage assets is further enhanced by the partial loss of openness and visual links through extensive and continued development to the south and south-east of the listed buildings.*

*As the proposed development site represents the only surviving link between the heritage assets and the open agrarian landscape, it is considered that the proposals would lead to less than substantial harm to the heritage assets, making Paragraph 202 of the National Planning Policy Framework (NPPF) relevant here.*

*Historic England Guidance on the Setting of Heritage Assets (Good Practice Advice Planning Note 3) states: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting."*

*It is not possible to support these proposals, as they would fail to preserve the heritage assets and their setting, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

9.3 As the development causes less than substantial harm in accordance with paragraph 202 of the NPPF, the harm should be weighed against the public benefits of the proposal. In this case the



public benefits are considered to be new housing, including affordable housing, plus the public open space and children's play area.

## **10.0 Impact On Residential Amenity**

- 10.1. The nearest dwellings are the row of houses which back onto the site and front onto Melford Road. Although the development is in outline, a parameters plan has been provided. This indicates the shortest distance from the residential development to the boundary with the existing properties is 45 metres, while the distance to the actual dwellings is around 55 metres. Generally these distances would be sufficient to protect the amenity of the existing dwellings. However, the site is on a slope and some of the proposed dwellings would be significantly higher than those existing and have the potential to overlook the gardens, albeit from a distance.
- 10.2 In order to ensure that there is no loss of privacy, the indicative layout shows significant planting on the edge of the boundary of the new properties, with dwellings orientated away from the existing dwellings.
- 10.3 A play area is proposed to the rear of the three properties on the corner of Melford Road and Sudbury Road. In order to prevent mutual overlooking and provide some noise attenuation, the parameters plan and indicative layout show significant planting in this location. However, the rear gardens of these properties are shallow, between 7 and 11 metres deep. The introduction of landscaping to the rear of these properties would result in overshadowing and the loss of significant light to their gardens and loss of outlook. Decreasing the landscaping may result in a loss of amenity due to noise and disturbance from the play area. Therefore, in order to protect the amenity of these properties, it is unlikely that a play area would be suitable in this location.
- 10.4 On balance, it is considered that, subject to careful orientation and landscaping and the removal of the proposed play area, the development proposed would not be so detrimental to neighbouring properties as to justify refusal of planning permission on these grounds.

## **11.0 Parish Council Comments**

The Parish Council has provided comprehensive comments in relation to this proposal. All the comments are considered to relate to material planning considerations and these comments have been considered throughout the report.

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## **PART FOUR – CONCLUSION**

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### **12.0 Planning Balance and Conclusion**

- 12.1. It is considered that the site is unsuitable for development. In order to mitigate the flood risk, the dwellings need to be placed on the highest part of the land; however, this would result in the dwellings being highly dominant, leading to a highly visible development, especially within local views, and a wider detrimental landscape and character impact.
- 12.2 CS11 envisaged a limit to the amount of new residential development within Hinterland Villages, given the limited facilities that these villages provide. Within Acton two developments of 100 houses each have been approved. It is considered that with the current facilities within Acton, the village has reached capacity for large scale development. While it is generally hard to comprehensively
-

prove that facilities have reached capacity, in the case of Acton Primary School there would not be capacity for all of the children calculated to come from the proposed development to attend the village school.

- 12.3 The proposed development would lead to a less than substantial development harm to the setting of a number of listed buildings, in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. The public benefits are considered to be an additional 30 dwellings including 10 affordable dwellings, public open space and a children's play area.
- 12.4 Babergh District Council has a 6.32-year land supply and no evidence has been provided that the market housing is required for local needs. Although there is a need for additional affordable housing in the district, the need within Acton, under the worst-case scenario, is an additional four affordable dwellings until 2031. As such, it is not considered that there is a pressing need for affordable houses within the village. The children's play area is unlikely to be achievable as it would be detrimental to the amenity of the neighbouring occupiers. Overall it is not considered that the public benefits outweigh the harm to the setting of the listed building.

## **RECOMMENDATION**

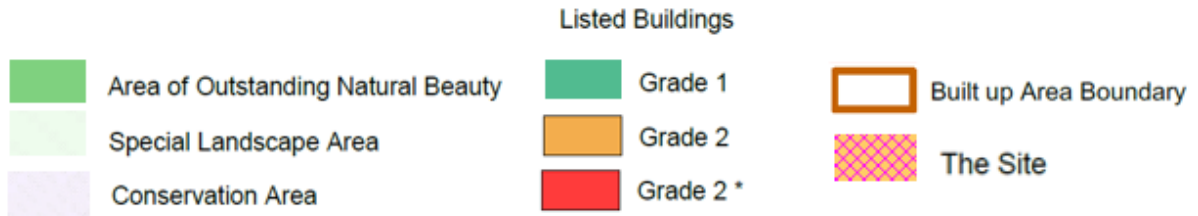
That the application is REFUSED planning permission for the following reasons:-

- 1) The proposed development is Contrary to Policy CS2; as well as CS11 of the Babergh Core Strategy, which states that residential development within Hinterland Villages should be provided for local needs. In the absence of any evidence of local need within Acton for further market dwellings the development does not comply with the policy.
- 2) The proposed development is Contrary to Policy CS11 of the Babergh Core Strategy which states that the cumulative impact of the development in conjunction with other developments should be considered. The proposed development, in conjunction with the recently approved 200 dwellings, is considered to have a detrimental impact on the infrastructure within the village, notably primary education.
- 3) The development, due to its siting and scale, would cause a less than substantial harm to the setting of surrounding listed buildings and this harm is not outweighed by the public benefits of the development contrary to Policy CN06 of the Babergh Local Plan and the NPPF.
- 4) The development, due to its siting, scale and proposed landscaping would have a detrimental impact on the character of the area, contrary to Policies CS15 and CS11 of the Babergh Core Strategy.
- 5) In the absence of a signed s.106, the development would fail to provide funding for new primary and pre-school places and school transport. In addition it would fail to ensure affordable housing of the tenure required to reflect the established needs within the district, contrary to Policy CS19 of the Babergh Local Plan.

