

## **Committee Report**

**Item 6A**

**Reference:** DC/19/04105

**Case Officer:** Steven Stroud

**Ward:** Brantham

**Ward Member/s:** Cllr Alastair McCraw

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### **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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#### **Description of Development**

Outline Planning Application (some matters reserved – site access to be considered) - Erection of up to 150 dwellings, use of land for community facilities, public open space, landscaping, a sustainable drainage system (SuDS), and vehicular access point from Brantham Hill (following demolition of existing bungalow and outbuildings).

#### **Location**

Land West Of Brantham Hill, Brantham CO11 1ST

**Expiry Date:** 02/12/2019

**Application Type:** Outline Planning Application

**Development Type:** Major Dwellings

**Applicant:** Gladman Developments Ltd

**Parish:** Brantham

**Site Area:** 9.36 hectares (proposed residential built area 4.3ha)

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

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1. The application is referred to committee for the following reason:
  - i. It is a major application for a residential development of 15 or more dwellings.

## PART TWO – APPLICATION BACKGROUND AND DETAILS

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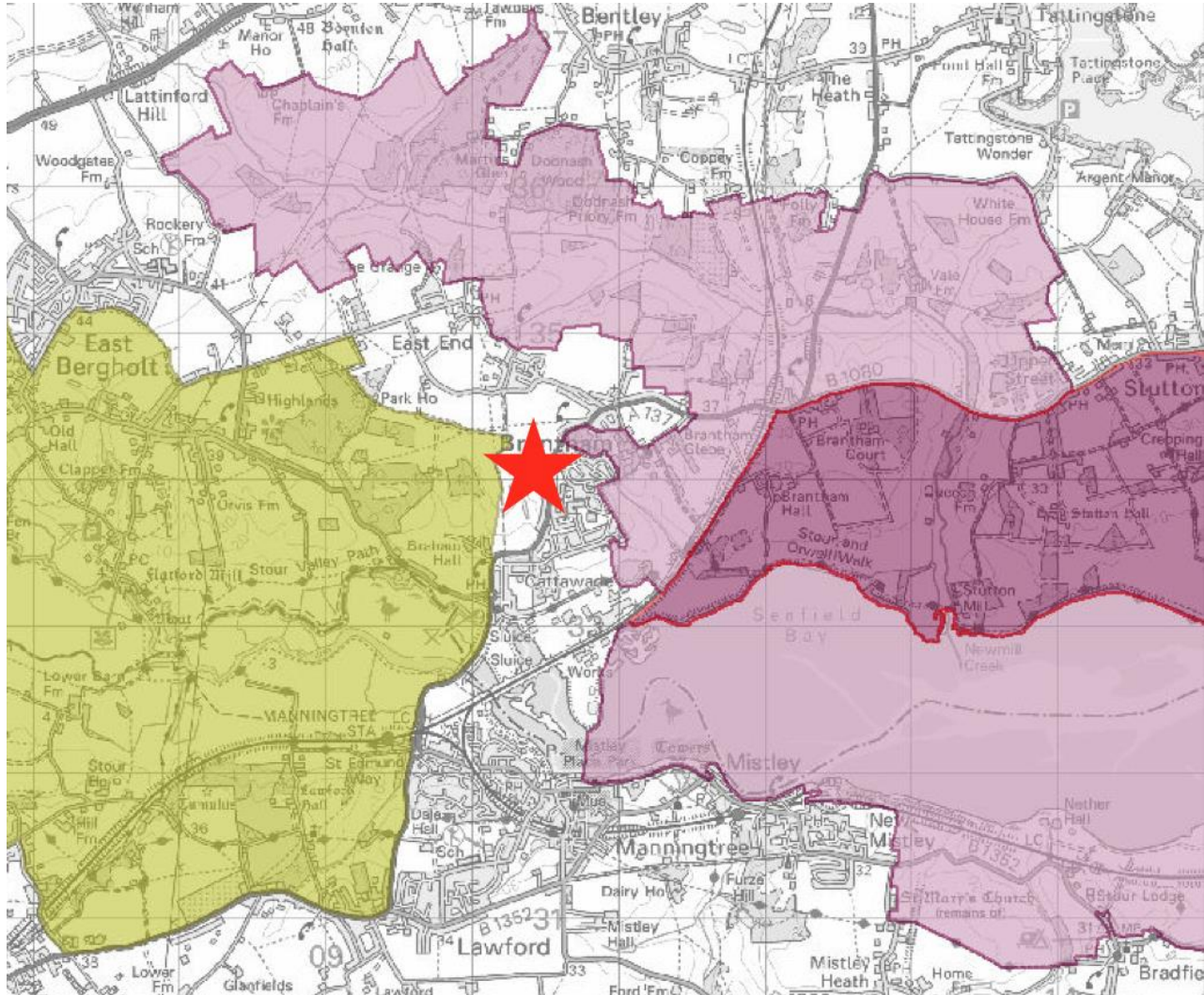
### Site and Surroundings

2. The site comprises 9.36ha of predominantly agricultural, rising land to the west of Brantham Hill, Brantham. The eastern boundary of the site as it meets Brantham Hill includes an existing dwelling and a number of outbuildings, proposed to be demolished to facilitate the development. This area falls within the built-up area boundary (“BUAB”) of Brantham; however, for practical purposes the development site is outside of and abutting the BUAB, with only the access point and proposed community land use area falling within.
3. Brantham Hill is the main vehicular route through and around the village and connects Essex to Suffolk; Manningtree to Ipswich. Manningtree railway station is approximately 2.5km from the site and the centre of East Bergholt is 5km away. Brantham is designated as a Hinterland village within the Core Strategy where it is expected that such villages will accommodate some development to help meet the needs within them. Brantham holds a range of services and facilities including a *Coop* food store, primary school, veterinary surgery, and pubs/restaurants.
4. Members will recall that they recently approved the reserved matters for a development of 288 dwellings at land south of Brooklands Road, within the village. The developer, Taylor Wimpey, has agreed a statement of common ground with the Council in respect of that site with dwellings expected to be delivered from 2020 onwards. The supply of homes to be provided by that development has been accounted for in the Council’s recent annual housing land supply position statement<sup>1</sup>.
5. Public Rights of Way (“PRoW”, including footpath/bridleway nos. 1, 2, 17, 18, 19, and 20) run adjacent to, or in proximity of, the site. A further footpath – non-designated – runs adjacent to the northern site boundary. The site is not within or adjacent to a Conservation Area and no designated heritage assets would be materially affected by the development proposed. The site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding.
6. The site is not within or adjacent to a Special Landscape Area. However, the landscape is nevertheless considered to be of value and the site abuts the eastern edge of the Dedham Vale (“DV”) Area of Outstanding Natural Beauty (“AONB”) on its western boundary. It is also close to the western edge of the Suffolk Coast and Heaths (“SCH”) AONB.

