

Committee Report

Item 6C

Reference: DC/20/04615
Case Officer: Katherine Hale

Ward: Hadleigh North.

Ward Member/s: Cllr Siân Dawson.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application (some matters reserved, access and structural landscaping to be considered) - Erection of up to 45 No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

Location

Land off Lady Lane, Hadleigh, Suffolk

Expiry Date: 30/06/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Place Farm Developments Ltd

Agent: Artisan PPS Ltd

Parish: Hadleigh

Site Area: 1.4 Hectares

Density of Development:

Gross Density (Total Site): 32.1 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: This application was presented to the Committee meeting of 16 June 2021 and was deferred for a Site Visit together with an accompanying application by the same applicant that was also deferred at the same meeting. Both applications appear on this agenda.

A Member site visit was carried out on Wednesday 4th August 2021

Has a Committee Call In request been received from a Council Member (Appendix 1): No
Has the application been subject to Pre-Application Advice: Yes DC/19/00025

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application is being reported back to Committee following deferral of the item at the Development Control Committee Meeting of 16th June 2021.

The official minutes of the meeting of 16th June records:

“15.12 Resolved:- That application DC/20/04615 be deferred in order for the Chief Planning Officer to arrange a Member site visit (following the protocol) and for officers to provide a response to the Aspinall Verdi viability assessment”

This supplementary report now provides the Committee with an updated statement and analysis of further information received together with the clarification provided since the last meeting following Members requests at that meeting.

The application was presented to Committee for a decision originally as it is:

It is a ‘Major’ application for:

- a residential development for 15 or more dwellings and represents a departure from the Adopted Local Plan.
- Brought forward as a land swap with DC/20/05137

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Babergh District Council comprises the Babergh Local Plan [alteration no2] 2006 Witten Statement with associated Proposals Maps and Babergh Core Strategy 2014.

The following are considered the most relevant to the determination of this proposal

Babergh Local Plan (Alteration No.2) 2006

CN01 – Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 – Landscaping Schemes
EM01 – General Employment
EM02 – General Employment Areas Existing and New Allocations
EM03 – Land to southeast of Lady Lane Hadleigh
EM24 – Retention of Existing Employment Sites
HS27 – Density & House Type
HS28 – Infilling
TP15 – Parking Standards – New Development

Babergh Core Strategy 2014

CS1 - Applying the Presumption in favour of sustainable development in Babergh
CS2 - Settlement Pattern Policy
CS3 - Strategy for Growth and Development
CS6 - Hadleigh
CS11 - Strategy for Development for Core and Hinterland Villages
CS12 – Sustainable Design and Construction Standards
CS15 - Implementing sustainable development in Babergh
CS19 - Affordable Housing

Draft Joint Local Plan Submission Document. 2021 [Reg 22]

Policy SP09 – Enhancement and Management of the Environment
Policy SP10 – Climate Change
Policy LP19 – Landscape
Policy LP25 - Sustainable Construction and Design
Policy LP26 - Design and Residential Amenity

Now that the Draft Joint Local Plan has reached Reg 22 stage (Submission) it begins to carry some weight as a material planning consideration. In part that weight depends upon the nature of and degree of conflict over issues that are to be explored at the Examination.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 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-taking purposes.

Particularly relevant elements of the NPPF include:

Section 2: Achieving Sustainable Development
Section 4: Decision Making
Section 6: Building a Strong, Competitive Economy
Section 12: Achieving Well-Designed Places
Section 15: Conserving and Enhancing the Natural Environment

The National Planning Practice Guidance (NPPG)

The National Planning Practice Guidance (NPPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

Other Considerations

- Suffolk County Council- Suffolk's Guidance for Parking (2014 updated 2019)
- BMSDC 'Open for Business' Economic Strategy 2018

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Hadleigh Neighbourhood Plan is however at a very early stage with little progress since Area Designation in 2015. There appears to have been little consultation and there is currently no draft plan. There is therefore nothing of relevance or of any weight in respect of the determination of the application currently before Members

NOTE IN RESPECT OF THE FORMAT OF THIS REPORT

This report is presented as a supplementary report to that presented to the Committee earlier this year. Consequently, new material appears at the start of the report. The body of previous report is re-presented unamended after the new content as it remains valid in all respects. Members are advised that the contents of the previous report including the conclusions, planning balance and recommendation section all remain as previously stated in the previous report. The June version is therefore the one

SUPPLEMENTARY ASSESSMENT FOR 11 AUGUST 2021

THE 11 AUGUST 2021 SUPPLEMENTARY REPORT & CONTENT [numbered with paragraph prefix 'S']

PART THREE – ASSESSMENT OF APPLICATION

S1. UPDATE

S1.1. A Member Site Visit was carried out on Wednesday 4th August for this site and the accompanying site at Cobbolds Farm (ref DC/20/05137).

S1.2. The Agent submitted a letter on 12th July 2021 addressing what was considered to be a number of factual inaccuracies. Officers respond to these as follows:

(a) The adjacent site is in the same ownership as the application site;

S1.3. The agent has confirmed that the application site (Red Line) is owned by Place Farm Developments Ltd a company formed in 2011 with four directors comprising Munson family members including Mr P Munson. The adjacent site (The Tullet Yard -haulage and trailer park) is in the sole ownership of Mr P Munson. Officers are happy to correct the statement that the adjoining site is in the same ownership as the application site.

(b) The adjacent site is currently vacant;

S1.4. The agent confirms that the adjacent site (The Tullet Yard) is not vacant. It is subject to lease to St Gobain (otherwise known as Celotex). Their lease still has a 4-year term to run.

S1.5. Officers are grateful to the agent for this clarification. It confirms that commercial activity can be expected for at least another 4 years on The Tullet Yard site and this may include haulage and storage activity based on the agent's description of use. Obviously once the lease has expired the tenant may seek to renew the lease or the owner may wish to consider commercial opportunities for developing the site for E class uses in line with the lawful use of the site. Either way it appears that commercial use will continue into the future. This suggests that any new residential development on or near the boundary of The Tullet Yard may give rise to complaints from the new residents. This is why officers have highlighted the 'agent of change principle'¹ throughout this report.

(c) The entire application site is within the existing and proposed employment allocations;

S1.6. This is not the case. The presenting officer at Slide 8 made it clear that part of the application site was outside of the employment allocation in the Adopted Local Plan.

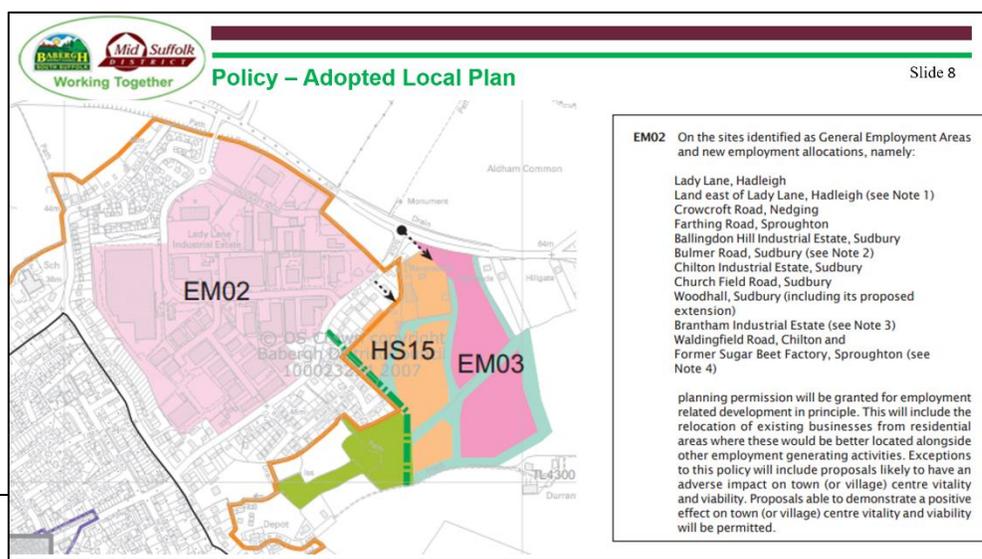


Figure 1 Slide 8 from 16 June 2021 Presentation

S1.7. At slide 9 the presenting officer made it clear that part of the site lies outside of the Employment Allocation in the JLP

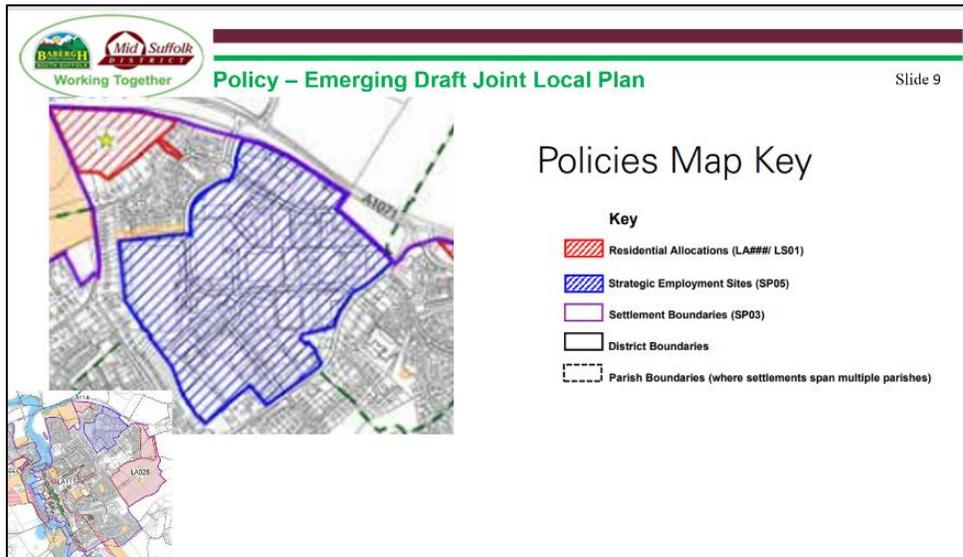


Figure 2 Slide 9 from 16 June 2021 Presentation

S1.8. However, for the sake of absolute clarity it is confirmed that a minor part of the application site is outside of the Employment Allocation in the Adopted Local Plan. The diagram below highlights those parts.