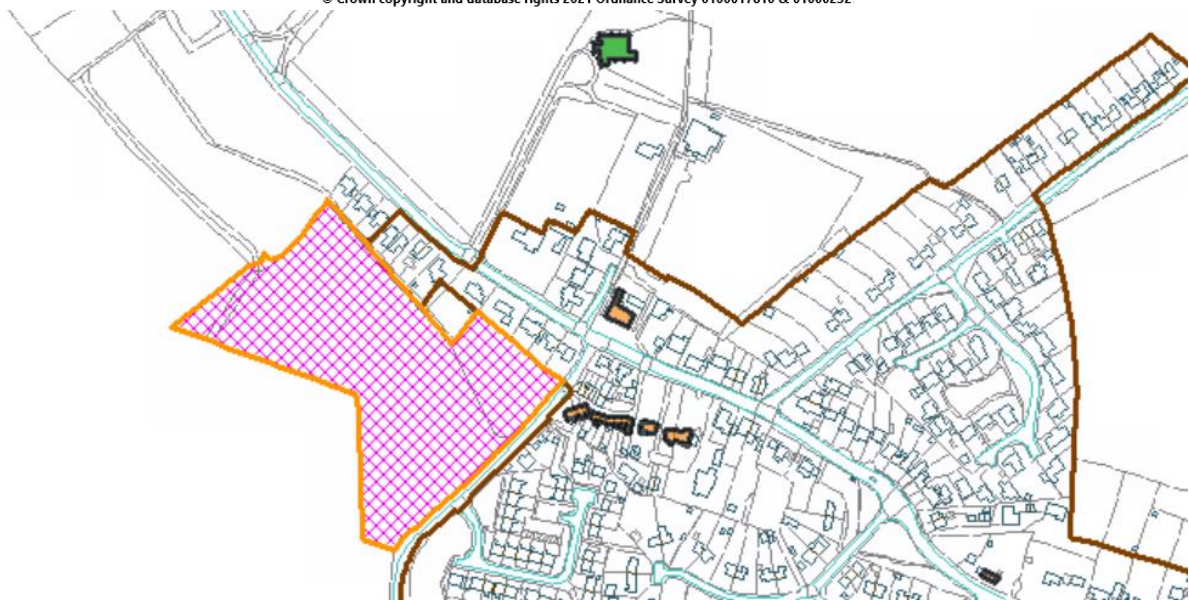
Application No: DC/21/05652

Parish: Acton

Location: Land West Of Sudbury Road



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# Agenda Item 6d

## Committee Report

**Item No:** 6D

**Reference:** DC/21/03718

**Case Officer:** Samantha Summers

**Ward:** Copdock & Washbrook.

**Ward Member/s:** Cllr David Busby.

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## **RECOMMENDATION – APPROVAL OF PLANNING PERMISSION WITH CONDITIONS**

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### Description of Development

Application under Section 73 of the Town and Country Planning Act - Variation of Condition 2 (Approved Plans and Documents), Condition 4 (Visibility Splays), Condition 7 (Refuse Bins) and Condition 8 (Parking) of planning permission DC/18/05613 Dated: 25/09/2020 - Erection of 14 No Dwellings, garages and additional parking. To allow amendments to design and layout (and removal of affordable units).

### Location

Land To the East Of, Duke Street, Hintlesham, Suffolk

**Expiry Date:** 01/10/2021

**Application Type:** FUW - Full App Without Compliance of Condition

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Landex Ltd

**Agent:** Wincer Kievenaar Architects Ltd

**Parish:** Hintlesham

**Site Area:** 0.9 Hectares

**Details of Previous Committee / Resolutions and any member site visit:** The original application DC/18/05613 was heard by Planning Committee on the 18<sup>th</sup> of December 2019. Members resolved to grant planning permission.

**Has a Committee Call In request been received from a Council Member:** No?

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

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

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The application is referred to committee for the following reason:

The Head of Economy considers the application to be of a controversial nature, having regard to the planning reasoning expressed by the Parish Council.

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

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### **Summary of Policies**

CN01 - Design Standards  
CR04 - Special Landscape Areas  
CR07 - Landscaping Schemes  
TP15 - Parking Standards - New Development  
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
CS21 - Infrastructure Provision  
NPPF - National Planning Policy Framework

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Consultations and Representations**

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

#### **A: Summary of Consultations**

##### **Town/Parish Council**

###### **Hintlesham Parish Council**

Following an additional Parish Meeting held to discuss the above planning application – Chattisham and Hintlesham Parish Council OBJECT to the planning DC/18/05631 based on the following;

1. In consideration of the removal of the 'Affordable Housing' (3 units contained in application DC/18/05631 which was a 'material fact') from the current application.
2. The application is in breach of current BDC strategic housing policy and fails to support local housing need (confirmed by Robert Feakes – Housing Enabling Officer note 21st July 2021)
3. The advice and consideration given by District Councillor, David Busby, in his note 22nd July 2021 relating to the positive viability of this site and the potential requirement that BDC Planning committee would insist upon an 'affordability quota'.

##### **National Consultee**

## Anglian Water

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented

## Natural England

Thank you for your consultation.

Natural England currently has no comment to make on the variation of condition 2 (as above).

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 any further consultations regarding this development, 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.

## **County Council Responses**

### SCC Archaeology

All the archaeological work was carried out under DC/18/05613/FUL and no further archaeological conditions are required for any planning applications within this redline boundary.

### SCC Fire and Rescue

Thank you for your email informing us of the variation of condition 2. The Suffolk Fire & Rescue Service need only respond to Condition 16, in the Decision Notice in the original planning application for this site, DC/18/05613/FUL.

### SCC Infrastructure

In respect of this application, I have no comments to make but have copied to colleagues who deal with highways, floods planning and archaeological matters.

### SCC Floods and Water

We have reviewed the following submitted documents and we recommend approval of this application subject to revised conditions.

### SCC Highways

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

Visibility Condition: Before the access is first used visibility splays as indicated on Drawing No. 5580/PA002A 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.

### **Internal Consultee Responses**

#### **Place Services – Landscape**

A revised landscape scheme was not provided with this application; however, the proposed layout revisions do have the following landscape implications that we would advise are addressed:

- The street scene of the scheme now seems to be harder; much more car dominated with additional parking provision and additional refuse collection point.
- The revised layout shows an increase in the quantity of visitor spaces, now allowing 1 visitor space for each of the 14 dwellings. We defer to highways to comment on this level of provision.
- The revised layout provides an excess of hardstanding for on plot parking. Which accounts for approximately half of the increase in impermeable surface as reported in the updated FRA. Ideally tandem parking should be available in multiples of 5.5m length spaces to avoid squeezing additional parking on plot. As such, we would ask that the parking arrangements of Plots 7-14 are reviewed and revised accordingly.
- We noted that the revised plans indicate a reduction in tree numbers from 35 to 27. Reducing the number of trees would mean less visual screening of the new development from the East.
- The eastern site boundary was proposed as hedge on the granted scheme however this appears to be missing on the submitted plan. Clarification is sought.

Notwithstanding the above comments we would suggest that a revised landscape scheme be submitted for approval prior to granting the Variation of Condition 2 – Approved plans & Documents

#### **Place Services – Ecology**

Thank you for consulting Place Services on the above application.

No objection subject to securing ecological mitigation and enhancement measures

#### **Summary**

We have reassessed the Ecology Update (MHE Consulting Ltd, December 2018) and the Ecological Report (MHE Consulting Ltd, May 2017), submitted by the applicant for the approved application, relating to the likely impacts of development upon designated sites, protected and Priority species, particularly Bats.

We have no objection for the removal of condition 2 at an ecological perspective, as the proposed amendments to design and layout will not impact protected or priority species. However, conditions 17



and 18 of the existing planning permission (DC/18/05613) should still be secured and implemented for this application.

BMSDC Environmental Protection – Contamination

Many thanks for your request for comments in relation to the proposed variation to condition 2 of the above 2018 permission. I can confirm that I have no objection to the proposed changes from the perspective of land contamination.

BMSDC Environmental Protection – Pollution/Nuisance

Environmental protection have no objections to the proposed variation of condition 2

BMSDC Environmental Protection – Air Quality

Thank you for your consultation on the above application. I have no objections with regard to air quality.

BMSDC Public Realm

Public Realm Officers do not wish to offer any comments on this application

BMSDC Strategic Housing

1. Key Points

A development proposal for 14 residential dwellings, amending DC/18/05613 in a number of key respects, including the mix of dwellings.
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To achieve policy compliance at 35%, four affordable dwellings would be required on site plus a commuted sum equivalent to 0.9 of a dwelling.
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It is understood that a viability appraisal has been submitted; this needs to be assessed by a suitably qualified person.
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2. Affordable 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. It identifies a need for 110 new affordable homes per annum in Babergh.

