

Committee Report

Item No: 1

Reference: DC/18/02469

Case Officer: Mark Russell

Ward: Great Cornard South

Ward Members: Cllrs Peter Beer and Mark Newman

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (Access Layout and Scale to be considered) - Erection of up to 46 dwellings with vehicular and pedestrian access from Bures Road. Demolition of 182A Bures Road and storage buildings.

Location

182A Bures Road and Land rear of 158 to 188 Bures Road, Great Cornard

Parish: Great Cornard

Expiry Date: 10/09/2018

Application Type: Outline planning application

Development Type: Small Scale Major Dwellings

Applicant: K Martin (Sudbury) Limited

Agent: Paul Hales Associates Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

Details of Previous Committee/Resolutions and Member Site Visit

A panel of members visited the site on Wednesday 7th November 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

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

CS02 - Settlement Pattern Policy

CS03 - Strategy for Growth and Development
CS04 - Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR04 - Special Landscape Areas
TP15 - Parking Standards - New Development

Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2015)

List of other relevant legislation

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

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

Great Cornard Parish Council:

Recommended - REFUSAL

- a. Over development of site - the proposed number of dwellings and scale of the development is not in keeping with the location and size of the site. As stated in the parish council's response to the Joint Local Plan Consultation Documents, the Strategic Site Allocation SS0433 the site would be suitable for low-density and low-rise dwellings, not high density and high-rise dwellings as submitted in this outline application.
 - b. Increase in traffic along Bures Road and dangerous access - The Parish Council supports the comments made by SCC Highways Development Manager and in particular the concerns relating to visibility splays and the suitability of the sites access. A Traffic Impact Survey should be commissioned and consideration should be given to the close proximity of the sites entrance to the roundabout on Bures Road.
 - c. Insufficient car parking spaces for the number of dwellings, as well as lack of provision for visitor parking.
 - d. The impact on local amenities including the schools, doctors and dentists' surgeries.
 - e. The Parish Council notes that the site has recently been ploughed and that the Ecological survey's conclusion should be considered in the sites previous condition prior to being ploughed.
 - f. The Location is within a flood protection zone and due consideration should be given to potential flooding issues.
 - g. The footpaths in the area are not adequate to safely accommodate pedestrian access to the development.
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Highways England - No objection

Environmental Health- Land Contamination - No objection, standard condition and informative.

Environmental Health- Noise/Other: No objection.

Conditions relating to:

- Sound insulation;
- Construction Management Plan;
- Hours of construction

Environmental Health – Air Quality -No objection

Suffolk County Council Archaeology -

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, to the west of a group of three Bronze Age burial mounds (HER nos. COG 004, COG 005 and COG 006), of which two have been recently excavated. There is high potential for encountering further heritage assets of archaeological interest at this location. The proposed works will cause significant ground disturbance that has potential to damage any archaeological deposit that exists. 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 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case two conditions would be appropriate (standard Written Scheme of Investigation and Post Investigation Assessment).

Suffolk County Floods Team- Initial holding objection as the applicant had not evaluated the site's flood risk or provided a viable method for the disposal of surface water.

The applicant then provided amended information which resolved most points, but Floods maintained their objection, noting: "The infiltration basin should be located at the lowest part of the site, its current position is a potential flood risk."

The applicant provided further amendment and this was forwarded to floods with a 20th November deadline to comment. These comments will be included in the late papers.

Suffolk County Council (Travel Plan Officer) - No comments, site is too small to warrant a travel plan.

Suffolk County Infrastructure - Provisions for schooling, pre-school, play-space provision, transport costs, libraries, waste, supported housing, SUDS, fire service and super-fast broadband.

Environmental Health – Sustainability - Objection due to insufficient indication of measures to minimise fossil fuel use/mitigate climate change.

Housing Enabling - Requested a tweak to allow to reduce the number of 4 bed houses down to 7 and the number of 3 bed houses down to 15 and change these units into 4 x 2 bed houses and 2 x 2 bed bungalows to provide a better range of open market housing options.

In agreement with the affordable housing mix proposed as the mix is appropriate to meet the needs of applicants on the Gateway to Homechoice register.

In regard to the tenure mix, 25% of the affordable to be for shared ownership as follows:

1 x 2 bed 4-person FOG - S/O
1 x 3 bed 5-person house – S/O
2 x 2 bed 4-person houses- S/O

The remaining 12 dwellings should all be for affordable rent.

Suffolk County Highways - No objection, however advised that the layout was not acceptable due to tandem parking and unsupervised parking courts.