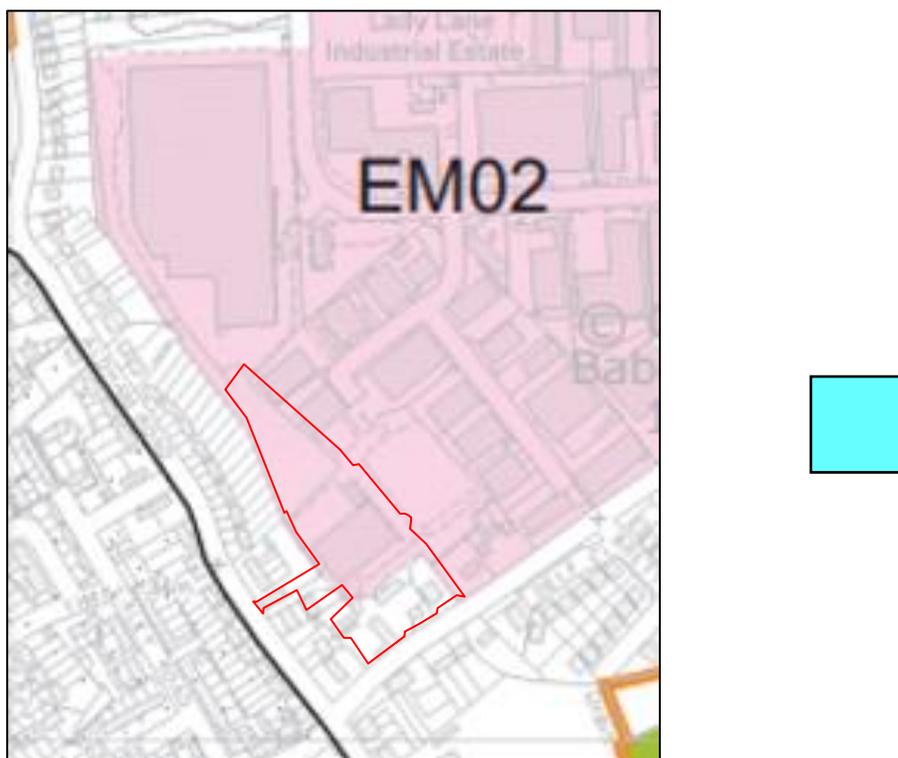


Figure 3 Extent of application site NOT within the



Section of application site
outside employment area

S1.9. With regards to the Agents suggestion that the allocation has not been reviewed this is considered untrue. All existing and proposed land allocations have of course been reviewed during preparation of the Emerging Draft Joint Local Plan. This EM02 allocation has clearly been reviewed for the purpose of the draft Joint Local Plan as the boundaries of the site have altered to exclude the small area towards to the front which was developed in 2001.

S1.10. As shown by the below diagram, clearly within the Adopted Local Plan the area which has now been developed (Red Rectangle) does indeed fall within he EM02 allocation.

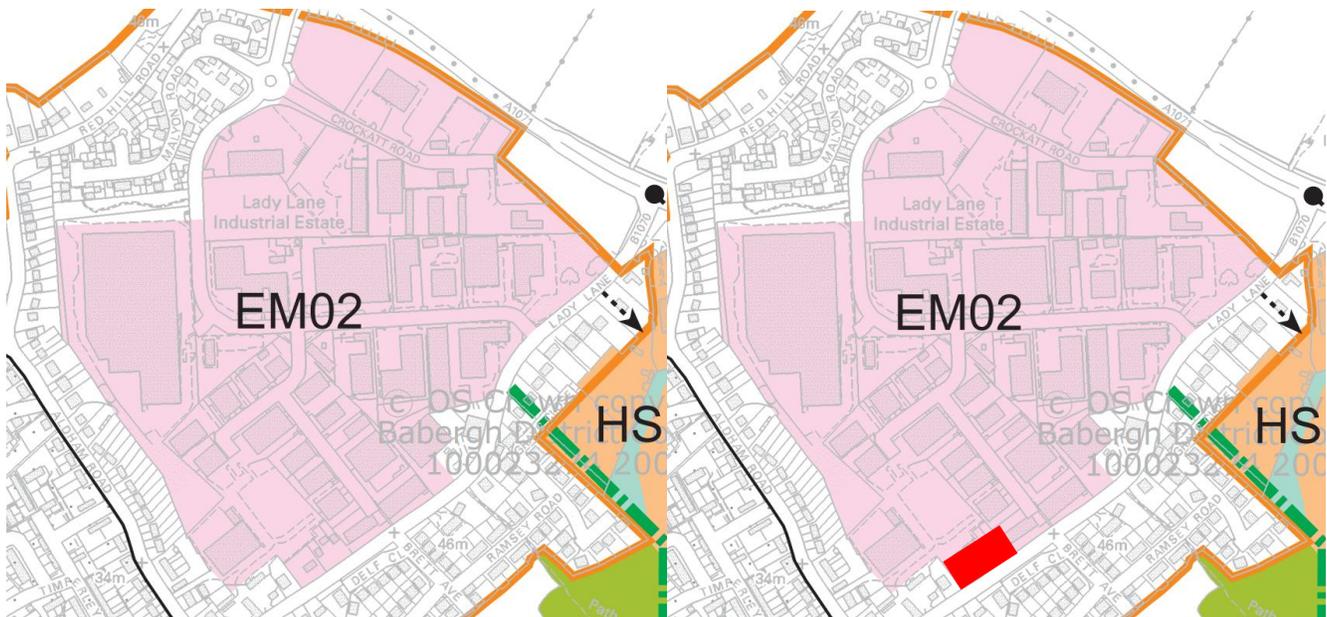


Figure 4 The Adopted Local Plan Allocation: Area in red on right is removed from Draft JLP

S1.11. However, within the Emerging Draft Joint Local Plan, the area which was developed (Red Rectangle) no longer falls within the Allocation Site



Figure 5 The Draft Joint Local Plan Allocation: Area in red on right is removed from Draft JLP compared to the Adopted Local Plan

- (d) Access can be formed through the Lady Lane industrial estate (agent contends that this is a notion 'bordering on fantasy');

"The Applicant's view that the employment allocation is landlocked has been misunderstood. We are not advancing the view that the application site is landlocked and that no access can physically be achieved. Given that our application proposes such an access, the way our view was presented to Members is clearly wrong. Paragraph 7 of my letter to you on 26 January 2021 (titled Policy Review: EM02 and EM24) did not say that the application site was landlocked. Rather, the "...allocated land is now effectively land locked" (emphasis added). There is a very significant difference between the two of which members should be advised and made aware."

S1.12 Whilst officers are happy to make the distinction the point made by the presenting officer at the meeting holds true. The application site is not land locked. Members will of course recognise that it is the application site that is before them. All are agreed – it is not landlocked. Officers also disagree with the agent in that they do not accept the allocated [employment] part of the site is effectively land locked.

S1.13. The applicant has two access points to the allocated part of the site all within their ownership (accordingly to the agent's initial comment in respect of ownership). If the application site were to be developed for commercial purposes then they can gain access from both Aldham Road and Lady Lane. The accesses do not need to be included within the employment allocation in order for them to be used to access a potential employment site. Also it should be noted that employment use includes a wide range of uses with the changes introduced by the creation of the new Class E.

S1.14. Officers maintain that access could be obtained through Lady Lane industrial estate and The Tullet Yard site to the application site if landowners (family members) co-operated. Parking can be provided for the application site within The Tullet Yard and walk through to the application site and its new commercial buildings easily delivered. Vehicular access can be provided via Lady Lane. Such an arrangement is not fantasy and is instead entirely possible.

S1.15. The application site can still be developed for employment purposes without requiring access from the existing Lady Lane Industrial Estate given the existing accesses which already exist for the site (regardless of whether they fall within the allocation or not, the accesses are still in place).

S1.16. The Tullet Yard area can also be redeveloped (either now or at a later date) from within the existing industrial estate network, no new industrial estate access or network is required to facilitate this.

S1.17. Employment does not simply mean industrial uses and HGV movements; the application site is allocated for all types of employment that Class E provides which include :

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

S1.18. As such, the application site is still considered appropriate for employment purposes.

S1.19. With regards to the Aspinall Verdi viability assessment and the Agents claims, a response has been sought from Aspinall Verdi directly, unfortunately this has yet to be received however will form part of the tabled papers prior to committee.

S1.20. The comments previously received from the Policy Team on the 9th of June 2021 remain valid and pertinent to this application.

S.1.21. Officers are satisfied that the report as previously written, the conclusions, planning balance and recommendation therein remain appropriate and are therefore unchanged.

REPORT FROM 16 JUNE 2021

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Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Hadleigh Town Council

“Councillors discussed the density of the number of houses being proposed for the site, and access issues both for cars and pedestrians. Concern was also raised about flooding of the site and water flow, which the Suffolk County Council Engineer had also alluded to; Anglian Water had requested measures be put in place to mitigate the risk of flooding.”

It was noted that the water treatment plant could cope with this and other new planned developments for the Hadleigh envelope, but demand does need to be monitored. The land is currently not being used, and as one third of the properties will be affordable it was deemed to be of benefit to Hadleigh, though the lack of a Neighbourhood Plan prevents building development cohesion in Hadleigh, and the development of the plan should be brought up the agenda. Without the plan to support development, it is difficult to object to such applications. Proposed by Councillor McLeod, seconded by Councillor Schleip it was agreed that the Town Council were in favour of the development in principle, but had concerns around the infra structure. Councillor Bayliss abstained from voting.”

National Consultee (Appendix 4)

Anglian Water

“ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Hadleigh Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required

by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

CONDITION No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding."

East Suffolk Drainage Board

"Thank you for your consultation on planning application DC/20/04615. Having screened the application, the site in question lies outside the Internal Drainage District of the East Suffolk Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make."