2.2 At the time of writing, there are 739 applicants on the Housing Register for Babergh, of which 2 have a local connection to Hintlesham.

3. Preferred Approach to Affordable Housing

3.1 A policy compliant amount of affordable housing would be 4.9 units (35% of 14).

3.2 The submitted viability appraisal needs to be reviewed by a suitably qualified person in order to determine whether the approach suggested by the applicant is appropriate.

3.3 If it is determined that the proposal is viable with 35% affordable housing, the preferred mix is as follows.

<b>Number</b>	<b>Type and Tenure</b>	<b>Size (Bedspaces/Persons)</b>	<b>Minimum Size (Gross Internal Area – m<sup>2</sup>)</b>
2	Affordable Rent House	2b4p	79
1	Affordable Rent House	3b5p	93
1	Shared Ownership House	3b5p	93

3.4 In addition, the residual 0.9 homes requirement should be provided through a commuted sum. The calculation for this figure is set out in the appendix to this memo, below, resulting in a requirement for £68,342.

3.5 Review of the submitted viability assessment may show that the proposal cannot achieve policy compliance. Whilst reduced on-site provision (i.e. fewer than 3 units) could represent a benefit, it is not certain that a Registered Provider would be willing to take on a small number of units. As such, if three units cannot viably be delivered on site, and development is permitted, our preference would be for a commuted sum with overage clauses within the Section 106 agreement.

Should the site be unable to achieve policy compliance, a full contribution will not be possible, but as a starting point, a 'full' commuted sum for this site would be based on 4.9 dwellings and would be £372,086.

3.6 The location of the affordable housing units should seek to strike a balance between clustering for management purposes and distributing the units to enable social interaction and mixing. The units chosen must be visually indistinguishable from the market units.

3.7 The following requirements are relevant should provision be agreed on site.

(i) The location and phasing of the affordable housing units must be agreed with the Council through a Section 106 agreement to ensure they are integrated within the proposed development according to current best practice.

(ii) The affordable housing must be transferred to an agreed Registered Provider, with the Council granted 100% nomination rights to all affordable lets and 100% thereafter.

(iii) Any Shared Ownership Units must be advertised via the local Help to Buy Agent.

(iv) Adequate parking provision, cycle storage and shed provision must be made for the affordable housing units.

(v) The Council will not support applications for grant funding to deliver the affordable units.

4. Open Market Units

4.1 The development proposes the following mix of market homes, which differs significantly from DC/18/05613

Number	Type and Bedspaces	Bedspaces/Persons	Floorspace (Gross Internal Area – m <sup>2</sup> )
4	2-bed Semi	Number of persons not specified	78
2	3-bed Semi		95.2
3	3-bed Detached		126.9
2	4-bed Detached		135
3	3-bed Bungalow		140

- 4.2 As the number of intended occupants for each dwelling has not been specified, it is not possible to relate the unit sizes to NDSS requirements with complete certainty, however, it can be determined that minimum requirements are being met. The only concern relates to the 2-bed units (plots 1, 3 and 4), which do not meet GIA requirements to accommodate 4 persons. It is noted that this policy is not yet in place.
- 4.3 The mix of market unit sizes has been assessed against the District-wide needs set out in Part 2 of the SHMA (table 4.4e)I . For the avoidance of doubt; individual sites should respond to the setting and situation of the location, not every site needs to match the District-wide requirement for different unit sizes.

Size of unit (bedrooms)	Current proposal	Split to meet district-wide requirement	Difference
1	0	2	-2
2	4	5	-1
3	8	4	+4
4+	2	3	-1

- 4.4 Data from the 2011 Census shows significantly higher levels of under-occupation in Hintlesham (84.7) compared to both Babergh (80.6%) and England as a whole (69%), indicating potential demand for downsizing. As such, it is recommended that some of the 3-bed units are changed to 1-beds.
- 4.5 The inclusion of three bungalows in the mix is welcomed.
5. Appendix: Commuted Sum Calculation

The commuted sum calculation is as follows based on a 2-bed affordable dwelling as this is much needed within the district:

An NDSS compliant 2 bed 4-person house @ 79 sqm GIA at a design and build rate of £2,000/m<sup>2</sup> for an affordable unit gives the following total design and build cost:

79 x £2,000 = £158,000

A suitable plot value based on the above property and taking the District Valuation Service Property market report into account at £600/sqm is £47,400.00

Design and Build Cost: £158,000

Plot Value: £47,400

Plus, Housing Association on costs at 7% of design and build £11,060  
 Plus MSDC management fee of £500.00

Less Housing Association acquisition price £141,024  
 Commuted sum total = £75,936 per 2 bed house unit

The figure for 1 whole dwelling is £75,936 therefore in this case the sum required to be paid for 90% of one dwelling = £68,342

**Appendix 2: Size of new owner-occupied accommodation required in Babergh over the next 18 years**

*Source: Table 4.4c (using 2014-based projections) Ipswich Strategic Housing Market Assessment Part 2 (January 2019)*

<b>Size of home</b>	<b>Current size profile</b>	<b>Size profile 2036</b>	<b>Change required</b>	<b>% of change required</b>
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%
<b>Total</b>	<b>28,026</b>	<b>32,820</b>	<b>4,794</b>	<b>100.0%</b>

Councillor Busby

My main concern is that 14 houses with no affordable units or contribution. I agree with Strategic Housing – this site ought to be viable and should therefore include an element of affordability. I'm sure that if it was put before the Planning Committee they would agree.

**B: Representations**

At the time of writing this report no letters/emails/online comments have been received.

**PLANNING HISTORY**

**REF:** DC/17/03335      Submission of details (Reserved Matters) under outline planning permission B/15/01490/OUT- relating to Appearance, Layout & Scale for erection of 8 dwellings.      **DECISION:** GTD 18.09.2017

**REF:** DC/17/03982      Outline Planning Application (Access to be considered) - Erection of up to 11 Dwellings including 3 Affordable Houses.      **DECISION:** GTD 30.01.2018

**REF:** DC/18/04988      Full Planning Application - Erection of 3no. dwellings      **DECISION:** WDN 10.01.2019

**REF:** DC/18/05613      Full Planning Application - Residential      **DECISION:** GTD

	Development - Erection of 14 No Dwellings, garages and additional parking.	25.09.2020
<b>REF:</b> DC/19/02585	Planning Application - Erection of 3no. dwellings	<b>DECISION:</b> GTD 25.09.2020
<b>REF:</b> DC/21/00072	Application for non-material amendment to DC/18/05613 granted 25/09/2020 (Full - Residential Development - Erection of 14 No Dwellings, garages and additional parking) - To amend drawing reference indicated on decision as it is incorrect. Drawing No. 5406A quoted should be amended to 5580_PA10_10.	<b>DECISION:</b> GTD 21.01.2021
<b>REF:</b> DC/21/02166	Discharge of Conditions Application for DC/18/05613 - Condition 19 (Archaeological Works)	<b>DECISION:</b> GTD 11.05.2021
<b>REF:</b> DC/21/02783	Discharge of Conditions Application for DC/18/05613-Condition 19 (Commencement of Development - Archaeological Works) and Condition 20 (First Occupation of Development - Archaeological Works)	<b>DECISION:</b> GTD 07.06.2021
<b>REF:</b> DC/21/04267	Full Planning Application - Construction of new field access (existing field access to be stopped up by new residential development to the south-west).	<b>DECISION:</b> GTD 22.09.2021

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

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

- 1.1 The site is located on Redhouse Farm to the south-east boundary of Duke Street. It sits outside, but adjacent to, the Hintlesham Built-Up Area Boundary (BUAB). The site boundaries are formed by Duke Street to the west, residential development to the north, B/01490/OUT, DC/17/03335 and DC/19/02585) and south (Red House Cottages) and to the east is arable land (grade 3) associated with Redhouse Farm.
- 1.2 Hintlesham is listed as a Hinterland Village in policy CS2 of the development plan. The site is approximately 400 metres from the A1071 and is opposite residential dwellings which front onto the west side of Duke Street.
- 1.3 The site sits on the edge of the Gipping Valley Special Landscape Area. The site is not in a Conservation Area. There are not any nearby designated heritage assets.
- 1.4 The application site has full planning permission, which is extant, for the erection of 14 dwellings, granted under DC/18/05613.