Conditions were also requested relating to:

- Visibility splays
- Details of roads/gradients/drainage
- No occupation until roads built up
- Details showing prevention of water discharge on to highway
- HGV deliveries plan
- Details of loading/unloading, manoeuvring and parking
- Details of refuse/recycling

Economic Development - No comment.

Suffolk Fire and Rescue: =Advised that the development should comply with Part B of the Building Regulations. Request the provision of fire hydrants if permission is granted

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

NOTE – AW stated that this could be covered by condition rather than forming a reason for refusal. As per the Floods team, AW has been reconsulted with the amended FRA and its comments will be reported in the late papers.

Natural England - No comment.

Place Services – Landscapes – Originally requested a visual/landscape impact assessment (LVIA) and stated that the dense layout was not in-keeping and there was a lack of “green and blue infrastructure.”

OFFICER'S NOTE: The layout will be discussed below. In terms of a LVIA, having viewed the site it was agreed with the Place Services Landscape Consultant that, due to the enclosed nature of the site, none was required.

Place Services – Ecology - No objection, subject to securing biodiversity mitigation and enhancement measures:

Conditions:

- Action required in accordance with Ecological Appraisal recommendations
- Reptile and Amphibian Method Statement.

Both conditions to be Concurrent with any Reserved Matters applications.

- Prior to occupation – Biodiversity Enhancement Strategy

Arboricultural Officer: No objection, subject to protection measures being in accordance with the submitted report. A detailed Arboricultural Method Statement and Tree Protection Plan will be required with any Reserved Matters application.

B: REPRESENTATIONS

Forty-four letters of objection have been received from neighbouring properties. The points raised can be summarised as follows:

- Letters should have been addressed to individuals;
 - An application from the 1980s should have been referred to;
 - Extra traffic/road can't cope;
 - Overdevelopment;
 - Enough development already;
 - Parked cars (including the dental practice) already make visibility poor;
 - Footways aren't wide enough;
 - Entrance too close to roundabout;
 - Site is subject to flooding;
 - Wildlife on site – Muntjac, badgers, foxes, rabbits, newts, grass snakes, slowworms, hedgehogs, possibly water voles?;
 - Loss of daylight, outlook and privacy to existing dwellings;
 - Noise and dust pollution during build-phase;
 - Light pollution;
 - More strain on the health service;
 - Not enough people consulted;
 - Out-of-date telephone number;
 - Dangerously close to railway line;
 - Effluent/drains can't cope, could be pollution to the river;
 - Ancient graves on site;
 - Other archaeological features;
 - Lack of housing for care-workers;
 - Extremely short time to comment;
 - Insufficient on-site parking;
 - Too many dwellings for the site;
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- Stour Valley Partnership should be consulted (due to proximity of AONB);
 - Private views of the Stour Valley would be affected;
 - Hedgerow has been removed – was it ancient?;
 - National Grid requires expansion – could solar panels be included?;
 - Network Rail should be consulted;
 - New properties overlooked FROM existing development;
 - Should gravel be mined out?;
 - Why can't general public see historic appeals?;
 - Unexploded World War II artillery;
 - Schools are full;
 - Can a zebra crossing be provided?
 - Houses should not be more than two-storeys high;
 - Increased trespass/vandalism
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PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site comprises 1.68 ha of rough grassland (recently ploughed), fringed by a mix of small and large trees, with the Sudbury – Marks Tey railway line to the west and the Stour beyond. The access is taken off of the Bures Road (B1508).
- 1.2 It is backland in nature, with the eastern boundary butting up to the rear gardens of 158 to 188 Bures Road, with open land to the north and south.
- 1.3 The site is not in, adjoining or near to any Conservation Area. There are no nearby listed buildings, the closest being the public house some 150 metres south-east of the site. It is not in an area of special character designation such as an Area of Outstanding Natural Beauty, but is within a Special Landscape Area (SLA).
- 1.4 The site is outside of, but next to, Flood Zone Areas 2 and 3.

