

Committee Report

Item 6A

Reference: DC/20/00330
Case Officer: Jack Wilkinson

Ward: Box Vale
Ward Member: Cllr Bryn Hurren

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS AND S106

Description of Development

Outline Planning Application (Access to be considered all other matters reserved) - Erection of up to 64no. dwellings and provision of land for a community building (Use Class D1)

Location

Site: Land To The East Of Sand Hill, Boxford, Suffolk
Parish: Boxford
Site Area: 5.71ha
Conservation Area: Not in Conservation Area
Listed Building: Not listed

Received: 24/01/2020

Expiry Date: 30/06/2020

Application Type: Outline Planning Permission

Development Type: Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Catesby Development Land Limited

Agent: Neame Sutton Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online at <https://planning.baberghmidsuffolk.gov.uk/online-applications/>

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The proposal exceeds 15 no. residential dwellings.

PART TWO – APPLICATION BACKGROUND

History

Outline Planning Application (some matters reserved) - Erection of up to 80No residential dwellings including vehicular access.

Ref No: DC/19/01873 | Status: Refused on 09/10/2019

The reasons for refusal state:

“1. Policy CS2 of the Babergh Core Strategy seeks to direct new development sequentially to the towns / urban areas, and to the core villages and hinterland villages.

Policy CS11 of the Core Strategy requires development to consider the landscape characteristics of the village, local housing, employment and community needs. CS15 of the Core Strategy seeks to ensure that development respects landscape features and local character whilst protecting or creating jobs, along with ensuring infrastructure is available to serve the development proposed:

As Babergh District Council is able to demonstrate a Five Year Housing Land Supply, the 'tilted balance' of Paragraph 11(d) of the NPPF is not engaged.

2. The proposal is considered to form an uncharacteristic spatial intrusion into the countryside, extending outside of the defined Built Up Area Boundary of the village. The urbanising effects of development present unacceptable harm to the landscape which makes a positive contribution to the local character and distinctiveness of the area. This urbanisation would be apparent, given the shape of the land which slopes up south- eastwards. This is contrary to Policy CS11 (i) which states that the landscape, environmental and heritage characteristics of the village should be addressed and CS15 (ii) which states that development should make a positive contribution to the local character, shape and scale of the area;

Whilst sufficient affordable housing is being offered, the scheme fails to provide adequate primary evidence to demonstrate locally identified market housing need. This is contrary to CS11 (iv).

Furthermore, there are limited employment and community needs benefits, with no exceptional circumstances or other demonstrable material considerations which outweigh the harms identified. This fails to meet the provisions of policy CS11 (iv) and (v).

3. The proposal would fail to demonstrate the principles of sustainable development by not addressing climate change. This is contrary to Policy CS15 (viii) by incorporating or producing sources of renewable or low-carbon energy.

4. Finally, the site does not benefit from sufficient infrastructure provision, contrary to Policy CS15 (iv), and lacks demonstrable social, economic and environmental benefits undermining the essence of the NPPF through no justifiable need or sufficient mitigation measures.

The proposal, therefore, fails to accord with Policies CS2, CS11 and CS15 of the Babergh Core Strategy (2014) and Paragraph 8 of the NPPF and is hereby refused”.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

Development plan Documents

Babergh Local Plan 2011 – 2031 Core Strategy
Babergh Local Plan 2006

The following policies are considered to be most important for the determination of this outline planning application:

- CS1 - Applying the presumption in favour of sustainable development
- CS2 - Settlement Pattern Policy
- CS11 - Strategy for Development for Core and Hinterland Villages
- CS15 - Implementing sustainable development in Babergh
- CS19 - Affordable Housing
- CN06 – Listed Buildings
- CN08 Conservation Areas

Other material documents

National Planning Policy Framework (2019)
Nationally Described Space Standard (2019)
Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide (2000)

Supplementary Planning Documents

Rural Development & Core Strategy Policy CS11 SPD (2014)

Emerging Local Plan

Babergh & Mid Suffolk Joint Local Plan (July 2019)

Previous Committee / Resolutions and Any Member Site Visit

Officers presented the application to Members on 11/09/2019 requesting a Member Site Visit, in conjunction with other schemes within the nearby area, at the express request of Cllr Hurren. Members resolved to undertake site inspection which was carried out on 18/09/2019.

The previous application was subsequently refused and issued on 09/10/2019.

Pre-Application Advice

Pre-application discussions were held between the Applicant and Council officers under reference DC/18/03262. Pre-application response provided on 20/08/2018.

Consultations and Representations

During the course of the application consultation, responses have been received. These are summarised below.

A: Summary of Consultations

SCC - Flood & Water Management

No objection subject to surface water drainage and SUDs conditions.

SCC - Fire & Rescue

No objection subject to fire hydrants condition.

SCC – Highways

No objection subject to:

Planning Conditions -

- Visibility Splays
- Details of access
- Estate roads and footpaths
- Basecourse level
- Surface Water Discharge
- Footway link
- Residents Travel Pack
- Parking
- HGV Construction

S106 Contributions consisting of -

- 20mph Speed Zone - £20,000 to be made to SCC for the extension of the 30mph speed limit and the introduction of the 20mph speed zone.
- PROW upgrade - £4,000 to complete the legal process to upgrade the PROW footpath to bridleway.
- Public Transport - There is a desire to install bus stops on Sand Hill adjacent to the site which will benefit residents, visitors to the site and the community. If the developer does not wish to carry out the works under s278 agreement, we request a contribution of £15,000 for construction for new raised bus stop kerbs with shelters.

SCC - Strategic Development Contributions Manager

No objection subject to Schools Transport contribution totalling £165,120.

Suffolk County Council previously responded by way of letter dated 11 February 2020. This letter, dated 27 April 2020, updates SCC's prior infrastructure contribution requests. The CIL contributions and S106 secondary school transportation contribution requests in the original letter are still valid but SCC now requests primary contributions and primary school transport contribution.

The County Council has a statutory duty (under the Education Act 1996) to make sure there are enough school places for children and young people who live in the county and to make sure these places are of good quality with enough space to promote parental choice and diversity.

You will be aware there is a difference in the education requirements for primary school between the 11 February 2020 letter and the previous application (DC/19/01873/OUT) SCC response to this site. The forecast arrivals reduced due to two years of lower applications and a reduction in the numbers of out-of-catchment children going to Boxford. However, since SCC's 11 February 2020 letter the applications for primary school places closed on 16 April 2020 and the latest pupil arrival rates for Boxford CEVCP in September mean the

school is now forecast to be oversubscribed and the County Council cannot guarantee that all pupils from the development, should it be approved and built out, will be able to find a place at the catchment primary school.

Whilst there had been a reduction in out-of-catchment pupils, the number of out-of-catchment pupils at the schools still amounts to 32% of the total number of pupils. Therefore, as parents living in the village make applications to their local school, they will in turn displace those from out of the area as they will have a higher priority claim for a place under the published admissions criteria. Over a period of several years the balance of in-catchment pupils will change as more catchment children will be successful. This is not a solution that creates places instantly and there will be some frustration in the short term.

On this basis, we will therefore require primary school transport for pupils living in the village or from the development that may get displaced in the short term in accordance with the Planning Practice Guidance and the DfE Securing developer contributions for education guidance. The period of transition has been factored in to cover seven years for primary school transport costs however it is recognised that the pupils forecast to directly arise from the Proposed Development will not all live in the new housing from the outset, or all start the school in the reception year. However some of the out of catchment children may well have siblings who move into the school and they will have a high priority against the admissions policies, as well as giving consideration to out of catchment pupils who are unlikely to move from the school until parents apply for a secondary school place. Therefore 7 years is considered an appropriate amount of time for adjustments to the balance of places to take place.

Our approach to school transport cost is directly related to the number of children likely to be living in the dwellings and is set out in the final section on page 2 of the “update on developer contribution costs for early years and education”, published on the SCC Developers Guide to Infrastructure Contributions in Suffolk webpage. On average the current cost (December 2019) of transporting a school pupil from home to school is £5.05 per day (return) or £960 per annum. The calculation of school transport contributions is based on 190 days per year over 7 years for primary school pupils or over 5 years for secondary school pupils.

By way of comparison Essex County Council have an average cost (April 2019) for primary school transport of £10.80 and secondary school transport of £5.30 per day (return). The calculation of school transport contributions is based on 190 days per year over number of years (Para 5.3.1 of the Essex County Council Developers’ Guide to Infrastructure Contributions consultation). In addition, Leicestershire County Council require a school transport contribution, where it is not possible to provide additional school places within an available walking route of the new development [2 miles for primary school and 3 miles for secondary schools] (Para 31b, Planning Obligations Policy, Leicestershire County Council).

Strategic Housing Officer

No objection. This proposal triggers an affordable housing contribution of 35% under current local policy equating to 22 no. dwellings. The applicant is offering 35% so will be policy compliant.

