

## **Committee Report**

**Item No: 1**

**Reference: DC/18/01526**

**Case Officer: Elizabeth Flood**

**Ward: Chadacre**

**Ward Member/s:** Cllr Michael Holt. Cllr Stephen Plumb.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Outline Planning Application (Access and Landscaping to be considered). Residential development consisting of 101 new dwellings and 35 retirement living apartments (as revised by drawings received 04.03.2019).

### **Location**

Land West Of, Low Street, Glemsford, Suffolk

**Parish:** Glemsford

**Expiry Date:** 11/07/2019

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Applicant:** EJL Landholdings Ltd

**Agent:** Mr Trevor Blanchard

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

- i. The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the extent and planning substance of comments received from third parties and the location and scale of the application.
- ii. It is a “Major” application for:
  - a residential land allocation for 15 or more dwellings

### **Details of Previous Committee / Resolutions and any member site visit**

A site visit was held on the 12<sup>th</sup> June 2019.

### **Has a Committee Call In request been received from a Council Member?**

N

### **Details of Pre-Application Advice**

Various pre-application discussions took place in 2016 these centred around detailed layout and mix of house types.

The site was also included within the Strategic Housing and Economic Land Availability Assessment (SHELAA) where it was concluded that the site is potentially considered suitable for residential development

## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **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
- CN08 Development in/near conservation areas
- CR04 Special Landscape Area
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Other material considerations:

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Core Strategy Policy CS11 Supplementary Planning Document (2014)
- NPPF - National Planning Policy Framework (2019)

### **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**

**Historic England:** The site lies close to a key part of the historic village focused around the medieval parish church. Historic England retain concerns around the harm that the development would cause to the significance of the Conservation Area, Grade 1 Parish Church and other listed buildings and object to the proposal on heritage grounds. In accordance with the NPPF, there should be clear and convincing justification for this harm and the harm should be weighted against the public benefits the proposal would deliver.

The northern part of the village has three historic nuclei, contains a number of listed buildings and three of the five highly grade buildings in the parish. The oldest and most significant building is the Church of St. Mary. The church is strikingly positioned on the high ground at the north eastern edge of the village. It has a commanding presence over the landscape beyond and acts as a landmark on the approach to the village from the north and in the long views from the countryside to the north. It is grade I and the listing description explicitly states it is graded for its architectural, historic and topographical value.

In addition to the church, two of the four distinctive timber framed houses lie close to the application site. At the northern end of the conservation area on Chequers Lane is The Chequers. In the open landscape to the north east of the conservation area on the lower slope of the river valley lies a very similar property, Monks Hall. These houses are predominantly sixteenth and seventeenth century in date and highly attractive. Both are listed grade II\*.

There has been considerable modern development around the village which detracts from its historic character. However, the relationship of the conservation area to the countryside has largely survived to the south west and to the north in the area adjacent to the development site and around the church.

The application proposes the development of the agricultural land between Chequers Lane and Low Street with housing and a central retirement living complex comprising 4 blocks with large footprints. A green landscape buffer is proposed to the north eastern edge of the development. The revisions have reduced the size of the retirement living complex which has resulted in the pulling back of the central section of the eastern edge of the development. The revisions include a Heritage Impact Assessment. The development would affect the setting of the conservation area, the church and Monks Hall. Setting is defined in the NPPF as 'the way in which a heritage asset is experienced.'

The site directly abuts the conservation area on the west side and touches it at two further points to the east, north of Bell Lane and near to the church on Low Street. Between these points there is some, limited, development between the conservation area and development site. The development of the site would compromise the way in which the conservation area is experienced. It would change the character of the land from open, agricultural land to a large housing extension to the village. It would separate this part of the conservation area from the rural hinterland with which it has historically had a direct relationship. It would affect views to and from the conservation area.

The development site lies to the north west of the church on the opposite side of Low Street. While it does not directly abut the churchyard, the development would be seen in views from the surrounding area and in conjunction with views of the church from this area and from the wider landscape to the north of the village. These views of the church contribute to the significance of the building, both emphasising the important role of the church and providing a fine view. Similarly views from the church over the open landscape illustrate the historic relationship the church had with the surrounding landscape. This relationship between the church and its immediate landscape has largely survived to date. The development on land to the north east would impact on these views and erode this. This would have an impact on both the church and the conservation area as the church is a key element of the area.

Monks Hall lies to the north of the village. It sits in an isolated position with the adjacent cottages. In views from the north it is seen in conjunction with the village and church in the background.

This is a historic and enduring relationship. The agricultural setting both helps to illustrate the function of the Hall and provides an attractive setting for the building. The extension of the village would reduce the separation between the Hall and the development. This would result in some harm to its significance experienced in this area. Historic England consider the change of character of the application site from agricultural land to a housing extension to the village would cause considerable harm to the significance of the conservation area and the setting of the highly graded buildings including the parish church and Monks Hall.

The proposed development would, even with the proposed minor revisions, result in considerable harm to the significance of the conservation area and highly graded listed buildings, namely the parish church and Monks Hall. While the proposed planting along the boundary to the north might in time soften the views of the development from the north, the development would fundamentally change the relationship of the conservation area in this part of the village to the rural hinterland and the way in which this and the listed buildings are experienced. We consider that the proposed site is not an appropriate place for a large housing extension to the village because of its impact on the historic environment. In line with policy, your Council should consider if there is clear and convincing justification for the development and, if this is the case, if the public benefits it would deliver would outweigh the harm. Recommendation Historic England objects to the application on heritage grounds because of the of the development of the land on the significance of the conservation area and other listed buildings including the grade I parish church. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 8, 192 and 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**Heritage Team:** The fundamental Heritage Team concern relates to the impact of the development upon the fine medieval church which sits on high ground overlooking the landscape to the north west, north and north east. The church commands a very prominent position in the north eastern part of the village and can be seen and experienced in the landscape from both the B1066 to the north and east, and the B1065 / Low Street from the north and north east. It is also seen in views from the southern half of the development site, which rises at least a couple of metres from the northern half. Seldom in the District can a church be so well appreciated from several distinct, and relatively distant vantage points.