2.0 The Proposal

- 2.1 The application seeks outline planning permission for up to 46 dwellings. Matters of access, layout and scale are to be considered, meaning that design and landscaping would be dealt with at Reserved Matters.
 - 2.2 A layout plan has been provided which shows the existing 182a Bures Road to be demolished and a smaller replacement dwelling built to the south and an access in the position of the current house to the right of the new dwelling.
 - 2.3 The access track is approximately 80 metres in length and planted on both sides, before reaching the first dwelling on the left.
 - 2.4 To the right-hand side of that dwelling and for the next 30 metres is an area of proposed Public Open Space, measuring about 1,000m².
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- 2.5 Given the broadly linear, north-south shape of the site, the layout largely consists of a central road and housing on either side. The majority of the residences are to the right (north) of the access, with a set of flats and ten houses forming a smaller group to the left (south).
- 2.6 Private drives and access roads to the east and west accommodate parking which meets local authority standards.
- 2.7 Whilst design is a Reserved Matter for later consideration, two indicative drawings showing street-scenes have been submitted. Together with a building heights plan, these give a fair indication of what the development would look like. Members are advised that scale is a matter for consideration here.
- 2.8 Whilst most buildings are two-storey, the apartment block (units 8-17) is described as 2.5 storey. This equates to ridge heights of approximately 8 metres and 10.5 metres respectively.

3.0 The Principle of Development

- 3.1 Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary and therefore Policy CS2 applies.
 - 3.2 The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed, and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up to date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within 6 months of the Core Strategy having been adopted. This has not to date happened. The current LDS, published in July 2018, now indicates that the Joint Local Plan, including site allocations, will be adopted in February 2020.
 - 3.3 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not 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 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.
 - 3.4 Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
 - 3.5 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1, CS11 and CS15 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework applying to the subject application.
 - 3.6 Policy CS3 sets out the Council's Strategy for Growth and Development. It states that employment and housing growth will be accommodated within Babergh's existing settlement pattern and in new mixed and balanced communities on the edges of the towns and the Babergh Ipswich Fringe. It provides for a minimum 850 new dwellings to be delivered in the Sudbury and Great Cornard Towns / Urban areas for the period between 2011 and 2031.
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- 3.7 Policy CS4 (B) states that development in Sudbury / Great Cornard should comply with other policies in the Local Plan, particularly Policy CS15, and where appropriate, provide inter alia:
- i) high quality design, structural landscape planting, and layouts and scale of development that respect adjacent landscape or townscape features;
 - ii) a green infrastructure framework connecting with and adding or extending formal and informal green spaces, wildlife areas, and natural landscape settings and features;
 - iii) good links and/or the enhancement of existing links for pedestrians and cyclists to the town centre, rail station, employment areas, schools, bus stops, etc.

3.8 Policy CS15 of the Core Strategy requires development within the district to demonstrate the principles of sustainable development. The Policy identifies a number of criteria as to apply it within the local context, including that new development should ensure an appropriate level of services, facilities and infrastructure are available to serve the proposed development and that development should seek to minimise the need to travel by car.

3.9 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.

The overall thrust of the policies contained within the development plan, when taken as a whole, presents a presumption in favour of sustainable development (see Policy CS1 and Objectives of the Core Strategy). Note; Policy CS11 is the Strategy for Development for Core and Hinterland Villages and is not therefore applicable to this proposal.

3.10 The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 73). For sites to be considered deliverable they have to be available, suitable, achievable and viable.

3.11 The Council published its Annual Monitoring Report (AMR) in July 2018 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Babergh District Council is able to demonstrate a 5 year housing land supply.

3.12 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives; economic; social and environmental, which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

3.13 Paragraph 38 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible, as outlined in paragraph 11 of the Framework.

3.14 Paragraph 77 of the NPPF advises that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and Paragraph 79 advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances.

- 3.15 The proposed site is adjacent to existing built development that is also beyond the BUAB; the new housing estate off Grantham Avenue/Spicer Way on the opposite side of Bures Road was a land allocation built outside the confines of the BUAB. The site is not therefore considered to be in an isolated location and it is not necessary to assess the proposal against the types of development listed under NPPF Paragraph 79 as being appropriate exceptions.
- 3.16 In light of all of the above, this report will consider the proposal against the weight of the policies within the development plan following the announcement of BDC's housing land supply position, but also the three strands of sustainable development set out in the NPPF taken as a whole.
- 3.17 The application site is located in the countryside, wherein Policy CS2 of the Core Strategy states that new development will only be permitted in 'exceptional circumstances subject to a proven justifiable need'. This requirement is not entirely consistent with the objectives of the NPPF for sustainable development and full weight is not therefore given to Policy CS2 in this case. The three objectives of sustainable development, in the context of the proposed development, are assessed below.