Arboricultural Officer

No objection.

Heritage Team

No objection subject to conditions:

- Prior to the construction of the new bus stop on Ellis Street/Sand Hill, details/manufacturer's literature of proposed surface material for the bus stop to be submitted.
- Prior to the erection of any street signage, confirmation that no new street signage would be attached to any designated or non-designated heritage asset.
- Widened footway outside nos. 10-14 Broad Street to match in materials to that immediately adjacent.

SCC - Archaeological Service

No objection subject to two standard pre and post commencement conditions.

Place Services – Landscaping

No objection subject to conditions relating to advanced landscaping, hard and soft landscaping, SUDs and a landscaping management plan (10 years).

Place Services – Ecology

No objection subject to conditions relating to landscape and ecological management plan, biodiversity enhancement, skylark mitigation and lighting design details.

SCC Travel Plan Co-ordinator

No comments. See Highways response.

SCC - Rights Of Way Department

No objection.

Environmental Health - Land Contamination

No objection.

Public Realm

No objection. The large area of public open space and proposed additional woodland planting surrounding the development are welcome. Provision of an exercise / play 'trail' around the perimeter of the development is supported. Some provision will be required if this application is approved subject to reserved matters.

Natural England

No objection.

The Environment Agency

No comment.

Suffolk Wildlife Trust

No comment.

Suffolk Police - Design Out Crime Officers

No comment.

Anglian Water

No comment.

NHS England

No comment. No mitigation required.

Cllr Bryn Hurren

No response.

BDC - Planning Policy

Objection. The comments provided by the Planning Policy Officer are presented as follows:

This application is a resubmission of refused application DC/19/01873. The main difference between the two applications is a reduction of 16 dwellings. The refused application proposed 80 dwellings and this current application (DC/20/00330) proposes 64 dwellings.

Boxford is currently designated as a Core Village in accordance with policy CS2 (Babergh Core Strategy, Feb 2014). Boxford is currently emerging within the JLP as a Core Village, which means since the policy was adopted there is no significant change to area, location or services and facilities that suggest large scale growth is acceptable or sustainable long term. Therefore, since the policy was adopted to present day there is no significant changes with Boxford in terms of its sustainability criteria and connectivity.

Whilst it is recognised the scheme has slightly reduced the number of dwellings, it is still apparent the quantity of growth proposed would intensify frequent movements and urban form in a rural location. Which already contains less sustainable service and facilities and less connectivity than more sustainable area. The emerging plan led approach that is underpinned by evidence base has already indicated Boxford is unable to provide long term sustainability especially major development.

It can be seen through the appeal decision (APP/D3505/W/18/3197391) in Boxford for 24 dwellings the conflicts between vehicles and pedestrians. Equally, we already know through the Infrastructure Delivery Plan (IDP) intelligence that education provision is a problem in this location.

It is also important to note that the site has and is surrounded by constraints. There are known protected species on and around the site, therefore ecology, biodiversity and their interlinking networks is an important material consideration. There is a cordon sanitaire by Anglian Water directly to the south of the site, which could affect residential amenity. There is surface water flooding towards the northern part of the site. The setting of the site is quite significant because the Special Landscape Area is designated to the south/west and beyond this is the AONB to the south. Which means the southern area of the site is close to designated land and forms part of the landscape setting values.

It is apparent the criteria of policy CS11 (Babergh Core Strategy, Feb 2014) shows sufficient conflict with this application. Furthermore, the criteria of policy CS15 (Babergh Core Strategy, Feb 2014) has equal conflict in this case.

The principle of development does not change in so far as the site is a departure from the existing development plan and emerging plan-led system. Which has direct conflict with paragraph 49 of the NPPF (Feb 2019) as the proposal would be undermining the current policies and the emerging plan-led system which is underpinned by evidence base and an IDP and does not encourage major development in this location in the long term.

The long-term sustainability in this case is of great concern and is not a proposal recommended to be supported. When it is comprehensively known sequentially there are other locations sustainably and suitably placed to accommodate major growth of the scale proposed.

1. Infrastructure Delivery Plan (IDP) position

The IDP (July 2019) sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 22nd July 2019 as evidence base which supports the Joint Local Plan and is an iterative document which will change over time dependant on changing infrastructure capacity, requirements and priorities.

There are no proposed site allocations or proposed boundary expansions for the settlement of Boxford, within the emerging Joint Local Plan.

For the purpose of this response, and to understand the impact on infrastructure capacity, the content of the IDP has been considered together with the existing planning permissions and responses from infrastructure providers.

Currently within Boxford, there are no major planning applications (over 10 dwellings), other than this application, which are pending decision. Some recent development have included B/14/01259 for 25 dwellings and B/11/00148 for 21 dwellings, both completed.

Recent planning applications which were refused include B/17/00091 for 24 dwellings (Appeal Dismissed in November 2018) and the proposed site DC/19/01873 refused in October 2019 for 80 dwellings.

For Boxford, there are essential infrastructure needs identified in the IDP:

- Education

For Primary education, the local catchment school is Boxford CEVCP Primary School where there is currently no capacity to provide for this development. During the preparation of the IDP it was identified that this primary school would not be able to expand to provide additional pupil places. As explained in the County Council response of the 27th April 2020, the primary school will not be able to accommodate the pupils deriving from this development, in the short term, until displacement of pupils from out of catchment areas can be achieved. Therefore, school transport contributions, through s106, are required. This is the case for primary and secondary school transport.

For Secondary and Post 16 education, the local catchment school is Thomas Gainsborough, in Great Cornard, which in the IDP is referred to as not needing to expand in relation to the planned growth, however this secondary school is able to expand if additional provision is required.

- Transport:

Specific site details and required contributions have been provided through the County Council Highways response of the 11th February 2020, where it is identified that the development would not have a severe impact on the highway network. As stated in this Highways response, the proposed scheme contributes to providing links for pedestrians from the development and wider community to bus stops, the primary school and to the amenities within the village.

In terms of cumulative impact and identified highway mitigation, the IDP refers to the junction of the A1071 and A134 Assington Road, where mitigation would potentially be sought to introduce signalised junction and speed limit, from development impacting this area, particularly from Sudbury, Hadleigh, Boxford, Newton, Assington, Leavenheath, Nayland, and Colchester.

- Health

The local health facilities for this settlement are the Hadleigh practice with Boxford branch, for which a need for additional provision was identified and is currently planned.

The IDP position for health in this area is being reviewed in light of the committed growth and planned growth, in preparation for the next iteration of the emerging Joint Local Plan.

2. Summary

It will be essential that the above points are considered in conjunction with the current application process and infrastructure needs are addressed in accordance with the respective infrastructure providers consultation replies, this response and the IDP.

From an education infrastructure point of view, the primary and secondary school pupils will primarily be driven or bused to their respective schools, which will cause adverse harm in respect of social and environmental conditions arising from this proposed development. It is however acknowledged that, over a longer-term period, once displacement has been achieved at the primary school, that the pupils from this proposed development would benefit from a short walk to the existing primary school, however the timing of this is unknown. It is also acknowledged that there are other facilities and services available within Boxford, such as the local health practices, and access to regular public transport.

As referred above, the emerging Joint Local Plan is not proposing site allocations for the settlement of Boxford, primarily due to the primary education provision issues. It would there be absolutely essential to secure the s106 developer contributions for the school transport, as without this, the infrastructure required would not be mitigated.

Suffolk Preservation Society

Objection:

- Location of the site will extend housing further into the countryside.
- The elevation and rising topography of the site will render the development prominent in the landscape.
- Location fails to respect the existing morphology of the village.
- Increased traffic will impact the already congested historic core of the village and character of the Boxford Con. Area.

Boxford Society

Objection:

- Size and Scale – Development considered excessive in relation to size of the existing village. An additional community facility is also unrequired as this would dilute the use and viability of the existing facilities and cause a rift in the village.
- Impact on Highway Safety – The centre of Boxford is a bottleneck and additional vehicles will increase risk of accidents. Increased risk on Sand Hill. Risk for pedestrians crossing Sand Hill to gain direct access to the village. Swan Street could not cope with increased traffic.
- Infrastructure – The surgery is at capacity. Parking is already an issue – Additional vehicles would exacerbate this. The proposed footpath in Ellis Street is unlikely as part of the proposed route is privately owned.
- Impact on the Village – Development is urban in character and is inappropriate for a medieval village. Need to protect historic buildings from increase in air pollution and traffic congestion.
- Conclusion – Development is not needed nor wanted in Boxford. Cannot be accepted against Policy CS11 and does not comply with C21.