The list description for the parish church states that it was 'graded [I] for its architectural historical and topographical value'. This is an extremely rare comment to find in a list description, especially from one over 40 years old, and clearly illustrates the Inspector's appreciation of the role the landscape plays in grading the importance of the church.

These views form an extremely important aspect of the setting of the church in the north and extend beyond the two roads mentioned previously – and together, this aspect of the setting is no less than fundamental to the significance of the building. Therefore, in any scheme of development an awareness and sensitivity must be shown, to ensure the setting of the building is not diminished, but preserved, in accordance with the requirements of s.66 of the P(LBCA)A1990.

The parcel of development land is outside but immediately adjacent to the Conservation Area, Views into and out of CA's can be fundamental to an appreciation of the significance of the place,

and in this instance the views from the B1065 and B1066 are extremely positive, particularly because they combine with the church and the edge of the CA. It is crucial to note the character and appearance of the adjacent Conservation Area must be preserved or enhanced, to comply with the requirements of s.72 of the same Act. Therefore, whilst in outline, and irrespective of the proposed landscape buffer on the eastern edge of the site – which is presumably designed to mitigate the effects of the development in views across the valley - an application for a large scale residential extension in such a sensitive setting on what may be perceived as the brow of the hill (when seen from the north and east) will undeniably have a substantial impact on the setting of both the church and the character and appearance of the adjacent CA.

The scale of development, the siting and the proximity to the church all conspire to dramatically and detrimentally affect the setting of both the church and the CA. It should be noted that in the Barnwell Manor High Court case, The Honourable Mrs Justice Lang stated that ‘in my opinion the addition of the word ‘desirability’ in Section 66(1) [of the P(LBCA)A1990] signals that ‘preservation’ of setting is to be treated as a desired or sought after objective...’ In terms of the NPPF, the magnitude of impact is considered to be at the highest end of less than substantial harm. – and it is for these reasons the Heritage Team objects to the development.

**AONB Unit:** The site falls within the Stour Valley Project Area which is afforded special consideration through the policies contained within the Dedham Vale AONB and Stour Valley Management Plan (2016-2021). The above proposal represents major development within the Stour Valley Project Area, much of which shares similar characteristics to the Dedham Vale AONB.

Despite the proposed reduction in dwelling numbers, we still have concerns about the location of the proposed development in terms of its landscape and visual impacts and harm to a Valued Landscape.

Much of the existing settlement of Glemsford, despite its elevated position above the Glem Valley, is not visible as recognised in the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015 . The guidance states that ‘all the lanes leading into Glemsford consist of mature hedges and trees which softens the edges of the village. Although Glemsford is in an elevated location surrounded by agricultural fields the surrounding woodlands and nearby mature planting provides screening from the roads.’ The most prominent and dominant feature visible in the landscape in Glemsford is the church.

We do not consider that a development of this scale and given its hill top position and the rolling topography of the landscape around Glemsford, can be delivered without harm to the Special Landscape Area and to the Stour Valley Project Area. The development will not maintain the special landscape qualities of the Glem Valley SLA or harmonise with the landscape setting as required by policy CRO4 . The proposed development will also impact on the Natural Beauty and special qualities of the Stour Valley Project Area around Glemsford which is afforded special consideration through the policies contained within the Dedham Vale AONB and Stour Valley Management Plan (2016-2021) which is a material planning consideration. The development will also permanently alter the landscape character of the Estates Ancient Farmlands Landscape Character Type on the north eastern edge of Glemsford as recognised in the LVIA submitted with the initial application. The LVIA acknowledged that the north side of Glemsford has a sensitive valley edge location with long ranging views out from the site. It also acknowledged a long term landscape/visual change close to the site from an agricultural landscape to a housing estate development. Overall it concluded that any long term landscape and visual change from long views into the site e.g. from the Glem Valley, would be significantly reduced by the proposed

mitigation planting, once it has matured. We do not support this overall conclusion. While planting has been proposed, due to the site's topography and the positioning of the new housing on the higher ground, we do not consider that the proposed landscaping will adequately mitigate the impact of the development in the local landscape or conserve the landscape character.

The north/north west boundary of the proposed development site abuts the Glemsford Conservation Area. St Mary the Virgin Church, which is a Grade 1 Listed Building, is located approximately 30m south east of the development site on the east side of Low Road. The church is the most prominent and dominant feature visible in the landscape around Glemsford. Villages with substantial churches and old houses, often timber framed and thatched are considered characteristic to the Ancient Estates Farmland Landscape Character Typology. A development of this scale opposite the church, on the skyline will impact on the setting of this historic asset and views of the church from the Glem valley and on the approach to the village from the east will be much altered.

Considered collectively, we consider that the presence of the historic Church, the gently rolling landform, the adjacent SLA designation, the lack of visible development on the skyline and the long views out over the Glem Valley elevates the landscape value to the north of Glemsford above ordinary countryside to that of a Valued Landscape.

Given the elevated position of the site, the fact that the skyline on the northern edge of Glemsford when viewed from PROWs in the Glem Valley is currently predominantly free of built development, (apart from St Mary the Virgin church), that St Mary the Virgin Church is a Grade 1 Listed Building and that the site abuts the Glemsford Conservation Area and SLA, we consider that the proposed development does not respect the local landscape and built character, the setting of a Grade 1 heritage asset, and historic views. The proposed development (despite the reduced number of dwellings being proposed) in this elevated position above the Glem Valley will not maintain or enhance the special landscape qualities of the Glem Valley SLA or harmonise with the landscape setting. It will fail to conserve the historic settlement pattern of Glemsford and the landscape character which be permanently altered from an agricultural landscape to a housing estate character. It will negatively impact on the setting of a Grade 1 listed heritage asset and a Valued Landscape. Finally, it will not conserve and enhance the Natural Beauty of the Stour Valley Project Area around Glemsford. As such the proposal is not considered to accord with policy CR04 of the 2006 Local Plan, criteria i & ii of Babergh Council's adopted Core Strategy policies CS 11 & CS15. paragraphs 170, 129 or 132 of the NPPF. Nor does it satisfy policies 3.1.5.

