

Committee Report

Item No: 1

Reference: DC/18/00606

Case Officer: Gemma Pannell

Ward:

Long Melford

Ward Members: Cllr Richard Kemp and Cllr John Nunn

RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION

Description of Development

Outline Planning Application (means of access to be considered) - erection of up to 150 dwellings with public open space, landscaping, sustainable drainage system and a vehicular access point.

Location

Land to the east of Station Road, Long Melford, Sudbury CO10 9HP

Parish: Long Melford

Expiry Date: 20/04/18

Application Type: Outline planning application

Development Type:

Applicant: Gladman Developments Ltd

Agent: Gladman Developments 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

None.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Planning History

The applicant has lodged an appeal with the Planning Inspectorate against Council's non-determination of the application.

Summary of Policies

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
- CS11 Strategy for Development for Core and Hinterland Villages
- 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:

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Core Strategy Policy CS11 Supplementary Planning Document, 2014

NPPF - National Planning Policy Framework

Long Melford Neighbourhood Plan

The Plan is in an early preparatory stage and is afforded no statutory weight in the assessment of this application.

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

Long Melford Parish Council

Introduction

This objection has been prepared for the Parish Council by the Neighbourhood Plan Committee in the light of the emerging findings of the Neighbourhood Plan, which is due to go for public consultation on 26th November 2018.

Absence of Need for the Proposed Development

The Parish Council have assessed the need for additional housing over the Neighbourhood Plan (NP) period (2018-2027) according to NPPF advice. In a nutshell the housing permitted, under construction and recently completed in Long Melford more than meets the need for additional housing in the first five years of the Plan and beyond.

- Assessment of the need in Babergh District according to the standard method in National Planning Guidance gives a requirement of 420 dwellings per annum (NPPF para 60).
 - Apportionment of this requirement to Long Melford according to Long Melford's share of BDC population which is 4.01% (NPPF para 66).
 - Need for first five years in Long Melford: 84 dwellings.
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- Committed developments: 163 dwellings, of which 160 are under construction or just completed.
- By the end of the five year period the supply of dwellings will exceed the need by 79 dwellings, a surplus that can be carried over into the next five year period.
- The currently committed developments will also meet the BDC's Core Strategy 2014 (Policy CS2) expectation, which is not unconditional, that core villages, of which Long Melford is one, should be the focus for development, that is, meeting some of the need for housing arising in the related hinterland villages.
- The need for 84 additional dwellings in Long Melford is supported by a Housing Needs Survey carried out by Community Action Suffolk in 2018 for Hastoe Housing; this indicated a need for about 95 dwellings in Long Melford, a need arising from both people living in the parish and from others with connections wanting to return.
- In spite of the relatively abundant supply, the Parish Council in the draft Neighbourhood Plan propose to allocate land for a further 47 dwellings to meet particular needs.

It is clear that there is no need for the dwellings (150) proposed in the application, either in the short or medium term. This provides an important context for the other attributes of the proposal.

Greenfield vs Brownfield

This is a greenfield site, the development of which would conflict with:

1. BDC's approach in the Core Strategy 2014 in section 3.3.11. The Council sets a target of 45% of development taking place on re-used land.
2. NPPF 2018 at paragraph 118(c): "Planning policies and decisions should:
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes

It is acknowledged that there is a limited supply of brownfield land in Long Melford. However in the context of the lack of need for additional housing in the parish in the next five years (and more), smaller brownfield sites, such as have been allocated in the draft Neighbourhood Plan, could adequately replace the application site. There is no evidence that the applicant has looked first at potential brownfield development sites, either in Long Melford or in adjacent areas such as Sudbury.

Heritage Impact

A number of heritage assets would be affected by the proposed development and the effect is likely to be detrimental and significant because of the scale and location of the proposal. This effect is first put into the context of national (NPPF) and local (BDC Core Strategy 2014) policy.

NPPF 2018

NPPF at para 193 sets the scene for the treatment of designated heritage assets:

"193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

There are two designated heritage assets potentially affected: the Roman Villa NE of Rodbridge House (Scheduled Monument 1005969, Historic England) and Long Melford Conservation Area, which at its nearest point to the application site runs north from Chapel Green either side of Little St Mary's.

NPPF states (para 195) that where a development will lead to substantial harm to a designated asset, consent should be refused, unless there would be public benefits of equivalent significance. Para 196 deals with less than substantial harm:

“196 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

NPPF then considers non-designated assets:

“197 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The heritage assets which are not designated are the historic railway line that forms the SE boundary of the village and key views of the village.

Core Strategy 2014

The Core Strategy 2014, Policy CS11, is the principal policy governing the consideration of development proposals in Core Villages such as Long Melford:

“CS 11 Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and 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; iv) locally identified need - housing and employment, and specific local needs such as affordable housing; v) locally identified community needs; and vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.”

It should be noted that the draft NP is proposing to allocate land for at least 20 affordable homes on a site off High Street, Long Melford.

The policy requires proposals to score positively on 19 sustainability criteria, including “respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views”, set out in Policy CS15.

Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk Districts, Place Services, 2018

This assessment is important as it looks at Long Melford, amongst other settlements with heritage value, “to assess the value, susceptibility and capacity of each settlement to accommodate change.” Each settlement is scored on the triple counts of its heritage value, its susceptibility as a focus for heritage and an overall assessment of the capacity of the settlement to accommodate change or development. Long Melford is one of only two settlements in Babergh to achieve the highest score on all three counts. The heritage value of the village is very high, it is very susceptible and the value is at risk from change or development. A few quotes from the Report and the Appendix containing the assessments of the individual settlements are provided to provide the context for the proposed development.

Report p. 15 “Long Melford is a well preserved medieval and early modern historic linear settlement of high value. At the northern end of the settlement are two large country houses, set within their associated parkland, both of which are registered parks and gardens.”

The settlement is extremely susceptible to change, with very limited areas where development might sensitively be accommodated, given the extent of the boundary which is defined by the registered parks and gardens and by the earthworks associated with the historic railway.”

Appendix, Long Melford Assessment. “The former railway line defines the eastern and western extent of the settlement, the eastern route preserved as the Melford Way footpath.”

“The survival of the tight linear settlement pattern, which is visible from inside and outside the village is significant in defining both the historic and architectural significance of Long Melford. The subsuming, infilling or general loss of this settlement pattern would considerably alter the character of the settlement, and its ability to be read or understood.”