Boxford Parish Council

Objection:

- Proposal does not comply with requirements of CS2, CS11, CS15 and CS20.
- Scale of development is too large.
- Lacks local needs provision and accessibility to village facilities.
- Proposed improvement to accessibility by foot is undeliverable.
- Proposal is not in keeping with views expressed and evidence gathered from the village.
- Development is outside built up area and would cause unacceptable harm to the landscape and gateway into the village.
- Primary school does not have additional capacity.
- Development presents a flood risks in the village.
- Highway safety concerns, especially regarding Swan Street, as well as potential increased traffic on Stone Street.
- Proposed footway is a cynical attempt to obtain planning permission, as due to the distance from the proposal to the village centre, it will be more likely that people will drive there, adding to existing parking and congestion problems.

B: Representations

A number of representations were received from members of the public, relating to the following:

- Affects local ecology/wildlife
- Application is lacking information
- Boundary issues
- Conflict with local plan
- Conflict with NPPF
- Design
- Development too high
- Dominating/overbearing
- Drainage
- Fear of crime
- General dislike of proposal
- Harm to listed building
- Health & safety
- Impact on property value
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Inappropriate in a conservation area
- Increase danger of flooding
- Increase in anti-social behaviour
- Increase in pollution
- Increased traffic/highways issues
- Landscape impact
- Light pollution
- Loss of light
- Loss of open space
- Loss of outlook
- Loss of parking
- Loss of privacy

- Noise
- Out of character with the area
- Over development of site
- Overlooking
- Residential amenity
- Scale
- Strain on existing community facilities
- Sustainability
- Trees
- Conflict with Neighbourhood Plan

A petition was also submitted with 110 no. signatures. This has been formally registered through the Councils Petition scheme as an objection.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out.

1 The Site and Surroundings

- 1.1 The 5.71Ha application site is located at the south-eastern edge adjoining the defined Built Up Area Boundary (BUAB) for Boxford (a Core Village). The site is part of a wider agricultural holding and is currently of arable nature.
- 1.2 To the immediate north is the undulating village valley of Boxford, with long established residential dwellings of varying single and two-storey form. Immediately north-west, within what previously formed part of the agricultural application site, is a small single storey development known as Station Field. To the north are domestic dwellings situated on Brook Hall Road. To the east is open agricultural farmland. To the south and south east are further domestic dwellings, with Hadleigh Road / A1071, a core vehicular route linking Boxford to Hadleigh, Ipswich (east) and Sudbury (west), and beyond. To the west is Sand Hill, which provides primary access to the application site. The landscape falls from Hadleigh Road / A1071, via Sand Hill and through the application site, into the heart of Boxford, its historic core (including its Conservation Area), and Brook Hall Road north.
- 1.3 The site is set amongst the backdrop of Boxford, in an unconstrained area. The site is not visually constrained by a direct designation, but is close to the Boxford Conservation Area, containing many Grade II listed buildings (including Grade I and II* assets) within its catchment. The existing site provides an important outlook to and from the village, contributing to the context and character of the locality. It could be said that the application site is within the “setting” of the Conservation Area and so local and national heritage policies are engaged (see subsequent Heritage section).
- 1.4 The wider area is predominantly rural, located within the Stour Estuary Sites of Scientific Interest (SSSI) and the Stour and Orwell Special Protection Area (SPA). The site is closely connected to the services, facilities and amenities of Boxford.

2 The Proposal

- 2.1 Outline planning permission is sought for; Erection of up to 64 no. dwellings (with access) and provision of land for a community building (Use Class D1)
- 2.2 An indicative site layout has been provided to illustrate that the quantum of development, in that the amount of residential units proposed, can be accommodated on the site in an acceptable form. Key elements of this are as follows:
- Up to 64 no. new homes;
 - A mix of tenure and house types, including 35% affordable housing
 - A new vehicular access from Sand Hill
 - Internal vehicular service road, pedestrian footpaths and integrated pedestrian links, inclusive of PROW integration
 - High quality landscaping scheme with retention of the existing high-value tree specimens, significant additional planting of native and new specimen trees, hedge planting proposed to reinforce landscape boundaries and meadow / woodland set across 1.14Ha
 - New public open space, for existing and future residents, totalling 2.03Ha
 - Attenuation basin
 - Play area
 - Community building set on a 0.08Ha area

3 The Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework (NPPF) of 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.3 The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. But the weight attributed to development plan policies should be apportioned according to their degree of consistency with the NPPF, however. The closer a policy is to the NPPF, the greater the weight that can be attributed to them.
- 3.4 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.5 **Policy CS1 - Applying the Presumption in favour of Sustainable Development in Babergh**
- 3.6 Policy CS1 is in-step with paragraph 11 of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development; this policy is also consistent with the NPPF and given full weight. Policy CS11 also accords with the NPPF,

particularly in relation to paragraphs 77 and 78 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas, paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes, paragraph 127 to achieve well-designed places, and paragraph 170 to contribute to and enhance the natural and local environment. This policy is also afforded a full weighting.

3.7 **Policy CS2 - Settlement Pattern Policy**

3.8 Policy CS2 designates Boxford as a Core Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. As a matter of planning judgement this approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making; this has been further reflected in recent appeal decisions affecting the Council and was notably the view expressed by the Secretary of State in the recent Long Melford recovered appeal. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated.

3.9 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is sound, in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight. It is noted there is explicit conflict with CS2 for this proposal but arguably its underlying aims would be met.

3.10 **Policy CS11 - Strategy for Development in Core and Hinterland Villages**

3.11 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.

3.12 The site is an edge-of-settlement location where the criteria set out at Policy CS11 are engaged.

3.13 Policy CS11 states that development in Core villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:

- (a) *Core villages criteria:*
 - i) *the landscape, environmental and heritage characteristics of the village;*
 - ii) *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
 - iii) *site location and sequential approach to site selection;*

- iv) *locally identified need - housing and employment, and specific local needs such as affordable housing;*
- v) *locally identified community needs; and*
- vi) *cumulative impact of development in the area in respect of social, physical and environmental impacts.*

- 3.14 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
- 3.15 The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn. Policy CS15 criteria, which an application must score positively against, are addressed later in this report.
- 3.16 Core Village Criteria
- 3.17 *The landscape, environmental and heritage characteristics of the village*
- 3.18 The NPPF emphasises as a core principle the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 3.19 Furthermore, Policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district, and local plan Policy CR04 seeks to maintain or enhance the special landscape qualities of the area and designed and sited so as to harmonise with the landscape setting¹. The Planning Practice Guidance advises that 'The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape'.
- 3.20 Policy CS11 envisages that there will be some development in the countryside and it is axiomatic that the development of a greenfield site will result in an element of adverse impact; the key question is whether the character impact of the development is reasonably contained.
- 3.21 The Landscape and Visual Appraisal (January 2020) submitted with the application notes that the proposal would result in the loss of agricultural land and a change to public visual receptors including along the public rights of way.
- 3.22 The site does not contribute to a designated landscape warranting special protection measures. The application site is not in an AONB, however given its proximity to the AONB due consideration has been made with a deemed impact very low at Year 1

¹ Policy CR04 does not expressly engage, however, as the site is outside of the designated area.

and Year 15. As such there would be no anticipated detrimental adverse effects on the Dedham AONB as a whole as a result of the proposed development. Similarly, the site is not in an SLA, however assessment against the nearby protected area has been made. In considering effects upon landscape character, what amounts to a limited change on a small part of a view (as receptors travel along Sand Hill), would not detrimentally or materially affect the experience of the SLA from within its setting, leading to a finding of negligible effects (as a worst-case) upon this designated landscape.

- 3.23 The site is not in a Conservation Area, and nor does it impact the setting of a Conservation Area to a materially harmful degree. The Heritage Officer notes that the scheme would create negligible harm upon the Conservation Area and listed buildings within it, by virtue of an increase of traffic moving through that designated area. This is discussed at section 8 of this report where it is concluded that the harm posed is outweighed by the public benefits of allowing the development to proceed.
- 3.24 The previous refusal identified a deficiency in direct relation to this strand of CS11, however, officers have considered the reduction in housing numbers, in addition to the landscape mitigation measures set over a 1.14Ha area, along with the recommended conditions by Place Services – Landscape, and are satisfied that this would sufficiently diminish this element of the refusal. The scheme is set amongst the backdrop of the village, in an unconstrained character area. The site is not visually constrained by a direct designation. Indeed the scheme would lay potential for the site to positively enhance the eastern edge of Boxford, through choice design and layout, integrated through appropriate landscaping secured over a 10 year period. Subject to the imposition of planning conditions, officers are satisfied that the scheme responds well in this regard.
- 3.25 The development will not appear isolated in a visual sense, owing to the enclosed nature of the north and west boundaries set amongst the existing body of the village. The southern boundary is open in places, with the eastern boundary widely open, however the landscape mitigation proposed is considered to adequately reduce the inevitable urbanising effects of the scheme, including the landscape harm identified. Boundaries will be reinforced with new mixed native species. For the above reasons, it is concluded that landscape harm is capable of mitigation and the effects would be satisfactory. This policy criterion is satisfied.
- 3.26 *The locational context of the village and the proposed development*
- 3.27 This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
- 3.28 Paragraph 10 of the SPD states that; To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:
- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the exiting settlement, jobs, facilities and services including location of site access and availability of sustainable transport links