4.0 Sustainability

- 4.1 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development: economic, social and environmental.
 - 4.2 The proposed scheme represents sustainable development, responding positively to the three dimensions above, in accordance with the NPPF. The principle of developing the site for residential purposes is therefore acceptable. The following assessment outlines why this principle is accepted.
 - 4.3 Economic: The provision of 46 no. dwelling units will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy.
 - 4.4 Social: The development would provide a benefit through the delivery of 16 no. affordable dwellings.
 - 4.5 Environmental: The site is located in the countryside however, given that it is adjacent to the existing built development, it is perceived as an extension of the urban area and is well related to the settlement geographically with good access to its services and facilities.
 - 4.6 In more detail: There are two public houses within 300 metres of the site, a third 600 metres away, a library at 300 metres, two schools and a day nursery within 650 metres.
 - 4.7 Sudbury town centre and railway station are less than two kilometres distant, with a local co-op store less than 800 metres away.
 - 4.8 This list of local facilities is not exhaustive, but does indicate that this is a very sustainable location.
 - 4.9 Hardened footways mean that travel by foot, whilst not guaranteed, is also a real possibility as is travel by bus as there are bus stops nearby.
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- 4.10 In terms of the benefits offered in respect of each of the overarching objectives of sustainable development as set out by paragraph 8 of the NPPF, the proposal is considered to represent sustainable development, without adverse impacts to outweigh the benefits.
- 4.11 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development at the local level. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered elsewhere within this report and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
- 4.12 Given the proximity of the site to the Sudbury/Great Cornard urban area, the site is considered to be conveniently located to a good range of local services and facilities. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Great Cornard benefits from a regular bus service between Colchester, Sudbury, Bury St Edmunds and villages in between. Therefore, residents have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.
- 4.13 This report will go onto consider the landscape setting of the site and surroundings and heritage assets (criterion i of CS15) and the associated highway issues (criterion xix of CS15) and biodiversity aspects (criterion vii of CS15) will also be considered. The design and layout of the scheme, and its impacts on the local area, are also to be considered (criterion ii of CS15). These assessments need to be made in order to fully assess the sustainability of the proposal as a whole, along with the following matters:
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development includes a range of properties that would support local services and facilities (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - The proposal will deliver a mix of dwelling sizes, including those suitable for older people (criterion vi of CS15)
 - New soak-aways with rainwater diverters to water-butts will be provided (criterion xii of CS15).

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1 Access is a matter sought for approval. The proposed vehicular access is on to Bures Road towards the southern part of the site.
- 5.2 Paragraph 109 of the NPPF (2018) confirms that development should only be prevented or refused on highway grounds where there is “an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
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- 5.3 Residents and the parish council are of the view that this proposal together with other approved schemes in the area will create unacceptable traffic congestion in the village. However, in the absence of any evidence to support this concern, and an absence of objection from the Highway Authority on this point, it is not considered that traffic congestion represents a defensible reason to refuse the application, particularly in light of the 'severe' threshold set out at paragraph 109 of the NPPF.
- 5.4 The Highway Authority raises no objection to the proposed access arrangement. It has raised concerns over the proposed tandem parking and visitor spaces on roads. However, it has confirmed that it is not raising an objection.
- 5.5 Parking and turning provision together with secure cycle parking for the dwellings can be provided in accordance with the Suffolk Guidance for Parking 2015 (SGP). There is ample scope within the site to ensure that the layout will allow vehicles to manoeuvre within the site and re-enter the highway in a forward gear.
- 5.6 The proposed scheme accords with paragraph 109 of the NPPF.

6.0 Design and Layout

- 6.1 The NPPF attaches great importance to the design of the built environment promoting, at Paragraph 8, "a well-designed and safe built environment" and stating at paragraph 124 that "good design is a key aspect of sustainable development."
- 6.2 At a local level, policy CS15 requires that proposals for development must respect the local context and character of the different parts of the district and should (inter alia): make a positive contribution to the local character, shape and scale of the area. Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location and Policy HS28 states (inter alia) that applications for infill developments will be refused where the proposal represents overdevelopment to the detriment of the character of the locality, residential amenity or where the proposal is of a scale, density or form which would be out of keeping with adjacent or nearby dwellings.
- 6.3 The proposed layout is logical for its backland setting and creates a street which is parallel with Bures Road, mimicking traditional patterns.
- 6.4 Building heights are sympathetic and similar to those around them. The key difference is the block of affordable flats which is described at two and a half storey and is in practice three storeys high. This does appear different to the built form around it and will be glimpsed from pasture land to the south and potentially from passing trains.
- 6.5 Members are reminded that scale is a matter for consideration at this point. Your Officers feel that the height is acceptable having regard to the mix of styles in the vicinity, notwithstanding that it may be visible, as advised above.
- 6.6 Members are further reminded that design is a matter for any subsequent Reserved Matters application and the elevational drawings (other than the scale) are purely illustrative.
- 6.7 As discussed in the consultations section, a minor amendment to the layout will be required to ensure that the affordable provision complies with the requirements of the Housing Enabling Officer. This should not fundamentally alter the layout shown here.
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6.8 It is concluded that the layout of the scheme reflects the local character of Great Cornard, as does the majority of the scale and where this differs it is acceptable. The issue of the finer points of design can be dealt with at Reserved Matters.