“The equivalent views travelling south out of the settlement have been partly eroded by the modern development, which detracts from the sense of arrival into the settlement.”

“Views looking north from the Roman Villa on Mills Lane. The open land, which drops steeply away from the historic site of the villa is important in appreciating both the historic prominence of the villa within the landscape, as well as offering evidential value as to the status and wealth of the landowner, the siting of such buildings within the landscape and the historic proliferation of the older settlement pattern within the valley.”

“As such it is considered to be highly susceptible to change, as modern intervention and change would be more conspicuous by its contrast to the prevailing character and streetscape of the settlement.”

“This land to the south-east is less susceptible to change in relation to receptors. However the railway has been cut into the landscape and the spoil appears to have been piled to the west of the railway. This has created a visually impermeable bund along this section of the settlement boundary which also creates a physical barrier to anything other than isolated areas of pedestrian access. The settlement boundary as it is currently formed also preserves the historic line of the railway.”

Parish Council Assessment

In the light of this careful narrative of the historic value of Long Melford and of the importance of that historic value to the contemporary economic and social well-being of the village, and in the context of national and local policy, the Parish Council assesses the proposed development as follows:

1. The proposed development has a long boundary shared with the former railway line, a line which plays several important roles in planning terms:
 - a. It is a heritage asset, being the line of the former railway built in Victorian times. The view of this heritage asset and the experience of walking along it will be permanently harmed by the juxtaposition of 150 new dwellings preceded by many years of construction activity.
 - b. It is a public footpath linking different neighbourhoods on the east side of the village. Equally the experience of walking along this popular and important pedestrian route will be permanently harmed.
 - c. It is a local nature reserve. Given the importance of connectivity between nature conservation sites, the development of 150 dwellings along a substantial length of the Melford Walk nature reserve will have disruptive effect of wildlife and the movement of fauna.
 - d. It is a well-defined boundary which marks the eastern edge of Long Melford. Nowhere between Station Road and Bull Lane has this boundary of Long Melford been breached. The significance of any breach by a development of 150 dwellings is twofold:
 - i. A clear boundary to the village will have been lost, which is a significant component of the heritage value of Long Melford which is confirmed by the Heritage and Settlement Assessment quoted above.
 - ii. The breach having been made, there is no further defensible boundary to limit the spread of development. The next barrier to the east would be the by-pass, A134. Development to this extent would make Long Melford a town with no distinctive character.
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2. The Heritage and Settlement Assessment refers, among the key views, to the views travelling into and out of the village along Station Road and Southgate Street and notes that they have been partly eroded by modern development. The approach from the south is one of the most important entrances to the village. The proposed development of 150 dwellings would be extremely intrusive on the view of the visitor arriving from the south: not only is the development vast, but it will also be very conspicuous as the site rises away from Station Road. The view of the proposed development would be not only intrusive, but also alien in scale (150 dwellings) and character to the heritage character of the village. The Long Melford Conservation Area extends south to just above Chapel Farm and it covers both sides of Little St Mary's; whilst the entrance to the proposed development would not be in the Conservation Area, the view of the 150 dwellings would certainly detract from the experience of the Conservation Area. The Conservation Area is a designated asset.
3. South of the application site is the site of a Roman Villa which is a Scheduled Monument and a designated asset. The Heritage and Settlement Assessment points to the importance of views to the north to the setting of the Villa. Those views include the application site; they will be massively harmed by the development of 150 dwellings.
4. The overall message of the Heritage and Settlement Assessment is that Long Melford has very significant heritage value, that that value is highly important to the well-being of the village today and that value is very vulnerable to damage by development. The proposed development in scale, location and character is a major threat to the heritage value of the village. The Assessment acknowledges that "this land to the south-east is less susceptible to change in relation to receptors" but it goes on to point out the importance, on several grounds, of the former railway.

Conclusion

The absence of need for the proposed development (of 150 dwellings) means that any benefits, which might have offset the harm imposed by the development, can be discounted. The harm in terms of unnecessary and unjustified greenfield development and of harm to designated and non-designated heritage assets, with no redeeming benefits indicates that permission should be refused.

SCC Highways Authority

The maximum 85th percentile speed recorded on Station Road adjacent to the site is 36.9mph and the required dimensions for visibility for the access onto the highway can be met.

The total daily 2-way flow of traffic on Station Road in the PM peak hour is 114 vehicles and the additional vehicles from the development will not make the road and junctions over capacity.

The estimated total vehicle trips in the AM peak hour is 30 vehicles (average 2 vehicles every minute) which is acceptable in this location.

There are 13 slight, 4 serious and 1 fatal injury accidents on in the area and were not due to traffic volumes; all were driver error.

The proposed footway improvement works gives better access in the area for cyclists and pedestrians.

No objections subject to standard conditions.

County Development Contributions Manager

Education: £450,697

Pre-school: £270,870

Libraries: £32,400

Corporate Manager – Heritage

No comment.

Environment Agency

No comment.

County Archaeological Service - This large site has very high archaeological potential. It is situated in a topographically favourable location for archaeological activity overlooking the River Stour. Immediately to the north of the development site is the Roman and medieval town of Long Melford (LMD 172 LMD 183) and immediately to the south of the development site is the Scheduled Ancient Monument of a Roman Villa (LMD 042). The site has now been archaeologically evaluated through geophysical and trial trench evaluation. The only significant archaeological remains identified was an Early Neolithic pit containing the remains of a Grooved Ware pot. Due to the close proximity of this find to a cropmark of a probable Early Neolithic Long Barrow (LMD 013) 300m to the south-east, it is recommended that an archaeological excavation is carried out in the area around the Neolithic pit.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC Flood and Water

Holding objection. Must submit infiltration test results to BRE Digest 365 across the site.

County Fire and Rescue Service

No objection – condition requiring fire hydrants to be installed.

Corporate Manager – Sustainable Environment (Land Contamination)

No objection.

Corporate Manager – Sustainable Environment (Air Quality)

No objection.

Corporate Manager – Sustainable Environment (Sustainability)

The sustainability section of the Design & Access statement is very weak. It is acknowledged that this is an outline application but considering the scale of the application some consideration is expected. The recommendation is refusal as there is insufficient information on which to make a recommendation.

