

Committee Report

Item No: 6C

Reference: DC/21/05652

Case Officer: Elizabeth Flood

Ward: Long Melford.

Ward Member/s: Cllr John Nunn. Cllr Elisabeth Malvisi.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of up to 30 no. dwellings (including 10 no. affordable units) including new vehicular access and public open space.

Location

Land West Of Sudbury Road, Acton, Suffolk,

Expiry Date: 13/01/2022

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Acorn Farms Ltd

Agent: Mr Jack Wilkinson

Parish: Acton

Details of Previous Committee / Resolutions and any member site visit: site visit requested for 8th December 2021

Has a Committee Call In request been received from a Council Member? No

Has the application been subject to Pre-Application Advice: Yes DC/19/00699

This stated (*inter alia*):

It is not possible to conclude on the basis of the information provided whether the application would be compliant with policy CS2 and CS11. If the scheme was deemed not fully compliant with policy CS2 and CS11 it will be necessary to consider what other material considerations could enable us to depart from the development plan. A key issue is the requirement to consider locally identified need.

The planning application for 100 dwellings in Barrow Hill (DC/17/02751), Acton included a Housing Needs Survey which assessed that the local need within Acton was for 100 dwellings. These have been provided by granting planning permission at Barrow Hill. Therefore a strong case will be needed to show that there is an additional need for dwellings within this Hinterland village which will not be provided by the Barrow Hill site. In addition the cumulative impact of the proposed and approved developments in Acton especially in relation to infrastructure (including primary schooling) will need to be considered when assessing this application.

CLASSIFICATION: Official

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Residential development greater than 15 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development

CN01 - Design Standards

CS18 - Mix and Types of Dwellings

CS19 - Affordable Homes

National Planning Policy Framework 2021

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area

Accordingly, the Neighbourhood Plan has little weight.

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

Parish Council

Acton Parish Council recommends refusal of this application. Its specific objections are as follows:

Importance of site in the Open Countryside The application site, which for many years has been used for sheep grazing, contributes immensely to the rural setting of Acton village. The site is bordered on two sides by rural roads; the remaining sides are open countryside. Sudbury Road forms a clear boundary between the built settlement of Acton and the open countryside. Melford Road, with its well-spaced linear row of dwellings and open countryside backdrop, forms an important rural gateway to the village.

Flooding, natural spring and water supply main pipe. The site has a long history of surface water and sewage flooding. All surface water flows away from Acton via the water course through the application site. We believe the application does not properly address surface water management, a natural water spring and the large water supply main running through the site.

Harm to far-reaching Views. Despite the agricultural hedgerow along Sudbury Road being allowed to grow tall of late, there are very significant and far-reaching views to open countryside from the village perimeter walking route along Sudbury Road and Marsh Walk/Cobbler's Way. From the lane leading to Cuckoo Tye, there are important views across the valley of the linear row of dwellings and the Grade 2 listed Crown Public House

Dominate skyline and dominate existing dwellings. The proposed development will dominate the skyline from many viewpoints and appear overbearing on the existing dwellings at Sudbury Road and Melford Road. The rooftops of the proposed development will sit higher than nearby dwellings and will dominate the rural landscape from all sides.

Need to scrutinise unbalanced I & LA report. The applicants Impact and Landscape Assessment opens by suggestion that it is a small site. It understates the immense harm that will be caused to the village setting, important far reaching public views and wider landscape. There is no doubt that immense harm will be caused to the rural setting and character of the village if this application is allowed to proceed. We call on Babergh Planning Officers to closely scrutinise the application's unbalanced Impact and Landscape Assessment.

Impact, large site small return As a result of the valley landscape through the proposed site, any configuration of the dwellings will result in a very large intrusion into the countryside but will only deliver a proportionately small number of dwellings for such a large site.