**Landscape:** The revised proposed site plan shows a reduction in dwelling numbers, which is welcomed. However, we still have concerns over the proposed landscaping and layout design. Opportunities to improve and extend the green links identified on the site analysis have been missed along with the reduction of green open space across the site (east-west corridor) and by the proposed retention basin.

There is still a lack of tree planting within the public domain along access roads and shared surfaces areas that will help to improve the public realm and mitigate the visual impact of the built form and mitigate the impact of the development on the existing skyline character.

Issues around delivering passive surveillance to existing PROWs to the south and south-west (W-268/041/0 & W-268/042/0) have not been resolved. The proposed site layout will encroach on the existing public footpaths between back garden boundaries. This approach is not adequate

and does not provide public footpath users of acceptable levels of safety and a pleasant experience.

A development in this area will negatively impact on the setting of a Grade 1 listed heritage asset, the Glemsford and Stour Valley Project Area and surrounding landscape. We consider that the proposed site plan in its current form, density and landscaping strategy will not adequately mitigate its impact on the local landscape or support the conservation of the landscape character.

**Planning Policy:** Glemsford is heavily constraint by its location and context. Consequently, Glemsford is not emerging as an area for significant major growth allocation. Infrastructure provision and delivery is a big issue, such as school provision, healthcare and highways. Further new major growth in this location would create significant and demonstrable intensification and cumulative impacts, which is not sustainable.

Furthermore, the site in question is located within a significantly sensitive setting context due to the undulated ancient farmland terrain. This sets the remarkable setting for the striking and prominent listed church to the south east, and surrounding listed buildings and conservation area within the immediate surrounding vicinity. The site is also within the setting of the Special Landscape Area designation that sweeps diagonally from the south to the north west and east. All of this in itself is fundamentally unique and historic to this areas setting and context irrespective of any matters of principle. This unique sense of place and local distinctiveness can be seen as you approach Glemsford from the north and from wider area roads such as the B1066. A mass of new housing in such a uniquely sensitive location would significantly erode this landscape character setting qualities and setting to the immediate listed buildings and conservation area.

Therefore, section 66 and 72 of the Planning (Listed building and Conservation Areas) Act 1990 should be significantly weighted and reflected within the assessment. Along with the relevance of the NPPF (Feb 2019) and local heritage/conservation policies. I would also strongly advise the Landscape character assessment evidence base guidance is reflected and given due weight in the assessment. Along with the Heritage Sensitivity Assessment evidence base, which scores Glemsford particularly this location as medium/high value. All of which is a significant material consideration in this decision-making process.

There are also understood to be TPO's on the site and given the rural nature of the site the site may be within a 20km zone of a Natura 2000 site, so a HRA would be required. There are known ponds and surrounding waterbodies within the surrounding vicinity and wider area with the flood plain to the north/east.

This strongly suggests ecological species and biodiversity could be present. On the balance of probability it is likely the site will form part of the wider ecological networks given the rural location and context. This major proposal in question would significantly intensify existing service, facility and infrastructure issues in this location and surrounding contextual areas. Equally, the proposal would significantly undermine the emerging plan-led strategy and approach to sustainable plan-led growth, which would lead to unsustainable cumulative impacts.

It is clearly apparent the site is not suitable for the development proposed and the proposal does not constitute sustainable development. It is strongly recommended the application is refused for numerous principle and interlinking material consideration issues and reasons. The amount of short and long term harm the proposal would create outweighs any benefits.

**Archaeology Service:** This large site has very high archaeological potential. It comprises of gently sloping arable land overlooking the River Glem and one of its tributaries. Such positions in the landscape have been shown to be preferred sites of occupation throughout human history and the site, which has not been systematically assessed, has very high potential for archaeological remains. Finds recorded suggest occupation from the prehistoric through to the medieval periods from the wider vicinity, with Roman activity in particular. A finds scatter of Roman coins is recorded from the site. The site also lies in close proximity to the medieval settlement of Glemsford. However, this site has never been the subject of systematic archaeological investigation. Given the scale and position of the proposed development, and the proximity of known heritage assets, there is high potential for previously unidentified archaeological remains to be present. The proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist.

I therefore recommend that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of any planning application submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined (and which are still currently unknown). This large area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent). This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework.

**Highway Authority:** The NPPF focuses on the importance of promoting sustainable transport and give priority to pedestrian and cycle movements. The site access is approximately 350m to the nearest bus stop and 650m to the village amenities (by road). The applicant proposes to improve the public footpaths around and to the site as the main pedestrian access. However, Footpath 41 that joins Stanway Close is very narrow (0.6m wide), and there is not any scope to widen it due to walls and fences for adjacent private dwellings. Therefore, it will not provide sufficient width for wheelchair users, buggies, pushchairs etc. Footpath 42 adjacent to the new development off Brook Street is also restricted due to available width and the large hedges on the south of the path; this link would be very dark and would require street lighting if used as the main route for pedestrians.

There is not an adequate footway for pedestrians to walk from the site along Low Street into Churchgate. The applicant has stated they are proposing a footway on Low Street that could link with the existing footway network to the south of the site, although there are some engineering difficulties such as high banked verges, our preferred option would be to construct a new footway adjacent to the carriageway. At present, the proposals for pedestrians and cyclists are not appropriate and therefore it is not considered a sustainable location from a transport policy perspective. At present, we would recommend a holding refusal on this application until the above points can be addressed, we look forward to receiving further information.

**SCC: Developer Contributions:** SCC anticipates the following minimum pupil yields from a development of 101 dwellings (taking into account the type & mix), namely:

- a) Primary school age range, 5-11: 20 pupils. Cost per place is £12,181 (2018/19 costs).
- b) Secondary school age range, 11-16: 14 pupils. Cost per place is £18,355 (2018/19 costs).
- c) Secondary school age range, 16+: 3 pupils. Costs per place is £19,907 (2018/19 costs).