Corporate Manager – Sustainable Environment (Environmental Health-Noise/Odour/Light/Smoke)

I note the report by Enzygo Ltd (Environmental Consultants) dated 19th December 2017. The report is a noise screening assessment and concludes that the development will not have any impact on the amenity of existing noise sensitive premises. The conclusion is reasonable, and I concur with this. The report also mentions that noise will be apparent during the construction phase and recommends mitigation measure to reduce this. No objection subject to construction management plan condition.

Corporate Manager – Arboriculture

I have no objection in principle to this application subject to a layout design that provides sufficient space for the boundary trees and vegetation that will help soften and screen any development. This seems eminently achievable given the existing agricultural land use. The protection measures outlined in the accompanying arboricultural report are acceptable and can be dealt with under condition.

NHS England

The development is not of a size and nature that would attract a specific Section 106 planning obligation.

Therefore, a proportion of the required funding for the provision of increased capacity and range of services within the existing healthcare premises servicing the residents of this development, by way of reconfiguration, refurbishment or extension, would be sought from the CIL contributions collected by the District Council. West Suffolk CCG would not wish to raise an objection to the proposed development.

Suffolk Wildlife Trust

We note that the consultant has recommended further surveys for bat activity are required in order to assess the likely impact of the proposed development on this group. These surveys do not appear to have been undertaken and therefore it is not possible to fully determine the likely impacts on the proposal.

We note that the survey was undertaken at a sub-optimal time of year for assessing habitats likely to support reptiles. There are records of slow worm and common lizard on the adjacent Disused Railway County Wildlife Site, the closest being under 40m from the proposed site. Although this area is not to be impacted by this development, the proposed access from Station Road appears to be located through an area of rough grassland which is likely to support this group.

This area is known to support nesting skylarks. A breeding bird survey should be undertaken to determine the extent of the impact upon this species. Whilst it can be possible to provide compensation habitat in the form of skylark plots on neighbouring land, in the absence of understanding the likely impacts of the proposed development on this species it is not possible to determine that this would be acceptable.

There are also a number of hedgehog records from the surrounding area. To maintain connectivity for this species, we recommend maintaining hedgehog permeable boundaries (with gaps of 13x13cm at ground level) as part of this development.

Not enough consideration has been given to the adjacent Local Nature Reserve and County Wildlife Site (Long Melford disused railway line), which is an important feature for maintaining connectivity throughout Long Melford and beyond. This site also contains a number of species found on chalky soil, such as blue fleabane and wayfaring tree, a large population of lesser calamint is also present. A development of this size is likely to have a recreational pressure impact on the CWS which must be assessed.

Natural England

No comments.

Place Services - Landscape

We are in agreement with the conclusions drawn out from the Landscape and Visual Appraisal (LVA) in that the site has the ability to incorporate a development of the scale and type proposed without causing any unacceptable landscape and visual harm.

If the outline application is approved the design should be amended to reflect the below recommendations.

1) Additional detail with regards to the proposed landscape strategy should be provided before the outline application is approved. This should demonstrate how the development site (including mapping the existing vegetation and public rights of way) can successfully link with the existing settlement and surrounding residential and movement network, in order to create an appropriate public realm and provide suitable levels of amenity space.

The submitted landscape strategy should cover the following sections:

- a. Context and character
 - b. Landscape masterplan (including residential and employment areas)
 - c. Amenity space and informal/formal play
 - d. Boundary treatments (including sections)
 - e. Hard landscaping strategy
 - f. Tree and shrub planting strategy
 - g. SuDS strategy and green infrastructure.
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Some of the above sections have been covered under the Design and Access Statement. However, further details on the tree and shrub planting strategy, hard landscaping, approach to play area design and boundary treatment are required before approval to ensure landscape is being considered at an early stage

2) The proposed landscape mitigation along the site boundaries can contribute towards woodland and habitat creation providing additional amenity value to the proposal. If the outline is approved, this should be explored as the proposals develop further.

3) A detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted once approved. We recommend a landscape maintenance plan for the minimum of 5 years, to support plant establishment. SuDS features such as detention basin with landscape features should also be included on the landscape management plan, with insurance that adoption is in place prior construction. This is to ensure appropriate management is carried out and to preserve functionality as well as aesthetics. Existing planting within the site boundary should be included in the management plan and those areas of large open space and boundary planting should be considered for a long term maintenance programme.

4) There is a healthy provision of tree planting within the road network of the proposed development. We recommend that tree species should be from the medium to high range of life expectancy.

5) We welcome the preservation and inclusion of the existing hedgerow in the development proposals. However, we strongly feel that this landscape feature should be enhanced further by linking it to the proposed open space to the west linking the entire proposed green infrastructure.

6) An appropriate buffer should be provided between the proposed development and the Local Nature Reserve/County Wildlife Site (Long Melford disused railway line). The development currently sits very close to this protected area on its northern part. The design should be amended to provide better protection. There could be attempts to access the existing footpath along Long Melford disused railway line from the proposed open space. The existing and proposed landscape, if maintained adequately could provide the sufficient physical barrier to stop unwanted access. Reinforcing with new planting might be necessary on some sections of this boundary. This matter should be discussed further with the LPA Ecologist if the outline application is approved to agree the appropriate buffer and protection solution.

7) There is an opportunity to link the development with the existing footpath towards Water Lane. This should be designed in to avoid undesired routes through existing vegetation and avoid unnecessary damage to existing vegetation and wildlife.

8) We are satisfied with the access design as it provides a sufficient buffer area between the road and the proposed dwellings from Station Road which reflects existing built character.

Place Services - Ecology

Holding objection.

I am not satisfied that there is sufficient ecological information available for determination of this application and recommend that an assessment for protected invertebrates and rare plants be provided. This was highlighted within Place Services Pre-application advice (December 2017) and should be considered, even if they are subsequently scoped out.

In addition, details have been provided why a breeding bird survey is not required for this application within the Ecological Report Addendum (March, 2018). However, as skylarks and other farmland birds are known to be present within the red line boundary, a survey following the British Trust of Ornithology Guidelines should still be undertaken to determine the extent of the impact upon these species and conclude whether suitable compensation is required.

I am satisfied that precautionary mitigation measures will be applied during the construction phase for reptiles. However, it is recommended that enhancements for these species should be provided to enhance reptile habitat opportunities and contribute to the aim of biodiversity net-gain. Additionally, an appropriate buffer for reptiles should be provided between the proposed development and the Local Nature Reserve/County Wildlife Site (Long Melford disused railway line). Currently, the indicative design shows that no buffer has been provided to the north edge of the site. Therefore, this design should be amended to ensure that this is provided.

