

Committee Report

Item 6B

Reference: DC/18/05177

Case Officer: Samantha Summers

Ward: Brantham.

Ward Member/s: Cllr Alastair McCraw

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning application - Erection of 15 dwellings including 7 affordable units. Conversion of existing dwelling to provide 6 apartments. Alterations to 2 vehicular accesses.

Location

Brantham Place, Church Lane, Brantham, Manningtree Suffolk CO11 1QA

Expiry Date: 31/01/2020

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Granville Developments

Agent: Edward Gittins & Associates

Parish: Brantham

Site Area: 4.3ha

Density of Development: 4.8 dwellings per hectare

Details of member site visit: Carried out in June 2019

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes (DC/17/05575 and DC/18/03003)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Local Plan Alteration No.2 (2006):
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR02 - AONB Landscape
TP15 - Parking Standards - New Development

Babergh Core Strategy 2014:
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes

NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
Suffolk Guidance for Parking 2019
Suffolk Design Guide

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultations and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Brantham Parish Council

Previous Comments still held as valid.

BPC Notes the response provided by the BDC Planning Policy Team. We refer in particular to the following which covers many of BPC's concerns "The site is considered unsuitable. The site would have unsuitable access from Church Lane. Whilst a peak time bus service is located within 800m there is poor pedestrian access to services. The site would create significant landscape impacts also the site is located within proposed extension to the AONB. The proposal would create an impact upon a number of trees and their setting; there would also be historic setting impacts and potential archaeological impacts. The proposal would not sensitively integrate with the existing pattern and form of development and would be at odds in the wider spatial context. The proposal is recommended for refusal."

BPC also notes the Suffolk County Council response from their Growth, Highways & Infrastructure Directorate – Strategic Development We refer in particular to the following which covers many of BPC's concerns relating to the currently available local infrastructure, with particular regard to additional drainage arrangements.

"Ideally, the County Council would like to see a plan-led approach to housing growth in the locality, which would also identify the infrastructure requirements based on cumulative growth. The risk here is that individual developer-led applications are granted planning permission without proper consideration being

given to the cumulative impacts on essential infrastructure including highway impacts and school provision."

BPC Revised Comments, November 23rd 2019

The land comprising Brantham Place and its gardens is outside the Built-up area boundary. The "tilted balance" that might be applied in the absence of a sufficient land supply is not applicable in this situation (as argued within the Applicants supporting Documentation) as BDC currently has a sufficient and demonstrable supply.

The grounds are isolated and there appears to be no access to a foul-water drainage Mains. We note from the submitted Anglian Water comments that the developer is not proposing to connect to the Anglian Water Network, and BPC assume that any sewage water treatment must therefore be on-site.

There appears however to be no adjacent water course to which any on-site treated effluent could be discharged.

This would all suggest the use of house specific cess tanks, which will require regular and frequent attendance by waste lorries. In this regard BPC would express concern regarding this additional vehicular movement and its effect on the existing, already inadequate, road infrastructure along Church Lane.

It is understood that there are serious problems with regard to local wildlife, with special regard to a notable bat population. Natural England's response confirms that this development falls within the Zone of Influence for the Stour & Orwell SPA and Ramsar site, one of the European designated sites scoped into the emerging Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy.

There is a holding objection to be resolved. In this matter.

It is noted that there is currently no clear response to this matter within the current resubmission.

Summary

- BPC recommends that PLANNING PERMISSION SHOULD BE REFUSED
- BPC would request (should planning permission be likely to be granted) that this application should clearly demonstrate a viable commercial interest from a current registered provider* of social housing, which is prepared to support that element of the project.
*As defined at
<https://www.gov.uk/government/publications/current-registered-providers-of-social-housing>
- BPC note that the proposed layout leaves major open areas of amenity or landscape use. BPC would request (should planning permission be likely to be granted) that those areas are defined and maintained as such, and be unequivocally unavailable for future additional development. The imposition of a restrictive covenant would be an acceptable solution.
- BPC would suggest (should planning permission be likely to be granted) that the gardens of the dwellings that edge properties on Cedar Close should retain trees and planting sufficient to provide a visual boundary between the properties.

National Consultee (Appendix 4)

Environmental Agency

Raise a holding objection to the proposal because it involves the use of a non-mains foul drainage system in a publicly sewered area, but no justification has been provided for this method of foul sewage disposal.

The installation of private sewage treatment facilities, in this case a package treatment plant, within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

Overcoming Our Objection

To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the foul sewer. They should complete the attached which you should assess. The applicant should provide as much information as possible, including financial estimates, to show that connection to public foul sewer is not feasible and to show that they have considered the hierarchy.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991. In these cases, if an applicant decides to apply for a water discharge permit for private treatment facilities, in such circumstances and we may refuse to issue the permit.

Dedham Vale AONB and Stour Valley Project

As highlighted in our original planning response the development site is located within the area proposed as an extension to the Suffolk Coast & Heaths AONB. Since the AONB team submitted comments on the original application the process has progressed. Natural England's Board has agreed and signed off the AONB Variation Order. It is currently awaiting final sign off from the Secretary of State.

Natural England's expectation is that consideration will be given to the fact that the area has been assessed as meeting the requirements for national designation and that the area subject to the AONB Variation Order will be treated as a material consideration by the relevant planning authorities and that the evidence in support of the Order will be considered relevant in determining any impact of a proposed development on the area's special qualities.

The AONB team has taken the location of the proposed development relative to the AONB extension area into account when preparing this response.

We welcome the revisions to the scheme which addresses the concerns that we raised previously about the impact that the substantial tree removal proposed to accommodate the residential development would have on the AONB extension area and landscape character.

Relocating the 15 dwellings to the north/north west of Brantham Place, enables many of the mature established trees growing along the southern boundary of the site and to the west of Brantham Place to be retained. The trees are an important feature not only within the site but also as a defining feature of local landscape character around Brantham and the AONB extension Area.

Their retention is essential in screening the development in medium & long views from the south but also in maintaining landscape character and conserving and enhancing the natural beauty of the area proposed for AONB extension. They also help protect the amenity of residents living in Cedar Close. The mature trees growing along the Church Road frontage fulfil a similar function and their retention is considered essential for similar reasons.

While we welcome the changes proposed we consider that further amendments are needed to the scheme.

Page 18 of the Design and Access Statement proposes an area of Public Open Space (POS) to the north west of the site while drawing 201 shows parking along the boundary with School Cottages. To help conserve the wooded character of this site and the AONB extension area, further consideration should be given to the re-location of the POS and parking area as they do not relate well to the proposed housing development. Re-positioning these 2 elements of the scheme would create space for additional planting along the northern boundaries. Additional planting along the northwest boundary to the rear of the dwellings would improve the connectivity between the existing treed areas, the newly proposed areas of landscaping and the wider established habitat areas to the north west of the site. A new mixed native hedge should also be planted along the boundary with the curtilage of School Cottages to protect residential amenity. Improving connectivity would be beneficial for wildlife. It would also help compensate for trees removed to facilitate the development. This would ensure that the wooded character of the site which is a defining feature of the natural beauty of the AONB extension area is conserved and enhanced.