County Council Responses (Appendix 5)

SCC Contributions

SCC Fire & Rescue

"A CONDITION IS REQUIRED FOR FIRE HYDRANTS (see our required conditions) I refer to the above application. The plans have been inspected by the Water Officer who has the following comments to make. Access and Fire Fighting Facilities Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly,

Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments. Water Supplies Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Sprinklers Advised Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter). Consultation should be made with the Water Authorities to determine flow rates in all cases. Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.”

SCC Police

“Thank you for allowing me to provide an input for the above Planning Application.

On behalf of Suffolk Constabulary, I have viewed the available plans and would like to register the following comments with regards to Section 17 of the Crime and Disorder Act.

It is pleasing to note that a number of properties will have garages and that a number of these garages are flush with the property and not set too far back to allow an offender the ability to access the rear/side gate of properties, as is often the case with developments.

However, it is very disappointing to see that not all properties will have allocated garaging. A number of parking areas are also a concern either because they are set too far back to provide surveillance or they provide rear parking and rear courtyard parking, which is discouraged by the police, as it provides no surveillance for an owner’s vehicle.

I realise this is an Outline Plan, but I have concerns regarding the parking area for plots 16-21 and hope that there will be some active surveillance from these properties to reassure vehicle owners that they will have active surveillance for their vehicles.

1.0 Main Security Concerns in brief

1.1 Parking and garaging areas are set too far back for plots 1-2 and plot 30.

1.2 Parking for plots 1, 24, 33 and plot 35 are too far to the side of their respective properties for any surveillance.

1.3 Rear parking has been incorporated for plots 25-29 in the form of a rear courtyard. Along with plots 31-32 and plot 34.

1.4 The visitor parking space by plot 8 is a concern as there does not seem to be any active surveillance for this vehicle to be viewed.

1.5 An Alley is incorporated between plots 5-6, to access the rear of plot 7, making the rear of all these properties more vulnerable to unlawful incursion. There is an alley at the rear of plot 9 to access the rear of plot 10 and by plot 12 to access plot 11. With a final alley by plot 42 to access the rear of plot 41.

1.6 The open spaced area by plots 16-21 is a concern as it could become an area for antisocial”

SCC Archaeology

“This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), on the site of the medieval manorial complex of Hadleighs (HER ref no. HAD 082) located on the north-eastern edge of the medieval town of Hadleigh (HAD 046). 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.

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.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS10 of Babergh District Council Core Strategy (2011- 2031) Submission Draft and the National Planning Policy Framework (2012).

INFORMATIVE:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Babergh District Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on

the basis of the results of the evaluation. Additionally, the archaeological evaluation will inform a demolition strategy for the site.

Further details on our advisory services and charges can be found on our website:

<http://www.suffolk.gov.uk/archaeology/> “

SCC Flood & Water Management

“The following submitted documents have been reviewed and we recommend approval of this application subject to conditions:

- Flood Risk Assessment Ref EX18_116_06
- Site Plan Ref 3917-80 Con • Contaminated Land Assessment Ref 72785/R/010
- Site and Block Plan 3917-01B
- JMS Technical Note Dated Dec 2020

We propose the following condition in relation to surface water drainage for this application.

1. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible; i. Note this is subject to issues around land contamination being resolved to the LPA’s satisfaction
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100-year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- 1. Temporary drainage systems 2. Measures for managing pollution / water quality and protecting controlled waters and watercourses 3. Measures for managing any on or offsite flood risk associated with construction
- h. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-developmentand-flood-risk/construction-surface-water-management-plan/>

2. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

Informatives

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991
- Any works to a main river may require an environmental permit"

SCC Travel Plan

"Thank you for consulting me about the proposed residential development at Land off Lady Lane in Hadleigh. On reviewing the application documents I have no comment to make, as the size of the development does not meet the thresholds in the Suffolk Travel Plan Guidance that would require a Travel Plan."

SCC Highways

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

COMMENTS

We have reviewed the data supplied with this application; the summary of our findings are as follows:

- Lady Lane is a 'B' classified highway (B1070). The proposed vehicular access onto the highway is within 30mph speed limit. The proposed visibility splays are sufficient for the speed limit as shown in Design Manual for Roads and Bridges (DMRB)
- the proposal will generate 27 vehicle trips in the morning Peak Hour; approx. 1 vehicle every 2 minutes.
- footways within the site are to be linked to existing footways on Lady Lane and Aldgate Road

- A new footway is proposed on Lady Lane between the site access and the Bus Stops creating a direct link to the Bus Stop.
- There have been 6 injury accidents in the past 5 years in the area. The analysis shows there are no patterns and no significant highway safety concerns
- The catchment primary is in Hadleigh in Station Road (approx. 0.7 miles) and the secondary school is in Hadleigh High in Highlands Road 0.6 miles away, both within walking distance and safe route for the vulnerable user.

We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. This development can provide safe and suitable access to the site for all users (NPPF Para 108) and would not have a severe impact on the road network (NPPF para 109) therefore we do not object to the proposal.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

Visibility Condition: Before the access is first used visibility splays as indicated on Drawing No. EX18_116_06/PSK104(P1) with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

Access Condition: Before the development is commenced, details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.

Footway Condition: Before any dwelling is first occupied, the developer shall provide details and construct the footway between the access point and the Bus Stops on Lady Lane and uncontrolled pedestrian crossing point which shall first have been submitted to and approved by the Local Planning Authority. Reason: To ensure that suitable footways are provided to access the application site and to connect the sites with footway network and bus stops.

Estate Roads Design Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.

Estate Roads Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority. Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

Parking Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including electric vehicle charging points and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall

be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose. Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety, to promote the use of sustainable travelling alternatives within the area and use of electric vehicles.

Bin Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose. Reason: To ensure that refuse recycling bins are not stored or presented on the highway causing obstruction and dangers for other users.

NOTES

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority. Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage:

www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.”

SCC Contributions

“I refer to the proposal: planning application – Outline Planning Application (some matters reserved, access and landscaping to be considered) Town and Country Planning Act 1990 - Erection of 45No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

Suffolk County Council (SCC) previously provided a written response to this application on 22 October 2020 which was time limited to six months. As this planning application will be determined outside of this six months’ period, SCC has reviewed matters.

Updated summary of infrastructure requirements:

	Infrastructure	Total contribution	Per Dwelling
CIL	Primary school expansion @ £17,268 per place 12 pupils arising	£207,216.00	£4,604.80
CIL	Secondary school expansion @ £23,775 per place 9 pupils arising	£213,975.00	£4,755.00
CIL	Sixth form expansion @ £23,775 per place 2 pupils arising	£47,550.00	£1,056.67
S106	Early years new build @ £20,508 per place 4 places arising	£82,032.00	£1,822.93
CIL	Libraries improvements & books etc @£216 / dwelling	£9,720.00	£216.00
CIL	Waste Improvements	£0.00	££0.00
S106	Highways	tbc	
S106	Monitoring fee for each planning obligation trigger	£412	

1. Education

The most recent scorecard is 2019 and the national average school expansion build cost per pupil for primary schools is £17,268 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£17,268 / 1.00) produces a total of £17,268 per pupil for permanent expansion of primary schools. The most recent scorecard is 2019 and the national average school expansion build cost per pupil for secondary schools is £23,775 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£23,775/1.00) produces a total of £23,775 per pupil for permanent expansion of secondary schools. The DfE guidance in paragraph 16 says, “further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place”.

2. Pre-school provision

In paragraph 16 of the DfE guidance it says, “Developer contributions for early years provision will usually be used to fund places at existing or new school sites, incorporated within primary or all-through schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school”. The most recent scorecard is 2019 and the national average new build school cost per pupil for primary schools is £20,508 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national new build cost (£20,508 / 1.00) produces a total of £20,508 per pupil for new primary schools. There is a deficit of places in Hadleigh. A new Early Years setting is being secured on land east of Frog Lane and contributions are required as set out in the table on page 1. 3

3. The above information is time-limited for 6 months only from the date of this letter.”

Internal Consultee Responses (Appendix 6)

Strategic Housing

“Key Points

1. Background Information

- This is an outline development proposal for 45 dwellings
- This major development proposal triggers an affordable housing contribution under current local planning policy of 35% of the total number of dwellings. Based on 45 dwellings this equates to 15.75 dwellings

- We would therefore expect to see 15 affordable dwellings delivered on site with the remaining 0.75 provided as a commuted sum

2. Housing Need Information:

2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2019, confirms a continuing need for housing across all tenures and a growing need for affordable housing.

2.2 The 2019 SHMA indicates that in Babergh there is a need for 110 new affordable homes per annum.

2.3 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.

2.4 The Council's Choice Based Lettings system currently has circa 844 applicants registered for affordable housing in Babergh.

2.5 This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need. The housing register shows the highest housing need across the district is for 1 and 2 bedrooms followed by 3 bedrooms with a much smaller need for 4+ bedrooms.

3. Preferred Mix for Open Market homes.

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

3.2 With an ageing population, both nationally and locally new homes should, wherever possible, be built to Building Regulation Part M (4) Category 2 standards and this can include houses, apartments and bungalows. Built to this standard will help our ageing population to remain in their homes for longer. Level access showers are recommended on all ground floor apartments and flats.

3.3 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. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups. This application does not provide any indicative layout in terms of type and tenure.

3.4 Broadband and satellite facilities as part of the design for all tenures should be standard to support.

3.5 All new properties need to have high levels of energy efficiency.

3.6 The applicant is expected to have due regard to table 4.4c from the SHMA 2019 in terms of the proportion of 1,2, 3, 4 bed + homes for the open market sale homes.

3.7

Table 4.4c Size of new owner-occupied accommodation required in Babergh over the next 18 years

<i>Size of home</i>	<i>Current size profile</i>	<i>Size profile 2036</i>	<i>Change required</i>	<i>% of change required</i>
One bedroom	598	1,183	585	12.2%
Two bedrooms	5,037	6,765	1,729	36.1%
Three bedrooms	12,327	13,774	1,447	30.2%
Four or more bedrooms	10,065	11,098	1,033	21.5%
Total	28,026	32,820	4,794	100.0%

4. Preferred Affordable Housing Mix:

4.1 This scheme should provide an affordable contribution of 35% of total dwellings = 15 dwellings with a commuted sum for the remaining 0.75.