SCC PROW Officer

1. I can confirm that Melford Walk is a recorded public right of way - Public Footpath 40 - and runs along the dismantled railway line adjacent to the western boundary of the proposed development site.
2. I can confirm that Public Footpath 2 runs along/within the northern boundary of the proposed development site and not along Water Lane as stated in section 03 Evaluation of the Design and Access Statement.
3. This Footpath (Footpath 2) must be accommodated within the development site along its definitive alignment with a width of a minimum of 2 metres as this is bordered by a mature hedgerow to allow unobstructed passage during the growing season and annual maintenance of the hedgerow to prevent obstruction of the footpath.
4. The County Council is in receipt on a number of user evidence forms to claim a public right of way through the proposed development site entering the site from the south to the rear of the houses on Station Road and is likely to receive a formal application regarding this. We suggest that the proposed pathway shown in section 04 Design Principles is provided along this route to avoid duplication of routes. The route of this claimed footpath is shown on the attached plan.
5. It is essential that the proposed footway on the eastern verge of Station Road as shown on the Proposed Site Access Location is constructed to provide pedestrian access to the entrance/exit of Public Footpath 40 (Melford Walk).
6. The County Council would be seeking to obtain surface improvements to both Public Footpaths 2 and 40 under Section 106 Agreement.

Anglian Water

No assets owned by Anglian Water within the development site boundary.

Foul drainage has available capacity for the flows.

The sewerage system at present has available capacity for these flows.

We are unable to provide comments on the suitability of the surface water management

Dedham Vale AONB and Stour Valley Project Officer

Object.

We favour a plan-led approach to housing as opposed to a developer led approach and are concerned that the lack of 5 year housing supply is given disproportionate emphasis by the applicant in their rationale for proposing this particular site for major housing development. We note that the development site is a departure from the established pattern of development in Long Melford, which is generally contained to the western edge of the former railway line. This raises a concern in terms of the acceptability or otherwise of development to the east of the former railway line, now and in the future.

The site is within the Stour Valley Project Area and is therefore considered to be a valued landscape for the purposes of paragraph 109 of the NPPF. We would urge the Local Planning Authority to take the Dedham Vale AONB & Stour Valley Management Plan into account in the determination of this application.

Suffolk Police

No objection subject to design requirements being incorporated at reserved matters stage.

B: Representations

Over 750 objections received at the time of report authoring. Grounds of objection are summarised as follows:

Site is outside village development limits
Applicant public consultation was inadequate
Access too close to Nature Reserve
Station Road sewers unable to cope
Loss of high quality agricultural land
Loss of rural landscape and green fields
Excessive infrastructure strain – education, health facilities, highways, electricity, gas, telecoms
Impact on wildlife, biodiversity, contrary to ecology regulations
Increased flood risk and stormwater management issues
Parking, congestion in village will be exacerbated
Highway safety concerns regarding proposed access, limited visibility
Increased traffic on country roads – estimated 270 additional vehicles
Limited employment in the village
Alternative locations should be considered
Village already at capacity with recent planning approvals
Loss of privacy
Loss of views
Adverse change to the character of the village
Scale of development disproportionate to village
Heritage impacts – proximity to scheduled monument and Long Melford Conservation Area
No archaeological evaluation
Impact on the views out from the Local Nature Reserve
Adverse effects on the Local Nature Reserve
Proposal is premature given early stages of Long Melford Neighbourhood Plan
Village has the highest sensitivity rating in the Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk Districts March 2018
Drainage requirements not yet proven, viability of proposed drainage works yet identified.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site comprises 8.23ha of (Grade 2) agricultural land located to the southeast of Long Melford. The subject land adjoins the existing built up area of the village. Long Melford is designated as a Core Village in the Mid Suffolk Core Strategy 2008.
 - 1.2. Melford Walk Local Nature Reserve is located immediately to the west connecting to Water Lane to the north. Agricultural land is located to the north, south and east. Existing residential properties bound the south-western corner of the site.
 - 1.3. The site is not in a Conservation Area, Special Area of Conservation or Special Landscape Area. The Stour Valley Special Landscape Area is located opposite the site, on the western side of Station Road.
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The Long Melford Conservation Area is located north of the application site, in the body of the village. South of the site is the Scheduled Monument Roman Villa NE of Rodbridge House and Grade II Listed Buildings Rodbridge House and associated barns accessed via Mills Lane.

- 1.4. A small section of the site's western boundary fronts Station Road. The site is approximately 1200m from the centre of the village. A footpath on the western side of Station Road provides pedestrian connectivity to the village centre. The nearest pair of bus stops to the site are located to the south on Station Road, approximately 5 minutes' walk, with a third bus stop further to the south.
- 1.5. The site is located in Flood Zone 1 which is designated by the Environment Agency as land having a chance of flooding of less than 1 in 1,000 (<0.1%) in any year.

2. The Proposal

- 2.1 The outline planning application is for up to 150 dwellings with associated infrastructure, public open space and details of highways access. All matters (with the exception of access) are reserved for further consideration at detailed stage.
- 2.2 An indicative layout has not been provided. A 'development framework' contained in the Design and Access Statement (figure 10) has been submitted which shows, in sketch form, how development could present. Key elements of the indicative masterplan are as follows:
 - Single access point from Station Road.
 - Up to 150 residential dwellings (28 dwellings per hectare) including 35% affordable housing delivered in accordance with current adopted planning policy.
 - A broad mix of dwellings and house types proposed, ranging from 1-5 bedroom units, offering a mix of market housing from first time homes to larger family homes.
 - Buildings proposed within the site would not exceed 2.5 storeys with the vast majority of buildings being no more than 2 storeys in height.
 - Structural landscape planting and the retention and positive management of key landscape features, including proposed woodland belts to the site perimeter.
 - 2.78 ha of formal and informal open space (over 33% of the gross outline area) including children's play space.
 - Improved connectivity to, and potential upgrading of, footpaths.
 - New access arrangements including footway/cycle links and highways improvements to Station Road.
 - A comprehensive surface water drainage scheme including an infiltration basin.