Drawing 201 shows proposed timber fences between garden curtilages. We request that hedgehog friendly fencing panels which are now commercially available are used in this scheme to enable hedgehogs to move freely across gardens. This measure along with the requested additional planting will help deliver net biodiversity gain as part of this scheme.

The AONB team recommends a holding objection on this application until the requested landscape and layout issues raised have been considered and a revised proposal submitted.

Anglian Water

We note that the developer is not proposing to connect to Anglian Water Network, this is outside of Anglian Water jurisdiction to comment.

Suffolk Police

Concerns around this development are:

- a) The parking areas for the apartments, at plots 1-6, particularly the four spaces by the back of plots 19-21. If vehicles are also parked on the adjacent spaces nearest to the flats, there is no real surveillance and makes any vehicles by these plots more susceptible to either criminal damage or theft. It also makes plots 19-21 more vulnerable to incursion (page 2, para 1.1 refers).
- b) Spaces by plots 16-18 are at the rear of these plots and have no surveillance, the design opens up the rear of these properties to possible incursion from an offender, as well as the rear of plot 15. Police do not recommend rear parking as time and again it has proved to increase theft of and from vehicles, along with criminal damage, antisocial behaviour (page 2, para 1.2 refers).

- c) Five parking spaces at the rear of plots 07-08, have no surveillance from their respective properties, or other properties, making these vehicles vulnerable too. Rear parking provides no active surveillance for vehicles or users and are also generators for crime (page 3, para 1.3 refers).
- d) The area by these rear parking spaces at plots 7-8 have no surveillance from any other properties, as a result this area could become a congregating area for antisocial behaviour. (page 3, para 1.3 refers).
- e) The visitor/link footpath has been designed to run along the rear of plots 9 and 21. Footpaths should be designed to ensure that they are visually open, direct, well used and should not undermine defensible space areas. Footpaths should not run to the rear of dwellings as they are proven generators of crime. (page 3, para 1.4 refers).
- f) A number of garages are set back, including plots 11, 12 and 15, police prefer garages at the side of a property instead of setback, as they allow an offender easier access to the rear of a property without being seen, which is the more common method of entry preferred by most offenders (page 3, para 1.5 refers).
- g) It is noted that there will be two main pedestrian footpaths on the south eastern boundary, to link the existing footpath and the north eastern side from Church Lane. It is hoped that at least the entrance areas will be well lit, with the vegetation slow growing and regularly maintained to reassure local residents to feel safe to use the area and prevent an offender from being able to be hidden from view (page 3, para 1.5 refers).
- h) The landscaped area that abuts the rear of the established properties on Cedar Close, is also a concern, as this area has no surveillance from any properties and makes the rear of these existing properties vulnerable to unlawful incursion (page 3, para 1.9 refers).
- i) The public opens space areas are railed off, but not all the way round (page 3, para 1.10 refers).
- j) The flats at plot 1-6 have a number of recessed areas (page 4, para 1.11 refers)

Historic England

The revised plan shows the removal of proposed houses from the side of the site closest to the listed parish church. In our letter of 17th December last year, we stated that this could reduce the harmful impact on the setting of the listed church. We consider this is a significant reduction in the harmful impact and would not wish to object to the application on this basis.

Natural England

No objection.

County Council Responses (Appendix 5)

Highways

We have reviewed the Technical traffic and Highway Note and the data supplied with this application; the summary of our findings are as follows:

The required visibility for the western access on the highway can be met.

The estimated total additional vehicle trips in the peak hour is 17 vehicles (approximately 1 vehicle every 3 to 4 minutes) therefore the additional vehicles from the development will not have a severe impact on the surrounding road and junctions.

There are two slight and injury accidents recorded on A137/Church Lane junction therefore there are no specific highway safety concerns in the vicinity of the site.

The footpath within the site links to the PROW Byway 016 giving access to village and for cyclists and pedestrians.

Taking all the above into account, it is our opinion that this development should not be prevented or refused on highways grounds as there are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109 NPPF).

Flood and Water

Recommend approval subject to conditions

Public Rights of Way

No objection.

Development Contributions

CIL	Education	
	- Primary school expansion	£66,384
	- Secondary school expansion	£68,214
	- Sixth form expansion	£22,738
CIL	Early years improvements	£33,192
CIL	Libraries improvements	£4,536
CIL	Waste infrastructure	£2,310
S106	Highways	tbc

These payments will be collected via CIL

Archaeology

This site lies in an area of archaeological potential, close to the medieval church of Brantham (County Historic Environment Record BNT 023) and on a south facing slope which is topographically favourable for early occupation, over a valley leading into Seafield Bay. Within the wider area, cropmarks are recorded that are prehistoric (BNT 017) and multiperiod in date (BNT 014, BNT 015, BNT 025). Additionally, the site includes the former site of Church House Farm, which may have had early origins. Groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework 2018 (Paragraph 199), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case the conditions would be appropriate.

Internal Consultee Responses (Appendix 6)

Planning Policy

The emerging JLP is due for a second round of regulation 18 consultation early 2019. Therefore, limited to moderate consideration should be given in decision-making. The emerging JLP document contains a significant amount of evidence and justification work that has been undertaken. Therefore, it is important for the case officer to consider the direction the emerging joint plan is heading in for the purposes of decision-making.

The site in question was not put forward for consideration through the 'call for sites' (Aug 2017) policy consultation. However, it has more recently been put forward since this time and the planning policy team do not support the site.

The site is considered unsuitable. The site would have unsuitable access from Church Lane. Whilst a peak time bus service is located within 800m there is poor pedestrian access to services. The site would create significant landscape impacts also the site is located within proposed extension to the AONB. The proposal would create an impact upon a number of trees and their setting; there would also be historic setting impacts and potential archaeological impacts. The proposal would not sensitively integrate with the existing pattern and form of development and would be at odds in the wider spatial context. The proposal is recommended for refusal.

The policy team have not assessed this application from a detailed material consideration perspective (such as fully understanding planning constraints or planning history of the site) only broadly looked at the site from a principle perspective and explained at what stage emerging planning policy documents are at for appropriate consideration and weighting by the case officer in their planning assessment and weighted decision. Therefore, there may well be other material issues with the site in addition to what has been highlighted in this response.

Strategic Housing

- This proposal triggers an affordable housing contribution of 35% under current local policy. This scheme proposes 21 dwellings in total
- The revised masterplan and site layout received 27th March 2020 details the proposal for 7 affordable homes consisting of a mix of 1, 2 and 3 bed dwellings. The tenure proposed is affordable rent and shared ownership. The mix and layout are acceptable.
- The layout does not appear to provide the size of each unit. The affordable dwellings should meet national minimum space standards. Please can the developer confirm this.
- This is a s106 site, therefore the allocation will be on a Babergh district wide basis to applicants on the Council's Choice Based Lettings Scheme.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 100% on subsequent lets.
- The Council will not support a bid for Homes England grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.
- Adequate parking provision is made for the affordable housing units adjacent to the dwellings.
- It is preferred that the affordable units are transferred freehold to one of Babergh's partner Registered Providers and for the avoidance of doubt this could include the Council itself.