Lack of community benefits The proposal will not bring any tangible benefits to the village of Acton. The only small benefit to the wider area is a small number of affordable homes. This small positive factor will fail to offset the harm caused by this proposed infusion into open countryside, backland and out of settlement boundary development. The applicant claims that the site will bring with it the benefit of open space. Acton is not lacking in open space - in fact the loss of open countryside on the edge of the village will result in a massive level of harm, which cannot be offset by the inclusion of a small play area.

Urbanisation and loss of wildlife corridor The proposed roadway access for the development will urbanise the rural character of this side of Sudbury Road and destroy the important wildlife corridor afforded by the existing agricultural hedgerow.

Dangerous Junction Design The proposed access road is poorly designed and in a dangerous location. Acton Speed Watch Team have recoded many vehicles traveling in excess of the 30-mph limit on Sudbury Rd. The proposed development would access Sudbury Road south of a difficult intersection with Melford Road. The 30 proposed houses would generate additional car movements.

Insufficient infrastructure. Acton lacks important infrastructure to support the proposed development. It does not have a doctor's surgery and the village school is oversubscribed and at capacity. Additional traffic onto Sudbury Road will load more pressure onto the dangerous junction opposite the Crown Public House. The application does not provide sufficient information as to how current surface water and sewage flooding issues will be mitigated.

Failure to assess harm to nearby heritage assets The application site is close to heritage listed dwellings at Sudbury Road/Post Office Row and the applicant has not considered this issue. The application does not consider the harm caused to the views of and from the Crown Public House, a Grade 2 listed building.

Cumulative impact The cumulative impact of a further 30 dwellings, the 200 permissions recently granted in Acton Parish and the high number of new dwellings that have permission in neighbouring Chilton, will have a massively harmful impact on Acton village, both during construction and on completion of the developments.

Traffic mitigation Acton’s through-routes are classified as C roads which suffer from serious concerns including speeding vehicles using the routes through the village as rat-runs and HGVs avoiding the Sudbury by-pass. This application does nothing to address these highway issues.

National Consultee

County Council Responses

Summary table of infrastructure requests:

CIL/S106	Infrastructure Type	Summary of Calculation	Capital Contribution	Cost per dwelling
	Education			
S106	- Primary new	7@ £20,508	£143,556	£4785.20
CIL	- Secondary expansion	6@£23,775	£142,650	£4755
CIL	- Sixth form expansion	1@£23,775	£23,775	£792.50
S106	Primary transport costs	7 places	£59,045	£1,205
S106	Secondary transport costs	6 places	£36,150	£1,205
S106	Early years new	3@£20,508	£61,524	£2,050.8
CIL	Libraries improvements	30@£216	£6,480	£216
CIL	Waste	30@£124	£3,720	£124
S106	Monitoring fee	£412 per trigger point in time		
S106	Highways		Tbc by Ben Chester	

	Total Capital	Cost per dwelling
TOTAL CIL	£176,625	£5,887.50
TOTAL S106	£300,275	£10,009.17

The development will generate 8 primary school aged children. The local primary school is Acton primary school which will have one surplus place in the forecast period. 7 children will need to be accommodated and the strategy is for contributions towards the new Chilton Woods primary. Acton primary is unable to be expanded. It would be undersized if we were to expand it to 315 places according to Building Bulletin 103 guidelines. There is also the issue that there isn't the quantum of growth proposed in the village to support a 0.5 FE expansion. SCC therefore request a S106 contribution to enable provision to be made at Chilton Woods.

At the secondary and sixth form level the pupils will attend Ormiston Sudbury Academy school. It is not currently forecast to exceed 95% capacity during the forecast period. However, the number of pupils arising from housing completions beyond the forecast period, applications pending decision, and local plan site allocations are expected to cause the school to exceed 95% capacity based on current forecasts. The proposed strategy for mitigating this growth is via future expansion of existing provision. 6 x 11-16 places at £23,775 per place and 1 x £23,775 will be requested via CIL.

NB: Ormiston Sudbury Academy has temporarily paused their sixth form provision but this may be reinstated in the future, so on this basis a CIL request for expansion in the future is made.