3. The Principle of Development

- 3.1 There is no relevant planning history relating to the site. The scheme has been subject to pre-application advice from Council officers. The advice note suggests the principle of residential development is accepted subject to detailed design matters.
- 3.2 The application site forms part of a much larger parcel of land that has been considered in the Draft Babergh and Mid Suffolk Joint SHLAA, May 2016 (site SS0812). The Draft SHELAA discounts the site for residential development stating:

This site is very large, set in open countryside and a majority of it is separated from the existing settlement by a County Wildlife walk. This creates a disjointed addition and therefore would have a negative impact on the townscape.

- 3.3 Babergh benefits from a five plus year land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged. There is no requirement for Council to determine what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This 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.
- 3.4 Policy CS2 (Settlement Pattern Policy) designates Long Melford as a Core Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary and therefore Policy CS2 applies.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 The momentum towards delivering sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1 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 as it applies to the subject application.
- 3.9 Policy CS1 takes a positive approach to new development that seeks to secure development that improves the economic, social and environmental conditions in the Babergh district.
- 3.10 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.
- 3.11 The site is located on the eastern fringe of Long Melford, adjoining the settlement boundary, an edge-of-settlement location where the criteria set out at Policy CS11 are engaged.
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- 3.12 Policy CS11 states that development in core villages will be approved where proposals score positively against Policy CS15 and the following matters are addressed to Council's satisfaction:
- the landscape, environmental and heritage characteristics of the village;
 - the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - site location and sequential approach to site selection;
 - locally identified need - housing and employment, and specific local needs such as affordable housing;
 - locally identified community needs; and
 - cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 3.13 The '*Rural Development & Core Strategy Policy CS11 Supplementary Planning Document*' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
- 3.14 The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn, informed by the guidance provided in the SPD. Policy CS15 matters, which an application must score positively against, are addressed later in this report.

The landscape, environmental and heritage characteristics of the village

- 3.15 The relevant policy context is not one that is prohibitive of development. This is a well-established position given the fact planning permissions for housing on greenfield sites outside settlement boundaries across the district have been variously granted by Council.
- 3.16 Protection of landscape qualities is important, but it is clear that relevant policies contemplate development. The key test is determining firstly, the sensitivity of the subject landscape and secondly, the level of landscape harm that will result.
- 3.17 The application is supported by a Landscape and Visual Appraisal (LVA). The LVA has been reviewed by Council's Landscape Consultant who, subject to recommended refinements, agrees with the LVA conclusions, finding that the site has the ability to incorporate a development of the scale and type proposed without causing any unacceptable landscape and visual harm. The recommendations of the Landscape Consultant could be managed by planning conditions on an outline permission or alternatively via the reserved matters stage of the approvals process.
- 3.18 The site is not located in the statutory designated Dedham Vale AONB (AONB). There is no visual relationship or connection between the site and the AONB. The site does not form a backdrop to the AONB. The setting of the AONB will not be materially impacted by the proposed development. Paragraph 172 of the NPPF, which requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, is not engaged. It is noted that Natural England raise no objection to the scheme.
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- 3.19 The Dedham Vale AONB and Stour Valley Partnership (a grouping of around 26 organisations with an interest in the area) has, since 2009, sought to extend the nationally designated AONB boundary westward to Sudbury. The site does not form part of the area sought for inclusion in the proposed extended AONB.
- 3.20 The site forms part of the Stour Valley Project Area. This area covers some 181 square miles. The landscape qualities within this larger area vary significantly. Officers do not agree with the Dedham Vale AONB and Stour Valley Project Officer who considers that because of its location within the Project Area it must be a valued landscape with regard to paragraph 109 of the NPPF (paragraph 170 of the revised NPPF), which seeks to protect and enhance 'valued landscapes'. The NPPF does not define what is a 'valued landscape' for the purposes of applying paragraph 170. Officers consider the fact the site is located within the Stour Valley Project Area is not the only factor in considering whether the subject landscape is a 'valued landscape' for the purposes of paragraph 170, there are other factors to consider such as the physical attributes of the site, and this is often tested against Box 5.1 in the *Guidelines for Landscape and Visual Impact Assessment*. On balance officers have concluded that the site is not a paragraph 170 valued landscape.
- 3.21 As noted above, Council's Landscape Consultant agrees with the findings of the submitted LVA which concludes the site's landscape setting is not highly sensitive. There is no 'pronounced sense of scenic quality' at the site as it is put in the supporting LVA. The landscape setting is not unique and there are no obvious physical attributes which takes the landscape 'out of the ordinary'. Having regard to (a) the findings of the submitted LVA; (b) the conclusions drawn by Council's Landscape Consultant; (c) the site not forming part of the proposed extension area to the AONB or materially contributing to its setting (d) the site not forming part of a designated SLA or materially contributing to the setting of a SLA (see further below); and (e) the absence of any other formal statutory designation applying to the land, it is concluded the site is not part of a valued landscape for the purposes of applying paragraph 170 of the NPPF.
- 3.22 Notwithstanding the above, the site has the character and appearance of open countryside and is part of a wider expanse of open farmland extending south and east. The site is open and its rural character cannot be disputed. It is an integral component of the rural setting of the village, noting it is largely visible when approaching the village from the south. The topography of the land, rising away from Station Road, further accentuates its prominence in views at the village's southern entrance.
- 3.23 The development will unashamedly project into the open countryside and have a very significant urbanising effect on the landscape, principally owing to its sheer scale (5.45ha of urban development) and contrasting urban character. The rural setting of this part of the eastern fringe of the village will be lost. The well-defined boundary offered by the rail line will also be lost. Even with significant landscaping to the perimeter, in particular focused to the western interface with the rail line, the scale of development will result in a highly urbanised enclave which will bear no visual relationship to the open farmland that surrounds much of it. The development will not appear as a natural extension of the village and the absence of an established natural boundary to the east is unfortunate. The Parish Council considers that the development *'would be extremely intrusive on the view of the visitor arriving from the south: not only is the development vast, but it will also be very conspicuous as the site rises away from Station Road. The view of the proposed development would be not only intrusive, but also alien in scale.'*
- 3.24 A most significant change in visual terms will be the experience of those using the Melford Walk Local Nature Reserve (Public Footpath 40) and Water Lane (Public Footpath 2). Recreational users currently enjoy open countryside views over the subject land and beyond, which is integral to their outdoor experience. These open views will be transformed.
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There is no escaping the fact that 150 dwellings will dramatically alter the character of a length of the reserve, and to lesser extent Water Lane, from rural to at least semi-urban. The visual amenity enjoyed by those using the adjacent public footpaths would be substantially compromised.