The district wide need is currently 844 applicants with the highest need for 1 and 2 beds followed by 3+ beds. There are 14 applicants with a connection to Brantham requiring 1, 2 and 3 beds.

As previously mentioned, this scheme would be allocated to those with a connection to Babergh in the first instance. Therefore the 844 is the relevant figure. Applicants with a local connection can of course still apply for them.

Heritage

This application concerns the proposed erection of 15 dwellings and the conversion of the existing property to provide 6 apartments, along with the alteration to 2 vehicular accesses, within the setting of the Grade II* listed parish church of St Michael and the Grade II listed lychgate to its north. A previous iteration of this application followed a pre-application enquiry, reference DC/18/03003 for a similar number of dwellings on the same site.

The Heritage Team did not object to the revised scheme at application stage as it was considered that the harm to the setting of the assets had been effectively removed. However, there was a concern raised by Historic England over the impact that some of the dwellings to the side of the site nearest the church would have upon the setting and therefore the significance of the church and lychgate. This current application sees the entire removal of properties from the side of the site closest to the church. This is welcome.

The setting of the church and gate will be preserved through this development and as such I do not oppose the scheme. No conditions are necessary.

Place Services Landscape

The amended site masterplan submitted has contained the residential development to the northern part of the site to allow for the retention of the existing trees and vegetation in a woodland and ecological parcel to the south and eastern part of the site area. Although these amendments are welcomed, we still have concerns over the proposed layout. In particular, the proposed parking arrangements to the north and central areas and its locations need reviewing. Furthermore, the green open space created around northern parking area is not adequate as it does not relate to the proposed development and does not deliver acceptable levels of passive surveillance. On this basis we would recommend that the LPA Urban Design officer is consulted as part of this planning application and any future planning condition applications to discuss and comment on the layout design as this will be critical to deliver a development which is truly integrated within the existing landscape and green space.

In addition to this, the following landscape recommendations should be taken into consideration to ensure satisfactory landscape mitigation and good quality public realm is achieved:

- 1) Proposed screening along the northern boundary and by proposed parking spaces is insufficient and inadequate and should be revised. There is an opportunity to improve amenity and biodiversity at this location by introducing a native mixed hedge and to reinforce existing planting to replace the loss of dead elms (G3).
- 2) The green open space created at the back of plots 16 to 18 sits detached from the residential development and does not create an inviting space to be used by the new community. The green open space should be part of the proposed development and be suitably integrated within the layout design.
- 3) Sensitive boundary treatment in between plots at those locations where existing vegetation is present will be required in order to maintain any existing wildlife corridors along this boundary. Boundary treatment around the perimeter of the site will require careful design to avoid impacting on the existing planting and proposed planting.
- 4) In general, the use of brick walls is expected on those locations where the boundary fronts onto the public domain, including parking areas, footpath links and areas of open space.
- 5) As per our previous comments (dated 29/01/2019): G13 and G12 (Leylandii cypress and False cypress) have been retained as part of the green open space. These soft landscape features provide screening to the existing shed buildings on site. While retention of the existing vegetation is welcome, in this instance, the retention is not appropriate as they no longer serve a purpose of screening within the new proposal. The site will benefit from tree planting of higher quality and amenity and biodiversity value.
- 6) No blue infrastructure has been proposed as part of the development proposal. We would encourage the use of SuDS as a means of water run-off attenuation from the proposed hard surfaces. Any blue infrastructure should be integrated within the landscape proposals.

We recommend a holding objection is placed on the application until the above landscape and design comments have been considered and embedded in the revised scheme.

Place Services Ecology

No objection subject to securing a) a proportionate financial contribution towards HRA mitigation to avoid impacts from residential development on Stour & Orwell SPA and Ramsar site and b) ecological mitigation & long-term management measures and biodiversity enhancements

Summary

We have now reviewed the recently submitted Landscape Ecological Management Plan (LEMP) (Skilled Ecology, Nov 2019). These comments are therefore in addition to those provided to the LPA (letter dated 11 Nov 2019).

In principle we are satisfied that this LEMP includes outline management for retained habitats and biodiversity enhancements in accordance with national planning policy to deliver net gain and recommend that implementation in full is secured as a condition of any consent.

However, the LEMP also needs to include:

- a) a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- b) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- c) The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

We therefore recommend that the additional details in an Updated LEMP which is secured by a condition of any consent.

We consider that there is sufficient ecological information available for determination as further survey & assessment has been recommended, particularly for protected and Priority species.

This is required for the LPA to have certainty of impacts for Protected and Priority species and habitats for this application and to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the LEMP (Skilled Ecology Consultancy Ltd, November 2019) should therefore be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly bats and reptiles.

Impacts will be minimised such that the proposal is acceptable subject to conditions based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of required details should be a condition of any planning consent.

Public Realm

I am of the opinion that the proposed development of this site will not materially impact on local public open space. The site is currently in private ownership and the proposed development seeks to create an 'arcadian development' surrounded by largely private open space. This would require a local management company to undertake future management and maintenance of the area and to undertake any enhancements required as part of Woodland and Ecological Area Management Plan. This Plan must be produced prior to permission being granted to safeguard the important wildlife areas.

I note that the SCC developer contribution response mentions play space provision in relation to CIL contributions. A contribution towards local play space to improve the quality of local play provision would be anticipated as there is no play provision incorporated into this development.

Until this information is provided, Public Realm cannot support this application.

Land Contamination

No objection.

Environmental Health

Whilst I have no objection in principle to this application, I do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the demolition and construction phases of the development.

In order to safeguard residential amenity, I would therefore recommend that conditions be attached to any permission.

Arboricultural Officer

In arboricultural terms this is an improved design compared to previous application DC/18/05177 due to significantly less tree loss and a more sustainable relationship between the proposed dwellings and trees scheduled for retention. I therefore have no objection in principle to this application subject to it being undertaken in accordance with the measures and conditions specified in the accompanying arboricultural report. Although a number of trees, including one of 'Category A' value, are proposed for removal their loss is unlikely to result in a significant impact upon the character of the local area as the majority of the heavily wooded site boundary is to remain, appropriate new planting can also be secured in mitigation. If you are minded to recommend approval, we will also require a more detailed arboricultural method statement to help ensure that protection measures are implemented effectively, this can be dealt with under condition.

Communities

On behalf of Communities I concur with the Public Realm team response 6/11/19 in regard to play provision.

B: Representations

At the time of writing this report at least 31 letters/emails/online comments have been received. It is the officer opinion that this represents 28 objections and at least one supporting submission. A verbal update shall be provided as necessary. All representations received have been taken into account.