The local schools are Glemsford Primary Academy (catchment and nearest school to the proposed development), Cavendish CEVC Primary School (2nd nearest to the proposed

development and 2-3 miles away but no safe walking route), Hartest Church of England Primary School (3rd nearest to the proposed development and 2- 3 miles away but no safe walking route), Ormiston Sudbury Academy (catchment school but 2nd nearest to the proposed development and over 6 miles away), Stour Valley Community School (nearest to the proposed development and over 3 miles away), and Thomas Gainsborough School (3 rd nearest to the proposed development and over 6 miles away).

The County Council has commissioned a feasibility report for Glemsford Primary Academy as part of the work for the emerging Joint Local Plan. Early indications suggest that expanding the school accommodation in order to increase the pupil admission number (PAN) will be a challenging project due to the nature of the school site and the building.

The school is a Listed Building and the site is constrained. There is also a detached playing field, separated from the school by a road, which is currently leased to the school until 2022. The landowner is not willing to sell the playing field to guarantee its long-term availability but is potentially willing to offer a longer lease – discussions are ongoing about this issue. In addition, due to the school site constraints it is not possible to provide any parking on site which will be a further complication to address even if the school is capable of being expanded.

If the primary school is not able to be expanded then pupils will be offered places at the next nearest schools, either at Cavendish or Hartest. As it is currently not known if the existing village primary school can be expanded, the school capacity is forecast to be exceeded based on basic need and additional children arising from new development. This may also result in those children currently living in the catchment area being displaced by children arising from housing growth. As a result, pupils will need to be transported to schools in surrounding settlements. Clearly, this could result in a legacy of an unsustainable pattern of primary school provision.

Based on existing forecasts SCC will have no surplus places available at the catchment primary and secondary schools. If the catchment primary school (or suitable alternative local schools) can be expanded a future minimum CIL funding bid of at least £243,620 (2018/19 costs) will be made to Babergh District Council and for secondary school provision a future minimum CIL funding bid of at least £316,691 (2018/19 costs) will be made.

From these development proposals SCC would anticipate up to 16 pre-school children arising which is equivalent to 9 FTE (30 hours per week), at a cost per place of £8,333. This proposed development falls within the ward of Glemsford and Stanstead ward. There is currently a surplus of 1 place in this ward. Therefore, a future CIL funding bid of at least £66,664 (2018/19 costs) will be made.

A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both onsite and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate.

**SCC Flood and Water Management:** Maintain holding objection because the applicant cannot demonstrate that the proposed flood risk to this area has been reduced or removed. By allowing development in this area at this time will be placing new dwellings in a surface water flood risk area which is contrary to the NPPF.

**Environmental Health, land contamination:** I note that the applicant has failed to submit the required BS10175 compliant desk study and site walkover with the application. Without this

documentation we would be minded to recommend that the application be refused on the grounds of insufficient information.

**Glemsford Parish Council:** Recommended for refusal Reasons: Access issues, Lack of traffic survey, Insufficient detail of landscaping.

**Stanstead Parish Council:** Deep concerns regarding the proposed building of homes on the site adjacent to Low Road in Glemsford.

This is a significant and major development and as the most obvious and direct route into Sudbury it will inevitably impact on Lower Road in Stanstead with through traffic.

Accepting each family has at least two cars future prospects mean we will be looking at in excess of 350 cars using Lower Street. There is of course the additional worry of Heavy Goods and trade vehicles accessing the site through Stanstead during the period of building.

We have experienced three major accidents on Lower Road in the last 12 months, the last sadly resulting in the death of one of our elderly residents who was simply crossing the road from her house to post a letter.

**Arboricultural Officer:** I have no objection in principle to this application as the existing agricultural land use means few, if any, significant trees are likely to require removal. The established trees and hedges along the southern and western boundaries should be retained in order to help soften and integrate any development within the local landscape.

**Strategic Housing:** 35 affordable homes are proposed which is 35% of the 101 non retirement dwellings and therefore policy compliant. In regard to the retirement living apartments 35% in a form of a separate block will be sought for affordable homes or at a minimum a commuted sum payment in lieu of on-site provision.

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

The proposal includes for 35 retirement living apartments which is a smaller scheme than previously submitted. The retirement living scheme is proposed in the form of: - 21 x 1 bed apartments and 14 x 2 bed apartments The application proposes that these will all be for market sale; therefore an Affordable housing Commuted sum payment will be required for the 12 dwellings that should be for affordable housing tenure.

This application proposes the following mix as open market provision: -

- 12 x 1 bed houses = 18%
- 22 x 2 bed houses = 34%
- 29 x 3 bed houses = 45%
- 1 x 4 bed house = 2%
- 2 x 5 bed houses = 3%

**Public Rights of Way:** Government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission

and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered and that public rights of way should be protected.

Footpath 41, Footpath 42, Bridleway 44, and Footpath 44X Glemsford are all recorded through or adjacent to the proposed development area. We do not have any objections to this proposal.

**Environmental Health, noise:** I can confirm with respect to noise and other environmental health issues that I do not have any objections to the proposed development. Recommend conditions relating to working hours.

**Environmental Health, air quality:** Having reviewed the application I can confirm that the scale and nature of the development is unlikely to result in the exceedance of Local Air Quality Management objectives and as such I have no objection to the proposed development.

**Highways England:** No objections

**Suffolk Fire and Rescue Service:** Provides comments relating to access and fire hydrants.

**Ecology:** We have reviewed the Ecological Survey Report relating to the likely impacts of development on Protected & Priority habitats and species. We are satisfied that this assessment provides sufficient ecological information available for determination. This ensures certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements that should also be secured by a condition on any consent. It will also enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. No objection subject to securing ecological mitigation and enhancements.

**Anglian Water:** The foul drainage from this development is in the catchment of Glemsford Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

**Environmental Management – Sustainability:** We have reviewed this application and assessed the sustainability credentials of the proposal. Unfortunately the information provided is scant on detail and where claims are made they are questionable ( eg majority of dwellings having a south aspect ) For a development of this size we expect much more forethought as to how council sustainability policies can be met. Therefore our recommendation is refusal.