- 3.25 The site is located in the Ancient Rolling Farmlands character area. The area has a network of winding lanes and paths often associated with hedges that, together with the rolling countryside, can give a feeling of intimacy. However, the areas of field amalgamation have also created longer views of a rolling lightly wooded countryside. As recommended on the Guidance Note for Ancient Rolling Farmlands character areas, the release of land for development should, if at all possible, reflect the local pattern. Ribbon development destroys this pattern and can have a considerable impact on the wider landscape. The development masterplan does not adopt a ribbon layout, consistent with the Guidance Note. The masterplan seeks to incorporate ponds, provide additional woodland character, and maintain and increase hedgerow stock, consistent with the management guidelines for the character area.
- 3.26 The site is not in a designated Special Landscape Area (SLA). The designated Stour Valley SLA is located west of the site, on the western side of Station Road. Unlike the subject site, the Stour Valley is designated because of its landscape sensitivity and scenic quality. Whilst the site sits near the SLA, the subject land is not a material contributor to the setting or valued qualities of the SLA. Views out of the SLA will not be profoundly impacted by the development given the intervening built form already well established on Station Road.
- 3.27 The special qualities of the SLA are not appreciable from Station Road, at the application site's road frontage, nor from within the application site itself. On the western side of Station Road is conventional, two storey detached residential development. There is certainly nothing remarkable in a landscape sense in terms of the SLA qualities at this location.
- 3.28 The application site is not in a Conservation Area and its distance from the Long Melford Conservation Area and intervening built form ensures impacts on the character and appearance of the Conservation Area will be limited. Officers acknowledge the comments made by the Parish Council, who quite rightly observe that the village is a well preserved medieval and early modern historic settlement, and therefore is of high historic value. Officers also acknowledge the statements made in the *Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk Districts, Place Services, 2018* in respect to Long Melford. However officers do not agree with the Parish Council's assertions that the development will detract from the experience of the Conservation Area or that it is a major threat to the heritage value of the village. There are streets of suburbia between the Conservation Area and the subject site. Views north when approaching the site from the south do not take in the Conservation Area and the subject at the same time. The site does not form part of the setting of the Conservation Area. Moreover, the development will be scarcely visible from within the Conservation Area, if at all. It is noteworthy that Council's Heritage Officer raises no objection to the scheme.
- 3.29 The Roman villa NE of Rodbridge House Scheduled Monument is set 290m south of the site. There will be no physical impact on the monument. The land within the site is not considered to contribute to the significance of the Scheduled Monument, and therefore the proposed development within the site would result in no harm to the significance of the Scheduled Monument with regard to setting. Council's Heritage Officer raises no objection to the scheme.
- 3.30 An archaeology and built heritage assessment, including geophysical survey, supports the application. This has been reviewed by the SCC County Archaeological Service (CAS). The CAS is concerned the site has 'very high' archaeological potential and that the applicant should be required to undertake an archaeological evaluation prior to approvals being issued.
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The applicant undertook trial trenching of the site in August 2018 and CAS have now confirmed that they recommend conditions be attached to any outline planning permission. Therefore the proposal is in accordance with para 194 (footnote 63) of the NPPF and objective 6 and policy CS15 of the Core Strategy.

The locational context of the village and the proposed development

- 3.31 The site abuts the BUAB and is well linked to existing facilities and services in Long Melford by an established public footpath network. There are nearby bus stops providing access to the primary bus service - Bury St Edmunds to Colchester via Sudbury. It provides two services throughout the morning peak, seven services throughout the afternoon peak and one service per hour throughout the inter peak period. The service also runs every hour on Saturdays.
- 3.32 Long Melford is considered a sustainable location for development. There are numerous amenities within a 10 to 15 minute walk of the site, including Long Melford C of E Primary School, veterinary practice, library, St Catherine's Church and Co-op food store to name but a few.

Site location and sequential approach to site selection

- 3.33 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. The site is considered to be reasonably well related and accessible by walking to the services and facilities in Long Melford
- 3.34 There are no sequentially preferable allocated sites in Long Melford, nor are there any sites within the built up area boundary, which would enable a development of commensurate scale.
- 3.35 The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
- 3.36 In the absence of any sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal accords with this element of Policy CS11.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 3.37 'Locally identified need' or 'local need' is to be construed as the development to meet the needs of the Core Village identified in the application, namely Long Melford, *and* the functional cluster of smaller rural settlements which it serves.
- 3.38 It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as 'rural growth', including the development needs of the 'functional cluster' served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
- 3.39 The sequential approach of the Strategy for Growth and Development requires new development for 'rural growth', first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
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- 3.40 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aims to ensure that the local plan meets the needs for affordable housing in the housing market area.
- 3.41 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal. The application is not supported by a housing needs assessment, contrary to this criterion. The proposed development is of substantial scale, heightening the importance of being able to demonstrate a positive response to an identified housing need. The Parish Council refers to a Housing Needs Survey carried out by Community Action Suffolk in 2018 for Hastoe Housing, which has indicated a need for around 95 dwellings in Long Melford. The applicant has not provided any response to this Housing Needs Survey and to how the development responds to it. An absence of justified housing need is an application shortcoming that does not weigh in favour of the proposal.

Locally Identified Community Needs

- 3.42 Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the 'functional clusters' they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the 'approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities'. The benefits that the application of Policy CS11 and other relevant policies should secure include 'Flexibility in the provision of and location of facilities' ... 'to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages' (see item iii) in paragraph 2.8.5.2).
- 3.43 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. The application is not supported by a needs assessment. This said, the proposal will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of Policy CS11. The absence of a supporting needs assessment, whilst not weighing in favour of the application, is not fatal to it.

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

- 3.44 There is no evidence before officers to suggest the scheme will result in an unacceptable cumulative impact on the area in the context of social, physical or environmental impacts. Many residents and the Parish Council are critical of the strain that will be placed on local services, in particular education, health and highways infrastructure. There is no denying that a 150 dwelling development will generate increased infrastructure demand.
- 3.45 However, as per well-established industry practice, CIL contributions will be used to ensure existing infrastructure capacity is enhanced to accommodate additional demand. This approach is consistent with that promoted in Policy CS11 which states (officer emphasis):

'Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it.'