Highway Authority

Whilst the proposal is potentially acceptable to the Highway Authority, the submitted drawings do not clearly and consistently illustrate the footway connectivity and access to the site and subsequently, it is not entirely clear what exactly is proposed, or possible to condition the drawings. Examples of the above:

- It is unclear from the drawings whether a surfaced footway will be provided alongside the north-western section of Sudbury Road to High Street (not shown on drawings);

- It is unclear from the drawings whether a surfaced footway will be provided along the site frontage on Sudbury Road to the proposed new access point (shown on connectivity drawing but not layout drawing);
- The access drawing does not show any footways on either side of the access, but a footway is shown on the layout drawing;
- It is also unclear whether the Hedge Maintenance Track includes a new access point right next to the proposed new main vehicular access (that we would not support).

A development of this scale should provide safe and suitable pedestrian access by improving the existing limited footway provision wherever possible. The access layout should also be appropriate for the level of development and suitable to serve a layout that could be adopted by the Highway Authority

Anglian Water

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

The sewerage system at present has available capacity for these flows. 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

Flood and water engineer

Recommend approval subject to conditions

Environmental Protection: Land contamination

No objection to the proposed development from the perspective of land contamination

Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, near a known artefact scatter of Roman material (ACT 015) and not far from a likely Roman enclosure (ACT 007). 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 205), 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.

Fire and rescue service

Recommend conditions

Internal Consultee Responses

Place services - Landscape

The proposal

The site is to the west of Acton village, outside the built-up area boundary. Acton is classified as a Hinterland Village in the Babergh Core Strategy and Policies (February 2014) and proposals will be assessed against Policy CS11. As the site is outside the settlement boundary, the proposal is also considered as development in the countryside.

There are no landscape designations within the site or in the immediate surrounding area. A group of Grade II Listed Buildings are located to the east of Sudbury Road.

Two landscape character types (LCT) have been identified in the Suffolk Landscape Character Assessment on this site: Ancient Rolling Farmland and Rolling Estate Farmland. The southern part of the site occupies the Ancient Rolling Farmland and the north-west part, the Ancient Rolling Farmland LCT.

The site slopes down towards the north-east and is segmented by a small stream. The western, southern and eastern boundaries consist of mature species rich hedgerow planting, with some gaps on the western and eastern boundaries. Overall, the site presents some characteristics its LCT.

Although the site benefits from well-established hedgerows, because of the topography of the site and the proposed location of the developable area, the proposal will be clearly visible from PROW to the south. The visual experience is of a long and open view onto the rolling countryside. This is characteristic of the Ancient Rolling Farmland landscape character type. The edge of the settlement boundary can be perceived and the introduction of new roofs in the skyline will be detrimental to the landscape character. Any additional screening planting along this boundary will have a negative effect on the visual experience and the landscape character of this long view.

The north-eastern boundary is of open character. Properties along Melford Road back onto the site. Some hedge planting and scatter trees but the overall character of the site along this boundary is open. Screening planting along this boundary will shade the existing properties and back gardens and will have a negative effect.

When visiting the site, we noted the view available into the site and countryside beyond from Cobbler's Way and in our professional judgment extension of the settlement boundary will have a negative impact on the landscape and visual experience.

Review on the submitted information

Relevant to this landscape review, the submitted application includes a Landscape and Visual Impact Appraisal Site Layout Plan and indicative proposed site layout plan.

The Landscape & Visual Impact Appraisal (LVIA) supporting this outline application does not include sufficient information to assess the landscape character and the effect of the development appropriately. The LVIA is not supported by a methodology that then guides the process of the landscape and visual assessment.

The site description and context section does not provide sufficient information and has not been supported with a plan that includes the landscape context such as designations, PROW, and other landscape features, including constraints.

The site comprises mostly grazed semi-improved grassland and it is apparent that the site has certain landscape value due to its topography, landscape condition, and landscape features such as the stream and hedgerow planting, all characteristics of the landscape character type of the site. The section on Landscape Character fails to investigate the landscape value of the site and its contribution and relationship with the village and its community.