Views are summarised below:

- *Adverse wildlife impacts
- *Adverse AONB character impact
- *Lack of services in Brantham to sustain further development
- *Cumulative impact given nearby 300 dwelling development
- *Highway safety concerns
- *Pedestrian safety concerns
- *Joint Local Plan identifies sufficient housing sites for Brantham
- *No foul water drainage strategy
- *No surface water drainage strategy
- *Ground water contamination from treatment plant
- *Need for tanker access to service treatment plant
- *Adverse landscape character impacts
- *Noise and light pollution
- *Overlooking from proposed bungalows over Cedar Close properties
- *Church Lane is not suitable for large and heavy vehicles
- *Land instability to the rear of Cedar Close properties
- *Adverse impact on the Grade II* listed Church of St Michael and All Angels and Grade II listed lychgate

*Removal of 100 trees

PLANNING HISTORY

REF: B/0086/79/FUL	Use of land as seasonal tented camping site.	DECISION: GRA 02.07.1979
REF: B/0708/77/FUL	Temporary use of land for siting of two residential caravans.	DECISION: GRA 07.10.1977
REF: B/1101/78/FUL	Retention of two residential caravans for temporary period.	DECISION: GRA 08.12.1978
REF: B/0709/77/FUL	Alterations and extensions.	DECISION: GRA 12.10.1977
REF: B/14/01367	Erection of detached double garage and store (existing garage to be demolished).	DECISION: GRA 05.01.2015
REF: B/07/01820	Erection of detached double garage and store (existing garage to be demolished).	DECISION: GRA 22.01.2008
REF: B//02/01044	Erection of single storey extension to garage and provision of pitched roof.	DECISION: GRA 29.07.2002
REF: B//00/01769	Erection of two storey extension to form self-contained annexe for elderly relative and alterations to the existing house as amended by drawing numbers 04G and 06C received by the Local Planning Authority 11th April 2001	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. Brantham Place is located on the western side of Church Lane, on the north-eastern fringe of the village of Brantham. The 4.3ha site is occupied by a six-bedroom, two storey dwelling (originally built in 1597 and rebuilt in 1906), set within well-established gardens and woodland. Much of the wooded area is concentrated toward the site's southern boundary. The property was originally known as Church House Farm. The property is not a designated heritage asset. It is of some historic interest; however, the significance of the building would not be harmed by this proposal.
- 1.2 To the west is Cedar Close, situated at a much lower level than the application site. The common boundary between the site and the Cedar Close properties forms part of the village's built up area boundary. School Lane is located north of the site. Mottways and School Cottages, residential properties, fall to the northeast. The site's southern boundary adjoins open countryside. To the east is Church Lane, together with the Grade II* listed Church of St Michael and All Angels, associated graveyard and related Grade II listed lychgate.

- 1.3 A public footpath (Byway 016) adjoins the site's southern boundary, which provides pedestrian connection between Church Lane and the body of the village, via Cedar Close, Birch Drive and Brooklands Rise.
 - 1.4 The site is located within the extension to the Suffolk Coast and Heaths AONB. The site is not in a Conservation Area. Brantham falls within the RAMS 13km Zone of Influence.
 - 1.5 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.
 - 1.6 The application site is outside of the Built-Up Area Boundary of Brantham as defined by the 2006 Babergh Local Plan. The site abuts the boundary to the western side of the site and shares a boundary with the dwellings of Cedar Close. Therefore, the proposal is contrary to policy CS02 of the Babergh Core Strategy 2014. In the emerging Joint Local Plan, the site is outside of the proposed settlement boundary, however this document is given limited weighted because of its early stage.

2.0 The Proposal

Below is the original scheme prior to an amended layout



The amended layout following consultation and neighbour responses



2.1 Full planning permission is sought for the conversion of Brantham Place into six dwellings, together with the erection of 15 dwellings, seven of which are to be affordable. The design has been modified on a number of occasions through the life of the application. In response to residents' objections and consultee comments, the proposed housing cluster is now restricted to the north-western portion of the site, the exception being two double-storey dwellings proposed adjacent to the main house proposed for conversion. Consequently, the wooded areas flanking the existing site access, and the main wooded area to the south of the site, remain undeveloped, and will be the subject of a 'Woodland and Ecological Area'.

2.2 A masterplan is provided with the design principles described by the applicant as follows:

- A new road providing access from off Church Lane which provides access around the site on a new road.
- Dwellings set within the existing landscape whilst maintaining significant existing trees.
- Maintaining the setting of the existing house.
- Maximising views of the estuary.

- Creating a holistic, sense of place and community through the creation of a village green approach around the existing main house.
 - Connection to Church Lane and the footpath.
- 2.3 The proposed apartment mix comprises 2 x 1 bed and 4 x 2 bed units. Three of the units are aimed at over 55s. Of the 15 dwellings, three are proposed as bungalows, the remainder are two-storey houses most of which are detached. The proposed affordable mix comprises 2 x 1 bed; 2 x 2 bed; and 3 x 3 bed units. The market dwelling mix (other than over 55s) comprises 2 x 1 bed; 2 x 2 bed; 2 x 3 bed; 3 x 4 bed; and 2 x 5 bed units. All units exceed the Nationally Described Space Standard including the affordable units and apartments.

Plot Number	New Build or Conversion	Type	Size	GIA (m ²)	GIA (SqFt)
01	Conversion	Over 55	2 Bed Apartment	123.1	1325.1
02	Conversion	Over 55	2 Bed Apartment	95.3	1025.4
03	Conversion	Over 55	1Bed Apartment	82.5	887.6
04	Conversion	Market	2 Bed Apartment	130.7	1406.8
05	Conversion	Market	1Bed Apartment	64.0	688.9
06	Conversion	Market	2 Bed Apartment	96.4	1037.5
07	New Build	Affordable	3 Bed - Type 2	100.0	1076.4
08	New Build	Affordable	3 Bed - Type 3	100.0	1076.4
09	New Build	Market	5 Bed - Type 1	178.9	1926.1
10	New Build	Market	5 Bed - Type 3	181.5	1953.9
11	New Build	Market	5 Bed - Type 2	190.6	2052.0
12	New Build	Market	5 Bed - Type 1	178.9	1926.1
13	New Build	Market	4 Bed - Type 2	147.3	1585.8
14	New Build	Market	4 Bed - Type 1	147.3	1585.3
15	New Build	Market	4 Bed - Type 3	153.5	1652.3
16	New Build	Market	4 Bed - Type 4	151.0	1625.1
17	New Build	Affordable	3 Bed - Type 1	106.8	1149.4
18	New Build	Affordable	3 Bed - Type 2	100.0	1076.4
19	New Build	Affordable	2 Bed - Type 1	84.4	908.5
20	New Build	Affordable	2 Bed - Type 1	84.4	908.5
21	New Build	Affordable	3 Bed - Type 2	100.0	1076.4
			Total	2597	27950

- 2.4 The existing Church Lane vehicular access is to be utilised, widened and required visibility splays incorporated as necessary. The existing northern vehicle access point on Church Lane will be restricted to pedestrian/cyclist use only. The site layout features extensive internal footpaths, one leading south that connects to the existing public right of way which connects Church Lane with the body of the village, and one extending east to the northern Church Lane access.
- 2.5 Parking arrangements predominantly take the form of single and double detached garages, largely set behind dwellings. Uncovered vehicle hardstands are provided for the affordable units and some of the apartments in the converted dwelling.
- 2.6 Conversion of the main house requires minimal external alterations, with existing door and window positions utilised where possible. The new southern dwellings allow the formation of a courtyard to serve as a common amenity area for future occupants of the apartments.
- 2.7 The palette of finishing materials includes red brick; timber cladding; plain roof tiles, grey aluminium framed openings and lead detailing and flashings. Landscape boundary treatments include a mix of brick walls, timber fencing, estate railings and hedgerows.