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<sup>1</sup> Available at: <https://www.midsuffolk.gov.uk/assets/Strategic-Planning/AMR/Babergh-District-Council-Housing-Land-Supply-Position-Statement-Sep-2019.pdf>

7. It is understood that an Order to vary the extent of the SCH AONB designation presently rests for sign-off with the Secretary of State. It is reasonably foreseeable that the Order will be approved and the consequence of that will be for the SCH AONB to have its boundaries extended such that it will fall within a much closer proximity to the application site on both its eastern and northern boundaries. A representation of those expected boundary changes is presented below (existing DV AONB in yellow; SCH AONB bordered in red with extension bordered in purple; application site, starred) . The extension is a material consideration but for sake of caution this application has in any event been considered based upon the AONBs as currently designated.



## **Proposal**

8. The Applicant seeks outline planning permission for a residential development of up to 150 dwellings with associated infrastructure and an area of land reserved for community uses,

alongside public open space and landscaping. Specifically, across the 9.36 site area it includes the following:

- Demolition of Brookland Farm Bungalow and associated outbuildings;
- Up to 150 residential dwellings across 4.3ha (including 35% affordable housing);
- Vehicular access from/to Brantham Hill (0.03ha);
- 0.1ha of land for community use/facilities; and
- 4.93ha of green infrastructure, including new structural landscape planting/management and reinforcement of existing landscape, public open space, sustainable drainage system ("SuDS") (0.75ha), and play area (0.14ha).

9. As an outline application, detailed matters relating to access (in so far as internal circulation routes are concerned), layout, appearance, scale, and landscaping are reserved for formal determination at a later date. Where all matters save for access into the site are reserved, Members are tasked with considering the acceptability of the principle of the development applied for, alongside the suitability of highway access from Brantham Hill which is included in the application for detailed approval.
10. To support the application, a Development Framework ("DF") plan has been provided and which has not been labelled as being for illustrative or indicative purposes only. In such circumstances, the national Planning Practice Guidance ("PPG") advises that the Council must treat those details as being part of the development in respect of which the application is being made<sup>2</sup>. Even where the DF is taken as being purely illustrative it is no less important that the application demonstrate how the development being applied for can appropriately respond to its situational context.
11. The DF demonstrates a site of two approximate halves: residential development to the east, and a landscape buffer between that development and the DV AONB to the west, with proposed connections to the footpath and PRow adjacent to the site. Whilst it is unclear precisely what community use or facility is intended to be accommodated in the allocated area, that land is located to the east of the site near to the vehicular access and the Brantham Hill frontage.
12. The application is supported by a suite of documents and plans, including:
  - Development Framework plan;
  - Design and Access Statement;
  - Planning Statement;
  - Transport Assessment (and updated Technical Note);
  - Landscape and Visual Assessment;

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<sup>2</sup>'Making an Application' – Paragraph: 035, Reference ID: 14-035-20140306.

- Ecological Appraisal and surveys;
- Flood Risk Assessment;
- Policy CS11 and CS15 Compliance Statement; and
- Various other environmental assessments (noise, air quality, etc.).

13. The application plans and documents (including consultation responses and third-party representations) can be viewed online<sup>3</sup>. Alternatively, copies are available to view at the Council offices<sup>4</sup>.

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## **PART THREE – CONSULTATION**

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14. All of those most recent or relevant responses received prior to the completion of this report are summarised below, which includes public representations and consultation responses. Nevertheless, all responses received are available to view on the Council's website and at its offices. Members are advised to consider them in full.
15. Any further responses or representations will be reported through the late papers "Addendum" function and/or verbally to Members at Planning Committee.

### **Consultee Responses**

#### **Brantham Parish Council**

16. Objects: contrary to policy; concern over access; harm to AONBs; loss of quality agricultural land.

#### **East Bergholt Parish Council**

17. Objects: contrary to policy/neighbourhood plan; harm to AONBs; poor transport links; infrastructure concerns.

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<sup>3</sup> Available at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>.

<sup>4</sup> Details of addresses and opening times are available at: <https://www.babergh.gov.uk/contact-us>.

### Suffolk County Council ("SCC") – Development Contributions

18. Comments: contributions required to mitigate the infrastructural impacts of the development, to be addressed by the Community Infrastructure Levy ("CIL"). Potential highway mitigation is currently unknown.

### SCC – Local Highway Authority

19. Objects: Transport Assessment is deficient; access is deficient; travel plan is deficient.

### SCC – Lead Local Flood Authority

20. Objects: while the applicant has provided an assessment of the predicted flood risk, there is insufficient information regarding a strategy for the disposal of surface water and the required storage volume required of the system.

### SCC – Archaeology

21. Objects: insufficient information to understand the likely impacts of the development given the high potential for archaeological remains being present.

### Essex County Council

22. No objection on educational issues; requests to be updated on progression of development/any subsequent appeal.

### Babergh District Council ("BDC") – Heritage

23. No objection: unlikely to impact upon the significance of any heritage assets.

### BDC – Planning Policy and Infrastructure

24. Objects: harm to AONB; harm to farming business; divergent from emerging Plan.

### BDC – Public Realm

25. No objection: the inclusion of a large area of public open space, local play area and improvements to the local wildlife corridors associated with the development are welcome.

#### BDC – Strategic Housing

26. Comments: 35% affordable housing is required and a condition should be imposed upon any planning permission granted to ensure an appropriate mix of housing is secured.

#### BDC – Ecology (Place Services)

27. Holding objection due to insufficient information on protected and priority species.

#### BDC – Landscape (Place Services)

28. Objects: Proposed mitigation/landscaping would not successfully reduce the harm to AONB setting; affects tranquillity; proposed green infrastructure is not well integrated; illogical extension to village.