## 2.0 The Proposal

- 2.1 This proposal seeks to vary condition 2 (Approved Plans and Documents) to enable the design and layout of the site to be adjusted. The number of dwellings remains unchanged at 14. The mix of dwellings has changed and there are no affordable homes proposed for this scheme. The new mix includes three bungalows and a mix of 2-, 3- and 4-bedroom properties.

### ***SCHEDULE OF ACCOMMODATION***

<b>Plots</b>	<b>Tenure</b>	<b>Type</b>	<b>Beds</b>	<b>Storeys</b>	<b>GIA (sqm)</b>	<i>GIA (sqft)</i>
<b>1</b>	Market	Semi	2	2	<b>78</b>	840
<b>2</b>	Market	Semi	3	2	<b>95.2</b>	1025
<b>3</b>	Market	Semi	2	2	<b>78</b>	840
<b>4</b>	Market	Semi	2	2	<b>78</b>	840
<b>5</b>	Market	Semi	2	2	<b>78</b>	840
<b>6</b>	Market	Semi	3	2	<b>95.2</b>	1025
<b>7</b>	Market	Detach	3	2	<b>126.9</b>	1366
<b>8</b>	Market	Detach	3	2	<b>126.9</b>	1366
<b>9</b>	Market	Detach	3	2	<b>126.9</b>	1366
<b>10</b>	Market	Detach	4	2	<b>135</b>	1453
<b>11</b>	Market	Detach	4	2	<b>135</b>	1453
<b>12</b>	Market	Detach	3	1	<b>140</b>	1507
<b>13</b>	Market	Detach	3	1	<b>140</b>	1507
<b>14</b>	Market	Detach	3	1	<b>140</b>	1507
<b>Total</b>			<b>40</b>		<b>1573.1</b>	<b>16933</b>

- 2.2 The floor space created by the development would be 1573.1 square metres and would be liable to CIL payments.
- 2.3 All dwellings have been provided with two parking spaces each apart from the four-bedroom dwellings which are provided with three spaces each. In addition, there are eleven visitor spaces distributed across the site. Electric vehicle charging points are to be provided to all dwellings within this scheme. A duct route will be provided to all garages. For houses without garages, a capped ducted route will be provided to the external facade of the dwelling.
- 2.4 A mix of single and two-storey dwellings is proposed, which comprises three bungalows and eleven two-storey houses.
- 2.5 The garden sizes range from approximately 97.5 to 280 square metres.

- 2.6 The development is laid out in a linear form and the dwellings back onto an agricultural field.
- 2.7 The finishing materials include red brick, Cedral boarding, pantiles, pan tiles and natural slate.
- 2.8 The site area is 0.9Ha.

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

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The acceptability of developing the site for residential purposes has been established by virtue of the grant of outline permission in 2017 (DC/17/03982). A further application for the site was received in 2018 for the erection of 14 dwellings and approved under DC/18/05613. The 2018 application was a full planning application and was granted with conditions and a s.106 agreement to secure affordable housing contribution and a RAMS payment.
- 3.3 This S.73 application proposes changes to the layout of the site, house designs, housing mix and also the removal of the affordable housing contribution, by way of a variation of condition 2 of DC/18/05613 – approved drawings and documents.
- 3.4 Policy CS19 of the Babergh Core Strategy requires that major development (10 dwellings or more or sites of 0.5 Ha or greater) should provide a 35% affordable housing contribution. The 2018 application was accompanied by a Financial Viability Assessment. The Assessment covered two sites, the site for 14 dwellings but also a site for three dwellings on land north of the application site (DC/19/02585). The applicant was the same for both sites. The District Valuer considered the sites together and came to the conclusion that the provision of three affordable dwellings on the site would still enable the scheme to be financially viable and this conclusion was based on a total of 17 dwellings being built.
- 3.5 Subsequently, the three dwellings on the site north of the application have been built out, but the developer did not purchase the larger application site for 14 dwellings. The site for 14 dwellings has been sold to another developer. The three affordable dwellings secured under the s.106 agreement were agreed to be built out on the larger site for 14 dwellings.
- 3.6 The current S.73 application was accompanied by an updated Financial Viability Assessment for just the 14 dwellings. The three dwellings to the north of the site cannot be taken into consideration because the land ownership has changed hands. The conclusion of the Financial Viability Assessment is that the viability of the site is only achievable if all 14 dwellings are market houses and even this puts the developer at great risk of the scheme becoming unviable.
- 3.7 Financial Viability Assessments should be up to date and any change in the site circumstances should be considered by the decision maker, as stated in the National Planning Policy Framework 2021 (paragraph 58).
- 3.8 The applicant's Assessment is considered to be up to date and showed figures that were policy compliant for the site which, at 35%, should have provided five affordable units on the site. The Executive Summary of the Assessment stated:

A Financial Viability Assessment (FVA) has been carried out on a proposed development of 14 homes on the above site.

We have considered the viability of the proposed scheme considering firstly that all policy targets are met, moving to consider other scenarios if necessary.

We have considered the value of the proposed development including 5 affordable housing and subtracted the total costs in bringing the scheme forward (including construction, fees, and finance). We have also subtracted what we consider to be a suitable developers profit adjusted for the risks the scheme presents. This leaves a residual land value as shown below:

Gross Development Value	£	4,707,528
Less Gross Development Costs	£	4,064,263
Less a suitable developer's profit	£	763,442
Residual Land Value	-£	120,177

We have compared the residual land value to the Benchmark land value we consider to be appropriate. Planning guidance refers to this as "the minimum return at which it is considered a reasonable landowner would be willing to sell..." We consider this to be £850,000, for the site based on its existing use value.

As the residual land value is less than this benchmark figure, we have repeated the exercise considering a scheme with no affordable housing seeking to achieve a residual land value that equates to the benchmark:

Gross Development Value	£	5,607,023
Less Gross Development Costs	£	4,188,090
Less a suitable developer's profit	£	981,229
Residual Land Value	£	437,703

This is a level which can only be considered to deliver a minimum return to the landowner, in comparison with the established convention of consideration of current benchmark values only if the developer is prepared to take considerable additional risk.

It is, therefore, our reasonable judgement that a viable scheme is one which contains 14 homes for market sale at considerable risk to the developer.