4.2 The tenure split should be approximately 75% affordable rented and 25% shared ownership and the following mix is recommended:

- 11 Affordable Rented dwellings = 4 x 1b 2p flats or bungalows - level access showers are recommended on all ground floor apartments and flats. 4 x 2b 4p houses 3 x 3b 5p houses
- 4 Shared Ownership dwellings = 2 x 2b 4p houses 2 x 3b 5p houses

5. Other requirements for affordable homes:

- Properties must be built to current Homes England and Nationally Described Space Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 100% on subsequent lets.
- The Council will not support a bid for Homes England grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.
- The location and phasing of the affordable housing units must be agreed with the Council to ensure they are integrated within the proposed development according to current best practice. On larger sites such as this one, the affordable housing should not be placed in groups of more than 15 units.
- Standard triggers points as set out below to be included in the S106: -
 - (a) Not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and
 - (b) Not Occupy or permit Occupation of more than eight per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider
- Adequate parking and cycle storage provision is made for the affordable housing units adjacent to the dwellings.
- Properties must be tenure blind.
- It is preferred that the affordable units are transferred freehold to one of Babergh's partner Registered Providers and for the avoidance of doubt this could include the Council itself."

Waste Management

"No objection subject to points raised below to be clarified in conditions.

Ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around attached are the vehicle specifications.

The road surface and construction must be suitable for an RCV to drive on.

The bin presentation points need to be at the edge of the curtilage. There is one shown outside plot 44 and it is unclear which properties will place bins there? This needs to be clarified.

Plots 37 and 38 in particular are a long way from this point and it looks like vehicle access to these plots, if expected, could prove difficult for turning and reversing which is discouraged. Please note vehicle specifications and clarify collection points.

The presentation point shown alongside plot 9 is this for plots 12-6? This needs to be clarified.

There is no presentation point shown for plots 39-42. This is a concern as to where bins will be presented and left especially as vehicle parking is provided in the area. Please clarify presentation points for these plots.

All other plots would require the bin presentation points to be beside the main service road.

Communal bin stores such as that shown for plots 16-21 must have a level threshold and be large enough to easily manoeuvre bins out of the bin store to the RCV which should be a short distance from the bin store, there should be a dropped curb so that the bins are not manhandled over different levels of ground."

Heritage Team

"HOLDING OBJECTION This is an Outline Planning Application with some matters reserved. Access and landscaping is to be considered. It is for the erection of up to 45No dwellings (including up to 15 affordable dwellings), following demolition of three existing buildings. The issues of Heritage Team concern focus on the impacts of the work on the significance of the Grade II listed red brick boundary walls to Lady Lane, which date from circa 1500.

The proposal to develop 45 houses will impact on the walls and will quite probably result in harm to their significance. However, given that the current application is in outline only, the level of harm cannot yet be defined. Therefore further information is required. A detailed Heritage Statement is required now, at outline stage, to help inform of the meaning and importance of the walls and if, on its production, the developer wishes to progress the outline application, the Statement should guide the extent and layout of the scheme. The Statement will need to consider the role that the setting plays in their significance and the potential impact of any future scheme on that significance, in line with the expectations of the NPPF."

Environmental Health - Sustainability

"Many thanks for your request to comment on the sustainability and Climate Change Impacts of this application.

It is acknowledged that the application is for outline permission but considering the size of the development some consideration of this topic area is expected.

Babergh Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable

techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

On that basis my recommendation is refusal. If the planning department decided to set conditions on the application, I would recommend the following.

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

The Sustainability and Energy Strategy requires the applicant to indicate the retrofit measures and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage.

Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planninganddevelopment-advice/parking-guidance/>

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used.

Evidence should be included where appropriate demonstrating the applicants previous good work and standards achieved in areas such as site waste management, e.g. what recycling rate has the applicant achieved in recent projects to show that their % recycling rate commitment is likely.

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF. Guidance can be found at the following locations:

<https://www.midsuffolk.gov.uk/environment/environmentalmanagement/planningrequirements/>

Environmental Health – Noise/Odour/Smoke/Light

“Thank you for your consultation on the above application.

Noise

I have had regard to the document 'Sound Level Assessment: proposed residential development on land off Lady Lane and Aldham Road, Hadleigh' (Sharps Redmore, dated 16th April 2019, project reference 1817919)

A noise survey has been carried out at the site. The site is adjacent to the industrial estate and at locations closest to the industrial estate the noise climate was noted to contain noise from the manual handling of barrels, reversing alarms and HGV engines. Therefore, there may be some loss of amenity due to the character of the noise, particularly where this is impulsive in nature. The assessment assumes (as confirmed at that time during night-time monitoring) that the industrial units were not operating at night. I am unsure as to whether the permissions of the industrial units closest to the site have any operating hours restrictions on them – should operating hours on the units change in future to include night-time working then this may be fettered due to the proximity of residential dwellings.

The sound level assessment has found that the majority of the site experiences noise levels which are within BS8233 and WHO guidance levels - therefore at indicative plots 2-42 internal noise guidance levels can be met with standard thermal glazing. Amenity areas are also likely to be within these guidelines.

However, indicative Plots 1 and 49 have facades close to Lady Lane where existing noise levels are above BS5228 and WHO guidance levels and as such façade insulation will be required to be of a higher performance level, and windows will need to be kept closed in order for internal guidance levels to be met. Therefore passive ventilation will be required (as per the performance requirements as given in section 5.5 and table 5.6 of the SIA) and it will be important to ensure that the performance of the windows (including the frame), and the façade/building envelope as a whole meet the specification.

I would recommend that a condition be attached to the effect that at the detailed design stage, a validation sound survey is conducted in the area of the development close to Lady Lane to enable detailed calculations of the window and ventilation system requirements, and a detailed noise mitigation scheme is submitted to include details of glazing, ventilation and façade treatment for each plot.

In terms of external amenity areas, the assessment also identifies that gardens to indicative plots 1, and 44 – 49 would need to be protected by acoustic barrier with a height of 1.8m in order to achieve an acceptable noise level. This should be addressed as part of the noise mitigation scheme.

In addition, the assessment identifies that plots 12 – 16 will be the nearest garden to the active industrial estate and whilst measurement taken do not indicate that mitigation measures are necessary, section 5.3 recommend that a screen should be located between the industrial area and the plots. I would recommend that such a screen be of solid construction.

Odour

I note that the contaminated land assessment submitted with the application states in section 2.1 that 'strong smells of solvents were periodically noted that were coming from the adjacent chemical works'. I would recommend that an odour assessment be provided prior to this application being determined to assess potential loss of amenity.

Construction

The proposed development is in close proximity to existing residential dwellings who are at risk of loss of amenity during site clearance/construction phases of the development, should permission be granted. I would recommend that a condition be attached to any permission to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the

Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours. I would recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- Loading and unloading of plant and materials
- Wheel washing facilities
- Hours of operation and vehicle movements
- Lighting
- Location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Noise and vibration management (to include arrangements for monitoring, and specifically for piling) and;
- Litter management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: The Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development.

Lighting

I would recommend that a condition be attached to any permission to the effect that no external lighting be installed until such time as a full written scheme, details to include luminaire type, operating hours, position, height, aiming points, lighting levels and a polar luminance diagram (based on the vertical plane and marked with 10, 5, 2, 1 and 0 lux contour lines), be submitted to and approved by the LPA."

Environmental Health – Air Quality

"Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of local air quality management. The scale of the development, at 45 dwellings, is far below the level that we would anticipate an actionable impact of local air quality. The existing air quality in and around Hadleigh is regarded as being good with no air quality management areas and background levels of nitrogen dioxide being around 10ug.m³ according to DEFRA background air quality maps. The Institute of Air Quality Management takes a precautionary approach and indicates that an air quality impact assessment may be necessary for developments that are to add 500 vehicle movements a day and at 45 dwelling this threshold is unlikely to be passed.

In light of the above I can confirm that I have no objections to the proposed development from the perspective of local air quality management. However, the development offers opportunities to improve the existing good air quality through the provision of Electric Vehicle Charging Points to the levels set out in

the Suffolk Parking Standards – this will be picked up in detail in the consultation on Environmental Management Issues which will be dealt with by another member of the team.

I would also add that we will require a consultation on Land Contamination Issues, given the timescale on this application I would recommend that this is sent across as a matter of urgency.”

Environmental Health – Land Contamination

“Many thanks for your request for comments in relation to the above development from the perspective of land contamination. Having reviewed the application I note that the applicant has failed to submit the required information to demonstrate that the site is suitable for the proposed end use. The applicant has submitted an investigation by Nott Group (Reference : 72785/R/010) dated 25th February 2020 which involves a detailed investigation into a small portion of the site. As the report is for only part of the development site then this is not appropriate for us to determine that the site as whole is suitable, or otherwise, for the proposed residential end use. We would require that the applicant submits, as a minimum, a Phase I investigation that conforms to BS10175 for the whole of the development site. The investigation submitted is not in vain and the findings should be incorporated into a comprehensive Phase I report. I would also note that the current submitted report omits a number of appendices from its report that will need to be included with any future submission. As things currently stand we are not in a position to recommend that the application be approved, even with conditions, and would therefore raise a holding objection until such time as the relevant information becomes available to us.

Should the applicant wish to source the appropriate documents to support their application then we may be in a position to review our recommendation but we would require formal notification of newly submitted information quoting the above EP Reference number. It should be noted that any documentation submitted in relation to a planning application should be sent directly to the Development Management Team and not the Environmental Protection Team as this may lead to delays in the planning process.

For details regarding how Babergh and Mid Suffolk District Councils approaches Land Contamination, including templates for planning submissions, please view our website at <https://www.babergh.gov.uk/environment/contaminated-land/>. “

Place Services – Ecology

“Thank you for consulting Place Services on the above outline application.

No objection subject to securing:

- a) a proportionate financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA/Ramsar.
- b) ecological mitigation and enhancement measures

Summary

We have reviewed the Ecology Report (MHE Consulting Ltd, August 2020), relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and with appropriate mitigation measures secured, the development can be made acceptable.