#### AONB Project Board (Dedham Vale and Stour Valley)

29. Objects: The proposal represents a major development within the setting of the DV/SCH AONBs; adversely affects DV AONB tranquillity; contrary to emerging Plan; exceeds local need:

*‘Given the sites location relative to the Dedham Vale AONB particularly, the proposal has the potential to impact on tranquillity which is one of the AONB natural beauty indicators, through increased lighting and noise as it will extend the built edge of Brantham close to the AONB boundary. The proposal would also significantly and permanently alter the landscape character on the western edge of Brantham Hill from agricultural to residential. The fields to the west of Brantham Hill provide an important green buffer between the ribbon development along the western side of the A137 and the Dedham Vale AONB. They also provide an important setting function for Brantham Village on the west side of the A137. As such the proposal has the potential to reduce and undermine the setting function provided the agricultural land between the village and the AONB thereby altering the sense of place.’*

#### Anglian Water

30. Comments/No objection: there is capacity within the local network to accept foul water.

#### NHS – Clinical Commissioning Group

31. Comments: CIL contributions are required to mitigate the impact of the development.

## Natural England

32. Comments: Further information is required to determine impacts upon the Stour and Orwell Estuaries Special Protection Area.

## **Representations**

33. Other representations received are summarised as follows:
- Landscape harm/harm to AONB;
  - Insufficient capacity within the local highway network/junction impacts;
  - Highway safety concern/access is deficient;
  - Lack of local infrastructure to support the development;
  - Too many houses/local needs already met;
  - Reduction in property values;
  - Harm to ecology/biodiversity;
  - Flooding concern;
  - Loss of quality farmland;
  - Outside of settlement boundary;
  - No guarantee of affordable housing.

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## **PART FOUR – POLICY FRAMEWORK AND ASSESSMENT**

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### **POLICY FRAMEWORK**

34. Section 70(2) of the *Town and Country Planning Act 1990* requires, in dealing with an application for planning permission, a local planning authority to have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations.
35. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that applications for planning permission under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **The Development Plan**

36. Relevant to this application the statutory development plan comprises the following:



- Babergh Local Plan 2011-2031 Core Strategy (2014)
- saved policies from the Babergh Local Plan Alteration no.2 (2006)

37. From the development plan relevant policies engaged by this outline planning application include:

- CS1 – Applying the Presumption in Favour of Sustainable Development
- CS2 – Settlement Pattern Policy
- CS11 – Strategy for Development for Core and Hinterland Villages
- CS14 – Green Infrastructure
- CS15 – Implementing Sustainable Development in Babergh
- CS18 – Mix and Types of Dwellings
- CS19 – Affordable Homes
- CS21 – Infrastructure Provision
- HS31 – Public Open Space

38. Having regard to the application and the nature of the development proposed, alongside the locational context and responses received through consultation, and the key issues identified (subsequently explored in this report), the most important policies for the determination of the application are considered to be:

- CS1 – Applying the Presumption in Favour of Sustainable Development
- CS2 – Settlement Pattern Policy
- CS11 – Strategy for Development for Core and Hinterland Villages
- CS14 – Green Infrastructure
- CS15 – Implementing Sustainable Development in Babergh

39. With the exception of policy CS2, as will be explained, it is considered that Members can and should apply a full weighting to each of those most important policies.

40. Also relevant to this application, the development plan is supported by the *Rural Development and Core Strategy Policy CS11* supplementary planning document (“CS11 SPD”), adopted for decision-taking purposes in August 2014 and which was produced to provide guidance on the interpretation and application of Policy CS11. The CS11 SPD is not part of the statutory development plan; however, it is nevertheless an important material consideration informed through consultation and has been democratically approved.

## **The Joint Local Plan**

41. The Council is in the course of preparing a new Joint Local Plan (“JLP”) with the Mid Suffolk District Council which will replace the Core Strategy and saved 2006 Local Plan policies and will be used to manage development in both districts up to 2036. The Councils recently published the JLP for consultation (Regulation 18) which closed on 30<sup>th</sup> September 2019.
42. The closer a plan comes to being adopted, the greater the weight that can be afforded to it (but also dependant on the degree of objections to it). The emerging Plan is in its very early stages and it is afforded a limited weighting such that it plays no determinative role in this assessment.

## **The East Bergholt Neighbourhood Plan**

43. While the comments of the East Bergholt Parish Council are noted and are of importance, it is not considered that this application expressly engages the policies of that neighbourhood development plan where the application site falls outside of the designated area.

## **The National Planning Policy Framework**

44. The National Planning Policy Framework (“NPPF”) sets out the Government’s planning policies for England and how they should be applied. It is a material consideration for decision-taking purposes and can affect the weight to attach to policies of the development plan. It cannot, however, alter whether there is a conflict with the development plan nor undermine the statutory primacy that a development plan holds.
45. For the purposes of taking decisions, the policies of the NPPF should be considered as a whole. However, the following are of particular and direct relevance to this application:
  - Paragraphs 8 and 9 (achieving sustainable development)
  - Paragraphs 11 and 12 (the presumption in favour of sustainable development)
  - Paragraph 77 (rural housing)
  - Paragraph 98 (open space and recreation)
  - Paragraphs 108, 109, and 111 (promoting sustainable transport)
  - Paragraph 127 (achieving well-designed places)
  - Paragraphs 163 and 165 (planning and flood risk)
  - Section 15 (conserving and enhancing the natural environment)
  - Paragraph 189 (proposals affecting heritage assets)
  - Paragraph 213 (annex 1: implementation)

46. The NPPF is supported and complemented by the PPG. The guidance provided by the PPG is advice on procedure rather than explicit policy and is an online reference as a living document. It too is an important material consideration alongside the NPPF.
47. The operation known as the “tilted balance” (under paragraph 11d of the NPPF and Policy CS1) engages where the most important policies for determining an application are out of date. This does not apply here: the Council can demonstrate a deliverable housing land supply of 5.67 years and taken in the round the most important policies for determining the application are up to date.
48. Paragraph 213 states that existing policies should not be considered out of date simply because they were adopted prior to the 2019 iteration of the NPPF. It goes on to state that ‘due weight should be given to [development plan policies], according to their degree of consistency with this Framework’.
49. Policies CS1, CS11, CS14, and CS15 are all considered to be fully consistent with the NPPF and are given full weight.
50. Policy CS2 has previously been found to be consistent with national policy; hence, forming part of the Core Strategy as a post-2012 NPPF development plan document. It provides a strategy for the distribution of development that is appropriate in recognising local circumstances and its overall strategy remains sound. However, in the absence of an allocations document and settlement boundaries review (which has been absent for several years but has in practice been overtaken by the preparation of the emerging JLP) it should be afforded less than full weight. This is also the case because national policy continues to require that policies are tested for their consistency with the NPPF: the ‘exceptional circumstances’ threshold is not entirely consistent with the NPPF and this has been recognised repeatedly in appeal decisions following the most recent NPPF publication<sup>5</sup>.
51. While a lesser weight is given to policy CS2 its place within the development plan cannot be supplanted, however.
52. As will be set out, the application falls to be determined and refused in accordance with the development plan as there are no material considerations that would indicate Members should take a decision other than in accordance with that direction.