- 3.9 Professional advice was sought on the content of the Financial Viability Assessment from the District Valuer. The District Valuer concluded that a policy-compliant scheme is not viable and the all-private scheme is only marginally viable with a deficit against the benchmark land value. The



District Valuer's assessment shows a better position than the applicant's, but still not good enough to provide any affordable housing. The Executive Summary of the District Valuer stated:

*Viability Conclusion*

*The applicant outlines in their report the following:*

- the proposed scheme with 14 dwellings including 5 Affordable Housing units produces a residual land value of a negative £120,177;*
- the proposed scheme with 14 dwellings with no Affordable Housing produces a residual land value of £437,706;*
- the Benchmark Site Value, adopting an AUV approach, is £850,000;*
- a deficit of £970,177 below the Benchmark Site Value exists for the scheme with affordable housing and a deficit of £412,297 below the Benchmark Site Value exists for all private scheme;*

*It is my considered and independent opinion that:*

- the proposed scheme with 14 dwellings including 5 affordable houses produces a residual land value of £423,116;*
- the proposed scheme with 14 dwellings with no Affordable Housing produces a residual land value of £774,021;*
- the Benchmark Site Value, adopting an AUV approach, is £850,000;*
- a deficit of £426,884 below the Benchmark Site Value exists for the scheme with affordable housing and a deficit of £75,979 below the Benchmark Site Value exists for all private scheme*

3.10 The scheme providing zero affordable housing contribution is not policy compliant. However, the District Valuer has concluded that the scheme for 14 market dwellings would be viable, but only marginally. The lack of provision of affordable housing for the scheme would require a Deed of Variation to the s.106 agreement to remove the affordable dwellings clauses and for the RAMS payment to be retained.

3.11 Other changes to the 2018 scheme include layout, design of the dwellings and housing mix. These changes are considered under Babergh Local Plan policies:

- CN01 - Design Standards
- CR04 - Special Landscape Areas
- CR07 - Landscaping Schemes
- TP15 - Parking Standards - New Development

And also, policy CS18 of the Babergh Core Strategy for the mix and types of housing.

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

4.1 The site would have two access points. The first is to the north and would be accessed from a farm vehicle access at the north end. This is in the same position as the previous scheme. The second access would be direct from Duke Street in the southern part of the site. The position of this access has been moved slightly north from the agreed 2018 scheme.

4.2 The SCC Highway Authority (HA) was consulted on the application and has raised no objection. HA requires a condition to tie the visibility splays to a drawing if the application is approved. A condition already exists on the 2018 permission, condition 4. The condition references a specific drawing number that related to the layout of the site at the time of decision. The layout has now changed, and a revised drawing number is required to make sense of the condition. The condition will need to be varied to ensure that the correct layout plan is named within the



This is the proposed layout



5.2 As discussed above, the southern access point has been moved slightly to the north.

5.3 The mix of housing has changed. There are three bungalows proposed, where the original permission was for 14 two-storey dwellings. The table below shows the difference in the two schemes. The larger dwellings have decreased in number and more three-bedroom properties

are proposed, which includes three bungalows. This is considered to be a better mix, more in-line with the needs of Babergh district.

Number of Bedrooms	2018 Approval	2021 S.73 application
2 bed	4	4
3 bed	6	8 (3 bungalows)
4 bed	3	2
5 bed	1	0

5.4 Six house types are proposed for this scheme. The dwellings are more traditional in their design than the previous scheme and some of the properties include chimneys, finial detailing to the gable ends and porches, with steeply pitched roofs. The design of the dwellings will sit comfortably in this area of Hintlesham. The limited palette of materials is also traditional, with the addition of composite boarding to some elevations that helps the scheme to bridge the gap between the contemporary buildings to the north and the cottages to the south. The design and materials are considered to be acceptable.

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

6.1 The hedgerow to the highway frontage is to be retained at the southern end of the site. The northern section of hedgerow would be removed in order to achieve the necessary visibility splays for the farm vehicle access. New hedgerows are proposed which will be set back.

6.2 Hedgerows are proposed to the rear gardens along with a 1-metre-high timber palisade fencing. Which is considered acceptable in this sensitive landscape area. 1.8-metre-high close-boarded fencing is proposed between the dwellings to provide private amenity space for each household.

6.3 The Landscape Officer had some concerns over the proposed layout changes. A revised layout has been received taking those concerns into consideration. They include the visitor parking on the western side of the site opposite the dwellings which have now been broken up to avoid a large proportion of hand landscaping in this area of the site

6.4 The Ecology Update (MHE Consulting Ltd, December 2018) and the Ecological Report (MHE Consulting Ltd, May 2017) have been viewed by the Ecologist and relate to the likely impacts of development upon designated sites, protected and Priority species, particularly Bats. The Ecologist raised no objection against the removal of condition 2 at an ecological perspective, as the proposed amendments to design and layout will not impact protected or priority species. However, conditions 17 and 18 of the existing planning permission (DC/18/05613) will still be secured and implemented for this application.

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

7.1 These issues were addressed with the 2018 application. All relevant conditions will be included if approval is given for the changes in layout and design.

## **8.0 Heritage**

8.1 This is not a consideration of this application as there are no heritage assets within close proximity to the site.

## **9.0 Impact on Residential Amenity**

9.1 The site layout is of a linear form and therefore back-to-back overlooking is not an issue of this application. Built form is brought closer to Redhouse Cottages than that shown on the indicative layout which supported the outline approval and was assessed in the 2018 application. This does not make for an unacceptable interface.

## **10.0 Planning Obligations / CIL**

10.1 A viability assessment was carried out for the 14 dwellings, and it was concluded that the scheme was not viable should an affordable housing contribution be required. Three affordable dwellings are required under a s.106 on the site. A Deed of Variation will be required to remove the affordable housing element of the agreement

10.2 The scheme is liable for a CIL contribution.

10.3 The site is within the 13km Zone of Influence identified for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site. The Habitats Regulation Assessment confirms the proposal triggers a proportionate financial contribution towards visitor management measures for the Habitats Sites. It is recommended that a S.106 contribution addresses this requirement, consistent with the recent approvals at neighbouring sites. This is already secured by way of the S.106 agreement.

## **11.0 Parish Council Comments**

11.1 Hintlesham Parish Council objected to the proposed changes.

1. In consideration of the removal of the 'Affordable Housing' (3 units contained in application DC/18/05631 which was a 'material fact') from the current application.

2. The application is in breach of current BDC strategic housing policy and fails to support local housing need (confirmed by Robert Feakes – Housing Enabling Officer note 21st July 2021)

3. The advice and consideration given by District Councillor, David Busby, in his note 22nd July 2021 relating to the positive viability of this site and the potential requirement that BDC Planning committee would insist upon an 'affordability quota'.

11.2 These points are acknowledged. The scheme is *not* policy compliant in terms of the affordable housing contribution. However, as detailed above, a Financial Viability Assessment was carried out for the scheme and verified by the District Valuer. The scheme is barely viable with 100% market dwellings. Therefore, the lack of affordable housing is not considered to be fatal to the proposal.

11.3 The principle of development for the site was established by the 2017 outline permission for 11 dwellings on the site and then again by the full permission in 2018.