- 3.46 So where strain does occur, it will be addressed by the appropriate infrastructure authorities who will be well funded to undertake the necessary works, for example highway improvement works, new/expanded health and/or education facilities. Enhancements will be required and the applicant has not raised objections to date regarding the requested sums. It is therefore concluded that the level of required enhancements will not impact the viability of the proposal and therefore are deliverable.
- 3.47 Additional infrastructure requirements is a consequence of the development, but it is not an adverse social, physical or environmental impact. It must also be noted that none of the infrastructure authorities have objected to the scheme, with all concluding that CIL contributions are to be used to manage future infrastructure demand.
- 3.48 There are no grounds to reject the proposal because of any unacceptable adverse impact on local services and infrastructure. The proposal complies with this element of Policy CS11.

Policy CS15 Sustainable Development

- 3.49 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
- 3.50 As a Core Village, Long Melford is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village offers a very good range of amenities to its resident population.
- 3.51 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Long Melford is well connected with the surrounding settlements via the local highway and public rights of way network. Sudbury rail station is a relatively short distance from the site. Future residents of the development will be able to commute to and from additional destinations via Marks Tey, which provides services to Colchester (7 minutes), Chelmsford (22 minutes), Ipswich (28 minutes), Stratford London (47 minutes) and London Liverpool Street (56 minutes). This coupled with the local bus service means future residents will have access to a number of public transport connections which will 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.
- 3.52 It is acknowledged that there will be a high proportion of car travel from Long Melford, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility to public transport in Long Melford, which provides a credible alternative mode of transport for a variety of activities including employment, retail and recreation.
- 3.53 The scheme will enhance the vitality of the community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Long Melford, underpinning social capacity, providing affordable housing and widening the housing mix overall.
- 3.54 This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of Policy CS15 criteria:
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- 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 would support local services and facilities, and enhance and protect the vitality of this rural community (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).
- During construction, methods will be employed to minimise waste (criterion xiv of CS15).
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
- Highway (criterion xix of CS15) and biodiversity (criterion vii of CS15) considerations are considered below.

4. Site Access, Parking and Highway Safety Considerations

- 4.1 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts on the road network are severe. This is interpreted as referring to matters of highway capacity and congestion, noting that the preceding statement at paragraph 109 is concerned with highway safety.
 - 4.2 A recurring theme in the objections is highway safety. The highway network is however operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed 'T' junction access is designed to meet the highway requirements of the Highways Authority and there will be no detriment to safety and minimal effect on capacity on the highway network, noting the Highways Authority raise no objection to the scheme subject to conditions. There may be significant local concerns, however there is no technical evidence to indicate that the proposed access, or the resultant increase in vehicles on the local network from 150 dwellings, would adversely affect highway safety. There is ample scope to achieve policy compliant parking arrangements which could be addressed through reserved matters applications.
 - 4.3 The required bus stops can be secured through a s278 requirement and delivery set through a condition. The additional bus stops will be a benefit to the local community, as will the connections to the existing footpath network on Station Road.
 - 4.4 The scheme offers acceptable highway safety outcomes, compliant with saved policy TP15 of the Local Plan, and criteria xviii and xix of Policy CS15. There are no grounds to refuse the application on highway safety matters.
 - 4.5 The PROW Officer requires design detail changes in respect to how the development responds to public footpaths 2 and 40. These requirements could be readily provided for at the detailed design stage. These are not matters that constitute reasons for refusal.
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5. Trees, Ecology, Biodiversity and Protected Species

- 5.1 An ecological appraisal supports the application. Place Services (Ecology) raise a holding objection, recommending that an assessment for protected invertebrates and rare plants be provided, together with a breeding bird survey. Place Services recommend that reptile enhancements as part of the design should be required.

- 5.2 The ecological information before the Council included the applicant's Ecological Appraisal, a letter of 6 March 2018 from the applicant's ecology consultants and an Ecological Report Addendum. The latter two documents responded to Place Services' consideration of the application. In turn, Place Services reviewed all the applicant's ecology material, concluding in a letter dated 28 March 2018:

"I am not satisfied that there is sufficient ecological information available for determination of this application and recommend that an assessment for protected invertebrates and rare plants be provided. This was highlighted within Place Services Pre-application advice (December 2017) and should be considered, even if they are subsequently scoped out.

In addition, details have been provided why a breeding bird survey is not required for this application within the Ecological Report Addendum (March 2018). However, as skylarks and other farmland birds are known to be present within the red line boundary, a survey following the British Trust of Ornithology Guidelines should still be undertaken to determine the extent of the impact upon these species and conclude whether suitable compensation is required.

I am satisfied that precautionary mitigation measures will be applied during the construction phase for reptiles. However, it is recommended that enhancements for these species should be provided to enhance reptile habitat opportunities and contribute to the aim of biodiversity net-gain. Additionally, an appropriate buffer for reptiles should be provided between the proposed development and the Local Nature Reserve/County Wildlife Site (Long Melford disused railway line). Currently, the indicative design shows that no buffer has been provided to the north edge of the site. Therefore, this design should be amended to ensure that this is provided. I look forward to working with the local planning authority and the applicant to provide the missing information to remove my holding objection."

- 5.3 The last submission on this topic came from the applicant in a letter of 26 April 2018, in which a number of consultation responses were addressed. The above objection from Place Services received these comments from the applicant:

"Holding objection due to lack of ecological information.

A breeding bird survey will be undertaken in April - June which will remove the need for a holding objection once appropriate mitigation, if needed, are included within the application. As currently designed there is a green buffer between the LNR/CWS and the built scheme, any detailed reptile enhancements can be accommodated at the Reserved Matters stage."

- 5.4 ODPM Circular 06/2005 *BIODIVERSITY AND GEOLOGICAL CONSERVATION – STATUTORY OBLIGATIONS AND THEIR IMPACT WITHIN THE PLANNING SYSTEM*, which is referred to in the NPPF (at footnote 56) and in the PPG in the paragraph quoted above, remains current guidance, although its references to UK legislation are now out of date. At para 99 it states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below.”