The GLVIA considers landscape value as a measure to be assessed in association with landscape character, in order to avoid consideration only of how scenically attractive an area may be, and thus to avoid undervaluing areas of strong character but little scenic beauty. It is defined in the glossary of the GLVIA as:

‘The relative value or importance attached to a landscape (often as a basis for designation or recognition), which expresses national or local consensus, because of its quality, special qualities including perceptual aspects such as scenic beauty, tranquillity or wildness, cultural associations or other conservation issues.’

The TGN 02-21 ‘Assessing the Value of Landscapes Outside National Designations’ has also recently been published and builds on the details within GLVIA3 and the assessment of value (GLVIA3 Box 5.1)

The assessment does not demonstrate a comprehensive identification of landscape receptors and has not included assessment of views from the PROW network to the south, where open views onto the site’s boundary, properties along Melford Road and the countryside beyond to the north are clearly visible.

The visual and landscape sensitivity of the site has not been assessed. Landscape sensitivity relates to the ability of the receiving landscape/townscape to accommodate change of the type and scale proposed without adverse effects on its character.

A Tree survey and Arboricultural Impact Assessment has not been provided. This will be required to give us a greater understanding of the impact on existing trees and hedgerows affected by the proposal. This assessment should be undertaken in accordance with BS 5837:2012 Trees in relation to design demolition and construction recommendations and should provide details on trees and shrubs quality, those to be retained and/or removed, the impact on them and any constraints.

Summary

Overall, from the available submitted information we have concerns over the following principles:

- The LVIA does not include the sufficient level of information to make a judgement on the landscape and visual impact of a development of the proposed nature on this site.
- Screening planting to mitigate the landscape and visual impact of the proposal is not considered to be a positive contribution to the local landscape character and the long views into the countryside, characteristic of the landscape character type.

- Screening along north-eastern boundary for properties along Melford Road is not appropriate. Tree planting will shade properties and back gardens.
- The indicative site layout appears to be of an inward-looking character and has no relationship with the proposed public open space. Development should look onto proposed open spaces to deliver an active frontage development and provide passive surveillance to footpaths and open space.
- The partial development of the site raises questions about the ability of the site to deliver the proposed number of dwellings alongside sufficient and appropriate green infrastructure within the development and the ability to create a high-quality public realm in the benefit of health and wellbeing. Because of the concerns raised above we cannot be supportive of this application.

Strategic Housing

The 2019 SHMA indicates that in Babergh there is a need for 110 new affordable homes per annum. The Council's Choice Based Lettings system currently has 13 applicants registered for affordable housing with a local connection to Acton as of November 2021, with more than 700 on the Housing Register with a connection to Babergh.

The applicant has proposed that 10 dwellings be provided on site, with the residual 0.5 provided for by a commuted sum. This is acceptable, however the affordable housing mix proposed in the planning statement (paragraph 6.97) is not supported.

3.3The mix proposed is as follows:

Tenure	Number of units	Bedrooms*
Affordable Rent (7 units total)	4	2
	3	3
Rent to Buy (3 units total)	3	2

A preferred mix is set out below. Please note the emerging Joint Local Plan, which may; subject to the progress and outcomes of the examination; require a different approach to the required tenure mix by the time of determination.

Tenure	Number of Units	Size (Bedspaces)	Type	Minimum Floorspace (GIA, m ²)
Affordable Rent	2	1b2p	Single Maisonette** Storey	50
	3	2b4p	House	79
7 Total	2	3b5p	House	93
Shared Ownership (3 total)	2	2b4p	House	79
	1	3b5p	House	93

Rent to Buy is not supported; Shared Ownership is the Council's preferred option for affordable home ownership.

The commuted sum for the residual 0.5 of a dwelling is £37,968.

The illustrative site plan is understood to be just that; illustrative; and does not specify the location of the affordable housing as this is a matter to be resolved through a reserved matters application or applications.