11.4 Councillor Busby's comments are also noted.

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## **PART FOUR – CONCLUSION**

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### **12.0 Planning Balance and Conclusion**

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- 12.1 the principle of development is established on the site. This S.73 application specifically seeks changes to the layout, mix and design of the dwellings, with the removal of the affordable dwelling element of the scheme.
- 12.2 The changes to the layout, mix and design are considered to be acceptable and do not give rise to any matters of concern. The mix is considered to be an improvement because three single storey dwellings are now proposed. Conditions from the 2018 permission will be carried across to this application. Archaeological conditions have already been discharged in preparation for works to start on the site and are therefore not necessary for a S.73 permission.
- 12.3 The Financial Viability Assessment is considered to be up to date and, therefore, compliant with the NPPF. The developer is ready to start on site early in the new year, bringing forward a scheme of 14 dwellings that is an important contribution towards Babergh's five-year land supply for housing.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer:

**(1) To secure a Deed of Variation of the Section 106 Planning Obligation:**

- To remove the affordable housing contribution
- To ensure that RAMS financial contribution is secured

And

**(2) Upon completion of the legal agreement, 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:**

- Time Limit
- Approved Plans and Documents
- Agreement of Levels
- Visibility Splays
- Estate Roads and Footpaths
- Carriageways and Footways
- Refuse Bins
- Parking
- Discharge of Surface Water
- Construction Management Plan
- Surface Water Details
- SUDS
- Surface Water Management Plan
- Restriction on Construction Times
- No Burning
- Fire Hydrants
- Ecology
- Biodiversity Enhancement Strategy
- Sustainability Measures

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

- Proactive working statement
- SCC Highways notes
- Water and Floods notes
- Land Drainage
- Pre-commencement condition note

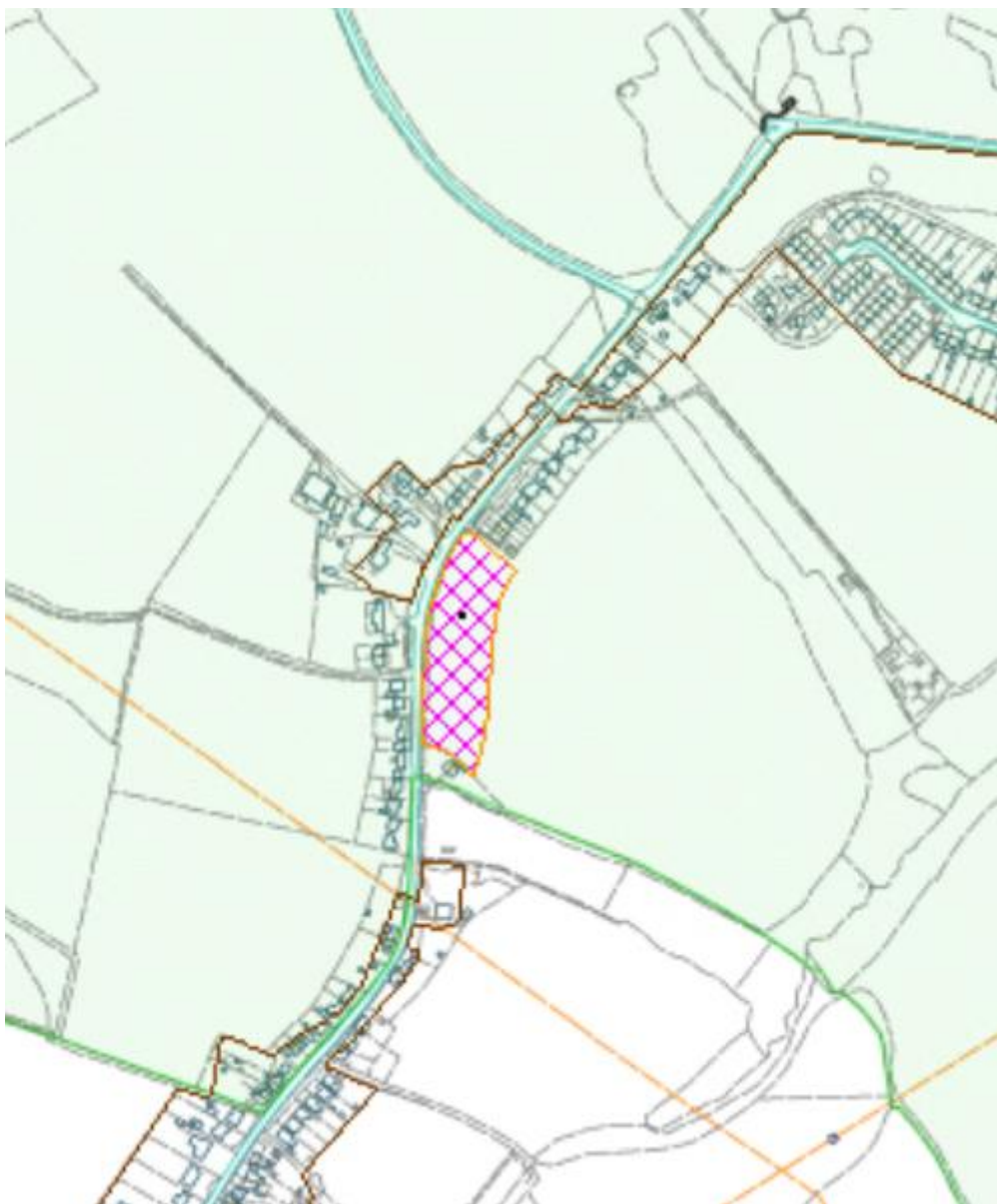
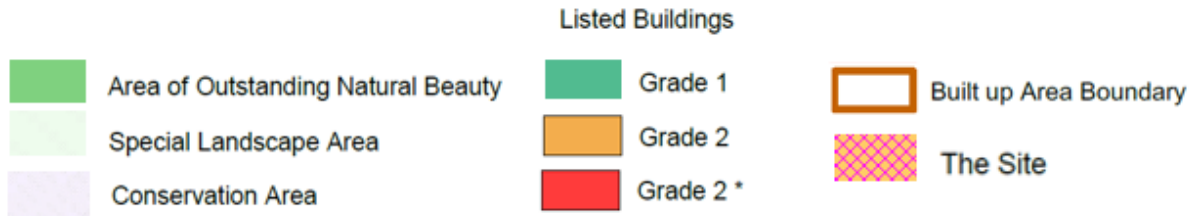
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**Application No: DC/21/03718**

**Parish: Land to the East of Duke Street**

**Location: Hintlesham**



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# Agenda Item 6e

DC/21/00745 – URGENT ITEM

Ward: Bures St. Mary & Nayland

Ward Members: Councillor Melanie Barrett

**RECOMMENDATION:** Amend delegation to Chief Planning Officer in relation to Section 106 obligation [7] as set out below.

**DESCRIPTION OF DEVELOPMENT: -**

Variation of condition 2 attached to the planning permission reference B//14/01103/FUL for:

‘The erection of 6 no. two-storey dwellings, demolition of existing commercial buildings and hard-standing and construction of private access driveway [scheme to utilise existing vehicular access to public highway.]’

..to allow for amended designs for dwellings on plots 5 and 6.

The variation specifically sought permission for the substitution of drawings no. 1471.04 [plot 5] and 1471.05 [plot 6] with new drawings.

**CONTEXT: -**

The Cuckoo Hill enforcement notice which Committee will be familiar with required full demolition of the subject buildings on plots 5 and 6 by Thursday 26 August. On 14 July Planning Committee authorised a variation of the scheme which would overcome the need for demolition with various requirements including a Section 106 obligation to require a secure financial bond in the sum of £250,000 to cover works in default should the developer go into liquidation.

It then became apparent that the applicant could not obtain a bond in the sum of £250,000 as required by the Committee authority. Revised terms for the Section 106 obligation were subsequently authorised by Committee on 25 August, such that the bond of £250,00 was replaced by a cash deposit of £130,000 along with transfer of the title to the properties in the event of default. The developer has mortgaged the properties and the lender has indicated a concern with the terms of the proposed Section 106 obligation – that the transfer of title to the Council would remove the asset providing security to the mortgage.