6.9 Accordingly, Officers consider the proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development

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

7.1 Paragraph 170 of the NPPF states that the planning system “should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value...”

7.2 The site is within the locally designated Special Landscape Area. Policy CR04 requires that development proposals in Special Landscape Areas will only be permitted where they maintain and enhance the special landscape qualities of the area and harmonise with the landscape setting.

7.3 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty. However, it is within a Special Landscape Area (SLA). Members are advised that the SLAs are currently under review.

7.4 The site is screened on all sides by trees and its contribution to the wider landscape is, therefore, negligible.

7.5 Across the railway tracks is an area which is subject to a potential expansion of the Dedham Vale Area of Outstanding Natural Beauty (the AONB currently being five and a half kilometres away at its nearest point). The Stour Valley Project Area (SVPA) has been consulted and has advised that it does not need to be consulted given that it is outside of the proposed expansion.

7.6 Comment has been made about the site being recently ploughed up. However, the site owner was entitled to do this and no harm to any ecological matters of interest are known to the Local Planning Authority.

7.7 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all ‘competent authorities’ (public bodies) to ‘have regard to the Habitats Directive in the exercise of its functions.’ For a Local Planning Authority to comply with regulation 9(5) it must ‘engage’ with the provisions of the Habitats Directive.

7.8 Paragraph 118 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.

7.9 An Ecology Report supports the application. Our Ecologist has not opposed the scheme and has welcomed the submitted proposed ecological enhancements and recommended conditions thereunder.

7.10 The application is supported by a Tree Survey which has been reviewed by Council’s Arboricultural Officer. The Arboricultural Officer does not raise an objection. There will be no loss of significant trees and significant landscape planting will offer enhanced local arboricultural values.

An Arboricultural Method Statement and a Tree Protection Plan will need to support the relevant reserved matters application.

8.0 Land Contamination

8.1 The application is supported by the necessary contamination assessment. Environmental Health do not raise an objection to the scheme.

9.0 Heritage Issues

9.1 Chapter 16 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be considered, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Whilst there are no built form heritage assets on or near the site, there is a potential for archaeological finds.

9.2 The Archaeological specialist has confirmed that there are no reasons to decline the application and has stated that a Written Scheme of Investigation, secured by condition, will suffice.

10.0 Impact on Residential Amenity

10.1 Paragraph 127 of the NPPF states that Local Authorities should “create places with a high standard of amenity for existing and future users”

10.2 The indicative layout demonstrates the site is readily capable of accommodating 46 units in a manner that will not result in detriment to the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings.

10.3 The gardens of the existing dwellings are deep and largely screened such that any overlooking should be negligible or non-existent in many cases. The new houses are, in placed, proposed gable-end on to the existing houses and any high- level windows could be conditioned at the Reserved Matters stage to be obscured.

10.4 Internal amenity for future occupants will be of a sufficient standard, with all dwellings provided reasonable levels of private open space and appropriate aspect/outlook. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between the new properties, appropriate privacy is afforded to each plot. Separation distances between dwellings and carefully sited garages ensures any visual bulk effects will be minimised, safeguarding future occupants' amenity.

10.5 The one property which needs to be considered more fully is the “annexe” at 180 Bures Road. This has become used as a separate unit of accommodation and has clear windows facing out on to the current field.

10.6 Whilst the aspect is onto a small access track and near to the proposed public open space, there may be some loss of privacy. It is suggested that this is dealt with at the time of the Reserved Matters application, where boundary treatment can be conditioned.

10.7 Construction hours can be managed, as requested by Environmental Control, by planning condition, to ensure the construction phase of development is carried out in a manner that safeguards neighbouring residents' amenity.

10.8 The proposal responds favourably to concerns around residential amenity and should not be refused for those reasons.