It is encouraging that the scheme design has been amended to create green corridors around the site and to link habitats off site. Loss of trees and the section of hedgerow will be compensated for as part of the

proposed landscaping with new native species of trees, hedgerows and plants. In addition, bird boxes (targeting species such as swifts and house sparrows), bat boxes and hedgehog passes will be provided between garden boundaries and adjacent habitat areas.

The mitigation measures identified in the Ecology Report (MHE Consulting Ltd, August 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy.

Furthermore, this application also falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, the LPA is advised that a financial contribution should be sought, in line within the Suffolk Recreational Avoidance and Mitigation Strategy (RAMS), from the residential development within the 13 km ZOI specified. This will need to be secured by a unilateral undertaking or S.111 agreement, following advice contained on the council's website: <https://www.midsuffolk.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/habitats-mitigation/>. The LPA will also need to prepare a HRA Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of the visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar site.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting Ltd, August 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecology Report (MHE Consulting Ltd August 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).”

Place Services – Landscape

“Thank you for consulting us on the outline planning application (some matters reserved, access and landscaping to be considered) Town and Country Planning Act 1990 – Erection of 45No dwellings (including up to 15 affordable dwellings) (following demolition of three existing buildings).

This letter sets out our consultation response on the landscape impact of the outline planning application and how the proposal relates and responds to the landscape setting and context of the site.

Recommendations

There will be a change in the landscape character, from undeveloped land to residential but the change will not be out of context in relation to the surrounding local character. It is considered that the site is suitable for the kind of development outlined.

In general, the proposed landscape strategy shown on drawing LSDP 1524.02 is welcome and we would expect to see the same level of tree planting and soft landscaping kept at detail stage to deliver good public realm and landscape mitigation.

If the outline application is approved, we will expect the design issues below to be embedded in the layout design submitted as part of the reserved matters application to provide adequate levels of visual amenity:

1) Boundaries fronting the public realm should be brick with associated soft landscaping, including parking courts, streets and green open spaces. Close board fence is indicated in many of these locations and will have to be amended to show a brick wall instead.

2) Opportunities to enhance and complement the existing Grade 2 Listed walls. For instance, brick walls B and C identified in the heritage report could be linked by a new brick wall, instead of close board fence. In addition, the new brick wall along Lady Lane needs sensitive design to complement the existing listed wall providing a continuous boundary across the whole of this elevation - including the boundary on proposed dwelling to the far south-east corner.

3) The relationship between the development and the new public open space (POS) should be reviewed. Either its location is moved to a more central position within the development or the POS is visually and physically better connected with the development.

The proposal

The site forms part of an employment land use designation policy (EM02) in the 2006 Babergh Local Plan (second alteration). The application site is located to the south-west and represents a very small part of the Lady Lane industrial estate allocation site. The site area is currently vacant and has seen the demolition of existing buildings in the past.

To the east and north are industrial buildings. The southern boundary abuts Lady Lane and settlement beyond. Back gardens and parking court of existing dwellings forms the western boundary.

The areas of trees and scrub to the north and eastern parts of the site have been identified to be retained and improved to make a positive contribution to biodiversity net gain. A group of crack willows is proposed to be removed but the indicative landscape strategy has provided mitigation through new tree planting.

The outlined landscape proposal shows a decent number of trees within the site layout which will contribute towards delivering a high-quality public realm and softening the built form. We welcome the native hedgerows proposed.

The new open space (POS) is located on the north-west corner and appears to be disconnected with the development. We would recommend that public open spaces are in a more central location within the development or integrated within it. This is to provide acceptable levels of passive surveillance and for the residents to get a better benefit from it. The current layout gives its back to the POS and we would recommend that this area is open and more connected to the development instead.

Several parking courts have been proposed and tree planting and soft landscaping has been proposed to soften the hard environment of these areas. We noted that boundary treatment on a number of parking courts is showing timber close board fence and we would recommend that brick wall is used instead.

Grade 2 Listed walls bordering Lady Lane and within the site has been proposed to be retained, which is welcome. There are opportunities for new brick walls to be included to complement these assets and to provide a continuous boundary.

With appropriate levels of planting and plant species (tree and soft landscaping) and boundary treatment the outlined scheme could deliver a good quality development with enhancements to biodiversity and existing character of Lady Lane.”

Communities

“Thank for your e-mail regarding the application for the land off Lady Lane, Hadleigh. I have consulted with my colleagues in the Communities Team and we do not have any comments we wish to make regarding this application.”

The Hadleigh Society

“The Society both objects to the proposal and is also concerned regarding several procedurally matters concerning the submission.

Inaccurate Description of Proposal

Firstly it is considered that the proposed development is materially inaccurately described and if not corrected could result in legal challenges to any subsequent decision issued by the Council. The development contained in the application submitted by applicant is described as an outline application for ‘...the demolition of existing buildings (three) and erection of up to 45 dwellings (including up to 15 affordable dwellings), site access, structural landscaping.’

It is considered that the failure to include up to before 45 no. dwellings, and site access, structural landscaping in the description of the development given by the Council is regrettable as in the case of *Finney v Welsh Minsters* [2019] EWCA Civ 1868 it is unlawful to use section 73 of the Town and Country Planning Act 1990 to amend or contradict the description of the development permitted by a planning permission. It follows therefore by specifically tying the development to 45 dwellings rather than up to, it leaves the Council no discretion to refuse 45 dwellings (in regard to scale) on a Reserved Matter submission if the Outline application is approved. Similarly in determining the current application the council must determine at this stage whether 45 dwellings are an acceptable Scale of development, and if not, it must refuse the application.

The description of the development should therefore be amended before determination to :-The demolition of existing buildings (three), erection of up to 45 dwellings (including up to 15 affordable dwellings), together with site access, and structural landscaping details’ .

Inadequate Information regarding disposal of land for commercial development or the provision of Compensatory Alternative employment land

Secondly, in the applicant agent’s submissions for this application it is supposedly materially linked to a second, simultaneously submitted, Outline application for employment development on a 2.33 hectare ‘greenfield’ site at Cobbolds Farm, Ipswich Road, Hadleigh and currently owned by members of the ‘Munson family’, several of whom are Directors of Place Farm Developments Ltd. who are applicants for this housing proposal. Currently no such planning application is however shown registered on that land nor is any there any supporting legal agreement etc that link the two separate and independent proposals. Accordingly no weight can be given to the matter in determining this application.

It is also argued by the applicant's agents that there is no demand for the use of this site for commercial purposes, despite the clear pre-application opinion given by the Planning Authority that no evidence that a proper nor concerted marketing of the land for employment purposes has been undertaken now nor in the past decade. Indeed the only residential development proposals have been sought on the land over the past decade and evidence purporting to demonstrate there is no commercial demand for the site is anecdotal and of no real substance. Therefore the proposal is contrary to the long-established policy of safeguarding the greater part of this site for employment purposes, and the objection is further compounded as there is no realistic alternative provision made for such loss of this employment allocation.

Prejudicial to both short- and long-term viability of existing Industrial/commercial premises
Further objection is raised as use of this site for family housing close to long established, heavily industrialised commercial premises, and HGV service yards will cause loss of reasonable residential amenity and moreover be likely to prejudice the short- and long-term viability and employment opportunities of the adjoining companies due to likely imposition of future restrictions on the company's commercial operations and proposals for expansion.

The illustrative layout demonstrates that the site is unsuitable for the housing types proposed
Although the layout and house designs are purely illustrative they demonstrate that the result of permitting such development will create a cramped housing scheme, with inadequate public and private amenity space, poor relationship of dwellings to each other thereby creating a disjointed and unattractive street scene and living environment, the domination of parked cars on road frontages, with other parking courts creating unpleasant, anti-social and unsafe areas. In all the illustrative scheme demonstrates that such a proposal would create a wholly sub-standard, poor quality neighbourhood that would fail to meet current design requirement contained in Babergh Core Strategy and as sought in the current NPPF.

Conclusion

Put simply the application ought to be refused until;-

1. A more thorough and vigorous marketing exercise is undertaken to demonstrate its suitability or otherwise for employment development, and/or
2. A legally binding proposal for provision of an alternative replacement employment site (i.e. land gifted to BDC with appropriate employment planning permissions), and if housing is then to be permitted, then conditions/s106s be imposed to require;-

A. A strong visual, noise and odour barrier and buffer zone be required to be provided between the site and adjoining commercial premises (the current proposals are weak, to say the least)

B. A requirement to provide a minimum of 0.15ha. of useable/attractive open space with minimum inclusion of a LAP.

C. The submitted illustrative layout and house designs are specifically excluded from the outline approval

D. Every dwelling other than flats be provided with a minimum of 75 sq. metres of private amenity land i.e. private rear garden

E. A scheme of repair and restoration of the listed walls on site be submitted and as approved be completed in full before the last dwelling is commenced.

F. That a minimum of 35% of all dwellings permitted (rounded up to the nearest whole number) must be affordable housing, thus if 45 dwellings were eventually permitted 16 and not 15 affordable houses must be provided.”

Economic Development

“The site itself has not been marketed for alternative commercial use, whilst noting the agents comments that it has not had any use or interest for a significant number of years there is no evidence to support this or to demonstrate that this alternative has been explored satisfactorily, therefore EM24 is still relevant.

This application references an additional application (no DC/20/05137) as an offset for any loss of commercial opportunity. Whilst welcome, this application would not be seen as a comparable site being a speculative outline application in a greenfield site. The majority of the application area in application DC/20/04615, remains within an employment allocation and offers an extension to an existing industrial site. It is therefore likely to be a more sustainable location with regard to transport links, deliverability, access to workforce and potential access to amenities and services for people working from the site.

I recognise that the site in this application has challenges and is bordered on one side by housing, compatibility of which would need consideration in any future use, however the relationship between this and the adjacent commercial uses at the main industrial area of Lady Lade is extremely significant to this application. An intensification of residential use at this site has the potential to have a detrimental impact on the operational amenity and servicing of the variety of commercial uses in existence on the Lady lane industrial site, thereby risking a sustainable future for those businesses.