**NHS England:** There is 1 branch surgery within 2km radius of the proposed development. The GP practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore a developer contribution towards the capital funding to increase capacity within the GP Catchment Areas would be sought to mitigate the impact.

**Suffolk Preservation Society:** Have serious concerns regarding the impact of this development on the setting of St Mary's Church and the Glemsford Conservation Area the heritage assessment understates the impact that the loss of the far reaching rural views over the proposed site, which can be enjoyed from and to the church, will have on the significance of the church. The church commands an impressive presence in the landscape which would be eroded by the proposals.

The BDC 2018 Heritage and Settlement Sensitivity Study, while concluding that the whole village of Glemsford has an overall assessment of medium/high sensitivity explains that there is an important cluster of buildings in close proximity to the church to the north-east. The value of this historic settlement area is high.

Whilst the revised layout has set the development back from Low Street, the harmful impact when viewed from the southern boundary and Chequers Lane remain. Moreover the sole vehicular access to the site is still located just to the north of St Mary's Church on Low Street. The introduction of an access road into a large housing estate will further impact the character of the rural setting of the church and the conservation area, introducing an unwelcome urbanising effect.

## **B: Representations**

Approximately 429 objections have been received at the time of report authoring. Grounds of objection are summarised as follows:

- Proposal is not in accordance with NPPF or Local Plan
- Development is outside the settlement boundary on greenfield site.
- Development is detrimental to the character of the Conservation Area
- Lack of employment opportunities within Glemsford resulting in more commuting from the village
- Lack of capacity at Health centre
- Lack of capacity at School
- Detrimental to the setting of Grade I listed St Mary's Church
- Detrimental to the setting of listed buildings
- Loss of important views towards the church
- Detrimental impact on Special Landscape Area
- Insufficient access
- Lack of footpaths will create dangers for pedestrians
- Surface water flooding risk
- Loss of Grade 2 agricultural land
- Loss of privacy due to increase use of footpaths close to properties
- Existing road network is at capacity and poorly maintained
- Impact on road network during construction process due to HGVs
- Will result in further development on wider field in future
- Current sewerage system is at capacity
- Detrimental impact on sensitive character at village edge
- Impact on ecology
- Poor pedestrian access for secondary school students to bus stops
- Undulating land may cause flooding

## **PLANNING HISTORY**

No relevant history.

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

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### **1. The Site and Surroundings**

1.1. The application site comprises 8.3ha of (Grade 2) agricultural land located to the northeast of Glemsford. The subject land adjoins the existing built up area of the village on the west and south. Glemsford is designated as a Core Village in the Babergh Core Strategy 2014.

1.2 The boundary of the site comprises the rear gardens of properties on Brook Street/ Chequers Lane and Foundry Close on the West, Chequers Lane/ PROW to the North of the site, Low Street and the remainder of the agricultural field to the East and properties off Low Street to the South.

1.3 The site slopes down from the south to the north. The boundary to Low Road has some a partial hedgerow comprising small trees. There is also hedging along the South and West elevations.

1.4. Glemsford Conservation Area forms the boundary to the site to the North and East and is between 50 and 100 metres to the site boundary to the South. The Grade I listed Church of St Mary is located to the North East of the site and the Grade II\* listed Monks Hall is located approximately 200m to the North East of the site.

1.5 The site is located with the Dedham Vale and Stour Valley project area and a portion of the site is located within a Special Landscape Area.

1.6. A footpath is located on the southern boundary of the site providing access between Brook St and Low St. Another footpath goes through the site providing access between Bells Lane via Stanway Close and Chequers Lane where it meets with a bridleway/footpath leading north of the site to Monks Hall.

1.7. 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.

### **2. The Proposal**

2.1 The outline planning application is for up to 101 dwellings and 35 retirement living apartments with associated infrastructure, public open space, landscaping and details of highways access. All matters, with the exception of access and landscaping are reserved for further consideration at detailed stage.

2.2 The original application was for 98 dwellings and 60 retirement living apartments, the application was revised during the course of the application process to decrease the overall number of units from 158 to 136 and increase the landscaped buffer zone along the north east boundary of the site.

2.3 An indicative layout has been provided. Key elements of the indicative layout are as follows:

- Single highway access point from Low Road.

- Up to 101 residential dwellings (16 dwellings per hectare) and 35 retirement dwellings including 35% affordable housing for the non-retirement elements only, delivered in accordance with current adopted planning policy.
- The 35 unit retirement living accommodation would be located in four blocks (three blocks of 10 dwellings and one block of 5 dwellings) located in the centre of the site.
- A broad mix of dwellings and house types proposed, ranging from 1-5 bedroom units. The vast majority of dwellings would be smaller dwellings with only 1 four bed house and 2 five bed houses.
- The majority of buildings being no more than 2 storeys in height. 31 bungalows are proposed. It is proposed that the apartment blocks will reflect the 2 storey height of the surrounding dwellings.
- Landscape buffer incorporating retention basin and public open space provided on north east boundary to site.
- Upgrading of, footpaths within site and potential to upgrade footpaths outside of the site.

### **3. The Principle of Development**

3.1 Paragraph 11 of the NPPF directs that planning decisions should apply a 'presumption in favour of sustainable development'. For decision-taking purposes, that policy operation is set out as follows:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date [see footnote 7], granting permission unless:
  - i. the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development [see footnote 6]; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole.'

3.2 Footnote 6 provides an exhaustive and closed list of policies in the NPPF that protects areas and assets of particular importance; including designated heritage assets. Footnote 7 provides, inter alia, that the most important policies for determining a housing application will be deemed to be out of date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

3.3 The Babergh Local Plan Core Strategy was adopted in February 2014 and it is therefore now more than five years old, meaning that local housing need is calculated using the 'standard method' as opposed to the methodology in AMR of 2018. On that basis, and in reviewing the 2018 land supply update the Council can currently demonstrate a housing land supply of 4.92 years (which equates to a modest shortfall of 35 dwellings). However, as explained in the body of this report, there are clear reasons for refusing the application in relation to heritage assets and as such the tilted balance at paragraph 11(d)(ii) of the NPPF is therefore not engaged.