11.0 Flooding and Drainage

- 11.1 Members are reminded that the site is in flood zone 1, so there is no reason to refuse it on sequential grounds.
- 11.2 However, concerns have been raised both by Anglian Water (AW) and the Floods team relating to the disposal of surface waters. Our Floods team is now satisfied, barring one item on which it has now been reconsulted (namely that the infiltration basin should be located at the lowest part of the site). AW has also been reconsulted and both of these responses will be reported in the late papers.
- 11.3 AW is further concerned about its own assets and the fact that the layout may have to change, or the sewer diverted. This, however, is at the applicant's own risk and will be conditioned at this stage.

12.0 Other Matters

- 12.1 A template letter has been received from several parties, referring to the: "Extremely short time to comment". It is unclear why this claim has arisen, as neighbours were consulted on 14th June 2018 and given 21 days to comment as standard.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Core Strategy for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 13.2 The Council can demonstrate a five year housing supply and therefore the tilted balance at paragraph 11 of the NPPF is not engaged.
- 13.3 The statutory weight to be attached to Policy CS2 is reduced owing to the age of the settlement boundaries and the blanket approach favoured by the policy not being consistent with the balanced approach to decision making advocated by the NPPF.
- 13.4 Policy CS11 is not relevant as the site is not adjacent to a Core or Hinterland Village; it is however, situated in close proximity to the edge of the urban area of Sudbury Town/Great Cornard.
- 13.5 The key tests are Policy CS1 and Policy CS15 which carry full statutory weight. The proposal satisfies a number of important criteria, important because they reflect the core principles and overarching objectives for sustainable development in the NPPF. The site is geographically well located to an existing urban area with its associated access to a good range of services, facilities and employment opportunities. Commuting is possible by means other than being dependant on the private car.
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- 13.6 There is strong evidence to conclude that the scheme offers benefits to the economic, social and environmental conditions in the district, not least because the development offers a number of smaller units and is a more efficient use of the land and therefore accords with Policy CS1.
- 13.7 The existing site is of some visual amenity value being within the locally designated Special Landscape Area however, the site is visually open and perceived as part of the larger area of agricultural land beyond. There will be a change in character as result of the proposed development although the landscape effect will be localised with limited effect on the wider landscape.
- 13.8 Notwithstanding concerns raised by local residents and the Parish Council regarding highways matters, the Highway Authority has not objected and there are no reasons for refusal on that front. There are no irresolvable issues of residential amenity and the garden areas and parking comply with standards and are acceptable. Amenity and highway safety matters can be adequately managed by planning conditions
- 13.9 In the balance, the proposal is considered to deliver sustainable development, in accordance with policies CS1, CS15 and the core principles of the NPPF. Additionally, the design, layout and landscaping of the development accords to the design principles of the NPPF, and to policies CS1, CS3, CS4, CS15, CS18, CN01 & CR04 of the development plan.
- 13.10 The recommendation is to grant planning permission.

RECOMMENDATION

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Acting Chief Planning Officer to secure:
- Affordable Housing
 - Provision, management and maintenance of public open space (either a Management Company or monies to the Local Authority).
- (2) Subject to the submission of a layout which is satisfactory to the Housing Enabling Officer, that the Acting Chief Planning Officer be authorised to grant planning permission, subject to conditions including:
- Standard Time Limit Condition
 - Reserved Matters to be submitted and agreed
 - Approved Plans
 - As recommended by Highways
 - Surface water drainage scheme to agree and fully implemented as approved
 - Sustainable Urban Drainage System
 - Construction surface water management plan detailing surface water and storm water
 - Foul water strategy Anglian Water
 - Sound insulation;
 - Construction Management Plan; (inc. hours of construction)
 - Sustainability efficiency measures
 - Archaeological work and monitoring
 - Details of fire hydrants to be submitted
 - Action required in accordance with Ecological Appraisal recommendations
 - Reptile and Amphibian Method Statement.
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- Prior to occupation – Biodiversity Enhancement Strategy
- Detailed hard/soft landscaping to be submitted with reserved matters (including protecting privacy of the annexe)
- Implementation of landscaping scheme
- Unexpected contamination
- Tree protection measures as per the submitted report.
- Detailed Arboricultural Method Statement/Tree Protection Plan with Reserved Matters application.

Informatives:

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

It is recommended that the applicant engages in dialogue with Anglian Water and submits a Pre-planning enquiry with our Pre-Development team. This can be completed online at its website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Notes:

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

NOTE – if the above matters require an amended layout, a new application will need to be submitted.

- (3) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Acting Chief Planning Officer be authorised to refuse planning permission due to inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.