Economic Development therefore object to this application .”

Public Realm

“Public Realm Officers have considered this application in relation to public open space. The provision of accessible public open space within the development site appears small (as viewed this outline planning stage) however, with the inclusion of the new 'thicket' linking the steep banks at the edge of the development there is potential for biodiversity gains. Public Realm Officers have no objections to this development.”

B: Representations

At the time of writing this report at least 6 letters/emails/online comments have been received. It is the officer opinion that this represents 5 objections, and 1 neutral comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Brownfield development
- Environmental impact
- Ecology/wildlife issues
- Loss of commercial land to be offset with land elsewhere
- Highway safety
- Increase in vehicles
- Overlooking
- Noise impact
- Should be a batter between industrial site and existing residential dwellings
- Loss of privacy
- Flooding
- Better developed for industrial/commercial
- Lack of units within Hadleigh for existing companies to migrate to

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: B/12/00104	Notification under Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, Demolition of buildings.	DECISION: GRA 27.06.2012
REF: B/08/01750	Erection of external lighting, consisting of 4 No. lighting columns with 2 No. floodlights on each, as amended by details of shielding received 09/02/2009 and lighting diagram received 10/02/2009.	DECISION: GRA 12.02.2009
REF: B/08/01903	Outline- Erection of two-storey residential care home with 61 No. bedrooms and staff accommodation and 2 No. B1 office units (following demolition of existing warehouses).	DECISION: WDN 27.02.2009
REF: B/06/02127	Erection of 35 No. dwellings and construction of vehicular access and associated parking, provision of amenity space and erection of a building for Class B1 use and associated parking as amended by Tree Survey and Arboricultural Implication Assessment prepared by Hayden's, received by the Local Planning Authority on 28/06/07, and by Drawings numbered 07-02-01Q, -02H, -03G, -04J, -05K, and -06H, received by the Local Planning Authority on 17th December 2007 and 17th January 2008, and Colin Buchanan Drawing No.104281/05/004 Rev.A received by the Local Planning Authority on 9th January 2008.	DECISION: WDN 17.05.2012
REF: B/05/01367	Erection of 33 No. dwellings (existing buildings to be demolished) including new roads, private amenity space and car parking. Construction of new vehicular access.	DECISION: REF 27.09.2005
REF: B/05/01368	Application for Listed Building Consent - Demolition of and alterations to listed walls (to be exposed by proposed residential development).	DECISION: REF 27.09.2005

REF: B/05/00688	Application for Listed Building Consent - Existing listed wall to be exposed by proposed residential development.	DECISION: ANR
REF: B/05/00687	Erection of 33 No. dwellings (existing buildings to be demolished) including new roads, amenity space and car parking. Construction of new vehicular access.	DECISION: ANR
REF: B/04/01078	Erection of 3m high boarded fence.	DECISION: GRA
REF: B/04/01334	Outline - Residential development.	DECISION: REF 17.12.2004
REF: B/04/01612	Outline - Residential development.	DECISION: WDN 16.12.2004
REF: B/04/01891	Erection of 29 No. dwellings (existing buildings to be demolished) including new roads, amenity space and car parking. Construction of new vehicular access.	DECISION: WDN 14.12.2004
REF: B/04/00637	Erection of production warehouse and associated offices as amplified by additional drawings received on 9th and 28th June 2004.	DECISION: REF 30.06.2004
REF: B/86/00555	ADDITIONAL USE OF EXISTING HAULAGE DEPOT SITE FOR PLANT HIRE AND REPAIRS AND ASSOCIATED BUILDERS YARD	DECISION: GRA
REF: B/92/00586	ADDITIONAL USE OF PREMISES FOR THE RETAIL SALE OF BUILDING MATERIALS AND TOOLS. INSERTION OF REPLACEMENT WINDOWS AND DOORS TO FRONT ELEVATION AND RETENTION OF CHAIN LINK FENCING TO LADY LANE FRONTAGE AS AMENDED BY REVISED DRAWINGS RECEIVED 08.07.92	DECISION: GRA
REF: B/0335/77/FUL	Erection of prefabricated workshop.	DECISION: GRA 08.08.1977
REF: B/0334/77/FUL	Continued use of disused self-service store as a workshop.	DECISION: GRA 08.08.1977

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site consists of a parcel of land that lies adjacent to the Lady Lane Industrial Estate to the northeast of Hadleigh. The site is approximately 1.4ha.
- 1.2 The site is bounded by Lady Lane Industrial Estate to the north, northeast, with Lady Lane (B1070) to the south and Aldham Road to the west of the site.
- 1.3 A large portion of the site is currently designated as employment land under Babergh Local Plan policy EM02 in conjunction with the neighbouring use of Lady Lane Industrial Estate. A small section of the site, closest to the highway of Lady Lane falls outside this employment allocation but clearly reads as part of the same site.
- 1.4 The topography of the site is such that it rises towards to north, northeast (towards the industrial estate) and sits above the existing residential dwellings situated along Aldham Road.
- 1.5 To the north and east of the site is Lady Lane Industrial Estate whilst to the west and south are a number of residential dwellings all situated in a linear fashion along the road.
- 1.6 The site has previously been in commercial use although these buildings have since been mostly demolished and removed although a number of residue floor slabs still exist.
- 1.7 The site is not subject of any landscape designations and is not within the setting of listed buildings or a Conservation Area.
- 1.8 When buildings populated the site it would have clearly read as part of the wider Lady Lane Industrial Estate complex in terms of its character and activity.
- 1.9 Members should be aware that the applicant has control over a parcel of adjoining land also within the defined Employment Area but that parcel is not included in the present residential application. Figure 1 below defines the application site (red line) and land within the control of the applicant but outside of the application site (blue line).

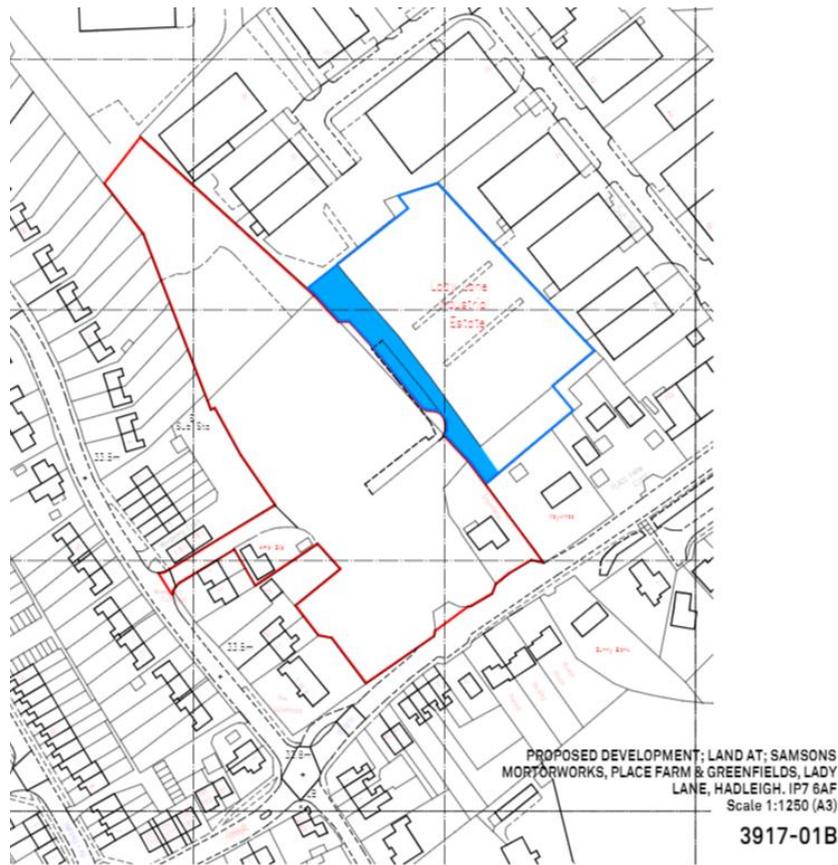


Figure 5. The application site (red line) and the land also within control of the applicant (blue line).

2.0 The Proposal

- 2.1 The application seeks outline planning permission is sought with all matters reserved save for access and structural landscaping, for the erection of up to 45 dwellings (including 15 affordable) together with demolition of the existing buildings on site.
- 2.2 This leaves layout, scale, appearance and detailed landscaping for resolution at Reserved Matters stage should outline planning permission be granted.
- 2.3 The existing access off Lady Lane would be used and would be the singular vehicle access to the site.
- 2.4 Members attention is drawn to concurrent application reference DC/20/01537 for outline planning permission is sought with all matters reserved save for access and structural landscaping, for the change of use of land for employment use Class B2, B8 and Class E business also submitted by the same applicant and the report for which is included on this agenda.

2.5 Potentially the applicant is offering a land use swap that would require the impact and merits of the combined applications to be considered as well as each proposal's own individual merits.

3.0 The Principle Of Development

3.1 This committee report will look at the merits of this application in its own right, followed by the merits of the proposed land swap later (set out in section 4).

3.2 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the Adopted Development Plan unless material considerations indicate otherwise.

3.3 The Council's Adopted Development Plan comprises:

Babergh Core Strategy (2014)
Babergh Local Plan Alteration No.2 (June 2006)

3.4 As the most recent of these is dated 2014 the question arises as to the extent to which they can be considered up to date and consistent with the NPPF. If it is determined that the relevant policies are not up to date then the Council may be required to exercise the 'Tilted Balance' described by paragraph 11(d) of the NPPF. This is triggered by the Council not being able to demonstrate it has a 5YHLS or where its relevant planning policies are out of date or absent. In such cases the presumption becomes favourable to sustainable development within the general presumption under paragraphs 10-12.

3.5 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.

3.6 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.

3.7 Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.

3.8 This report will therefore look at relevant Development Plan policies as its starting point and then move on to the Joint Local Plan which currently has limited weight as a material planning consideration and then NPPF.

3.9 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need.