- The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries.
- 3.29 The scheme will read as a logical addition owing to settlement pattern of this part of the village. Boxford provides services, facilities and amenities, and with transport connections to services and employment hubs found in Hadleigh, Sudbury, Ipswich, and beyond, the site is not considered to be isolated given the proximity to services and other dwellings.
- 3.30 Scale and layout are reserved matters. The indicative masterplan layout shows that the new proposals are sensitively considered, whilst at the same time providing public benefits within the development. The site is contained at its north and western extremity, with landscaping proposed at the open eastern and southern boundaries as discussed.
- 3.31 This criterion is satisfied.
- 3.32 *Site location and sequential approach to site selection*
- 3.33 The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the Boxford settlement boundary which would enable a development of a scale commensurate with that proposed. There are no other brownfield sites being promoted for development within or around Boxford of this scale. Case law, namely *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin), has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier.
- 3.34 This criterion is satisfied.
- 3.35 *Locally identified need - housing and employment, and specific local needs such as affordable housing*
- 3.36 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
- 3.37 Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District. Policy CS19 also seeks to secure 35% affordable dwellings.
- 3.38 Paragraph 14 of the SPD states that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal.

- 3.39 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.
- 3.40 The application is supported by a local housing needs assessment dated December 2019, which provides evidence of local housing need through secondary data. Just within the part cluster, the shortfall is likely to be at least 90 dwellings to 2031, but could be up to circa 140 dwellings. As the Core Village at the centre of a functional cluster, at the very least Boxford should be meeting most (if not all) of the needs arising within the hinterland villages and countryside which do not overlap into other clusters (i.e. Boxford, Edwardstone and Groton).
- 3.41 However, case law has established that in the case of Core Villages, 'local' needs are those arising in the village and its cluster (and perhaps the areas immediately adjoining). Looking at the whole of the Boxford cluster, the shortfall is even greater. At an absolute minimum circa 120-150 dwellings are needed solely to meet demographic needs arising in the cluster, albeit this fails to factor in an uplift for market signals and would not be consistent with the district-wide assessment of need. Accounting for such an uplift would imply a shortfall of circa 230-280 dwellings to 2031 on a 'bottom-up' basis in the whole cluster and circa 260 - 270 on a 'top-down' basis across the whole cluster.
- 3.42 There is therefore evidence of a shortfall in housing provision in the remaining Core Strategy period in the Boxford cluster (whether looking at the part or whole cluster), thus fulfilling the requirement in CS11 that proposals demonstrate evidence of local need. The proposed scheme (which will deliver up to 64 new homes) would help to meet some of this identified shortfall in housing within the Boxford cluster.
- 3.43 Members should note that the report follows the same methodology as that accepted by the Inspector (from which the Secretary of State did not demur) in the Long Melford appeal. The assessment has been judged on its own merits but its findings are accepted.
- 3.44 The previous refusal identified conflict with this strand of CS11. In close consultation with the Strategic Housing Officer, officers are satisfied that, along with the inclusion of the local housing needs assessment, there is clear need. Ancillary to this consideration, is the outcome of a planning appeal in *Long Melford* (reference: APP/D3505/W/18/3214377) recovered by the Secretary of State, which relates to the consideration of such need, when framed against the wider direction of Government of delivering homes. At Paragraph 53, the Inspector states:
- "In the light of the identified local need, and the Government's objective of significantly boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight."*
- 3.45 The applicant has sought to address this directly through the inclusion of a local needs assessment which identifies a need. The Inspector is forthright in stating that delivery is key. In relation to the previous reason for the refusal, officers are satisfied that local housing need is sufficiently provided, reflective of iv of CS11.

- 3.46 On balance it is considered that the proposed development would go some way to meet local housing need in relation to private market and affordable housing need and in accordance with the policy there is a proven local housing need.
- 3.47 This criterion is satisfied.
- 3.48 *Locally Identified Community Needs*
- 3.49 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal; this is not a specific requirement of the policy, however. Therefore while in this case the applicant has not submitted a community needs assessment, this is not of itself fatal to an assessment against this criterion of CS11. 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. The Council resolved to become a CIL-charging authority subsequent to the adoption of the Core Strategy.
- 3.50 Officers would advise that the proposed development will generate contributions towards community infrastructure under the CIL charging regime, 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 counter-balances any perceived policy tension in the absence of a specific assessment.
- 3.51 The previous refusal cites a deficiency with this strand of CS11, referring to a lack of employment generation and community benefits, which in turn fail to offset the harms previously identified. Notwithstanding the commentary which this report provides relating to harm(s), along with the supporting documents provided by the applicant, this proposal responds directly to the lack of community benefits through the inclusion of the community building (D1 Use Class) shown on the indicative plan. This is a welcome benefit for Boxford which officers would secure through S106. Whilst direct employment use is not proposed with this application, the wider effects and potential spending power from a development of this extent, would yield positive benefits for Boxford and surrounding areas. This aspect will be discussed at paragraph 16 below. Overall officers consider that this element of CS11 is satisfied.
- 3.52 *Cumulative impact of development in the area in respect of social, physical and environmental impact.*
- 3.53 The SPD identifies, at paragraph 13, that 'cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account'.
- 3.54 The Local Highways Authority (LHA) consultation response demonstrates that the development can be accommodated without adverse infrastructure strain. The proposed development has been assessed by Suffolk County Council's Development Contributions Manager also.
- 3.55 The scheme would generate pooled CIL funds. The recommendation is made in full view of the comments expressed in relation to; education, pre-school provision, play

space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.

3.56 The local schools are Boxford CEVC Primary School (catchment and nearest school to the proposed development), Thomas Gainsborough School (2nd nearest, secondary school but over 3 miles away), and Hadleigh High School (ages 11 - 16) (operates a catchment which does not include Boxford but is the nearest secondary school, but over 3 miles away).

3.57 SCC forecast to have no surplus places at the catchment primary school based on a 95% capacity which is the bare minimum for education authorities to meet this statutory duty with operational flexibility, while enabling parents to have some choice of schools. It has recently been confirmed that the primary school cannot expand within its current site and most of the site, and surrounding land, is in Flood Zone 3. The school cannot therefore be expanded.

It is noted that the development would lead to no strategy for providing places for future plan-led growth in this area according to the response given by SCC Strategic Development to the application, but that a contribution to school transport would lead to no objection. Regarding future plan-led growth, there are no proposed allocations in Boxford in the emerging JLP, although this is noted to have limited weight at present.

3.58 This development could result in 16 primary school-aged children travelling by bus to school, but parental preference must also be noted. SCC identified that presently there are 18 pupils attending Boxford CEVCP from the Stoke-by-Nayland Primary School catchment. In time it is considered the 'in catchment' pupils in Boxford would displace these pupils as they move on to secondary school and space become available for pupils from this proposed development, but there is a short term issue until this occurs. This is noted to be less favourable in sustainability terms compared to children being able to walk to school. However, it is difficult to substantiate a reason for refusal on this basis when there is a form of mitigation, i.e. the school transport contribution, that can make this development acceptable and it is likely only a short term situation. It is not considered reasonable to refuse the application on this basis as this report will go on to discuss.

3.59 SCC will therefore require primary school transport for pupils living in the village or from the development that may get displaced in the short term. This is in accordance with the revised Planning Practice Guidance 1. S106 developer funding is secured by way of a planning obligation for the site-specific costs of secondary school transport. Contribution required is as follows:

- School transport contribution – School transport costs are estimated at £960 per annum per pupil. Should the District be minded to approve this development SCC will require a school transport contribution of (£107,520 (£960 x 7 years x 16 pupils), increased by the RPI.

3.60 There is nothing before officers to suggest that the existing services, facilities and infrastructure do not have the capacity to accommodate the level of development proposed.

3.61 The proposal has been considered as to the cumulative landscape impact, in conjunction with the existing settlement pattern, and also other permitted schemes. Given the location of the application site, the scheme would not create or contribute

to a demonstrable cumulative landscape harm, given that the site is set amongst the backdrop of the Boxford BUAB. No other schemes are approved directly east (the most open boundary), and there is no cumulative landscape impact arising cumulatively.

3.62 Officers acknowledge the education and infrastructure comments raised by consultees, and this is an important aspect of the scheme, as with any application of this scale and form. As this report will go on to discuss in detail, it is considered that the cumulative impact of the development can be accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

3.63 Summary of Assessment Against Policy CS11

3.64 Given the Core Village status of Boxford, it is not necessary to consider the Hinterland Village criteria of Policy CS11.