3.4 Policy CS2 (Settlement Pattern Policy) designates Glemsford 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 entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 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 in this instance.

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. It also acknowledged that in the event of a housing supply shortfall the weight to be afforded to that policy should be reduced further. The fact that the site is outside the settlement boundary is therefore not necessarily 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 CS11 and CS15 of the Core Strategy. Policy CS15 sets out a long list of desirable characteristics for development and which are based upon the principles of what might reasonably be considered to constitute “sustainable development”, consistent with the NPPF. Policy CS11 is also considered to be consistent with the aims of the NPPF. It is considered that both policies warrant a full weighting in making a decision on this 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 north east of Glemsford, adjoining the settlement boundary, an edge-of-settlement location where the criteria set out in Policy CS11 are engaged.

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
- 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

3.14 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.

Landscape

3.15 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 site falls within the Stour Valley Project Area which is afforded special consideration through the policies contained within the Dedham Vale AONB and Stour Valley Management Plan (2016-2021). The proposal represents major development within the Stour Valley Project Area. The site is adjacent to and partly within the Stour Valley Special Landscape Area which is designated because of its landscape sensitivity and scenic quality.

3.18 The presence of the historic Church, the gently rolling landform, the SLA designation, the lack of visible development on the skyline and the long views out over the Glem Valley elevates the landscape value to the north of Glemsford above ordinary countryside to that of a Valued Landscape which paragraph 170 of the revised NPPF seeks to protect and enhance.

3.19 The application is supported by a Landscape and Visual Impact Appraisal (LVIA), although this has not been updated when the proposals were revised. The LVIA has been reviewed by the Council's Landscape Consultant who has concerns that the proposal will negatively impact on the setting of a Grade 1 listed heritage asset, the Glemsford and Stour Valley Project Area and surrounding landscape and that the proposed site plan in its current form, density and landscaping strategy will not adequately mitigate its impact on the local landscape or support the conservation of the landscape character.

3.20 The Dedham Vale AONB and Stour Valley Project Officer has stated that they do not consider that a development of this scale and given its hill top position and the rolling topography of the landscape around Glemsford, can be delivered without harm to the Special Landscape Area and to the Stour Valley Project Area. The development will not maintain the special landscape qualities of the Glem Valley SLA or harmonise with the landscape setting as required by Local Plan Policy CRO4. The proposed development will also impact on the Natural Beauty and special qualities of the Stour Valley Project Area around Glemsford and will permanently alter the landscape character of the Estates Ancient Farmlands Landscape Character Type on the north eastern edge of Glemsford

3.21 Much of the existing settlement of Glemsford, despite its elevated position above the Glem Valley, is not visible as recognised in the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015. The guidance states that ‘all the lanes leading into Glemsford consist of mature hedges and trees which softens the edges of the village. Although Glemsford is in an elevated location surrounded by agricultural fields the surrounding woodlands and nearby mature planting provides screening from the roads.’ The most prominent and dominant feature visible in the landscape in Glemsford is the church.

3.22 The skyline on the northern edge of Glemsford when viewed from PROWs in the Glem Valley is currently predominantly free of built development, apart from St Mary the Virgin church. The development will involve the positioning of the new housing on higher ground which will be very visible. The LVIA acknowledges that the development will involve a long term landscape/visual change close to the site from an agricultural landscape to a housing estate development. The LVIA states that any long term landscape and visual change from long views into the site e.g. from the Glem Valley, would be significantly reduced by the proposed mitigation planting, once it has matured. However due to the site’s topography and the positioning of the new housing on the higher ground, the AONB officer is unconvinced that the proposed landscaping will adequately mitigate the impact of the development in the local landscape or conserve the landscape character.

3.23 In conclusion, there is considered to be a significant and substantial level of harm posed by the development to a Valued Landscape due to the scale, siting and form of development.

#### Conservation Area

3.24 The application site abuts or is close to the Glemsford Conservation Area on three sides. Both Historic England and Council’s Heritage Officer has objected to the proposals due to the detrimental impact the development will have on the Conservation Area. The development of the site would compromise the way in which the conservation area is experienced; it would change the character of the land from open, agricultural land to a large housing extension to the village. It would also separate this part of the conservation area from the rural hinterland with which it has historically had a direct relationship

3.25 Views into and out of Conservation Areas can be fundamental to an appreciation of the significance of the place. The existing views from the B1065 and B1066 are extremely positive, particularly because they combine with the church and the edge of the Conservation Area. The Heritage Officer has stated that the proposed large scale development which will be perceived on the brow of the hill (when seen from the north and east) will undeniably have a substantial impact on the setting of both the church and the character and appearance of the adjacent CA.

#### Listed Buildings

3.26 The northern part of the Glemsford has three historic nuclei, contains a number of listed buildings and three of the give highly grade buildings in the parish. The oldest and most significant building is the Church of St. Mary. The church is strikingly positioned on the high ground at the north eastern edge of the village. It has a commanding presence over the landscape beyond and acts as a landmark on the approach to the village from the north and in the long views from the countryside to the north. It is Grade I and the listing description explicitly states it is graded for its architectural, historic and topographical value. In the open landscape to the north east of the conservation area on the lower slope of the river valley lies, the predominantly sixteenth and seventeenth century Monks Hall which is grade II\* Listed.

3.27 The development site lies to the north west of the church on the opposite side of Low Street. While it does not directly abut the churchyard, the development would be seen in views from the surrounding area and in conjunction with views of the church from this area and from the wider landscape to the north of the village. These views of the church contribute to the significance of the building, both emphasising the important role of the church and providing a fine view. Similarly views from the church over the open landscape illustrate the historic relationship the church had with the surrounding landscape. This relationship between the church and its immediate landscape has largely survived to date. The development on land to the north east would impact on these views and erode this.

3.28 Monks Hall lies to the north of the village. It sits in an isolated position with the adjacent cottages. In views from the north it is seen in conjunction with the village and church in the background. This is a historic and enduring relationship. The agricultural setting both helps to illustrate the function of the Hall and provides an attractive setting for the building. The extension of the village would reduce the separation between the Hall and the development. This would result in some harm to its significance experienced in this area.