- 3.10 The proposal lies within the Built-Up Area Boundary (BUAB) of the town of Hadleigh, which is identified as a Town/Urban Area under Policy CS2 and as such Policy CS2 is not engaged in this instance as the site cannot be considered as a countryside location.
- 3.11 Policy CS11 is considered to be consistent with the aims of the NPPF, in particular with regard to the need for development to respond positively to local circumstances which is consistent with paragraph 77 of the NPPF, and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS11 and CS15 accord 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.
- 3.12 The proposal does not engage CS11 given that it is located within the BUAB of Hadleigh, designated as a town.
- 3.13 In terms of Policy CS15, the residential proposed can be said to be sustainable in its own right due to its location. The site can also be said to be sustainable for employment use (as existing) for the same reason. Members will therefore need to consider which of the two sustainable types of development – proposed residential or existing employment should attract the greatest weight in terms of relevant policies.
- 3.14 Babergh and Mid Suffolk District Councils have been working on a Joint Local Plan 2020 which is currently at the “Submitted” (Regulation 22) stage.
- 3.15 Paragraph 48 of the National Planning Policy Framework allows weight to be given to policies contained within an emerging plan. The weight given to the plan is dependent on what stage it has reach, in this case it is at Submission stage, and whether there are unresolved objections to its content. At this stage Officers afford the Joint Local Plan limited weight for decision making purposes however, noting that this is likely to increase as the plan progresses through examination. The plan does show the direction of travel that the Local Planning Authority is likely to take in regard to future development.
- 3.16 Babergh has a 6.64year residential land supply. This position does not engage paragraph 11d of the NPPF.
- 3.17 The application site is situated within the settlement boundary for Hadleigh wherein policy directs that the majority of new development, particularly residential and therefore housing development where appropriate is ordinarily acceptable in principle.
- 3.18 However, the application site is currently allocated as employment land under Local Plan Policy EM02, in addition, the site remains as allocated for employment land within the Emerging Joint Local Plan.
- 3.19 The application site was allocated for employment in the Babergh Local Plan for strategic reasons, as such Local Plan policy seeks to retain this existing use.

3.20 Local Plan Policy EM02 identifies Lady Lane as a General Employment Area whereby employment related development is acceptable in principle whilst Local Plan Policy EM24 seeks to retain existing employment sites:

EM24 Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:

1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.

3.21 The Agent has submitted a brief report to demonstrate that the land is unsuitable/unviable for all forms of employment use in order to satisfy the criteria in Policy EM24 above. The Agent did not however submit the site for residential development as part of the call for sites, this would have been an appropriate time to seek an allocation whilst the Council was looking at its strategic housing land use options for the emerging Joint Local Plan.

3.22 Looking at the Agent's reasoning for the sites unsuitability for continued employment use the following points have been stated:

- ... that the remaining allocated land is now effectively land locked. There is no access which forms part of the allocation, demonstrating that all commercial traffic was intended to be taken through the industrial estate and not through the residential area along Aldham Road. There is no access to the lower part of Lady Lane as part of the employment allocation.
- significant difference in the land level between the application site and the Lady Lane Industrial Estate. This material change in topography is something which the council must have realised when it gave consent for the haulage yard. Moreover, the council ought to have realised that no phase of the Lady Lane Industrial Estate's development has included the application site. The cumulative effect of this is that the remaining allocated land is not deliverable
- While the allocation is carried forward into the emerging Joint Local Plan, there is nothing in the supporting evidence which demonstrates a review of the site and nothing which considers why the site has not been brought forward for development in the last 20+ years. There does not even appear to be any consideration given as to how suitable access for employment use will be achieved commensurate with the employment allocation

- In light of the assessment of EM02 above and that it is out-of-date in the context of this application/ site, the protection afforded by EM24 must be reduced. Even more so when one notes that EM24 is inconsistent with the NPPF, the latter preferring a much more flexible approach to those allocated sites that have failed to deliver its allocated use. Paragraph 120(b) of the NPPF should be preferred to EM24. Any conflict that may be identified with EM24 (we do not say that there is), is likely to be outweighed by the conclusions in respect of EM02 above and the material consideration of NPPF120(b). A rigid application of EM24 will fail to make effective use of a brownfield site which is plainly contrary a central aim of national planning policy”
- 3.23 Interestingly the agent describes the site as land-locked due to lack of access, whilst it is noted that the land is not accessed via the existing Lady Lane Industrial Estate, it currently benefits from an existing (albeit separate) access off Lady Lane and Aldham Road. The site is therefore not considered to be land locked given this access although it is of course noted that this separate access would potentially limit the type of operation for the site.
- 3.24 The Economic Development Team has been consulted and object to the application on the basis of the loss of employment land. The Economic Development Team state inter alia that no evidence has been submitted to support or demonstrate that the site has not had any employment interest for a significant number of years and therefore Policy EM24 is still considered to apply. Furthermore, whilst the additional application (DC/20/0517) is being offered as an offset for any loss of commercial opportunity here, this is not seen as a comparable site due to it being both outline and a greenfield site outside any BUAB. The majority of this site remains within an employment allocation and offers an extension to the existing industrial site whilst it is noted that the site is bordered on one side by housing and therefore the compatibility of any future employment use would need careful consideration, the relationship between this site and the adjacent commercial uses at the main industrial area of Lady Lane is extremely significant to this application.
- 3.25 The Agent has chosen not to submit a viability statement evidencing the uneconomic prospects of an employment-based redevelopment of this site.
- 3.26 It is significant to note that the Agent has chosen not to provide this evidence under subsection 1 of Policy EM24 in respect of the requirement of a sustained marketing campaign for employment use of the site. This may suggest that the prospect of a greater financial returning from residential development is the real driver for this application.
- 3.27 The site is currently vacant however; it has previously been used for employment purposes with wide ranging use rights. It is of course acknowledged that given the proximity to the existing dwellings, the most appropriate employment use for the site going forwards would likely be either office use or potentially light industrial or storage within buildings.
- 3.28 Clearly the introduction of the new Class E under the General Permitted Development Order potentially raises a number of new material considerations as this new class now includes restaurants and drinking establishments etc, which could also have an impact on the existing residential amenity. Given that the site has largely been cleared of all buildings, any new proposal for employment and therefore the associated buildings/structures would require planning permission and therefore the Council would be able to exercise suitable controls where appropriate in order to safeguard the existing amenity.

- 3.29 The Government places emphasis for authorities to resist residential use where it may prejudice existing businesses. This application site is situated to the south of a large industrial estate with a number of units operating over-night. There is a risk that if residential use were to be permitted within such close proximity could result in future nuisance problems leading to action under Environmental Legislation that could mean existing businesses are unable to continue operating successfully. This could therefore impact the economic viability of those businesses which in turn would lead to a loss of employment use within the settlement boundary and sustainable location.
- 3.30 The agent of change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise sensitive development. In other words the person responsible for the change must also be responsible for managing the impact of the change.
- 3.31 The proposed residential development would be much closer to the existing industrial units, in addition, the parcel of land immediately adjacent to the site, whilst currently unoccupied still has employment use rights and is within the control of the applicant. This creates a concern that the residual employment land outside of this proposed residential area may be more difficult to develop for employment purposes in the future as a result of the proximity of the new proposed residential development were Members minded to grant this application.
- 3.32 Until recently, the site within the Applicant's blue line is believed to have been occupied by Kersey Freight and used as a trailer/hauler yard. A similar use could potentially return, particularly as the site has right of access via the existing Lady Lane Industrial Estate.
- 3.33 Strategic employment sites are important and have been considered prior to their allocation or proposed allocation. Whilst the site is in the BUAB and therefore housing could be acceptable in principle, there is, at this present time, no overriding need to allow residential dwellings here in order to make up any shortfall in numbers given that Babergh District Council can currently easily demonstrate that it has a 5-year housing land supply.
- 3.34 The applicant has not provided sufficient evidence to indicate that this site is no longer viable as employment land within an existing employment allocation. It is noted that the majority of Lady Lane Industrial Estate is still in active employment use.
- 3.35 As such, the principle of the change of use from employment to allow residential is not considered acceptable.

4.0 Land Swap – Second Application DC/20/05137

- 4.1 This application raises an interesting issue that is uncommon in terms of the normal material planning considerations that Members of the Committee are asked to take into account when determining the merits of an application.
- 4.2 On the one hand it can be considered as a freestanding outline planning application that falls to be judged on its own individual planning merits.
- 4.3 On the other hand, the applicant has indicated that the loss of existing employment land that arises from this application if approved can be suitably re-provided through the grant of permission for the application of an employment site under reference DC/20/05137 also for Members' consideration.

- 4.4 In essence, what is potentially being proposed is a land swap of sorts albeit that this site under consideration for residential development is currently previously developed existing employment land within the BUAB whereas the new proposed site under DC/20/01537 is currently undeveloped farmland outside of the BUAB. Such a swap if approved would result in a net loss of greenfield land.
- 4.5 Members are perfectly at liberty to determine the two applications independently or to link them as circumstances dictate, where the residential use is being accepted on the grounds that the existing employment land being lost will be adequately re-provided and where decisions are reasonable.
- 4.6 In this way a variety of outcome permutations exist:

DC/20/05137 CoU to employment	DC/20/04615 CoU from employment to residential
GRANT	GRANT
REFUSE	REFUSE
GRANT	REFUSE
REFUSE	GRANT
NOTE: Depending on the need for a S106 permutations are likely also to include defer for the satisfactory completion of a S106, S106's or linked S106's. Members may also defer one, other or both for other reasons [e.g. additional information, legal advice etc]	

4.7

Whilst the applicant is offering the potential of a land swap with employment going elsewhere (DC/20/01537, Cobbolds Farm) it is purely speculative. The Council can try and restrict residential development until new employment is delivered however it cannot require the delivery of that employment use. This makes securing the employment use elsewhere very difficult even by S106. The only way the Council could play an active role in delivering the employment use on the alternative site is for the land to be transferred to it for £1 and for it to procure development (similar to the situation at Weavers Meadow with the employment land transfer). This of course assumes that such an employment use is acceptable in the location used for application reference DC/20/01537. Members will see from the recommendation in respect of that report that the proposal is not considered acceptable.