3.65 It is clear that the site adjoins the edge of a Core Village settlement. As Policy CS11 pertains to development within Core and Hinterland Villages, or at their edge, Policy CS11 is engaged. The above assessment demonstrates that the criteria of Policy CS11 are dealt with satisfactorily by the application. This more readily suggests compliance with the development as a whole, but cannot overcome the specific exceptional circumstances test of policy CS2.

3.66 Consideration against other development plan policies.

3.67 The site is located in the countryside and is in conflict with CS2. As such, the principle of development must fall on the negative side of the 'balance' albeit the significance of that conflict is lessened given the reduced weight to the policy.

3.68 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 criteria within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.

3.69 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected with the surrounding settlement via the local highway and bus network, with good pedestrian linkage to the centre of Boxford through the proposed links along Sand Hill. Therefore, residents would not be solely reliant on the private motor vehicle, in order to access opportunities for employment, recreation and leisure.

3.70 The previous refusal sets out partial conflict with CS15 through strand ii (local character, shape and scale of the area), viii (sustainability) and iv (social, economic and environmental benefits). It is also prudent to return to the assessment made at paragraph 3.55 in respect of vi (infrastructure). The previous refusal states there is disparity at:

“CS15 (ii) which states that development should make a positive contribution to the local character, shape and scale of the area; The proposal would fail to demonstrate the principles of sustainable development by not addressing climate change. This is contrary to Policy CS15 (viii) by incorporating or producing sources of renewable or low-carbon energy” . . . “Finally, the site does not benefit from sufficient infrastructure provision, contrary to Policy CS15 (iv), and lacks demonstrable social, economic and environmental benefits undermining the essence of the NPPF through no justifiable need or sufficient mitigation measures”.

- 3.71 These aspects have been carefully considered as the report now sets out.
- 3.72 In relation to ii, the local character, shape and scale of the area, the locality would not be adversely affected to a degree warranting refusal. The introduction of an advanced planting buffer is a significant landscaping benefit, along with resultant ecological and biodiversity gains. The addition of built form to the eastern edge of Boxford would present opportunity to uplift and enhance the character, through choice materials which would complement and integrate with the locale. The applicants have responded positively to ii.
- 3.73 In relation to viii and iv, the applicants have submitted a Sustainability & Energy Statement (January 2020) which outlines the social, economic and environmental dimensions:
- Development designed in response to local constraints and opportunities considering measures to ensure the character of the development reflects the character of the environment and creates a safe and sustainable community;
 - Provision of new homes which will support local businesses and services
 - Provision of space for the creation of a new community building
 - Provision of sustainable travel features including cycle parking and new footpaths to enable easy connection to nearby amenities and employment areas
 - Sustainable materials and construction methods
 - Use of measures to reduce pollution during construction and operation including measures related to noise pollution, air quality and water pollution;
 - Development designed to minimise the impact of the development of the site habitats and wildlife including retention of the sites
 - existing hedgerows, as well as a range of mitigation and enhancement measures to improve the sites biodiversity; and
 - Measures to manage waste during both construction and occupation to reduce waste and maximise recycling.
 - Development of new homes in Flood Zone 1 and inclusion of a surface water management system including SUDs to manage the 1 in 100 annual probability plus 40% climate change rainfall event.
- 3.74 Officers support the sustainability measures outlined, which in turn are also supported by the Sustainability Officer. The social, economic and environmental uplift is deliverable through a reserved matters submission, ensuring development incorporates sustainable design and function. Officers would secure these measures through robust planning condition.
- 3.75 This report has considered the landscape setting of the site and surroundings and will consider heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;

- The proposal would provide work for local contractors during the construction period, thereby providing a short-term economic gain through local spend within the community. (criterion iii of CS15).
- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
- During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).

- 3.76 The provision of employment during the construction period would provide a short-term economic gain. Whilst this does not weigh heavily in favour of the development, it also does not result in any adverse impact to the economy. However, given the proposal is for up to 64 no. dwellings with associated works, this would generate a short term boost.
- 3.77 In relation to vi, infrastructure has been considered at length by professional consultees at a County Council level (Education and Highways), as well as at a District level (Planning Policy). The County Council raise no objection to the proposed works, including the schools transport mitigation and highways infrastructure measures. On the contrary, Planning Policy raise concern. Officers must assess these two contrasting views.
- 3.78 The County Council have a duty to fulfill educational needs and infrastructure as expressed. This may include schools transport mitigation, which is a consistent approach taken across the District and surrounding areas. The stance here is entirely consistent with a planning appeal in *Wymondham, South Norfolk* (reference: APP/L2630/W/15/3007004) concerning the transportation of school pupils from a 390 no. unit housing scheme. Paragraph 342 states:

“It may also be that Hethersett High Academy reaches capacity and then there would be a need to travel further to other schools. That said, there is a duty on the LEA to educate children even if this ends up being at the nearest available school rather than the nearest school and so is less convenient and potentially more costly. Moreover, the Council concedes that concerns regarding education would be outweighed by the social benefits of the proposal, although this relates to both housing and sports provisions, which I am not satisfied would necessarily be secured in the way which the Council envisages. In terms of the wider balance to be made, I consider some modest weight should be afforded to disadvantages associated with a likely mismatch between the location of educational provisions and the proposed housing. However, given the present housing shortfall, it seems to me more important that children have a home from which to attend school.”

- 3.79 When considered against the overall thrust of Paragraph 59 of the NPPF to significantly boost the supply of homes, this is a compelling factor in the educational considerations of this application. Therefore while the circumstances do not sit on all fours, and the Council benefits from a 5.67 year HLS, officers are concerned that a refusal on the basis of lack of local school places – at least in the short term – would be hard to justify and defend in an appeal setting.

3.80 In addition, Paragraph 94 of the NPPF states;

“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:-

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”

3.81 On reflection of the highways infrastructure aspects, no objection is raised from the LHA. The requisite improvements (set out in the recommendation) are achievable, deliverable and justified in order for the pedestrian, cyclist and vehicular permeability of the site to be properly secured. Whilst highways infrastructure did not form reason for refusal in DC/19/01873, it is necessary to re-evaluate the position despite the lesser extent of the proposal before Members. The Infrastructure Delivery Plan (IDP) can respond to applications such as this, but remains at an early stage, carrying ‘limited weight’. This was the position taken in *Long Melford*.

3.82 As such, there is little before officers to discredit the proposed schools transport arrangements and highways improvements, secured through S106. Certainly, in the *South Norfolk* appeal (which was a far more substantial scheme) the practicalities were not considered unsustainable, and when framed against the NPPF, there is little to discourage officers from taking an alternative view. Officers acknowledge the Planning Policy comments, and there is merit in the information provided, however officers must also factor in relevant appeal decisions. Inspectors have consistently concluded that schools transport mitigation in areas where infrastructure is tested, can be sustainable and acceptable in planning terms.

3.83 Through a reasoned approach with all statutory consultee views engaged, officers consider the scheme to accord ‘on balance’ with strand vi of CS15.

3.84 For these reasons, it is also considered that limbs (xviii), (xvi) and (xix) of policy CS15 are complied with where relevant.

3.85 Summary of Assessment Against Policy CS15

3.86 Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and is compliance with the policy taken overall and bearing in mind not all of the criteria are applicable to the application given its outline nature.

3.87 Whilst the site is technically located outside of the defined BUAB and would not find support through CS2 (due to the exceptional circumstances test), its ‘edge of settlement’ relationship to the Core Village is considered to be acceptable and is in accordance with the underlying aims and spatial strategy of the policy.

3.88 The ‘spirit’ of CS11 always aids the merit of the principle. The proposal makes use of a site which adjoins the established settlement boundary. Further, it seeks to deliver

an affordable housing element, amongst other public benefits discussed later in this report.

3.89 Assessment Against Boxford Neighbourhood Plan

3.90 Boxford Parish Council are preparing a Neighbourhood Development plan. Planning Practice Guidance confirms that an emerging neighbourhood plan may be a material consideration and that factors to consider include the stage of preparation. In this instance, the Plan is still at an early stage, with the area having been formally designated in August 2018. A draft Plan has yet to be submitted for formal consultation. Given that the Plan remains at this early stage of preparation, officers consider it should be given limited weight in the determination of this application.

4 Nearby Services and Connections Assessment of Proposal

4.1 The application site is located within close access of Boxford and its associated services, facilities and amenities. These include; Primary School, Public Houses, Shops, Coffee Shop, Hair Salon, Butchers, Post Office and Store, Motor Garage, Health Centre, Church, Village Hall and Playing Fields.

4.2 There is a routine public bus service connecting the site to the wider area through the route 91 service. The application site is circa 5 minute walk from Sand Hill to the true centre of Boxford, and its available key services.