3.29 Paragraph 196 of the NPPF states that 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. It is the view of the Heritage Officer that the impact on the Church will be the highest end of less than substantial harm. While there will be benefits from the proposal, principally new homes including affordable homes and retirement apartments plus public open space and potential improvements to the PROW network these benefits by no means outweigh the detrimental effect on the listed buildings.

## Archaeology

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3.30 This large site has very high archaeological potential. It comprises of gently sloping arable land overlooking the River Glem and one of its tributaries. Such positions in the landscape have been shown to be preferred sites of occupation throughout human history and the site, which has not been systematically assessed, has very high potential for archaeological remains.

3.31 SCC Archaeology Service has recommended that in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of any planning application submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined.

3.32 The applicant has confirmed that they are not willing to undertake a full archaeological evaluation at this point. Therefore, there is insufficient information to assess the impact the

development will have on archaeology. This is contrary to objective 6 of Policy CS15 of the Babergh Local Plan and paragraphs 128 and 129 of the National Planning Policy Framework.

The locational context of the village and the proposed development

3.33 The site abuts the BUAB, however pedestrian linkages to existing facilities and services in Glemsford are poor. The existing footpaths which lead out of the site are narrow and have limited space for expansion. The footpath to the rear of Foundry Court is overgrown by vegetation from neighbouring properties and is unlit while the footpath through Stanway Court to Bells Lane is constrained by the proximity of dwellings and cannot be made suitable for wheelchairs or prams. This is especially detrimental as Bells Lane contains a supermarket and bus stops. There is potential to improve the footpath to the rear of Foundry Court by cutting back vegetation and improving the footpath surface and lighting, although the long term maintenance of the lights would have to be agreed with the Parish Council.

3.34 While it is proposed to introduce a 1.8 wide footpath to the site frontage along Low Street would be of limited value as there is no footpath beyond the site and pedestrians would be forced onto the verges and road. The Highway Authority has recommended that the proposed footpath is extended along Low Road and Churchgate until it reaches the existing footpath. However, this is considered detrimental to the rural character of the area and would not be a convenient way to access the village facilities.

3.35 Glemsford is considered a sustainable location for development. There are numerous amenities within a 10 to 15-minute walk of the site, including Glemsford Primary Academy, doctors surgery, library, Church, two supermarkets and a number of public houses. Glemsford is served by a two hourly bus service on a route to Clare and Sudbury.

Site location and sequential approach to site selection

3.36 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 and is reasonably accessible by walking to the services and facilities in Glemsford. There are no sequentially preferable allocated sites in Glemsford, nor are there any sites within the built up area boundary, which would enable a development of commensurate scale.

3.37 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.

3.38 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

3.39 '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 Glemsford, and the functional cluster of smaller rural settlements which it serves.

3.40 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)

3.41 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.

3.42 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.

3.43 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. An absence of justified housing need is an application shortcoming that does not weigh in favour of the proposal. However the vast majority of the dwellings will be small dwellings (1-3 bedrooms), there will also be a good range of different types of dwellings, including 1 and 2 bedroom retirement apartments, 1,2 and 3 bedroom bungalows, and 1-5 bedroom dwellings.

#### Locally Identified Community Needs

3.44 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).

3.45 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

3.46 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 136 dwelling development will generate increased infrastructure demand.

3.47 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.'

3.48 So where strain does occur, it will be addressed by the appropriate infrastructure authorities who will be funded to undertake the necessary works. This is likely to resolve capacity in relation to health and secondary schooling. There is however a significant issue with the ability of the primary school to expand.

3.49 The school capacity forecast for Glemsford Primary Academy is that existing places will be exceeded based on basic need and additional children arising from new development by. The County Council commissioned a feasibility report which has shown that expanding the school accommodation in order to increase the pupil admission number (PAN) will be a challenging project due to the nature of the school site and the building. The school is a Listed Building and the site is constrained by landownership issues.

3.50 As is likely that the primary school will not be able to be expanded then pupils will be offered places at the next nearest schools, either at Cavendish or Hartest. In the long term this may also result in those children currently living in the catchment area being displaced by children arising from housing growth. As a result, pupils will need to be transported to schools in surrounding settlements. This will result in a legacy of an unsustainable pattern of primary school provision.

#### Policy CS15 Sustainable Development

3.51 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.

3.52 As a Core Village, Glemsford 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 reasonable range of amenities to its resident population.

3.53 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Glemsford is reasonably well connected with the surrounding settlements via the local highway network. Sudbury rail station is a relatively short distance from the site. 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.

3.54 It is acknowledged that there will be a high proportion of car travel from Glemsford, as people travel out of the village to work, however it is also important to take into consideration that there is some provision of public transport in Glemsford, which provides an alternative mode of transport for a variety of activities including employment, retail and recreation.

3.55 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 Glemford, underpinning social capacity, providing affordable housing and widening the housing mix overall.

#### 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 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. There is no technical evidence to indicate that the proposed access, or the resultant increase in vehicles on the local network from 136 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 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.

#### 5. Trees, Ecology, Biodiversity and Protected Species

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5.1 An Ecological Survey Report supports the application. Place Services (Ecology) are satisfied that this assessment provides sufficient ecological information available for determination and that with appropriate mitigation measures secured, the development can be made acceptable. Biodiversity enhancements will ensure that the development provides future habitats for ecology. The proposal responds adequately to criterion vii of Policy CS15.

5.2 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.

5.3 Council's Arboricultural Officer does not raise an objection to the scheme as the existing agricultural land use means few, if any, significant trees are likely to require removal. There are no arboricultural grounds upon which to decline the application.

#### 6. Land Contamination

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6.1 The application is not supported by a BS10175 compliant desk study and site walkover Land Contamination Assessment. Although the land has been agricultural land and therefore any risk is relatively low, Environmental Protection has raised an objection due to insufficient information to ensure the land can be developed without prejudice to the health of the occupiers. The proposal does not comply with criterion vii of Policy CS15 insofar as it relates to land contamination.