- 4.8 Furthermore, on the east side of Hadleigh and within walking distance of the town centre there is already largescale residential development under construction (the Weavers Meadow, Persimmon Site, with a further large allocation in the JLP (current application reference DC/19/05419 and DC/17/03902). That allocation includes a large new employment area.
- 4.9 As such strategically, both new housing and new employment site are both suitably catered for.

5.0 Nearby Services and Connections Assessment Of Proposal

- 5.1 The site is located within the Built-Up Area Boundary (BUAB) for Hadleigh approximately 800m away from what is considered to be the town centre. The site is therefore within an acceptable walking and cycling distance with continue footpaths from the site to the facilities and services.
- 5.2 As the site lies within the BUAB of Hadleigh which is by definition a Town and therefore at the top of the Settlement Hierarchy in Policy CS1, therefore it is considered to be one of the most sustainable of all locations and is well connected to a number of bus services which operate in and through the town.

6.0 Site Access, Parking And Highway Safety Considerations

- 6.1 The proposed access would be located off Lady Lane and forms part of this outline planning application before Members to be considered.
- 6.2 All proposed footways within the site will be linked to existing footways and a new footway will be constructed on Lady Lane between the site access and the bus stops in order to create a direct link to the bus stops.
- 6.3 The development will result in a moderate increase in local traffic generation. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence before officers to indicate that the effect on the local transport network by traffic generated from the development would be severe.
- 6.4 SCC Highways have calculated that the proposal would generate approximately 27 vehicle trips in the morning peak hour.
- 6.5 The Highways Authority does not raise any concern in this regard, nor in respect to increased traffic levels more generally stating that they consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking.
- 6.6 The proposal can provide safe and suitable access to the site for all users as per paragraph 108 of the NPPF and would not have a severe impact on the road network as per paragraph 109 of the NPPF.

7.0 Design And Layout [Impact On Street Scene]

- 7.1 As the proposal is Outline (with only access and landscaping to be considered), matters of layout and design are left to the Reserved Matters stage. However, it is beholden on the applicant to demonstrate that the desired quantum of development can be satisfactorily achieved.
- 7.2 The application is for outline only with access and landscaping to be considered and all other matters reserved. The application seeks the erection of up to 45 dwellings with 15 of those being affordable.
- 7.3 The existing access off Lady Lane would be used. As the application is outline only, the design and layout details are not for consideration at this stage although the indicative site plan does clearly demonstrate that the plot is large enough to accommodate this.

7.4 Sectional drawings have been submitted to indicate how the built form will respond to the changes in level within the site and the adjacent land and the indicative street scene demonstrates how the development could present itself to the Lady Lane frontage although, of course, the detailed design and layout is of course reserved and subject to change.

8.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

8.1 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

8.2 The structural landscaping forms part of this outline application to be considered. The proposal would see the existing trees and scrubland to along the north-western boundary retained with new planting also being introduced in order to create a buffer between the existing industrial estate and the proposed dwellings.

8.3 New native species together with a small area of open space would be provided in the north-western corner of the site.

8.4 The proposed structural landscaping features are considered to act as a screen between the existing industrial estate and the proposed dwellings.

9.0 Land Contamination, Flood Risk, Drainage and Waste

9.1 Environmental Health currently raise a holding objection as the submitted investigation by Nott Group (Reference:72785/R/010) dated 25th February 2020 only involves a detailed investigation into a small portion of the site. This has been submitted and Officers are currently waiting for updated comments from Environmental Health, these shall be provided to Members by way of tabled papers or verbal update at committee.

9.2 SCC Flood & Water Management confirms that it has no objection to the proposal in this regard and recommend conditions which run concurrent with the reserved matters application.

10.0 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

10.1 Whilst there are no listed buildings on the site, part of the former site entrance includes a brick wall which is considered to be listed. This brick wall is considered to be Grade II listed.

10.2 Given that the proposal is for outline only, the full impact of the proposal on the listed wall cannot be established at present.

10.3 The Heritage Team have been consulted and have requested additional information, which has been provided, amended comments shall be provided by way of late papers or a verbal update at committee.

11.0 Impact On Residential Amenity

- 11.1 The application is for outline only with all matters reserved save for access and landscaping.
- 11.2 However, given the close proximity of the proposed site to the existing industrial estate and the issue of agent of change residential amenity is appropriate to be considered at this stage. Planning Practice Guidance requires that, in these circumstances, the agent of change (the Appellant) needs to 'put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme' and that they should, 'define clearly the mitigation being proposed to address any potential significant adverse effects'.
- 11.3 In addition Paragraph 182 of the NPPF expects new development to be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant or 'agent of change' should be required to provide suitable mitigation before the development has been completed.
- 11.4 It is the Council's view that the proposals neither identify the significant adverse effects nor clearly show how the significant adverse effects would be avoided/mitigated.
- 11.5 Environmental Health – Noise/Odour/Light/Smoke have been consulted as part of the application and have assessed the Sound Level Assessment: proposed residential development on land off Lady Lane and Aldham Road, Hadleigh' (Sharps Redmore, dated 16th April 2019), whilst they raise no objections, in principle, a number of conditions and recommendations have been suggested in order to protect residential amenity.
- 11.6 Whilst Environmental Health do not object and suggest a 1.8m high acoustic barrier be installed, Members should note that the application site slopes down towards Aldham Road. The land edged in blue on the submitted site location plan can still be used for employment purposes, this could be redeveloped or used for outside storage of goods/shipping containers given its previous use, this would therefore potentially result in noise sources above the proposed fence line and higher than a number of the residential properties shown on the illustrative layout.
- 11.7 In addition, given the previous use of this parcel of land there is the potential for this to then be used for the stacking of containers to an unspecified height and the running of a 24hour operation which would cause significant noise disturbance.
- 11.8 The proposal would bring residential use much closer to the existing industrial estate and therefore potentially causing conflict between the residents and the businesses as a result of what may be seen by new residents as nuisance, disturbance and pollution coming from the existing commercial use on the neighbouring industrial estate. Furthermore, the expansion of the Lady Lane Industrial Estate or renewal of premises could also be similarly prejudice by the proximity of new residential accommodation.

12.0 Planning Obligations / CIL (delete if not applicable)

- 12.1 The proposal is for up to 45 dwellings with 15 affordable proposed.

- 12.2 If Members were minded to grant permission for this proposed development then a S106 Agreement would first need to be completed to be sought to ensure that these 15 dwellings plus a financial contribution for the remaining 0.75 of a unit [35%] are delivered as affordable dwellings and can be offered in accordance with the Council's nomination rights and allocated through Choice-based lettings system.
 - 12.3 As per SCC Contributions comments an Early Years new build contribution of £82,032 will be secured by way of S106 Agreement.
 - 12.4 Depending on the Committee's reasoning for being minded to grant permission Members may also wish to ensure the potential land swap is secured (assuming that application ref DC/20/01537 is also viewed favourably) by S106 Agreement along with suitable terms and restrictions (phasing a sequencing of delivery).
 - 12.5 All the other infrastructure impacts of this proposal would be subject to funding via CIL.
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PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 Judged on its individual merits this is contrary to the Council's employment strategy as expressed through its employment policies. Not only is the proposal contrary to these policies but it will also result on significant harm. That harm can be expressed as the undermining of the Council's well considered employment strategy as based on the appropriate Employment Land Needs Assessments. Allowing this unallocated site will prejudice the efficacy of the Council's planning policies designed to bring forward allocated employment sites.
- 13.2 The applicant has failed to demonstrate how the principle of the 'agent of change' is to be managed. This places responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise sensitive development. In other words, the person responsible for the change must also be responsible for managing the impact of the change
- 13.3 Whilst residential development might ordinarily be acceptable within the Built-up Area Boundary in this particular case the priority afforded by policy to safeguarding strategic employment sites is not outweighed by the need for additional residential development in this location.
- 13.4 The proposal offers the potential of an unspecified number of construction jobs in the event that outline planning permission is granted, reserved matters approved and that permission implemented. This is given limited weight.
- 13.5 Residential development would also increase the population within Hadleigh such as to provide a limited boost to local spend and support for facilities.
- 13.6 It would also provide a small contribution to the market stock however as we have a 5year housing land supply this has limited weight.

- 13.7 The proposal would result in the provision of 15 affordable homes which has moderate weight however Hadleigh is getting significant affordable homes delivery through a number of existing strategic housing allocations on the east side of the tow and therefore this benefit from the scheme is not outweighed by the overriding harm and loss of the existing employment site.
- 13.8 However, set against such benefits is the overriding harm that such a proposal will generate if approved.
- 13.9 It would undermine the Council's employment policies/strategy as described earlier and potentially stifle allocated sustainable employment sites in Hadleigh from coming forward.
- 13.10 This harm is significant.
- 13.11 On this basis the proposal is recommended for refusal.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:-

1. The application site is currently allocated employment land in both the Adopted Development Plan and the Emerging Draft Joint Local Plan and has therefore been given strategic employment importance. Whilst the proposal is located in the BUAB and therefore housing could be acceptable in principle there is at present time no overriding need to allow residential dwellings here in order to make up any shortfall in numbers given that Babergh District Council can currently easily demonstrate that it has a 5-year housing land supply.

The applicant has not provided sufficient evidence to indicate that this site is no longer viable as employment land within an existing employment allocation. It is noted that the majority of Lady Lane Industrial Estate is still in active employment use.

As such the proposal is considered contrary to Local Plan Policy EM02, EM24 and paragraphs 81 and 182 of the NPPF.

2. Whilst the application is outline only given the close proximity of the proposed site to the existing industrial estate and the issue of agent of change, the proposal would bring residential use much closer to the existing industrial estate and would potentially cause conflict between the residents and the businesses as a result of what may be seen by new residents as nuisance, disturbance and pollution coming from the existing commercial use on the neighbouring industrial estate. As such the proposal is also considered to be contrary to paragraph 127 of the NPPF.