4.3 Public transport accessibility from the site is good with bus stops available on the Sand Hill / Cox Hill junction, which is within walking distance from the site. The bus routes connect Boxford to the surrounding areas of Hadleigh, Sudbury and Ipswich. The accessible bus network provides a viable option for residents to commute to other settlements for employment, education and healthcare etc. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.

5 Emerging Local Plan

5.1 The Council is developing a new Local Plan, that is currently out for consultation (July 2019). The application site is not identified in the emerging plan.

5.2 Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to:

- “1. the stage of preparation of the emerging plan;*
- 2. the extent to which there are unresolved objections to relevant policies in the emerging plan; and*
- 3. the degree of consistency of relevant policies to the policies in the Framework.”*

5.3 Further to this it is noted that this site is not proposed to be allocated within the emerging Joint Local Plan. The matter of prematurity has been raised in relation to the NPPF. Paragraph 49 of the NPPF identifies that prematurity is unlikely to be a ground for refusal for a development unless both the following statements apply:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-

- making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.4 Members will note that both of the above clauses need to be met to be able to refuse planning permission on the basis of prematurity. Neither the emerging Joint Local Plan (JLP) or the Boxford Neighbourhood Development plan are at an advanced stage in their preparation for the purposes of this statement. The Emerging Local Plan is, therefore, considered to carry some limited weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up to-date planning policies and the NPPF.

6 Design and Layout

6.1 Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where; the site should remain undeveloped as an important feature in visual or environmental terms; the proposal, in the opinion of the District Council, represents overdevelopment to the detriment of the environment, the character of the locality, residential amenity or highway safety. Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. This is further emphasised by Policy CN01.

6.2 Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey new build. It is also noted that the application site is visually unconstrained, with varying design precedent offered nearby. The proposed Community building would be fixed at a 1.5 storey height, of no more than 7.5m to ridge.

6.3 Layout is also a reserved matter, however consideration must be afforded as to the effectiveness of the site inclusive of access, public open space, the amount of homes proposed, community building, attenuation area and landscaping. The site is readily capable of accommodating the amount proposed, with good spatial integration, albeit in indicative form. There is little before officers at this stage to suggest the scheme would result in undue harm to the character, landscape or indeed residential amenity experienced by occupants of neighbouring property. Certainly, officers are of the opinion that an aesthetically pleasing functionally efficient design and layout could be proposed, reflecting Policies CN01, HS28 and the NPPF.

7 Residential Amenity

7.1 Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where; the layout provides an unreasonable standard of privacy or garden size. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.2 The impact of the works is considered fully, and there is little before officers to suggest the scheme would result in a materially intrusive development, which would hinder and oppress the domestic enjoyment and function of adjacent property, to an unacceptable level. Officers do not consider that the site is overdeveloped by virtue

of the quantum of development shown on the indicative plans, demonstrating sufficient amenity space.

- 7.3 The proposal comprises up to 64 no. dwellings on a gross site area of 5.76ha, which equates to a density (net) of only 11dpHa. Within the developable area of the site identified on the parameters plan the residential density (net) is approximately 27dpHa. This level of density is considered appropriate for the site's edge of settlement context whilst still making best use of the land.
- 7.4 The site is readily capable of accommodating up to 64 no. dwellings, community building, areas of landscaping and public open space, vehicular access, and associated infrastructure works, in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure no unacceptable loss of daylight, sunlight, or overlooking to the existing residents would ensue. Built form visible from a private vantage point does not necessarily result in adverse private residential amenity harm.
- 7.5 Officers do acknowledge the potential for disruption during the construction phase, and in the interests of neighbours, a Construction Management Plan (CMP) will be sought through planning condition.
- 7.6 There is little before officers to suggest the scheme would generate residential amenity harm worthy of refusal, and in the absence of such evidence to suggest so, officers are of the sound opinion that the scheme reflects local and national planning policy. The scheme reflects the essence of Policy HS28 and Paragraph 127 of the NPPF.

8 Impact on Heritage Assets

- 8.1 Policy CN01 and CN06 seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Policy CN08 pays particular attention to developments in or affecting Conservation Areas.
- 8.2 Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting and Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The practical effect of those statutory duties is to present a presumption – albeit rebuttable – of refusing to grant planning permission where harm is found. The need to keep designated heritage assets from harm is a matter of considerable importance and weight.
- 8.3 In this case there are specific NPPF policies relating to designated heritage assets (including the Boxford Conservation Area) that should be considered. Paragraph 193 of the NPPF states; *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”* It continues to identify that; *“This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.
- 8.4 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this

harm should be weighed against the public benefits of the proposal. Paragraph 197 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 8.5 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 8.6 The Heritage Officer (HO) does not object to the proposal subject to bound surfacing condition along Ellis Street / Sand Hill at the proposed bus stop, owing to the limited level of heritage impact created by the development:

“A negligible level of harm to the designated heritage assets because the likely but relatively limited increase in traffic levels within Boxford Conservation Area associated with the development would have a limited negative impact upon its character and the setting of listed buildings within it. However, I consider that the construction of the dwellings themselves and associated highway work would not harm the designated heritage assets in principle.

I do not object to the application, subject to conditions and further detail at reserved matters stage.”

- 8.7 Regardless of the negligible level of harm identified due to the consequence of increased traffic activity, material harm is still identified requiring the test of paragraph 196 of the NPPF to be undertaken. Despite being of such a low level, officers apply no less importance to that finding, in accordance with the statutory duties of the listed buildings Act. As well as s66(1) due to impact upon the listed buildings in that area, S72(1) is engaged because the negligible adverse effect would occur within the designated area too; in all other respects the significance of the Conservation Area (and its setting) would be preserved. The scheme provides significant benefits through the delivery of housing (including affordable units), a community building, public open space, all in an accessible location (a Core Village) reducing the need to travel by private car compared to more remote areas of the district. There are also net gains for ecology and biodiversity. These benefits are considered to demonstrably outweigh the harms.
- 8.8 The proposal does not conflict with Policy CN01, CN06, CN08 or Paragraphs 193 - 197 of the NPPF and it is considered the above duties under the 1990 Act set out above are adequately met. (Criteria i. and ii. of CS11 are therefore satisfied in this respect, too).

9 Site Access, Parking and Highway Safety Considerations

- 9.1 Policy TP15 requires development to be delivered with safe and sufficient highways access and function. Paragraph 109 of the NPPF confirms 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.

- 9.2 Parking on site is offered in accordance with the Suffolk Parking Standards (2015) such that enough spaces are to be provided that future residents will be able to avoid on street parking.
- 9.3 Access is a detailed matter. The site has been assessed by the LHA, who are content that safe and sufficient access / egress can be delivered, subject to conditions without severe detrimental impact. This position remains unaltered since the previous refusal.
- 9.4 Officers acknowledge the highway safety concerns raised by 3rd party objections. In this regard, careful consideration has been applied. The access layout is endorsed by officers. Furthermore, the scheme is unlikely to present 'severe' adverse highways impact resulting in unacceptable congestion or obstruction. The visibility concerns are noted, and the applicant has submitted requisite plans in order to secure a complaint scheme that provides safe and sufficient access for pedestrians, cyclists and vehicles. Visual obstruction is not created as a result of development.
- 9.5 Officers are aware of an appeal at *Swan Street, Boxford* (reference: APP/D3505/W/18/3197391). The Inspector concluded in that appeal that the scheme would cause unacceptable highways impact, owing to the narrow stretches of pedestrian highway along Swan Street, Boxford, with obstructions (telegraph poles, protruding buildings and wheelie bins etc) and a much higher likelihood of pedestrian / vehicular collision given the amount of parked cars in the locality. In consideration of the *Swan Street, Boxford* appeal dismissal, officers note the superior footpath provision (including bus stop waiting area and widening of existing 'pinch point') offered to secure unobstructed pedestrian access. Unlike the above appeal, this site provides a 1.2m wide pedestrian footway provision leading into the centre of the village which would enable safe and sufficient access for pedestrians. As such, officers consider, in light of the appeal decision cited, that the scheme would not cause unacceptable highways impact or severe harm.
- 9.6 The LHA have assessed the proposal, and support the scheme subject to the imposition of planning conditions which include; details of visibility splays, access layout, estate roads, carriageways and footways, surface water drainage, HGV management, loading and unloading, refuse and recycling, and Residents Travel Pack.
- 9.7 In addition, this scheme proposes links for pedestrians from the development and wider community, to bus stops, the primary school and to the amenities within the village. As such, the scheme will also be bound by S106 to secure such provision:
- To create a footway from the bottom of Sand Hill, into Cox Hill junction and Ellis Street and an uncontrolled crossing point, inclusive of widened 'pinch point' on Broad Street as set out in the Transport Plan (January 2020)
 - Highways contribution totalling £20,000 to be made to SCC for the extension of the 30mph speed limit and the introduction of the 20mph speed zone.
 - PROW contribution totalling £4,000 to complete the legal process to upgrade the footpath to bridleway.
 - Public Transport contribution of £15,000 for construction for new raised bus stop kerbs with shelters.
- 9.8 Certainly, material highways considerations did not form reason for refusal in DC/19/01873, and given the lesser extent of the proposal hereby subject to determination, officers remain unaltered in their recommendation. There is nothing

before officers to suggest a LHA compliant scheme could not be delivered, reflective of Policy TP15.