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<sup>5</sup> See, for example, appeal refs: 3219950; 3222941; 3229105; 3211347.

## ASSESSMENT

53. Taking the above into account, what now follows is an assessment of the application and in respect of the key issues that have been identified (with most important policies applicable), as follows:

- The Principle of Development (Policies CS2 and CS11);
- Effect on Landscape, Context, and Character (Policies CS11, CS14, and CS15);
- Highway Impacts: Access and Capacity (Policies CS11 and CS15);
- Archaeology (Policies CS11 and CS15);
- Flood Risk (Policies CS11 and CS15); and
- Ecology (Policies CS11 and CS15).

### **The Principle of Development (Policies CS2 and CS11)**

54. The relevant local policy context is not one that is expressly prohibitive of development. This is a well-established position given the fact planning permissions for housing on greenfield sites outside of settlement boundaries across the district have been variously granted by Council.

55. Policy CS2 states that outside of a settlement boundary 'development will only be permitted in exceptional circumstances subject to a proven justifiable need'. For all intent and purpose (certainly in relation to the residential aspects of the development for which permission is primarily sought) the site is outside of the settlement boundary/Brantham BUAB and therefore the policy is engaged. It is a key factor in determining the in-principle acceptability of the application.

56. Policy CS11 is of similar importance. Subject to specified criteria, it supports development beyond the existing BUAB of Core and Hinterland villages. In common with policy CS2, for Hinterland villages it states that development will be approved where (among other things) the Council is satisfied that the issue of locally identified need [for housing and specific local needs such as affordable housing] has been addressed. The policy is clear that all proposals for development in Hinterland villages must demonstrate how they meet all of the specified criteria.

57. The proper interpretation of planning policy is a matter of law. The meaning of "locally identified need" for housing, as a criterion of policy CS11, has been considered by the High Court (the "Bergholt judgment")<sup>6</sup>. Taking that into account, locally identified housing need is considered to encompass the needs of a village and its functional cluster, and perhaps in areas immediately adjoining it.

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<sup>6</sup> *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin).

58. As an application for up to 150 new dwellings in a Hinterland village, it is incumbent upon the Applicant to provide evidence to meet that test. Such a requirement is explained further within the CS11 SPD, which states:

‘... Developers should therefore set out how the proposal meets these locally identified needs. This should include an analysis of the number and types of dwelling in the village, an assessment the need for housing in the village and the identification of any gaps in provision. Proposals should provide affordable housing in accordance with Policy CS19. Proposals should therefore be accompanied by a statement that analyses the local housing, employment and community needs of the village and how they have been taken into account in the proposal. It is anticipated that such statements should be prepared in consultation with the Council using evidence from a number of sources.’

59. The application is supported by a *CS11 and CS15 Compliance Statement* but in respect of “locally identified [housing and specific local needs such as affordable housing] need” that document falls far short of meeting the policy test or following the guidance within the SPD. It merely states that there is a general need for market and affordable housing against a context (now dated) of the Council not being able to demonstrate a five-year supply of deliverable housing sites. It does not engage with local circumstances bearing in mind the definition above and overlooks the deliverable permissions for 288 dwellings at Brooklands Road, Brantham and 144 dwellings at Moores Lane, East Bergholt with no consideration as to how the proposed development fits in with any perceived need on a cumulative basis, accounting for other development within the East Bergholt functional cluster.
60. NPPF para 77 states: ‘In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs’. As with the policy CS11 requirement, it has not been proved by the Applicant how this proposal would accord with national policy bearing in mind the local circumstances applicable.
61. The Bergholt judgment has been clear that in respect of the relationship between policies CS2 and CS11, for developments outside of BUAB if there is to be compliance with policy CS2 then there must be both a proven justifiable need and exceptional circumstances; compliance with the requirements of policy CS11 might assist the Council with being satisfied in that respect but it does not override the requirement to meet them.
62. In respect of the application before Members, there are no exceptional circumstances in favour of a grant of permission. The burden of showing that there is a local need for 150 new dwellings falls squarely on the Applicant and no cogent evidence to demonstrate that there is a need for the development has been provided. Manifestly, there is a clear breach of both

policies CS2 and CS11, two of the most important policies for the determination of the application and certainly as appurtenant to the principle of residential development in the location proposed.

63. The lack of exceptional circumstances or justified need for the development weighs against a grant of permission even where a lesser weighting is afforded to Policy CS2; the development clearly conflicts with that policy.
64. For the reasons set out, the application has failed to satisfy policy CS2 not least because it does not demonstrate a proven justifiable need and for that reason it also cannot find favour under policy CS11 which is the policy that would otherwise provide flexibility in the circumstances of a development for a Hinterland village.
65. Nevertheless, and for completeness, this section will now consider the other criteria of Policy CS11 and how they are addressed by the application. Such considerations have been informed by the guidance contained within the CS11 SPD:

- i. The landscape, environmental and heritage characteristics of the village

There are no issues in relation to built heritage impacts; however, archaeological matters are of concern. Landscape and related environmental matters including archaeology are considered in subsequent sections; the application fails to satisfy this criterion.

- ii. The locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets)

This is considered in the next section; the application fails to satisfy this criterion.

- iii. Site location and sequential approach to site selection

The Applicant maintains that the site/development is available and achievable. This committee report tests its suitability.