3.0 Policy Context

- 3.1 Relevant to the submitted application, the development plan comprises the following: Babergh Local Plan 2011-2031 Core Strategy (2014); and the saved policies from the Babergh Local Plan

Alteration no.2 (2006). Those most important policies for the determination of the application are listed in summary form in Part Two of this report.

- 3.2 The Joint Local Plan (JLP) is emerging, subject to a second round of “Regulation 18” consultation in 2019. The NPPF states that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with national policies. The JLP is at an early stage and is therefore not weighed as a determinative consideration in this instance. This said, it is nonetheless useful to understand the strategic direction of travel offered by the JLP in respect to the site and the village within which it is located.
- 3.3 Brantham is designated in the Core Strategy as a Hinterland Village. The site sits outside, although adjoining the village’s settlement boundary. The emerging JLP reclassifies the settlement as a Core Village, does not allocate the site for housing and does not propose to vary the settlement boundary adjoining or near the application site.
- 3.4 Policy CS1 seeks to secure development that improves the economic, social and environmental conditions in the Babergh district. Policy CS1 essentially repeats the “presumption in favour of sustainable development” as set out at paragraph 11 of the NPPF.
- 3.5 Policy CS2 requires that, outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. As already noted, the site is outside the settlement boundary and Policy CS2 therefore applies.
- 3.6 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, and the weight to be applied to this policy should be tempered as a result. The fact the site is outside the settlement boundary is therefore not necessarily a determinative factor upon which the application turns. Nevertheless, the underlying strategy within the policy is considered to be sound and it remains the case that, as a development plan policy, it sits at the starting point for decision-taking purposes.
- 3.7 Policies CS1, CS11 and CS15 are consistent with the NPPF and carry full weight. Collectively policies CS1, CS2, CS11, and CS15 provide the principal assessment framework against which the application is to be assessed. They are the most important policies for the determination of this application and taken in the round that basket of policies is considered to be up to date.

In light of this, and where the Council can demonstrate a five-year housing land supply, the “tilted balance” under paragraph 11d of the NPPF (as repeated in policy CS1) cannot engage.

Owing to the site’s location near to designated heritage assets and within an AONB extension area, additional policies of importance include those saved in the 2006 Local Plan - CN06 (Listed Buildings) and CR02 (AONB Landscape). They are relevant policies but are not the most important for the determination of this application; regardless, the application poses no conflict with them.¹

- 3.8 An additional document also considered material to the determination of this application is the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) Management Plan 2018 - 23.

¹ Officers have embraced the statutory duty under s66 of the Listed Buildings Act in considering this application. Endorsing the comments of the Heritage team they are satisfied that no harm is posed i.e. the significance of any nearby assets would be preserved. Likewise due regard has been paid to the Section 85 of the *Countryside and Rights of Way Act 2000*: the application would not adversely impact upon the Suffolk Coast and Heaths AONB or effect its inherent beauty (nor would the Dedham Vale AONB be impacted by the proposal).

4.0 Policies CS2 and CS11

4.1 Policy CS2 (as well as the exceptional circumstances test) requires development outside of BUAB to have a proven justifiable need. The policy further states that Hinterland Villages will accommodate some development to help meet the needs within them.

The Bergholt judgment² is 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 policy CS11 might assist the Council with being satisfied in that respect but it does not override the requirement to meet them.

Policy CS11 states that development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement where the criteria related to Core Villages in CS11 are addressed to the satisfaction of Council and the additional criteria related to Hinterland Villages are also met.

4.2 Consideration for Core Villages against Policy CS11 and the SPD:

- the landscape, environmental and heritage characteristics of the village;
- the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
- site location and sequential approach to site selection;
- locally identified need - housing and employment, and specific local needs such as affordable housing;
- locally identified community needs; and
- cumulative impact of development in the area in respect of social, physical and environmental impacts.

Additional hinterland village criteria:

- is well designed and appropriate in size / scale, layout and character to its setting and to the village;
- is adjacent or well related to the existing pattern of development for that settlement;
- meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
- supports local services and/or creates or expands employment opportunities; and
- does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster

Whilst the site relates to a Hinterland Village, the criteria for Core Villages are also considered:

Policy CS11 Core Village Criteria

The landscape, environmental and heritage characteristics of the village

4.3 As already noted, the site lies within the Suffolk Coast and Heaths AONB extension area but this is not a formal designation at this point in time. The AONB officer raised concerns regarding the original scheme, in particular regarding the extent of tree removal and the impact this would have

² R (on the application of East Bergholt PC) v Babergh DC [2016] EWHC 3400 (Admin).

on the special qualities of the AONB. Design and layout changes were subsequently made which the AONB officer now welcomes.

- 4.4 The AONB officer has made suggested additional changes in order to provide a more respectful landscape response to the AONB extension area. These changes have since been incorporated. Car parking near School Cottages has been set away from the common boundary and native hedgerow planting incorporated along this boundary, improving connectivity between the existing treed areas, the newly proposed areas of landscaping and the wider established habitat areas. The hedgerow planting will conserve and enhance the wooded character of the AONB extension area. The AONB officer also suggests hedgehog-friendly fencing panels between properties to enable hedgehogs to move freely across gardens. This can be addressed by planning condition.
- 4.5 The AONB officer has considered whether the works to Brantham Place impact on the AONB extension area. In respect to this element of the scheme the officer concludes: 'We have no concerns about the proposed alterations to Brantham Place as it well screened and we do not consider that modifications to the main building will impact on the natural beauty of the existing or proposed extension to the AONB.'
- 4.6 In the absence of any outstanding concerns from the AONB officer, it is concluded that the revised scheme constitutes a respectful response to the natural beauty of the AONB extension area, in accordance with the principles of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) Management Plan 2018 - 23. Consistency with the aims and objectives of the Management Plan means the proposal finds support in saved Policy CR02 (even though, strictly speaking, the site is not within the AONB).
- 4.7 The Heritage Team's focus, as well as that of Historic England, relates to the safeguarding of views to and from the Grade II* listed Church of St Michael and All Angels. Effects on the setting of the listed lychgate must also be carefully considered. By removing housing from the side of the site closest to the church and lychgate the views to these assets are safeguarded. The retention of the wooded areas flanking both sides of the main access also ensure the development responds respectfully to the setting of these assets. The Heritage Team raises no objection to the application. Likewise, Historic England does not raise an objection, an important material consideration. The proposal safeguards the listed setting of both the church and associated lychgate, consistent with local and national heritage policies. There is no evidence presented by SCC Archaeology to suggest planning consent should be withheld. The conditional approach to archaeological assets, as recommended by the consultee, is supported.
- 4.8 Brantham Place is not a designated heritage asset. It is deemed a non-designated heritage asset given its age and historic integrity. Retention of the building and its re-use, to be undertaken without significant external modifications, aids in appreciating the historic site layout, and is supported.
- 4.9 The proposal offers significant benefits in the context of the environmental characteristics of the site, village and broader area. Most notable is the creation of a publicly accessible woodland and ecological area that would be the subject of a Landscape Ecological Management Plan (LEMP). This would offer a significant natural environmental resource to local village residents, a resource currently in private ownership. This area would be accessible for village residents from multiple access points, from the south as well as the east. The publicly-accessible wooded area features a network of pedestrian routes offering connectivity between the body of the village and Church Lane. This pedestrian network will provide opportunity for local residents, both from within and outside the development, to frequent the ecological area and take advantage of a significant environmental and recreational asset, one that, over time, will benefit from enhanced biodiversity values brought about