10 Public Rights of Way

- 10.1 The proposed development will not have an adverse impact on the local public rights of way (PROW) network. The impact on visual receptors (i.e. people walking along the footpath) adjoining the site has been considered above in the landscape impact assessment. Public Rights of Way provisions are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. The footpath provision through the site will be enhanced and improved, integrating with the development, and upgraded through S106. Final design will incorporate the PROW pedestrian footfall, and is a reserved matter.

11 Public Open Space

- 11.1 The masterplan provides a circa 2.03ha of public open space which is a welcome benefit. In addition, the open greenspace, Local Areas for Play (LAP) and / or Local Equipped Areas for Play (LEAP) are provided, demonstrating good variety. In any event, play equipment provision is not a fundamental aspect of the scheme, but is a good benefit which will aid the quality of the public open space offering.
- 11.2 Based upon the current outline submission, the public open space provision itself should be secured through S106 inclusive of management, any features, and spatial size (no less than 2.03ha). The developer will establish a management company to manage the land or some other arrangement agreed with the Council. There is no proposal for the maintenance and management of the public open space area to be transferred to the Council.

12 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 12.1 Paragraph 170 of the NPPF seeks to conserve and enhance biodiversity and the natural environment, among other things.
- 12.2 The scheme presents a limited impact upon arboricultural value. The removal of trees and overgrown vegetation as existing is not a matter which officers raise concern with. Place Services (Landscaping) have also resolved to support the application subject to conditions relating to landscaping, SUDs and a landscaping management plan (10 years).
- 12.3 Place Services (Ecology) resolved to support the proposal subject to conditions. The Ecologist supports the scheme subject to the submission and agreement of a landscape and ecological management plan, biodiversity enhancement, skylark mitigation, construction management plan and lighting design details. These matters are secured through conditions, and are wholly necessary to delivering a scheme which is reflective of Paragraph 170(d) of the NPPF.
- 12.4 Suffolk Wildlife Trust (SWT) were also consulted. The Trust opted not to comment.
- 12.5 The Best and Most Versatile (BMV) agricultural land is sought to be retained under Paragraph 170 of the NPPF. Land is graded on a scale of 1 - 5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor quality agricultural land. In this instance the 5.71Ha site comprises of Grade 3 land. In reviewing the agricultural land classifications for Babergh, the majority of the land within the district is classified

as Grades 2 and 3, with limited land in the lower categories. Accordingly, officers thereby consider there to be limited poorer quality land available that would represent a preferable location and the extent of loss of 5.71Ha would be minimal to the wider agricultural land available and so would not be sufficient to merit a reason for refusal for this development.

- 12.6 In addition to the standalone landscape impact matters discussed above, the previous reason for refusal identifies conflict which officers have duly considered at paragraph 3.24. Given the lesser extent of the proposal when assessed against DC/19/01873, the scheme is reduced in landscape impact terms. The measures introduced by the applicant in direct response to these reasons are welcomed, and go far in satisfying the test of Paragraph 170 of the NPPF and inter-alia strand i of CS11.

13 Land Contamination

- 13.1 No issues are identified within the submitted land contamination studies and the Environmental Health Officer (EHO) is satisfied that development could go ahead without the need for further investigation or remediation at this stage.

14 Flood and Water

- 14.1 The site is not located in a vulnerable flood zone area, therefore the risks of flooding are considered to be low. Nonetheless, the Local Flood Authority (LFA) were consulted as part of the consultation process.
- 14.2 Infiltration rate testing has been performed and the site is deemed to be sufficient for housing, owing to the presence of granular material which provided greater pore spacing for the water to disperse through, subject to SUDs and surface water drainage details secured through condition.
- 14.3 Nonetheless, officers acknowledge the content of 3rd party objection relating to drainage. The surface water run off onto the highway has been assessed by the LHA, and officers concur with these findings insofar as the sites sealed surfaces could be adequately managed through SUDs. The scheme does not present concern in this regard, and there is little before officers to suggest a flood and water compliant scheme could not be delivered.

15 Archaeology

- 15.1 This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site is topographically favourable for early activity, and an Anglo-Saxon brooch fragment is recorded from within it (County Historic Environment Record BXF 009) – if not a chance loss, this may represent a cemetery in the vicinity. There are also recorded findspots of Roman and medieval date in the wider area, particularly to the south (BXF 003, 007, 010, 033, 034). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 15.2 There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of

the significance of any heritage asset before it is damaged or destroyed. Standard pre and post investigative conditions are recommended.

16 Affordable Housing

- 16.1 The Strategic Housing Officer (SHO) has offered comment on the nature of the proposal, including the mix and tenure of the proposed residential units. Having considered the registered housing need in Boxford, it is recommended that the tenure split should be approximately 75% affordable rented and 25% shared ownership as follows:

Affordable Rent = 75% - 16 dwellings

- 4 x 1 bed 2-person flats @ 50 sqm
- 2 x 2 bed 4-person bungalows @ 70 sqm
- 8 x 2 bed 4-person houses @ 79 sqm
- 2 x 3 bed 5-person houses @ 93 sqm

Rent to Buy = 25% - 6 dwellings

- 4 x 2 bed 4-person house @ 79 sqm
- 2 x 3 bed 5-person house @ 93 sqm

- 16.2 The 2019 SHMA indicates that in Babergh there is a need for all types of new homes, but specifically for properties that are suitable for new entrants to the housing market in the form of 2 bed apartments and houses but also at the other end of the market where 2 and 3 bed roomed bungalows/chalet bungalows are required for older people in our communities wishing to downsize or reduce the need for stairs.
- 16.3 The updated SHMA 2019 advises that Babergh District requires 110 additional new affordable homes per annum to meet housing need. There is strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storey. This may include sheltered or extra care housing where appropriate.
- 16.4 Whilst there is marginal tension with strand iv of CS11 through the use of secondary data, on the whole and in consideration of *Long Melford*, officers support the Affordable Housing provision. The SHO has resolved to conclude that the scheme is acceptable at 100% district wide connection, conforming to the requirements of Policy CS19, secured through S106.

17 Planning Obligations

- 17.1 As noted above, the application engages 35% affordable housing contribution for the district wide need, public open space inclusive of management company, highways improvements and a schools transport contribution totalling £107,520. Officers consider it necessary to secure delivery through a S106 Legal Agreement. This is a robust legal arrangement, enforceable by the District.
- 17.2 The scheme would also be subject to CIL 123 contributions.

18 Environmental Impact Assessment

- 18.1 The application has been screened through the application process as to whether an Environmental Impact Assessment (EIA) was required. This development and other consented and allocated developments have been considered. Given the scale and nature of the proposed development, along with the character, constraints of the surrounding area, it is not considered that the proposed development would result in significant effects on the environment, whether in isolation or in combination with any other developments in the locality. An Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was not required to assess the environmental impacts of the scheme.

PART FOUR – CONCLUSION

19 Planning Balance

- 19.1 The Council benefits from a five-year housing land supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged in that respect.
- 19.2 The site is outside the settlement boundary and therefore conflicts with Policy CS2. As a policy of vital importance underpinning the spatial strategy of the Council, and where the circumstances of this application are not exceptional, the development is considered to conflict with the development plan as a whole. It is then important to consider whether other material considerations indicate that a decision other than in accordance with the development plan should be made.
- 19.3 Effectively, then, a “straight balance” is required where conflict identified with the development plan as a whole is weighed against other material considerations including the degree of compliance with NPPF and wider scheme benefits.
- 19.4 Policy CS2 carries reduced statutory weight because of the age of the settlement boundaries and its inconsistency with the NPPF, although the overall settlement pattern strategy remains sound. Bearing in mind the relationship between the site and the settlement of Boxford as a Core Village, the underlying aims of policy CS2 are broadly met. Policies CS1, CS11 and CS15 are attached full statutory weight given their strong alignment with the NPPF. Therefore for the purposes of paragraph 11(d) the policies most important for determining the application as a whole are considered to be up-to-date. Whilst CS2 carries some reduced statutory weight, as a complement of policies they are not considered to be out-of-date and paragraph 11(d) is not engaged in that respect.
- 19.5 Although the site is located outside the main part of Boxford, it is on the edge of the village, close to built settlement. Policy CS11 contemplates development at such edge-of-village locations. The land is in a sustainable location, with pedestrian connectivity. The proposal would not be physically, visually or functionally isolated. The site’s sustainable location is a scheme positive and while contrary to policy CS2 it is so in respect of an element of the policy which is not entirely consistent with the NPPF. For reasons already outlined, the weight afforded to that policy is tempered; naturally, the significance of the conflict with that policy is tempered too, especially noting that this is a development for a Core Village.
- 19.6 The applicant has demonstrated how the dwellings serve an identified local need and this provides sufficient information to conclude that the development does go some

way to meet local housing need for market housing. Boxford is a Core Village which means that it should be the focus for growth within its functional cluster. The proposal offers 35% affordable housing provision which is policy compliant. These are both significant benefits that weigh in favour of a grant.