Technically the site straddles the BUAB albeit the development is effectively sited outside of it. However, the acceptability of the development in relation to this criterion does not turn on whether or not the site is within the BUAB. The site is considered to be reasonably connected to the amenities of Brantham and the services and facilities within the village could be accessible by foot and cycle in pure distance terms (though it is unclear the extent to which any improvements would need to be made to make such soft-mode journeys more attractive; see the subsequent Highways section).

There are no sequentially preferable allocated sites that are available in Brantham, nor are there any sites within the BUAB that would enable a development of

commensurate scale. The proposed allocation within the JLP<sup>7</sup> is noted; however, this remains untested and the JLP is afforded a limited weighting. Nevertheless it is not at a scale commensurate with the development proposed.

It could be said that there is a sequentially preferable site for development within the BUAB that is both suitable and deliverable. That is the site at Brooklands Road but this is already subject to planning permission, is controlled by Taylor Wimpey, and development is due to commence imminently. It is therefore not, strictly speaking, available when considering the present application. The “need” for the proposed development when considered alongside that permitted scheme has been considered in accordance with CS11 criterion iv.

The Bergholt judgment 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.

In the absence of any sites within the BUAB and no requirement to consider other sites outside the BUAB where the application site adjoins it, the proposal accords with this element of Policy CS11.

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

As above, this criterion is not satisfied.

- v. Locally identified community needs

The CS11 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 but proposes an area of land for community uses. The extent to which this represents a realistic and feasible option is unclear and the need that such land is intended to satisfy is unknown.

Regardless, 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.

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<sup>7</sup> LA053: Land South of Ipswich Road, Brantham (30 dwellings). Whilst the JLP is afforded a limited weighing it is notable that this is the only growth anticipated within the new plan period, to 2036.

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

Comments received have been critical of the strain that the development would place on local services, in particular education and health infrastructure. However, there is no technical evidence before officers to suggest the scheme would result in an unacceptable cumulative impact on the area in the context of such impacts; or, rather, it has not been evidenced that without an appropriate mitigating mechanism there will be an unacceptable infrastructural burden.

There is no denying that a 150-dwelling development would generate increased infrastructure demand. However, as per well-established practice, CIL contributions are expected to be used to ensure existing infrastructure capacity is supported to accommodate additional demand. This approach is consistent with that promoted within policy CS11, which states:

‘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.’

So where strain does occur, it will be addressed by the appropriate infrastructure authorities who will be well funded to undertake the necessary works, for example new/expanded health and/or education facilities. Additional infrastructure requirement is a consequence of the development, but it is not an adverse social, physical or environmental impact. It must also be noted that none of the infrastructure authorities have objected to the scheme, with all concluding that CIL contributions are to be used to manage future infrastructure demand.

However, concerns raised in relation to potential highway impacts are shared; this aspect is treated separately in a separate section of this report. Due to those concerns this criterion of policy CS11 is not satisfied.

Further criteria

And due to the Hinterland location, that the proposed development should be:

i. Well designed and appropriate in size/scale, layout and character to its setting and to the village

This is considered in the next section; the application fails to satisfy this criterion.

ii. Is adjacent or well related to the existing pattern of development for that settlement

This is considered in the next section; the application fails to satisfy this criterion.



- iii. Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan  
As above, this criterion is not satisfied.
- iv. Supports local services and/or creates or expands employment opportunities  
While the proposal is unlikely to directly create or expand employment opportunities of itself (the final use of the community land being unknown), it would not hinder or prejudice them. Bearing in mind the accessibility of the site to nearby services and facilities it is likely that the future occupiers would support local services.
- v. Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster  
The only made village local plan within the functional cluster is the *East Bergholt Neighbourhood Plan*; it contains no site allocations. An approval of this application would not compromise the delivery of permissions within that village, the village of Brantham, or the wider functional cluster.

66. Having regard for the above the application fails to satisfy criteria i., ii., iv., vi., of the main policy and i., ii., and iii. of the Hinterland criteria.
67. Policy CS11 also requires that proposals score positively when judged against policy CS15. Policy CS15 is a long and wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development; not every proposal engages every criterion and this is true of the current application. Bearing in mind the key issues that have been identified, the applicable elements are now considered under the subsequent sections of this report. It will be demonstrated that the application does not, overall, score positively when considered against policy CS15.

### **Effect on Landscape, Context and Character (Policies CS11, CS14, and CS15)**

68. Due to the length of this section it comprises two parts: 'policy and context' and 'assessment'.

#### **Policy and Context**

69. With regard to this key issue, for an application to comply with policy CS11 Members must be satisfied that it addresses the issues listed under criteria i. and ii. (of both parts of CS11). Furthermore, among other things policy CS15 states that development proposals must respect local context and the landscape as well as making a positive contribution to local character, shape, and scale of the area.

70. Policy CS14 is clear that existing green infrastructure will be protected and enhanced and in new developments it is a key consideration, with particular attention needing to be paid to ensuring new provision establishes links with existing green infrastructure.
71. Paragraph 98 of the NPPF states that: 'planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...'.
72. Paragraph 127 forms part of a section of planning policies that seek to achieve well-designed places. It states that planning decisions should ensure that developments, among other things:
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
73. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by, among other things:
- a) 'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'
74. Paragraph 172 of the NPPF applies to land within designated areas such as AONB. As the application site is outside of the AONB, the requirements of this policy paragraph are not engaged.
75. Section 85 of the *Countryside and Rights of Way Act 2000* requires that '...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. That duty is another material consideration (as opposed to forming part of the development plan) but it has the force of statute and is of the utmost importance.

76. The PPG states that the s85 duty is particularly important to the delivery of the statutory purposes of protected areas and is relevant in considering development proposals that are situated outside of AONB boundaries, but which might have an impact on their setting or protection<sup>8</sup>.

77. The PPG goes on to state:

‘Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.’<sup>9</sup>

78. As noted, the application site is sensitive and valued as – especially if the extension to the SCH AONB is approved – it is located between two AONB and immediately abuts the DV AONB on its western boundary and is within its immediate setting.

79. The application is supported by a Landscape and Visual Assessment (“LVA”) which includes a “visual envelope” representation. The extent of visual influence posed by the development<sup>10</sup> is also indicated to reach the western boundary of the current SCH AONB i.e. without its extended designation. If the Order for the SCH AONB extension is approved (which is considered likely) the application site would fall within its setting also.