## 7 Flooding and surface water management

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7.1 The site is within flood zone 1 and it therefore at a low risk of flooding. However given the topography of the site where is a small area of the site which is potentially vulnerable to surface water flooding and the Flooding and Surface Water Management Officer had recommended a holding objection to the development because the applicant could not demonstrate that the proposed flood risk to this area has been reduced or removed.

7.2 The applicant has revised the indicative layout to ensure that there is no built development within the area which is potentially vulnerable to surface water flooding and this is considered to be adequate to ensure that no occupiers are vulnerable to flooding.

## 8. Impact on Residential Amenity

8.1 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.

8.2 A construction management plan could be secured by planning condition to ensure construction works do not adversely affect existing residents' amenity.

8.3 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 indicative layout shows dwellings backing onto neighbouring properties will reasonable sized gardens, ensuring existing amenity levels for neighbouring residents are appropriately safeguarded.

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## **PART FOUR – CONCLUSION**

### **9. Planning Balance and Conclusion**

9.1 Council does not benefit from a five year housing supply, however due to the unacceptable impact of the development upon heritage assets the tilted balance at paragraph 11(d) of the NPPF is not engaged and of itself this directs that permission should be withheld.

9.2 Officers are mindful of the Draft Joint SHLAA, May 2016 which supports use of part of the site for residential development of approximately 125 dwellings, however it is considered the SHLAA did not adequately consider the impact the development has on the surrounding landscape, Conservation Area and listed buildings. Following further evidence for the Joint Local Plan, Planning Policy now consider Glemsford to be heavily constraint by its location and context and is not emerging as an area for significant major growth allocation.

9.3 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.

9.4 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 and issues in relation to heritage and landscape are particularly significant.

9.5 The land is in a sustainable location, within reasonable 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.

9.6 The landscape to the north of Glemsford is considered a Valuable Landscape which the NPPF requires development to enhance. The development of the site will substantially alter, to an unacceptable extent, the rural setting of the village and will be detrimental to the Special Landscape Area. A proposal that leads to a harmful loss of open countryside runs counter to Policies CR04, CS11 and CS15. 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. The NPPF states that development should contribute to and enhance the natural and local environment. The scheme falls short in this regard.

9.7 Due to its location on a high point overlooking the Glemsford Conservation Area, the development is considered to be detrimental to the setting of the Conservation Area. Contrary to Policies CN08, CS11 and CS15.

9.8 The development due to its siting and scale will be detrimental to the setting of the Grade I listed Church of St Mary and the Grade II\* listed Monks Hall. Paragraph 196 of the NPPF states that 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. It is considered that the impact on the Church will be the highest end of less than substantial harm. While there will be benefits from the proposal, principally new homes these benefits by no means outweighs the detrimental effect on the listed buildings.

9.9 The site has high archaeological potential and in the absence of an archaeological evaluation there is insufficient information to assess the impact the development will have on archaeology. This is contrary to Policy CS15 and the NPPF.

9.10 The applicant has not demonstrated how the 136 dwellings serve an identified local need. However the proposal is for a large range of dwellings including bungalows, retirement apartments and 1 – 5 bedroom houses, the vast majority being smaller dwellings. Regardless, the absence of evidence satisfying the relevant criterion of CS11 must weigh against the application.

9.11 The size of the site is such it can readily accommodate the proposed 136 dwellings without compromising internal amenity or neighbouring residents' amenity.

9.12 The local highway network has capacity and there are no adverse highway safety implications. Biodiversity can be managed at the reserved matters stage of the development process.

9.13 In the absence of a Land Contamination Appraisal there is insufficient information to assess the impact the development could have on the long term health of the occupants. This is contrary to Policy CS15.

9.14 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. Due to the significant constraints to expanding Glemsford Primary Academy the development is considered to have the potential to have an unacceptable impact on primary schooling within the village which cannot be resolved by additional funding.

9.15 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.

9.16 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 harm to the valued landscape, Conservation Area and listed buildings and the social disbenefits due to the potential impact on primary education.

9.17 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 authority be delegated to Corporate Manager - Growth & Sustainable Planning to refuse outline planning permission for reasons including:

1. The proposed development, by virtue of its scale, siting and location, would cause significant harm to a Valued Landscape and Special Landscape Area, contrary to Policies CS11 and CS15 of the Babergh Core Strategy (2014) and Policy CR04 the Babergh Local Plan (2006) and paragraphs 127 and 170 of the National Planning Policy Framework.
2. The proposed development, by virtue of its scale, siting and location, would fail to preserve or enhance the Glemsford Conservation Area and cause less than substantial harm to the setting of the listed St Marys Church and Monks Hall and this harm would not be outweighed by the public benefits of the development, contrary to Policies CS11 and CS15 of the Babergh Core Strategy (2014) and Policy CN06 and CN08 the Babergh Local Plan (2006) and paragraphs 193 and 196 of the National Planning Policy Framework
3. The proposed development, by virtue of its scale and the lack of capacity of Glemsford Primary Academy to expand would result in unsustainable commuting to alternative primary schools for children within the village, which CIL funding cannot compensate for, contrary to Policy CS21 of the Babergh Core Strategy (2014) and paragraph 94 of National Planning Policy Framework.

4. In the absence of an archaeological evaluation there is insufficient information to assess the impact the development will have on in situ archaeology. This is contrary to Policy CS15 of the Babergh Core Strategy (2014) and paragraph 189 of the National Planning Policy Framework.
5. In the absence of a Land Contamination Appraisal the application has failed to submit the minimum requirements of para 178 of the National Planning Policy Framework to demonstrate that the site is suitable for the proposed end use contrary to Policy CS15 of the Babergh Core Strategy (2014) and paragraph 178 of the National Planning Policy Framework.
6. In the absence of a signed s.106 agreement there is no mechanism to ensure the delivery of affordable housing and measures to improve the footpath network within and adjacent to the site contrary to Policies CS19 and CS15 Babergh Core Strategy (2014) and paragraphs 63 and 65 and 108 and 110 and the National Planning Policy Framework.