- 19.7 The proposal will result in a negligible level of less than substantial harm to Boxford Conservation Area and listed buildings by virtue of an experiential change within the designated area and setting of those buildings (notwithstanding that, in all likelihood the majority of traffic will adjoin the main road and avoid the centre of the village; nevertheless, a precautionary position is being adopted here). This harm is a disbenefit of the scheme – regardless of its limited magnitude - which needs to be treated with the utmost importance in light of the statutory duties imposed by the listed building Act.

Officers have applied the balance required by paragraph 196 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by sections 66 and 72 of the listed buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits including housing, policy compliant affordable housing provision, community building all in an accessible location reducing the need to travel by private car compared to more remote areas of the district and net gain for ecology and biodiversity, are considered to outweigh the negligible level of less than substantial harm, having given considerable importance and weight to the harm identified. With regard to the duty under the 1990 Act, the heritage harm of negligible level of less than substantial harm to heritage assets has been identified and harm against local plan policy CN06 and CN08 noted, and then balanced against the public benefits of the scheme as required by paragraph 196 of the NPPF.

- 19.8 Clearly, in balancing the level of harm against the benefits, it is evident that the scheme is 'in step' with local and national planning policy, and that the benefits would far outweigh the harms. It is considered the duties under the above Act have been met in coming to the conclusion.

- 19.9 A recent planning appeal in *Long Melford* (reference: APP/D3505/W/18/3214377) relates to development with a close functional relationship to the settlement boundary, even if the Council are able to demonstrate a 5 year housing land supply. The Inspector concluded that even if the Council are able to demonstrate a 5 year housing land supply, this is not a 'ceiling height' limit. At Paragraph 53, the Inspector states:

"Although the local authority can now demonstrate a supply of housing land above 5 years, this figure is a baseline and not a ceiling".... "In the light of the identified local need, and the Government's objective of significantly boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight."

- 19.10 In essence, sites which present as 'edge of settlement' or provide a 'close functional relationship' to the settlement boundary should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a five-year housing land supply, or not.

- 19.11 The NPPF and Policy CS1 require development to be approved that accords with an up to date development plan, and without delay. The proposal accords is in a sustainable location on the edge of the settlement boundary, within walking distance

of a good range of local services. The proposed development is visually well related to the area, adjoining the settlement boundary.

- 19.12 Although there would be some degree of harm through this proposal running contrary to Policy CS2, this would be off-set by the national policy considerations set out above. The Framework recognises in paragraph 68 that small and medium-sized sites can make an important contribution to meeting the requirement of an area, and are often built-out relatively quickly.
- 19.13 As identified above in the report, the development would result in an impact on the landscape character and to visual receptors to the site. However, the landscape harms identified would be moderate with mitigatory planting by year 10 of the development being completed. The extent of these harms must also be noted, and that they do not occur over a significantly large area within the wider landscape. It is inevitable that the development of a greenfield site will present landscape harm but in this context the impact is localised and capable of mitigation sufficient to satisfy policies CS11 and CS15. The site is physically very well related to the body of the village. Whilst the urbanising effect will be marked, the development will not appear isolated in a landscape sense (and paragraph 79 of the NPPF is not engaged). The development scale will not overwhelm the village given its size and sufficient provision can be made for required infrastructure.
- 19.14 The proposal would result in the development of 64 new dwellings, which would add to the local housing stock and offer meaningful support for the local services in the village, both during construction and following occupation of the development. Consequently, the proposal would have social and economic benefits that, given the scale of development proposed, which would be significant. Environmentally, there would be net ecology and biodiversity gains. These benefits are afforded more than moderate weight given the level of contribution towards the aim of achieving sustainable development. They weigh clearly in favour of the scheme.
- 19.15 Having regard to the comments of the LHA, it is concluded that the proposal would not be detrimental to highway safety. Residential amenity of neighbours is safeguarded to an acceptable level and a high standard of amenity will be provided for future occupants of the development. Finally the development would enable a net gain for biodiversity compared to the existing value of the site for protected species. These are scheme positives.
- 19.16 Whilst the majority of the detailed matters are reserved, there is little before officers to suggest the scheme conflicts to an unacceptable level in terms of; design and layout, heritage, residential amenity, landscape, ecology, highways, flood and water, land contamination or sustainability. Whilst there would be some landscape harm this is considered to be mitigated to some degree, and the harm of transporting the potential 16 primary school aged children by bus to school in the short term in the life of this development is not considered to provide sufficient reason to refuse the application, when applying *Wymondham, South Norfolk* (reference: APP/L2630/W/15/3007004).
- 19.17 The concerns raised in this application have been given due consideration, but through the proposed mitigation and enhancement measures, this development would deliver housing including a policy compliant affordable housing provision, and in the round be a sustainable development.

19.18 The conflict with Policy CS2 on the location of this development is noted, but is given less weight for the reasons outlined above. Matters relating to landscape, heritage, infrastructure and local housing need have been considered, but for the reasons identified in the above report these matters are considered not to be fatal to the application, and the proposal is considered to comply with Policy CS11. The proposal is considered to represent an appropriate site for new residential development and would deliver development built upon sustainable principles, furthering the overarching thrust of Policies CS1 and CS15 of the Core Strategy and providing for net gains to the three objectives of sustainability in accordance with the NPPF (which notwithstanding the development plan is a compelling material consideration). The application is therefore recommended for approval because, although not in compliance with the development plan as a whole, and notwithstanding the inevitable but limited landscape harm identified, other material considerations indicate that permission should be granted and this is considered to be the appropriate outcome.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to grant outline planning permission subject to the prior completion of a Section 106 Legal Agreement on terms to their satisfaction to secure the following heads of terms:

- 35% Affordable Housing:
Affordable Rent = 75% - 16 dwellings
 - 4 x 1 bed 2-person flats @ 50 sqm
 - 2 x 2 bed 4-person bungalows @ 70 sqm
 - 8 x 2 bed 4-person houses @ 79 sqm
 - 2 x 3 bed 5-person houses @ 93 sqm
Rent to Buy = 25% - 6 dwellings
 - 4 x 2 bed 4-person house @ 79 sqm
 - 2 x 3 bed 5-person house @ 93 sqm
- Highways Improvements consisting of:
 - Creation of footway from the bottom of Sand Hill, into Cox Hill junction and Ellis Street and an uncontrolled crossing point, inclusive of widening the 'pinch point' on Broad Street
 - £20,000 to be made to SCC for the extension of the 30mph speed limit and the introduction of the 20mph speed zone.
 - £4,000 to complete the legal process to upgrade the PROW footpath to bridleway.
 - £15,000 for construction for new raised bus stop kerbs with shelters.
- Public Open Space consisting of:
 - An area of no less than 2.03Ha
 - Local Areas for Play (LAP) and / or Local Equipped Areas for Play (LEAP) provision
 - Management Company
- Community Building consisting of:

- Unit to be set on an area of no less than 0.08Ha
- D1 Use Class unit
- Development contribution consisting of:
 - £107,520 (Schools Transport)

and that such permission be subject to the conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

1. Reduced outline time limit (18 months)
2. Reserved matters details
3. Approved plans
4. Market housing mix
5. Archaeology (pre investigation)
6. Archaeology (post investigation)
7. Construction Management Plan
8. Levels
9. Highways – Visibility Splays
10. Highways – Details of access
11. Highways – Estate roads and footpaths
12. Highways – Basecourse level
13. Highways – Surface Water Discharge
14. Highways – Footway link
15. Highways – Residents Travel Pack
16. Highways – Parking
17. Highways – HGV Construction
18. Surface water drainage
19. SUDs
20. Landscape – Advanced Planting
21. Landscape – Hard and soft landscaping scheme
22. Landscape – SUDs details
23. Landscape – Management Plan
24. Fire hydrants
25. Ecological recommendations
26. Biodiversity enhancement strategy
27. Skylark mitigation strategy
28. Landscape and ecological management plan
29. Sustainability measures
30. Heritage – Bus stop and surface material details
31. Heritage – Street signage details
32. Heritage – Footway materials
33. Super / Ultra fast broadband
34. Car Charging points