by the scheme's proposed biodiversity enhancements. This scheme element weighs heavily in favour of the application.

- 4.10 The LEMP would effectively manage existing habitats as well as create and manage new habitats. The management of the area subject of the LEMP will be the responsibility of a future management company (not Council). As noted by the Ecological Consultant, additional details are required to be incorporated into the LEMP to ensure ongoing management and implementation, such as an annual work plan, biodiversity monitoring programme, and legal and funding mechanisms. These are seen as critical to the success of the scheme and can be secured by way of legal agreement and/or condition.
- 4.11 The site exhibits a high-level sense of enclosure. This is owing to the substantial wooded areas enveloping the site, particularly to the north and south. There are essentially no views of the internal areas of the site from neighbouring public vantage points. The greatest visibility is from Church Lane and from here only partial glimpses of Brantham Place are possible. Brantham Place is not visible from School Lane, Valley Close or Cedar Close. There will be few, if any, views into the site from the village from which the whole of the development will be appreciated. As a result, any change in local landscape character will be very much localised. The development will certainly not appear as one that either intrudes into the countryside or appears visually isolated. To the contrary, the development integrates well into its surroundings. Limiting tree removal, retaining wooded areas and limiting housing density such that large expansive gardens are realised, all assists in assimilating the development into the landscape.
- 4.12 Development will be visible from the rear of some neighbouring plots, particularly those along Cedar Close. There will be long distance views of some of the dwellings from limited points along neighbouring roads, potentially including Birch Drive when it interests with Cedar Close. However, from these vantage points views will be appreciated with established village housing in the foreground. A backdrop of housing in this context is an acceptable character outcome.
- 4.13 The heavily-wooded site and its associated verdant character contribute significantly to the landscape setting of Brantham. The proposal seeks to limit tree removal largely to those within the site, screened from external views by existing boundary vegetation. The exception to this is the removal of the elms adjacent Cedar Close. These however suffer from Dutch elm disease and their removal is inevitable; it will occur irrespective of whether the development advances or not. Retention of all other external vegetation ensures the verdant qualities of the site, and landscape setting of the village, is maintained. The incorporation of native hedgerow planting in locations such as adjacent the School Cottages, will in time reinforce local landscape character.
- 4.14 A number of the issues raised by the landscape consultant have been subsequently addressed, such as introducing northern boundary landscape screening, integrating the former open space area to the rear of plots 15 and 16 into the development scheme, and removing trees G13 and G12 (Leylandii cypress and False cypress). There is nothing in the landscape consultant's response that amounts to issues that are deemed fatal to the application. In landscape terms the scheme is deemed acceptable.

The locational context of the village and the proposed development

- 4.15 The site is physically well related to the village. The western boundary abuts the settlement boundary where neighbouring conventional housing exists. The siting of housing on the application site has been undertaken in a manner that sees proposed house plots backing onto well-established

house plots. Back to back housing development, where new meets established, is an indicator of a natural, logical edge-of-village extension.

- 4.16 Although elevated, the development will not overwhelm the village in a visual sense. As already noted, the site is secluded, barely visible from external vantage points.

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

- 4.17 The scheme has been informed by pre-application dialogue with, and direction from, the Strategic Housing Officer. As a result, the Strategic Housing Officer raises no objection to the quantum, design and location of the affordable housing element. The proposal promotes the principles of a mixed and inclusive community. The affordable housing provision is 35%, policy compliant.
- 4.18 The scheme includes 3 x 4 bed units and 2 x 5 bed units. Usually such larger homes are not supported given the local need is for small household dwellings. However, this is countered by the inclusion of 2 x 1 bed and 2 x 2 bed market units. One-bedroom units are seldom incorporated into housing schemes and are welcomed.
- 4.19 The application is supported by a policy CS11 compliance statement which purports to identify a need for the development. However, it does not properly engage with the criteria listed within the CS11 SPD, nor does it identify a particular local need within the village that the development could satisfy. Plainly, given the significant number of dwellings due to be delivered by Taylor Wimpey to the south of the village it is unlikely that there is a residual housing need in Brantham and adjoining settlements.
- 4.20 However, while this policy conflict must be noted and taken into account the inclusion of smaller units and affordable housing, with a limited number of market dwellings, is not considered to render that conflict particularly significant on the particular facts of this case noting the support of the Housing team and that the sub-division of an existing dwelling is an acceptable outcome envisaged by the NPPF.

Site location and sequential approach to site selection

- 4.21 The site is adjacent to the Built-Up Area Boundary (BUAB) of Brantham. Members will recall the East Bergholt judgement which found that no-one site which is adjacent to a BUAB may be seen as sequentially preferable or unpreferable when compared to another such site. As there does not appear to be a known deliverable site within the BUAB, the site is sequentially justified.

Locally Identified Community Needs

- 4.21 Officers would advise that the proposed development 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 a full needs assessment, the proposal delivers benefits through CIL that counters, to some degree, this policy conflict. The absence of a supporting needs assessment is therefore not, in its own right, fatal to the application.

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

- 4.22 Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
- 4.23 As alluded to by a number of local residents in their submissions, there is an extant planning permission for 288 dwellings at a site south of the village. Clearly this approval is of substantial

scale in light of the size of the village. This said, there is nothing before officers to suggest that there would be an unacceptable cumulative impact if both the approved development and the subject proposal advance. The sites are well separated and so there will be no cumulative landscape harm. None of the consultee responses raise a concern in respect to cumulative harm, noting the Highway Authority concludes ‘it is our opinion that this development should not be prevented or refused on highways grounds as there are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe’.