The lender has advised of the value of the mortgage, and independent valuation of the two properties awaiting completion indicates more than sufficient equity between those values to facilitate both security for the lender and security for the Council to draw on in order to complete the works to the two properties so they can be sold (should the £130,000 cash deposit prove insufficient, and the developer defaults).

In strict terms though the present Committee authority expects the Section 106 security to be without charge or encumbrance. Given that there is a reasonable margin of equity in the value of the properties it is considered that there would be sufficient funds to complete the works even after the mortgage is settled and that in the circumstances this is a low risk. In all likelihood, it is more credible to expect the works to be completed

in accordance with the permission and the Section 106 secures a fallback which will probably not be called upon in all the circumstances.

A verbal update will be given on the circumstances at your meeting, but this has given rise to the desirability of considering alternatives through which to secure the completion of the works if the developer fails to do so.

Given the deadline of the Enforcement Notice has now passed it is expedient to revise the delegated authority to enable the Section 106 obligation clause by which the Council can safeguard the carrying out and completion of the works proposed in the application.

The revision presently considered credible by Officers is to amend the revised Clause 7 as follows:

[Currently]

7. the deposit into a **bank account** operated by the Council, or similar, of funds in the sum of **£130,000** that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, **and** the transfer, without charge or encumbrance, to the Council of the **freehold title** to the two dwellings subject to the application/permission such that the Council can undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and to, upon completion, take the properties to market for sale.

[As proposed and revised]

7. the deposit into a **bank account** operated by the Council, or similar, of funds in the sum of **£130,000** that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, **and** the transfer, subject to a charge in favour of MT Finance Limited dated 20 September 2021 ~~without charge or encumbrance~~, to the Council of the **freehold title** to the two dwellings subject to the application/permission such that the Council can undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and to, upon completion, take the properties to market for sale.

These options have been discussed with Legal during a conference on Tuesday 30 November. This report has been amended such that your Officers recommendation reflects the advice received. The Clause 7 wording is therefore amended to that set out below and is subject to a verbal update being provided at your meeting.

### **RECOMMENDATION:**

That the authority delegated to the Chief Planning Officer be amended as follows  
[Subject to verbal update to be given at your meeting]

“That delegated authority be given to the Chief Planning Officer to GRANT conditional planning permission as previously set out in the Minutes to the meeting held 14 July 2021 **subject to the following amendment to clause [7] of that Minute and to the prior receipt of a suitable binding Section 106 planning obligation on those amended terms** that in his opinion satisfactorily secures: ...

Revision:

7. the deposit into a **bank account** operated by the Council, or similar, of funds in the sum of **£130,000** that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, **and** the transfer, subject to a charge in favour of MT Finance Limited dated 20 September 2021, to the Council of the **freehold title** to the two dwellings subject to the application/permission such that the Council can undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and to, upon completion, take the properties to market for sale.

....”

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#### BACKGROUND:-

14 July 2021 Committee Minute Extract

"That delegated authority be given to the Chief Planning Officer to GRANT conditional planning permission subject to the prior receipt of a suitable binding Section 106 planning obligation that in his opinion satisfactorily secures:

....

1. An agreed partial demolition schedule; and,
2. A commitment to lower rear garden levels as described on the amended drawings; and,
3. A commitment to repair /replace the damaged garden walls between White Horse House and plot 6 subject to the owner’s agreement; and,
4. A commitment to properly repair the damaged brick end wall of the rear wing of White Horse House in a manner sympathetic to a listed building repair; and,
5. An agreed partial demolition, rebuild, commencement and completion timetable for the above 1-4; and,
6. Appropriate and absolute rights to enter, carry out and complete such work in the event that the applicant / developer fails to do so in accordance with the timetable; and,
7. A secure financial bond to the satisfaction of the Chief Planning Officer that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable. [any additional reasonable costs to be recoverable]. That bond to be £250,000; and,

8. An appropriate charge upon the Land Register title to require the consent of the LPA to any transfer of either plot subject to the recovery of its costs in monitoring and carrying out / complete works to implement the planning permission."

25 August 2021 Committee Minute Extract

"That delegated authority be given to the Chief Planning Officer to GRANT conditional planning permission as previously set out in the Minutes to the meeting held 14 July 2021 **subject to the following amendment to clause [7] of that Minute and to the prior receipt of a suitable binding Section 106 planning obligation on those amended terms** that in his opinion satisfactorily secures:

....

1. An agreed partial demolition schedule; and,
2. A commitment to lower rear garden levels as described on the amended drawings; and,
3. A commitment to repair /replace the damaged garden walls between White Horse House and plot 6 subject to the owner's agreement; and,
4. A commitment to properly repair the damaged brick end wall of the rear wing of White Horse House in a manner sympathetic to a listed building repair; and,
5. An agreed partial demolition, rebuild, commencement and completion timetable for the above 1-4; and,
6. Appropriate and absolute rights to enter, carry out and complete such work in the event that the applicant / developer fails to do so in accordance with the timetable; and,
7. The deposit into a bank account operated by the Council, or similar, of funds in the sum of £130,000 that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and the transfer, without charge or encumbrance, to the Council of the freehold title to the two dwellings subject to the application/permission such that the Council can undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable, and to, upon completion, take the properties to market for sale; and,
8. An appropriate charge upon the Land Register title to require the consent of the LPA to any transfer of either plot subject to the recovery of its costs in monitoring and carrying out / complete works to implement the planning permission."

EXTRACT ENDS

# Agenda Item 6f

## Committee Report

**Item No:** 6F

**Reference:** DC/21/02810

**Case Officer:** Rose Wolton

**Ward:** Brantham.

**Ward Member/s:** Cllr Alastair McCraw.

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## **RECOMMENDATION – AGREE DEED OF VARIATION TO S106 OBLIGATION**

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### Description of Development

Application to Modify or Discharge a S106 planning obligation for B/15/00263

### Location

Brantham Industrial Estate And Land To The North And Peninsula, Factory Lane, Brantham,

**Expiry Date:** 06/08/2021

**Application Type:** N/A – Deed of Variation

**Applicant:** St Francis Group (Brantham) Ltd

**Agent:** Boyer

**Parish:** Brantham

**Site Area:** 88.82 Acres

**Details of Previous Committee / Resolutions and any member site visit:** Application B/15/00263 was presented to committee and permission granted in November 2016.

**Has a Committee Call In request been received from a Council Member:** No

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

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

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

The Monitoring Officer advises this application for a Deed of Variation to be presented to committee.

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## **PART TWO – CONSULTATION SUMMARY**

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### Internal Consultee Responses

Strategic Housing – Received 16<sup>th</sup> June 2021

*“Strategic Housing support the application proposal for the overage payment and amendments to the S106...”.*

## **PLANNING HISTORY**

B/15/00263 – Hybrid application for regeneration of existing industrial estate and development of adjoining land. Outline: Mixed use development to comprise approximately 320 dwellings; approximately 44,123 sqm of Class B1, B2 and B8 employment uses; approximately 720sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2). Full: Proposed new access from Brooklands Road; improvements to Factory Lane; new on-site road network and structural landscaping; and foul and storm water drainage infrastructure (As amplified by Transport Assessment (Rev B dated April 2015) received on 7 May 2015).

The application was granted in November 2016, pursuant to an allocation in the Babergh Core Strategy. Due to the outcome of a viability assessment undertaken at the time, no affordable housing contribution could be secured save for a clause to enable further reviews to take place as development progressed. This is explained further, below.

