

## Land east of Station Road, Long Melford

BDC Ref: DC/18/00606

Appeal Ref: W3520/W/18/3214377

### Representation by Long Melford Parish Council

The Council believes that there are additional grounds on which the above application should be refused. This representation is being sent to the Council in response to the officers' report to the Planning Committee meeting on Wednesday 12<sup>th</sup> December; it is sent in advance of the meeting to enable officers time to consider its contents.

#### The Neighbourhood Plan (NP)

Understandably the officers' report discounts the NP as a significant factor in the present planning decision: "Long Melford Neighbourhood Plan: The Plan is in an early preparatory stage and is afforded no statutory weight in the assessment of this application." In our view, because the applicant has appealed against non-determination by the Council, the NP will be relevant and able to be accorded statutory weight when the effective decision on this planning application will be taken. It is expected that the appeal will be heard at an inquiry next summer, by which time the NP will have passed the NPPF test:

"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan." NPPF, para 50

The Parish Council's Neighbourhood Plan Committee expect to have completed the local authority consultation by mid-April. At the least Babergh Council is asked to add a reason for refusal stating that the Council expect the NP to have reached a valid stage and that the application is premature for reasons set out below.

NPPF sets out the requirement for refusing an application on grounds of prematurity:

"Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process." NPPF, para 50.

The grounds on which this application for 150 dwellings would prejudice the outcome of the NP are: The NP is anticipating a requirement for 80-100 dwellings over the first five years of the plan period. Against this background the proposed 150 dwellings would

- Preclude any options for bringing forward more sustainable sites in the parish.
- Take up infrastructure capacity, for which no improvement or expansion plans have been made, still less implemented.
- Prejudge the pattern of development in the parish without any debate, consultation or opportunity to implement alternative patterns of development.

The Parish Council urges the Council to add a reason for refusal on grounds of prematurity with respect to the Neighbourhood Plan.

## Cumulative Impact

Policy CS11 includes as a test “the cumulative impact of development in the area in respect of social, physical and environmental impacts.” The term cumulative impact in environmental assessment covers two types of impact:

- a. The combined effect of several different impacts deriving from the same proposed development or source.
- b. The combined effects of the proposed development and of other developments taking place in the relevant area.

The officers’ report mentions the cumulative test but the conclusion at para 3.48 is limited to the proposed development itself (and no others) and the impact is considered narrowly in relation to infrastructure capacity alone.

In relation to the first type of cumulative impact described above, we have noted the following impacts recorded in the officers’ report:

- a. “The sustainability section of the Design and Access Statement is weak”, such that the Corporate Manager – Sustainable Environment (Sustainability) recommends that the application be refused.
- b. Suffolk Wildlife Trust list a number of ways in which the application is defective:
  - a. No bat surveys.
  - b. Survey taken at sub-optimal time of year.
  - c. Absence of breeding bird survey, which should have covered skylarks.
  - d. Inadequate consideration given to the Railway Walk, a Local Nature Reserve and a County Wildlife Site
- c. Place Services – Landscape: “Additional detail with regards to the proposed landscape strategy should be provided before the outline application is approved.” They then list seven major items that should be addressed in a Landscape Strategy, for example tree and shrub planting strategy, hard landscaping, approach to play area design and boundary treatment. Paras 2 – 8 of this submission outline the importance and the benefits of a landscape strategy being submitted before outline consent is considered.
- d. 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.”
- e. Anglian Water: “We are unable to provide comments on the suitability of the surface water management.”
- f. Many issues raised by 750 objectors to the application.
- g. And from the officers’ assessment of the proposal
  - a. The Council (para 3.2) rejected the site in the SHELAA, May 2016: “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.”
  - b. “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.” (para 3.23)

- c. "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." (para 3.24)
- d. "The application is not supported by a housing needs assessment" (para 3.41). This lack removes the ability to assess the amount and mix of housing as well as the need for community infrastructure (para 3.43)
- e. The proposal does not respond adequately to criterion vii of Policy CS15 (protect and enhance biodiversity, prioritise the use of brownfield land.....).

This is a substantial list of negative impacts which fit within the scope of "social, physical and environmental impacts" and which are clearly cumulative effects of the proposed development. This should be a reason for refusal.