80. The *Suffolk Landscape Character Assessment* defines the majority of the site as being part of the Plateau Farmlands landscape character type (“LCT”) with sinuous lanes and hedge lines and plantation woodland as some of the key characteristics. A small area of the southern part of the site falls within the Rolling Valley Farmlands LCT. A key characteristic of that LCT is gentle valley sides, which the application site conveys. The *Joint Babergh and Mid Suffolk District Council Landscape Guidance* (2015) states that settlement pattern is a key sensitive element, and that the network of tree belts and patterns of small plantations found across much of the LCTs should be restored, maintained and enhanced.

81. There is a degree of tranquillity experienced from the footpaths along the western site boundary and to the north. The site is also within the SCH AONB Project Area and is identified as part of the Estate Farmland landscape type. That part of the AONB project area

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<sup>8</sup> Natural Environment: Paragraph: 039 Reference ID: 8-039-20190721.

<sup>9</sup> Ibid. Paragraph: 042 Reference ID: 8-042-20190721.

<sup>10</sup> Visual influence is an indicator of potential intervisibility; it does not of itself suggest an effect in landscape terms.

is particularly quiet and undisturbed, being one of the special qualities for this landscape type.

82. As a settlement Brantham is characterised by the “spine” of Brantham Hill where, apart from the strong linear grain of development along the western highway frontage, development is predominantly found to the east. The fields to the west of Brantham Hill therefore provide an important green buffer between the ribbon development along that spine road and the DV AONB; those fields not only contribute to the setting of the AONB but to the setting of the village also.

### Assessment

83. The development represents a discordant projection into the open countryside and would pose significant urbanising effects on the landscape, principally owing to its sheer scale (4.3ha of residential development), its contrasting built character and its projection into the open countryside.
84. It would result in the loss of predominantly undeveloped land that currently makes a very positive contribution to the intrinsic character and beauty of the landscape which serves as a setting both to the DV AONB and to the settlement of Brantham. The rural setting of this part of the western fringe of the village would be lost. The well-defined grain set by the Brantham Hill spine would also be lost, diluting the existing strong sense of place.
85. Even with significant landscaping to the perimeter, the scale of development would result in an urban enclave bearing no visual relationship to much of the land that surrounds it. The development would not appear as a natural extension of the village, exacerbated by the absence of an established natural boundary to the south.
86. The DF indicates that a large landscape buffer would be provided along the edges of the site, effectively enveloping the residential development. However, this would not successfully mitigate the adverse impacts that have been identified. The introduction of new green infrastructure if successful must be related to the existing landscape pattern. The proposed woodland buffer appears to relate only to the proposed residential development, it does not appear to be well integrated.
87. There will be a significant change in visual and experiential terms for users of the local PRoW/footpath network, in particular for users of Sandy Lane. Recreational users currently enjoy tranquil and open countryside views over the site and beyond, which is integral to their outdoor experience. That experience will be transformed; the PRoWs would not be protected or enhanced by the development.

88. Due to the role of the landscape in providing as setting for both the DV AONB and the settlement of Brantham it is submitted that the landscape is a valued landscape with regard to NPPF para 170a. Having regard to the nature, scale and location of what is proposed, it is considered that significant landscape (including visual/experiential amenity) and character harm is inescapable. Furthermore, it is not agreed that the scale and nature of the development is 'relatively modest' or that the landscape and visual harm 'would be limited and localised in extent' as stated in the LVA. The development would be contrary to policies CS11, CS14 and CS15 of the Core Strategy, and paragraphs 98, 127 and 170 of the NPPF. The harm identified is of notable significance.

### **Highway Impacts: Access and Capacity (Policies CS11 and CS15)**

89. Policies CS11 and CS15 require (among other things) that the cumulative impacts of development are addressed satisfactorily and that where appropriate applications are supported by a transport assessment ("TA") and/or travel plan ("TP") in order to minimise infrastructural issues and reliance upon the private motor car. The Introduction to the Core Strategy also notes that traffic congestion is an important issue in some parts of the district<sup>11</sup> and anecdotal evidence points to particular concern about Brantham Hill as it relates to the local and strategic network and the pinch-points at the A137/B1070 roundabout and the Manningtree railway underpass.
90. Paragraph 108 of the NPPF requires that when assessing planning applications it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
91. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a TP, and the application should be supported by a transport statement or TA so that the likely impacts of the proposal can be assessed.
92. Those three paragraphs should not be read in isolation from one another. Therefore, in appropriate circumstances both the development plan and the NPPF require an applicant to

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<sup>11</sup> §1.3.2 of the Core Strategy.

adduce reliable evidence so that a judgement can be reached as to the nature and magnitude of likely highway impacts, how such impacts could be mitigated (if required), and how as well as providing safe access, opportunities can be taken to promote more sustainable modes of travel.

93. As a matter of planning judgement the scale and nature of the proposed development is such that a TA and TP is required; in that respect the Applicant has submitted both and it is plainly in their interest to provide the information necessary to enable a favourable decision to be made.
94. However, as stated by the LHA the information supporting the application is deficient in a number of ways. Firstly, the access is not of a standard suitable to serve the scale of development proposed and from a highway of strategic importance. It has not been demonstrated that it would be safe and/or suitable for all users.
95. Secondly, the TA does not provide sufficient information to determine the impacts that the development would pose upon the highway network, including at the A137/B1070 roundabout and the level crossing/rail underpass. Bearing in mind the local concerns raised it is especially important that this be addressed as there is already a perception of significant highway problems without accounting for the application development. Without a suitably detailed and robust TA it has not been possible to determine whether residual cumulative impacts would be severe or what mitigation could be proposed to avoid such an outcome.
96. Thirdly, the TP is not linked to the TA and is not appropriately specific to the development proposed, as vehicular impacts have not been adequately assessed. As the LHA state, no sustainable transport improvements have been proposed.
97. Against a baseline that is perceived to be problematic, the introduction of significant further traffic requires a precautionary approach to ensure that severe impacts are avoided. A precautionary approach is required due to the risks posed; risks that the application has failed to adequately respond to.
98. The application therefore fails to satisfy or meet the requirements of policies CS11 and CS15, as it cannot be ruled out that the development would pose severe impacts and the approach to minimising reliance upon the private motor car is unsatisfactory. With an access that is not safe or suitable for all users, the application also falls short of meeting the requirements of the NPPF, noting paragraphs 108, 109, and 111.