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## **PART THREE – ASSESSMENT OF PROPOSAL**

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### **The Proposal**

The proposal seeks an amendment to the Section 106 Agreement associated with the previously approved application B/15/00263. This is by way of Deed of Variation (DoV).

The amendments to the Section 106 Agreement sought are in relation to the paying of a Fixed Sum as an Overage Contribution to the District Council and subject thereto the removal of Schedule 3 from the original Agreement. It should be noted that this application does not involve any amendments to the development itself only to the Section 106 Agreement.

Schedule 3 of the current Section 106 Agreement contains an overage provision. The overage proportion due to the District Council is 45% of any Gross Development Value (GDV) surplus generated over a period from consent to the final review. The review periods are:

- a) Date of 1<sup>st</sup> sale to the sale of 100<sup>th</sup> dwelling
- b) Date of 101<sup>st</sup> sale to 200<sup>th</sup> dwelling
- c) Date of 201<sup>st</sup> sale to the sale of 288<sup>th</sup> dwelling

The residential development is being undertaken by Taylor Wimpey. It is not expected to be completed for several years; hence, it will be a long time before the final outcome of the overall viability of the development is certain, as the housing market is liable to change.

The applicant is wishing to negotiate the surplus to be paid with a one-off payment to be made now, should Members agree to the variation. The payment offered has been calculated on the basis of the consented residential scheme that has commenced. In June 2020, a Viability Appraisal showed that the scheme was calculated to generate an anticipated surplus of £3,316,971. Since this initial Viability Appraisal, an updated appraisal has been undertaken and now shows that the scheme has been calculated to generate an anticipated surplus of £3,509,251.

Clause 4, Schedule 3 of the current Section 106 Agreement states that the owner will pay to the District Council 45% of the surplus by way of overage contribution capped at the maximum payment of £4,927,362.



From the results of the first Viability Appraisal, on the basis of a surplus of £3,316.971 (as detailed within the viability appraisal) the due amount to the District Council was £1,492,637, which the developer was prepared to round up to £1,500,000.

Since an updated Viability Appraisal has been undertaken, on the basis of a surplus of £3,509,251 (as detailed within the updated Viability Appraisal) the due amount to the District Council is £1,579,251. The developer is prepared to match this, offering the full £1,579,163.

That assessment has been reviewed and confirmed with the District Valuer.

Agreeing to the DoV has distinct advantages for three reasons:

Firstly, it is a guaranteed sum payable now. The risk associated with potential future fluctuation in the housing market will be removed. Whilst there is, as a corollary, some potential loss of opportunity of further surplus it is considered that this is unlikely to be significant.

Secondly, and related to that, the outcomes of the currently agreed viability reviews in the s106 are some way off, and the outcomes unknown. Put another way, there is no guarantee that the Council will receive the same sum offered now. The surplus might increase but, equally, it may go down. Agreeing the DoV brings certainty to all parties.

Thirdly, the settlement of this surplus at this point would enable the Council to access the funds without delay and to programme its spending plans using that now rather than later. This brings forward the opportunity to deliver with those funds at an earlier time.

Members should be aware that in relation to these that the Council faces an acute affordable housing shortfall unrelated to its overall housing land supply (HLS) position. That shortfall relates to genuine need and real families, in need of homes now. If the DoV is agreed, the Council will receive a substantial sum to put toward immediate affordable housing projects. This is a consideration that officers would afford significant weight to.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance and Conclusion**

The provision of a one-off fixed sum payment of £1,579,163, rather than a staged period of review over several years and with unspecified outcome (the currently projected surplus may go up and it may go down) has benefits which your Officers consider persuasive.

The sum offered has been reviewed and accepted as credible by the District Valuer.

In light of the current affordable housing shortage in the District, the DoV provides a distinct benefit and would ensure that the current obligation serves its purpose equally well, but on terms more preferable given the context.

## **RECOMMENDATION**

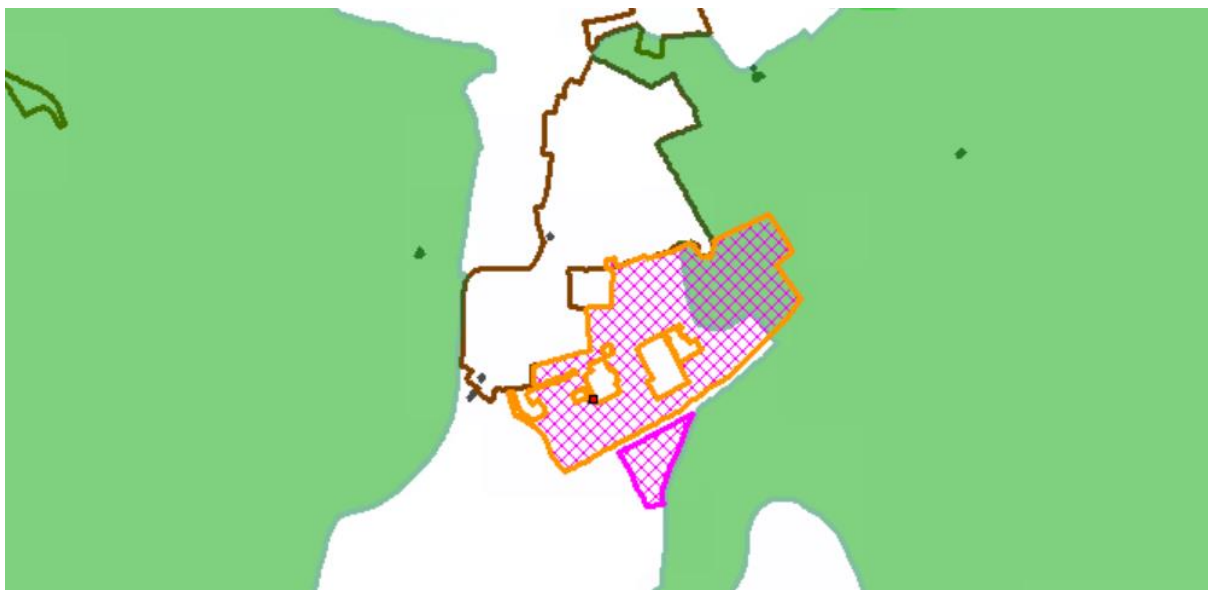
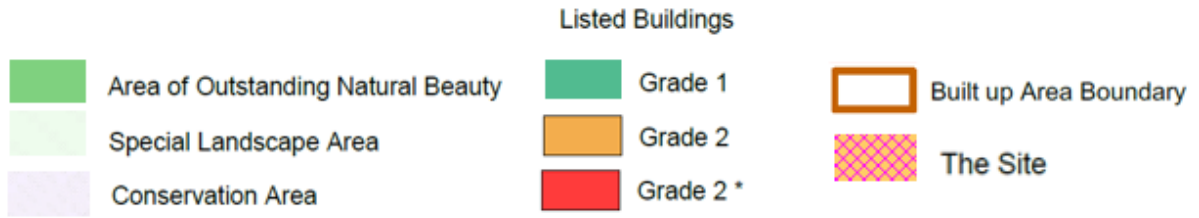
That Members delegate authority to the Chief Planning Officer to agree to the Deed of Variation on terms to his satisfaction as follows:

- Amendment to the current S106 Agreement to remove Schedule 3 and include a fixed Sum Overage Payment of £1,579,163 to be paid within six months of the deed being entered into.

Application No: DC/21/02810

Parish: Brantham

Location: Brantham Industrial Estate And Land To The North And Peninsula



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