We now consider the combined effects of the proposed development and of other developments taking place in the relevant area. There are currently some 157 homes under construction in the parish: Bull Lane 71, the Foundry 6, the old petrol filling station 3 and the Kier site 77. The cumulative "social, physical and environmental impacts" of these developments, in combination with the proposed development of 150 homes in the present application, have not been considered by the applicant or by the Council. They are bound to be much more significant than those assessed by either the applicant or the Council. An example is the combined effect of the Kier development on the adjacent west side of Station Road and the present proposal: the suburbanising effect of two developments on either side of the most important entry to the village would be significant and undesirable. We take issue with the officers' report which states "There are streets of suburbia between the Conservation Area and the subject site" implying that additional undesirable development can be accepted if there is already some on the ground – two wrongs do not make a right. More bad development is not acceptable. The cumulative impact falls foul of the opening sentence of CS15: "Proposals for development must respect the local context and character of the different parts of the district"

The lack of consideration given to the cumulative impact in this sense should be a reason for refusal.

#### Infrastructure Capacity

Officers write at para 3.45: "CIL contributions will be used to ensure existing infrastructure capacity is enhanced to accommodate additional demand." There are two defects with this position:

- The applicant has provided no housing needs study so has no means of assessing what "locally identified community needs" (CS11, para v) exist; neither can the planning authority assess what is needed.
- CIL does not ensure that the community infrastructure needs related to any particular development will be met: the contributions are divided between different councils who then allocate them according to strategic criteria, which may give a lot of weight to the particular community or may not. There is therefore no necessary link between the provision of contributions and the receipt of funds for infrastructure in the contributor's community. This is a critical difference between CIL and s.106 payments which are tied to particular infrastructure investments.

The Parish Council suggest that a reason for refusal be added: that the proposed development fails to comply with Policy CS11, para v.

A further reason why CIL contributions will fail to ensure existing infrastructure capacity is enhanced to accommodate additional demand is that the constraints on capacity in the Long Melford surgery

are not amenable to cash injections. The Neighbourhood Plan team have met the practice administrator and the doctors at two meetings. Capacity is already constrained such that appointments can only be booked four weeks ahead. The constraint is the difficulty of recruiting doctors; however this is a national problem and the surgery have run out of ideas for resolving this. Certainly the issue will be resolved in time, but in the meantime there should be a pause on significant new developments unless they offer a solution to the constraint at the surgery. The present proposal should be refused on the ground of the lack of infrastructure capacity.

### Policy CS15

In relation to this policy officers provide “an overarching summary of the key points”. We see this approach as misdirected as clearly the intention is that a proposed development should be tested against each of the 19 clauses. In the following list we check whether there is evidence of compliance with that clause:

- i. There is no landscape strategy, so non-compliant.
- ii. Non-compliant.
- iii. Modestly compliant.
- iv. Not ensured, so non-compliant.
- v. Non-compliant.
- vi. Non-compliant.
- vii. Surveys not carried out, so non-compliant.
- viii. Climate change is not mentioned in the Officers’ Report; non-compliant.
- ix. Probably compliant.
- x. Unclear.
- xi. Compliant.
- xii. Anglian unable to assess surface water drainage; non-compliant.
- xiii. No evidence; non-compliant.
- xiv. No mention of waste from the completed development; non-compliant.
- xv. Building Regs L; compliant.
- xvi. No evidence; non-compliant.
- xvii. No evidence; non-compliant.
- xviii. No evidence of measures to achieve this; non-compliant.
- xix. No evidence of travel plan or transport assessment; non-compliant.

There are many more reasons for refusal in the above list than have been used in the officers’ report. The reason should be extended and made more specific to the content of CS15.

### Gladman and beyond

Given that Gladman have said to us that they do not develop their sites (as is well known) but sell on to a developer, there is a real risk, if permission is granted on appeal, that the nature of the permitted development will change, potentially significantly and not for the better. This is because it costs Gladman nothing to accept various, maybe quite onerous, conditions but those conditions may make the proposal unviable for the developer who buys. This developer will want to restore the viability of the scheme by applying for permission to vary the conditions. The principle of the development having been established, the LPA will not be in a strong position to resist such changes. A s.106 agreement, if the inspector is minded to grant consent, may be an appropriate measure.