CS11 Hinterland Village Criteria – in specific relation to Hinterland Villages, the following criteria must also be considered:

is well designed and appropriate in size / scale, layout and character to its setting and to the village

- 4.24 The application site is on the edge of the village. The main development of the village is to the east of Brantham Hill (the A137). The site is to the north east of the village and adjoins the BUAB on the western side of the site. The development comprises the conversion of a non-designated heritage asset which would be retained in the centre of a wooded site. The further 15 dwellings would mostly be sited in the northern part of the site which has fewer trees. The southern part of the site would remain largely unchanged by the development and would form an ecological area which protects the character of the site from wider landscape views.
- 4.25 Church Lane has a much looser pattern of development than the main village, with dwellings with larger gardens and a feeling of space and openness. The proposed dwellings reflect this looser pattern and allow for larger gardens in which existing trees can be retained.
- 4.26 The design and materials of the proposed dwellings are considered to reflect those used within the village and therefore reflect local distinctiveness.
- 4.27 Parking has been arranged so that it does not dominate the development. The site retains its woodland setting which is an important feature of the northern part of the village.

is adjacent or well related to the existing pattern of development for that settlement

- 4.28 As noted above, the site, although outside of the Built Up Area Boundary, does abut it on the western boundary. The site sits between development in Cedars Close and Church Lane and is considered to be well related to the existing pattern of development.

meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

- 4.29 A Local Needs Assessment was submitted with the application. However, this document did not address the actual need within Brantham. The Strategic Housing Team have confirmed that the district wide need is currently 844 applicants with the highest need for 1 and 2 beds followed by 3+ beds. There are 14 applicants with a connection to Brantham requiring 1,2 and 3 beds. Concluding: “There is clearly a need from the housing register both with a connection to Babergh and Brantham therefore I would say that the need can be justified on that point.”
- 4.30 The development has a good mix of affordable dwellings, flats, houses and bungalows. Although a specific need has not been identified for local people, the mix of housing does address a wider need within the Babergh district for smaller units of accommodation and also lifetime homes. There are some larger dwellings proposed which would satisfy commuters because of the excellent road links to Ipswich and Railway line to London in close proximity to Brantham. The absence of a supporting needs assessment, whilst not weighing in favour of the application, is not fatal to it.

supports local services and/or creates or expands employment opportunities

- 4.31 *While the proposal is unlikely to directly create or expand employment opportunities of itself, 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.*

does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster

- 4.32 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.
- 4.33 Whilst there is a lack of a comprehensive Local Housing Needs Assessment, thus conflicting with policy CS11, the proposed development responds well to most of the criteria set out above.

5.0 Policy CS15

- 5.1 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 in Policy CS15 are covered in the individual sections of this report and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report.
- 5.2 What follows is, therefore, an overarching summary of the most relevant issues.
- 5.3 Policy CS15 (ii) seeks to ensure that development proposals make a positive contribution to the local character, shape and scale of the area. The detailed design of the housing is well-considered, adopting traditional forms and commonly used local materials. Scale is not inconsistent with neighbouring residential development. The scheme delivers an attractive townscape quality that is respectful of the character and scale of the village. Local distinctiveness is maintained.
- 5.4 Policy CS15 (xviii) seeks to minimise the need to travel by car using alternative sustainable transport means and improving air quality. The site is well connected to the village via established pedestrian networks and nearby bus stops. Proposed pedestrian linkages through the site seek to take advantage of the existing public footpath network. A good range of amenities and services, including primary school, are located within short walking distance of the site. The supporting LEMP notes the need for a lighting plan to be worked up in conjunction with an ecologist to ensure the latest standards for minimising impacts to bats are followed. There is therefore scope to provide some low-level lighting to the proposed pedestrian network. As recommended by the Highway Authority, a contribution is sought for surface improvements to public footpath 16. The overall result is a scheme that will encourage future residents to walk and cycle from the site into the village, in turn limiting car dependency. The site is deemed a sustainable one for housing development.
- 5.5 The scale of the proposal would provide work for contractors during the construction period, thereby providing economic gain, through local spend within the community. (criterion iii of CS15).
- 5.6 As already covered in this report, the proposal offers significant biodiversity enhancement outcomes, furthering criterion vii of CS15.
- 5.7 The proposed development would support local services and facilities, a public benefit weighing positively in the planning balance.

- 5.8 The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for residential development (criterion xi of CS15).
- 5.9 During construction, methods will be employed to minimise waste (criterion xiv of CS15).
- 5.10 The dwellings would be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).

6. 0 Highway Safety (Parking, Access, Layout)

- 6.1 The Highway Authority does not object to the access, noting the required visibility for the western access on the highway can be met. The Authority considers the additional 17 vehicles that will be generated at peak hours will not have a severe impact on the surrounding road and junctions. In other words, the surrounding road network has the capacity to absorb the increase in traffic generated by the scheme.
- 6.2 On-site parking for the development is acceptable. Parking is provided either in the form of garaging or vehicle hardstands. Vehicle turning areas provide sufficient space for vehicles to enter and exit properties in a safe manner.
- 6.3 Given the absence of objection from the Highway Authority and absence of conflict with transport-related policies, there is no reason to resist the proposal on highway safety grounds.

7.0 Residential Amenity

- 7.1 The revised development scheme incorporates bungalows along the western edge where plots back on to the Cedar Close properties. This is a sensitive interface, not least because the subject land is elevated at this location, with a steep embankment running along the rear of these properties. The bungalows are a deliberate design response. They seek to achieve an acceptable amenity interface to the Cedar Close properties. Many residents in Cedar Close raise concerns regarding overlooking and loss of privacy, noting the elevated position of the new housing plots well above the back gardens of Cedar Close. Limiting the adjoining plots to single-storey, combined with the generous building setbacks from the top of the embankment, severely limits, if not entirely negates, direct views from the back of the bungalows down into the rear gardens and windows of the Cedar Close properties. Back-to-back distances at this interface exceed 20 metres.
- 7.2 In amenity terms, there are no other sensitive interfaces, with boundaries facing open countryside and a graveyard. Where there is neighbouring residential development, such as to the northern boundary, the neighbouring dwellings are set some distance from the site with intervening vegetation evident.
- 7.3 Internal amenity levels for the proposed housing and converted apartments is provided to a high level. New housing features open plan living areas with convenient access to generous, in some cases extremely generous, private gardens.

8.0 Arboricultural Impacts

- 8.1 There is a loss of trees, an unavoidable consequence of developing a plot where established park-like conditions exist. In total 51 trees and seven groups of trees are proposed to be removed, half the amount that was originally proposed for removal (90 trees and 12 groups of trees). Whilst the removal of 50 trees amounts to a considerable loss, the supporting Arboricultural Report (AR) confirms the removal of only one Category A tree, a sweet chestnut (T34). As already noted, tree removal is concentrated to the less landscape sensitive northern portion of the site. Additionally,

the trees to be removed are limited to those internal to the site, other than the perimeter elm trees that are the subject of Dutch elm disease. The internal trees are screened by surrounding vegetation that is being retained, which includes the substantial 25-metre-high beech trees (13) and English oaks (4) that sit along the site's northern boundary. The existing screening limits the adverse landscape character harm of the tree removal.

- 8.2 The AR recommends protection measures for the retained trees, particularly where hard landscaping is proposed within root protection areas, such as 'reduced-dig' construction methods and tree protective fencing and ground protection. The AR recommends that hard landscaping details be managed by planning condition so that these details can be carefully considered in the context of potential tree impacts. The AR also recommends the submission of utility service details and tree protection measures where these pass through root protection areas. These are critical mitigation measures that must be adhered to so that the trees proposed for retention are indeed retained and their health and vitality is not compromised by the development works. Officers support the recommended conditional approach to tree protection.