### **Archaeology (Policies CS11 and CS15)**

99. Policies CS11 and CS15 seek to secure the preservation and/or enhancement of the historic environment and this includes assets of archaeological importance. Paragraph 189 of the NPPF states that where a development might affect assets of archaeological interest an applicant should be required to submit an appropriate desk-based assessment and, where necessary, undertake a field evaluation.
100. Great weight is given to the response of the SCC Archaeological Service, where it is considered that the site has very high archaeological potential and where it has not previously been the subject of systematic archaeological investigation there is high potential for previously unidentified archaeological remains to be present. The proposed development would cause significant ground disturbance that has the potential to damage or destroy any below ground heritage assets that exist. The Applicant has not provided an archaeological evaluation of the site.
101. The proposed development risks harm to heritage assets in terms of archaeological interest, with particular regard to the risk that significant finds may be identified that would require preservation *in situ*, by reason of insufficient information being submitted to demonstrate that the archaeological impacts of the development have been appropriately assessed, considered and mitigated. As such the proposal is contrary to policies CS11 and CS15 of the development plan and paragraph 189 of the NPPF.

### **Flood Risk (Policies CS11 and CS15)**

102. Policy CS11 requires applications to score positively against policy CS15. Policy CS15 includes criteria applicable to considerations of flood risk and management, including the need to minimise surface water run-off and incorporate SuDS where appropriate. NPPF paragraph 163 requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
103. In this instance, the site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land and its use also means that there is presently considered to be a low risk of surface water (pluvial) flooding. However, the scale and nature of the development poses urbanising effects that would undoubtedly impact upon the way that the land copes with drainage and run-off.
104. This is an outline application and therefore it is not appropriate to consider the detailed design of the drainage scheme or the specific requirements of that. As advised, the outline

application seeks to establish the acceptability of the principle of the development but the principle of the drainage system to be provided is, however, dependent on the nature of the ground conditions. Whilst the detailed design of the system is not necessary, a degree of confidence that such a scheme could be provided satisfactorily, is required.

105. The LLFA has issued a “holding objection” because while the Applicant has provided an assessment of predicted flood risk, there is insufficient information regarding a strategy for the disposal of surface water and the required storage volume required of the system.
106. The application fails, therefore, to adequately demonstrate that the development would not pose an adverse impact in relation to surface water run-off and incorporate sustainable drainage measures to accommodate the expected drainage impacts, contrary to policies CS11 and CS15 of the development plan and paragraphs 163 and 165 of the NPPF.

### **Ecology (Policies CS11 and CS15)**

107. Policies CS11 and CS15 require applications to satisfactorily address environmental matters, which includes ecological considerations. Further, it is important that developments protect and enhance biodiversity.
108. The NPPF echoes this objective at paragraph 8. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by minimising impacts on, and providing net gains for, biodiversity. Paragraph 175 states that planning permission should be refused for developments that pose significant harm to biodiversity (in the absence of avoidance, mitigation, or, as a last resort, compensatory measures).
109. ODPM Circular 06/2005<sup>12</sup>, which is referenced in the NPPF at footnote 56, states at paragraph 99:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is

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<sup>12</sup> Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (2005).



granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below.'

110. As with the highway, flooding, and archaeological matters discussed above a precautionary approach is considered to be appropriate in the absence of sufficient information being provided by the Applicant. This is because there is an unacceptable risk of significant harm being posed by the development; it is not appropriate – noting the Circular – to leave such matters until after permission has been granted as the Council cannot be confident that the development could proceed without such harm being caused.
111. The Council's appointed ecologist has still not been able to review the Great Crested Newt ("GCN") survey report (as referenced in the submitted Ecological Appraisal) as it has not been submitted. The Council needs to understand the likely impacts of the development on GCN as a European Protected Species so that effective and appropriate mitigation can be secured; a GCN survey report with full results and recommendations for mitigation and enhancements needs to be submitted for assessment prior to determination of this application.
112. It is not considered that the proposed compensation for loss of nesting habitat for ground nesting farmland birds such as Skylark is likely to be effective. Appropriate mitigation measures for Skylarks are therefore required. The Council's ecologist states that unless the meadow can remain "out of bounds" during the breeding season under a long-term management plan, then off-site provision of nest plots within arable crops should be secured as a part of a farmland bird mitigation strategy.
113. In summary, there is insufficient ecological information available to enable the application to be determined favourably and for the Council to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 of the *Natural Environment and Rural Communities Act 2006*<sup>13</sup>. The proposal fails to adequately demonstrate that the development would not have an adverse impact on protected and/or priority species, contrary to policies CS11 and CS15 of the development plan and paragraphs 170 and 175 of the NPPF.
114. As submitted, the application is also predicted, without mitigation, to result in adverse effects on the integrity of the Stour and Orwell Estuaries Special Protection Area and Ramsar site and is identified in the in the Suffolk Coast Recreational disturbance Avoidance and Mitigation Scheme (RAMS). Policy CS15 states that any development that would have an adverse effect on the integrity of such sites will be refused. Natural England requires further information in order to determine the significance of these impacts and the scope for

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<sup>13</sup> To have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.

mitigation However, where the application is recommended for refusal it has not been necessary to consider this matter further.

## **Other Matters**

### **Loss of Agricultural Land**

115. The Agricultural Land Classification (“ALC”) system classifies land into five grades (Grade 1: excellent, to Grade 5: very poor, inclusive), with Grade 3 subdivided into sub-Grades: 3a (good quality) and 3b (moderate quality). Best and Most Versatile (“BMV”) agricultural land is land in grades 1, 2 and 3a of the ALC and it is important – in accordance with the NPPF (para. 170) and PPG<sup>14</sup> – that the benefits of BMV land are recognised.
116. It is axiomatic that the development of a greenfield, agricultural site poses an element of harm; however, it is tacitly envisaged by the policies of the development plan that such change can occur and there are no express policies for the protection of BMV land.
117. The Parish Council identify that the site comprises Grade 3a but it is not known from where this information has been obtained. The strategic maps provided by Natural England would tend to support that assertion but are not intended to be relied upon for individual appraisals and Natural England do not object on the basis of BMV land impacts. Nevertheless, if adopting a cautious stance that the site is BMV land, the nature of the development indicates that the loss of such land would be permanent. Therefore, development of the site would result in the permanent loss of approximately 9.36ha of BMV land, as a worst-case scenario.
118. Defra/Natural England mapping indicates that within the Babergh area there is at least 30,000ha of Grade 3 land. The loss of 9.36ha would therefore represent around 0.03% of all Grade 3 land within the District, which is considered to be a very modest amount in such a context. It is also the case that the great majority of land in the District is of a good quality or better, such that opportunities to locate poorer land that could accommodate the development are limited.
119. Of itself the loss of agricultural land is not considered to be a justifiable reason for refusal of this application and there is no conflict with the development plan or NPPF in that respect. It is also considered unlikely that an approval of the development would lead to a frustration of adjacent farming operations and no evidence has been provided to demonstrate that this would be the case.