- 5.5 In deciding how to defend the application at appeal the Council must determine whether it has sufficient ecological information to determine that, in principle, the proposed scheme can be permitted now, leaving further survey work and the formulation of mitigation measures to be carried out before the approval of reserved matters. If the Council is confident that up to 150 dwellings can be constructed on the site without harm to any protected species, regardless of what the outstanding surveys might show, then it would be wrong to refuse outline permission on this ground. If, however, there is not that confidence, it will be necessary to decide whether, in light of the above guidance, the potential for harm to protected species is such that outline permission should be refused. Further advice is currently being sought by Place Services on this point any update on this will be given at the meeting, however a draft reason for refusal has been included in the recommendation.
- 5.6 The masterplan indicates a substantial public open space buffer that will avoid, in the main, any significant impacts on the conservation of the Local Nature Reserve. As noted by Council’s Landscape Consultant, the development currently sits very close to the reserve on its northern part and a greater separation distance is required. This could be addressed at the reserved matters stage, as could the boundary treatment between the public open space and the protected reserve for ecology reasons.
- 5.7 Officers agree with the Planning Statement which contends: *‘The woodland belt planting will enhance opportunities for wildlife and lead to a net gain in biodiversity. The arable land and area of poor semi-improved grassland that will be lost to accommodate the development, is a common habitat and widespread within the wider landscape, with any loss being unlikely to result in a significant impact to local biodiversity.’*
- 5.8 The proposal does not respond adequately to criterion vii of Policy CS15.
- 5.9 The application is supported by an arboricultural assessment. There are no trees of significance that are proposed to be removed as part of the scheme. Policy CR08 seeks to retain hedgerows or mitigate any loss because of a development. The scheme retains and enhances the hedgerow features, a welcome design response. The arboricultural assessment notes that additional planting of higher quality trees and hedges will improve the biodiversity of the site and the amount of tree cover.
- 5.10 Council’s Arboricultural Officer does not raise an objection to the scheme. There are no arboricultural grounds upon which to decline the application.

6. Land Contamination

- 6.1 The application is supported by a Land Contamination Assessment. Environmental Health raise no objection and the standard unexpected contamination condition is recommended. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.
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7. Impact on Residential Amenity

- 7.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.2 The submitted Noise Report concludes the dominant noise source will be from road traffic on the A134 and, to a lesser extent, from Station Road. Council's Environmental Health Officer is satisfied with the submitted Noise Report. Noise attenuation construction methods are not deemed necessary. A construction management plan could be secured by planning condition to ensure construction works do not adversely affect existing residents' amenity.
- 7.3 There is nothing to suggest that residential amenity for future occupants cannot be secured through appropriate design measures at a reserved matters stage of the development process. The masterplan proposes substantial landscape buffers to all boundaries, ensuring existing amenity levels for neighbouring residents on Station Road are appropriately safeguarded.

PART FOUR – CONCLUSION

8. Planning Balance and Conclusion

- 8.1 Council benefits from a five year housing supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged.
 - 8.2 Officers are mindful of the Draft Joint SHLAA, May 2016 which does not support the site for residential development, observing that it would create '*a disjointed addition and therefore would have a negative impact on the townscape*'.
 - 8.3 The site is outside the settlement boundary and therefore conflicts with Policy CS2. However, Policy CS2 carries reduced statutory weight because of the age of the settlement boundaries and inconsistency with the NPPF.
 - 8.4 Policies CS1, CS11 and CS15 are attached full statutory weight given their strong alignment with the NPPF. The scheme does not perform well against most Policy CS11 criteria. Whilst it performs admirably in respect to some Policy CS15 criteria, the scheme does not score positively against others.
 - 8.5 The land is in a sustainable location, within walking distance to a good range of local amenities and nearby bus services offering a realistic sustainable transport mode as an alternative to the private vehicle. In these respects the scheme furthers Policy CS15. The site's edge-of-settlement location is such that it is not isolated and paragraph 79 of the NPPF is not engaged.
 - 8.6 The landscape setting is open, pleasing and a significant contributor to the village's rural setting. Notwithstanding the absence of an objection from Council's Landscape Consultant, officers are of the view that owing to the scale of development the scheme will substantially alter, to an unacceptable extent, the rural setting of the village. A proposal that leads to a harmful loss of open countryside runs counter to Policies CS11 and CS15. It may not be set within a valued landscape in a designated landscape sense, nevertheless the proposal would be inconsistent with the NPPF which identifies the legitimacy of reinforcing local distinctiveness, and which establishes a core principle to recognise the intrinsic character and beauty of the countryside.
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The NPPF states that development should contribute to and enhance the natural and local environment. The scheme falls short in this regard.

- 8.7 Harmful effects on heritage character are not evident to a level that warrants refusal of the application, noting an absence of objection from Council's Heritage Officer.
- 8.8 The applicant has not demonstrated how the 150 dwellings serve an identified local need. The absence of a housing needs assessment is contrary to Policy CS11.
- 8.9 The size of the site is such it can readily accommodate the proposed 150 dwellings without compromising internal amenity or neighbouring residents' amenity.
- 8.10 The local highway network has capacity and there are no adverse highway safety implications. Biodiversity and archaeological concerns can be managed at the reserved matters stage of the development process.
- 8.11 Infrastructure enhancements in order to meet increased infrastructure demand will be required and these can and should be addressed by CIL contributions, consistent with local policy, the NPPF and standard industry practice.
- 8.12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. All of these statements apply.
- 8.13 The proposal offers obvious significant social and economic benefits, most notably the boost to housing supply. These benefits are however outweighed by the environmental disbenefits associated with the landscape harm that will result from the physical change of the site's character from open countryside to urbanised enclave.
- 8.14 The application fails to deliver a sustainable development, contrary to the overarching thrust of the Core Strategy and the NPPF. The planning balance does not weigh in favour of the proposal. The application is recommended for refusal.

RECOMMENDATION

That Members formally confirm that they would have refused permission, had a non-determination appeal not been lodged, and that such refusal would have been for the following reasons:

1. The proposed development, by virtue of its scale, siting and location, would cause significant harm to the open countryside and the rural setting of Long Melford, contrary to Policy CS11 and CS15 of the Babergh Core Strategy (2014) and paragraph 170 of the National Planning Policy Framework.
 2. The application fails to adequately demonstrate how the proposal responds to a locally identified housing need, contrary to Policy CS11 of the Babergh Core Strategy (2014) and Para 77 of the NPPF, which requires development in rural areas to be responsive to local circumstances and support housing developments that reflect local needs.
 3. The proposal fails to adequately demonstrate that the development will not have an adverse impact on protected and/or priority species, contrary to Policy CS15 of the Babergh Core Strategy (2014).
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