9. 0 Landscape

- 9.1 The masterplan includes locations for proposed landscape planting, including trees and hedgerows. As is a common approach, landscape detail such as planting species, mix and density are not provided. As per industry practice these are appropriately managed by planning condition. The proposed planting, in principle, is accepted, a scheme element that will complement and reinforce local landscape character. Importantly, the planting will to some degree offset the adverse landscape harm resulting from the proposed tree removal.
- 9.2 The masterplan details boundary treatments by specifying red brick walls, timber fencing and estate railings. Much care must be taken with boundary treatments, particularly in a sensitive setting such as this site. It is essential that soft, discrete boundary demarcation is incorporated. Natural materials and colour finishing is paramount. This position is supported by the Council's Landscape Consultant, who also notes the need to ensure that boundary treatments, where existing vegetation is present, will be required to maintain existing wildlife corridors. High, close-boarded timber fencing will need to be kept to an absolute minimum, as such a treatment offers scant respect to a parkland setting and will serve only to inhibit, rather than promote, wildlife corridor connectivity. The management of boundary treatments is best dealt with by planning condition.

10.0 Ecology

- 10.1 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 10.2 As already noted in this report, a key focus of the proposal's design ethos is the preservation and enhancement of local wildlife habitats, including the retention and long-term management of the proposed woodland and ecological area. The Council's Ecology Consultant recommends planning conditions to secure biodiversity enhancements and these are supported by officers.

11.0 Drainage, Flooding and Infrastructure Services

- 11.1 A sustainable drainage scheme to dispose of surface water has been submitted and is acceptable to the Suffolk County Council Flood and Water Management Team. Further details are required and can be secured by condition.

11.2 The application forms states that foul water will be disposed of on-site. This raised an objection from The Environment Agency which prefers to see development of this size connected to mains sewage. The Planning Agent has confirmed that there is a manhole on the site and also mains sewage in Church Lane. A consultation has been sent to Anglian Water and an update will be given on this issue at the Committee meeting.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Core Strategy for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 12.2 The scheme broadly complies with policy CS11 but the circumstances of the application are not exceptional and there is not a proven justifiable need. The application does not comply with the development plan viewed as a whole.
- 12.3 The Council benefits from a five-year land supply and collectively the policies most important to the determination of this application are up to date.
- 12.4 However, with the exception of the policy conflicts identified, the scheme poses little harm in environmental terms and positively responds to the social and economic strands of sustainability. The proposal would comply with the policies of the NPPF when viewed as a whole and complies with the thrust of policy CS15.
- 12.5 While the application conflicts with policy CS2, the weight to be afforded to this policy is lessened. Likewise, while the applicant has failed to illustrate that there is a local need within the village and conflicts with policy CS11, the housing proposed is nevertheless generally favourable in light of the smaller units and affordable housing proposed. The larger units are acknowledged, but undoubtedly necessary to support the rest of the development. Housing is of itself an important consideration, noting the Government's intention to significantly boost housing supply. There is an opportunity here to secure housing that of itself poses little material harm and where there is a named developer willing to commence development quickly and deliver at an expeditious rate³. In the current economic circumstances this must be considered as positive.
- 12.6 The scheme is considered to constitute a site responsive design. The revised design approach addresses many of the concerns raised originally by consultees and residents, and now responds much more appropriately to the site's opportunities and constraints:
- Incorporation of bungalows along the site's sensitive western edge, maintaining amenity for Cedar Close residents;
 - Containment of development to the northern portion of the site, the least visible part of the site from public vantage points;
 - Avoiding housing on the eastern side of the site, preserving the highly-valued setting of the nearby listed church and lych gate, as well as views to and from these assets;

³ A Statement of Common Ground in that respect confirms this and the applicant is happy to accept a shortened commencement time limit to underline the commitment to deliver.

- Retention of the wooded areas, safeguarding landscape character and respecting the intrinsic scenic beauty of the AONB extension area;
 - Largely limiting tree removal to the internal area of the site;
 - Adoption of a curvilinear road alignment, offering an informal and spacious design quality responding to the established parkland surroundings;
 - Improving highway safety by removal of an existing vehicle access point as well as utilising the existing Church Lane access;
 - Proposed perimeter hedgerow planting, reinforcing landscape character and improving residential amenity interfaces.
 - Converting and re-using the main building, rather than demolishing it, retaining a sense of the original historic layout and setting of Brantham Place, a respectful approach to a non-designated heritage asset.
- 12.7 The site is a sustainable one for housing, well connected to the village by an established footpath network. The village offers a good range of conveniently-located services and amenities for future occupants, including a primary school able to be reached directly by foot. The proposal constitutes an edge-of-village extension owing to the close physical relationship the site has with the adjacent settlement. The existing PRoW Byway 016 requires some repairs and resurfacing. The Highway Authority has requested a £25,000 contribution from the development. This would obviously be of some benefit to the residents as it is the safest route for the vulnerable user to gain access to school, shop and other village amenities. The contribution would be secured via a S.106 agreement.
- 12.8 Technical consultee responses indicate that the proposal does not give rise to adverse outcomes in respect to landscape character, the AONB, local distinctiveness, heritage, archaeology, highway safety, residential amenity, drainage, groundwater conditions or flood risk.
- 12.9 A significant environmental benefit of the scheme is the making of the established woodland a publicly accessible recreational and ecological asset. The proposal offers opportunity to secure the long term management of the asset, one that is currently in private ownership and offering limited public benefit. This is a positive scheme element that is attached significant weight.
- 12.10 Therefore, as a planning balance the officer assessment herein does acknowledge departures from the most important relevant development plan policies; the application conflicts with the development plan as a whole. However, where there is conflict, this is outweighed by the significant public benefits proposed.
- 12.11 In light of the above there are clearly material considerations indicating that permission should be granted other than in accordance with the development plan. There are no other material considerations that warrant the withholding of planning permission. Recommendation is therefore to grant planning permission.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- Affordable housing
- On site open space including management of the space to be agreed and requirement for public access at all times.
- RAMS financial contribution
- £25,000 contribution for surfacing of the PROW 016

(2) That the Chief Planning Officer be authorised to grant Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Reduced 18-month time limit to implement
- Approved Plans
- Phasing
- Details of materials
- Highways
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks
- Secure mitigation and ecology enhancement measures
- Ecology – in accordance with Ecological Appraisal
- EPS Licence of Bats
- LEMP
- Wildlife Sensitive Design Scheme
- Construction Management Plan
- Construction/clearance hours
- No burning
- Surface water management strategy
- Hard and soft landscaping including boundary treatments
- Hedgehog fencing scheme to be agreed
- Arboriculture - utility service details within RPAs
- Arboriculture – hard landscaping within RPAs
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Fire hydrant provision details
- Sustainable efficiency measures

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro-active working statement
- SCC Highways notes

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse planning permission for the following reason:

Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.