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<sup>14</sup> Natural Environment: Paragraph: 001 Reference ID: 8-001-20190721.

## Scheme Benefits

120. It has already been set out that by law Members must have regard to material planning considerations and that this application should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the development must therefore be taken into account.
121. The benefits of the proposed development principally extend to the provision of new housing (including a policy-compliant offer of 35% affordable housing). Of itself this is an important consideration as while the Council can demonstrate a five-year housing land supply such a requirement is a minimum target, and not a maximum threshold. However, there is clearly not a pressing requirement for the development and no evidence that it is needed when having regard to local circumstances and so this tempers the weight to be applied to that benefit.
122. The Applicant points to the economic benefits to be derived from the development which includes construction spend/jobs, and stimulus through the future occupation of the development. These considerations also weigh in favour of the scheme albeit are intrinsically linked to the supply of housing proposed and do not provide specific justification for the development by themselves.
123. The Applicant also highlights benefits that would accrue through the New Homes Bonus and collection of Council Tax payments. Whilst such considerations are positive they should be afforded little weight; the PPG is clear that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body<sup>15</sup>.
124. The development would also generate a return in terms of CIL receipts which is of itself is an economic benefit, albeit of limited weight. Whilst the primary purpose of the CIL is to mitigate the impact of new development, it would nevertheless allow for improvements to existing services and facilities that could result in wider public benefit.
125. The proposed community facility/land is a benefit but is afforded limited weight as it is not precisely clear what use it is intended to serve or under what terms/mechanisms or likelihood such land will come forward and make a meaningful environmental, social or economic contribution to the locality or beyond.
126. In the event that permission were granted (and notwithstanding the deficiencies of the application) it would be expected that the development would provide for policy-compliant measures including open space provision (indicated to be significantly above the 10%

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<sup>15</sup> Determining a Planning Application: Paragraph: 011 Reference ID: 21b-011-20140612.

required by policy HS31), ecological/biodiversity enhancement, and travel planning measures. These benefits have also been factored into the planning balance.

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## **PART FIVE – CONCLUSION AND RECOMMENDATION**

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### **Planning Balance and Conclusion**

127. Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
128. The circumstances of this application are not exceptional. Among other issues identified the development represents a discordant projection into open countryside and the immediate setting of the Dedham Vale AONB, undermining the way that it is experienced, at odds with a very clear and defined spatial grain and within a sensitive landscape context (considered to be a “valued landscape” with regard to the NPPF); it would be an unwelcome growth latched to the spine of Brantham. The Applicant has further failed to prove a justifiable need for the development having regard to local circumstances. The application chiefly conflicts with policies CS2, CS11, CS14, and CS15 which are among the most important policies for the determination of the application; it offends the development plan when taken as a whole.
129. The application is deficient in a number of ways with insufficient information being provided in respect of highways, archaeology, surface water drainage, and ecology. The Council cannot be satisfied that the development would be acceptable in relation to those matters in the absence of appropriate detail.
130. The Council can demonstrate that it has a five-year housing land supply and taken in the round its most important policies remain up to date. The application therefore cannot benefit from the “tilted balance” set out under policy CS1 and the NPPF.
131. Assessed against the policies of the NPPF taken as a whole, the application performs no better. It would be contrary to the development plan and national planning policy and there are no material considerations that justify a departure from those policies; the harm that has been identified significantly and demonstrably outweighs the benefits.
132. Members are therefore invited to refuse planning permission.

## **RECOMMENDATION**

That Members resolve to:

- (1) Refuse planning permission, for reasons including:
  - i. The circumstances of the application and the proposed development are not exceptional and are without a proven justifiable need, contrary to policy CS2. The application fails to adequately demonstrate how the proposal responds to a locally identified housing need, contrary to policy CS11 and paragraph 77 of the NPPF, which requires development in rural areas to be responsive to local circumstances and reflect local needs.
  - ii. The proposed development, by virtue of its scale, siting and location, would cause significant harm to the open countryside (considered to be a valued landscape) and the way that it is experienced within the immediate setting of an area of outstanding natural beauty and would fail to respect the local context and character, and the rural setting, of Brantham and its well-defined spatial grain, contrary to policies CS11, CS14 and CS15 of the development plan and paragraphs 98, 127, and 170 of the NPPF.
  - iii. It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the local highway network would not be severe, in the terms set out at paragraph 109 of the NPPF, or the cumulative impacts satisfactory in accordance with policy CS11, and this includes identifying appropriate opportunities to promote sustainable transport modes (contrary to those requirements, policy CS15, and paragraph 108 of the NPPF). In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of highway effects. Furthermore, the application does not demonstrate that safe and suitable access to the site can be achieved for all users, contrary to paragraphs 108 and 109 of the NPPF.
  - iv. The proposed development risks harm to heritage assets in terms of archaeological interest, with particular regard to the risk that significant finds may be identified that would require preservation *in situ*, by reason of insufficient information being submitted to demonstrate that the archaeological impacts of the development have been appropriately assessed, considered and mitigated. As such the proposal is contrary to policies CS11 and CS15 of the development plan and paragraph 189 of the NPPF.

- v. The application fails to adequately demonstrate that the development would not pose an adverse impact in relation to surface water run-off and incorporate sustainable drainage measures to accommodate the expected drainage impacts, contrary to policies CS11 and CS15 of the development plan and paragraphs 163 and 165 of the NPPF.
- vi. The proposal fails to adequately demonstrate that the development would not have an adverse impact on protected and/or priority species, contrary to policies CS11 and CS15 of the development plan and paragraphs 170 and 175 of the NPPF.

The development conflicts with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

- (2) In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out under (1) above, being amended and/or varied as may be required.