The eventual reserved matters application will need to ensure that a balance is struck between clustering affordable units for management purposes, and pepper-potting units through the site in support of mixed communities which enable social interaction. Given the number of units involved, the preference is likely to be for the affordable housing to be in two clusters.

A tenure-neutral design will be required for all housing units, in order that the affordable homes are visually indistinguishable from the market homes.

Environmental protection noise/odours

Have no objections in principle subject to conditions?

Environmental protection sustainability

Recommend conditions

Environmental Protection- Land contamination

No objection to the proposed development from the perspective of land contamination

Place services – Heritage:

The proposed development site is located within close proximity of several listed buildings including: Grade II listed 1-3 Sudbury Road (List Entry Number: 1193831); Grade II listed Post Office Row (List Entry Number: 1351749); Grade II listed Rose Cottage (List Entry Number: 1036720); Grade II listed 1-4 Long Gardens (List Entry Number: 1036721), all of which have the potential to be impacted through change within their setting.

The proposed development site is a field of rough pasture located to the west of the heritage assets and looks out over uninterrupted views of an open agrarian landscape to the north-west and southwest.

Historic maps show that although the heritage assets had no functional historic association with the proposed development site, there were clear visual links between the heritage assets, the proposed development site, and the open agricultural landscape beyond.

These visual links, and the sense of openness, make a positive contribution to the setting of the heritage assets as buildings set within a rural settlement.

This contribution of the proposed development site to the setting of the heritage assets is further enhanced by the partial loss of openness and visual links through extensive and continued development to the south and south-east of the listed buildings.

As the proposed development site represents the only surviving link between the heritage assets and the open agrarian landscape, it is considered that the proposals would lead to less than substantial harm to the heritage assets, making Paragraph 202 of the National Planning Policy Framework (NPPF) relevant here.

Historic England Guidance on the Setting of Heritage Assets (Good Practice Advice Planning Note 3) states: *“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting.”*

It is not possible to support these proposals, as they would fail to preserve the heritage assets and their setting, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Place services – Ecology

No objection subject to securing ecological mitigation and enhancement measures Summary

We have reviewed the Updated Ecological Impact Assessment (Geosphere Environmental, October 2021), submitted by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species.

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

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

Therefore, the mitigation measures identified in the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021), should be secured and implemented in full. This is necessary to conserve this protected and Priority Species. As a result, a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent, to set out the ecological mitigation measures during the construction phase. Furthermore, a Water Vole Mitigation Licence will be required prior to any works being undertaken on the ditch, to allow the access road/pedestrian crossing to be delivered. The finalised mitigation measures should be included within the Construction Environmental Management Plan and details of fencing and appropriate buffer planting should be outlined at reserved matters to prevent disturbance from dogs and people using the public open space.

Public realm

The public open space is appropriate for this development. We support the inclusion of a play area within the development and would welcome the opportunity to comment further on the schedule of equipment in due course. It is noticed that there is a hedgerow indicated along a number of property boundaries. It is our experience that if there is also a boundary fence that is the responsibility of the house owner, then any adjacent hedge should be planted to leave a maintenance strip between the hedge and fence. This is to prevent ongoing issues of the hedge damaging the fence and owners not being able to maintain their boundary fence if the hedge is planted too close

Suffolk Wildlife Trust

We have reviewed the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021) and we are satisfied with the findings of the consultant. We request that the avoidance, mitigation and compensation measures outlined within the report are implemented in full, via a condition of planning consent, should permission be granted.

In particular, long-term mitigation measures must be implemented in order to avoid disturbance to water vole during occupation of the site, as outlined within the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021). We also note that the Updated Ecological Impact Assessment (Geosphere Environmental, Oct 2021) states that a Construction Environmental Management Plan, a Landscape and Ecological Management Plan and Wildlife Sensitive Lighting Scheme are required for this development. We recommend that these are secured as a condition of planning consent, should permission be granted.

B: Representations

At the time of writing this report, at least 46 letters/emails/online comments have been received. It is the officer opinion that this represents 46 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Unsustainable development
- Acton has received enough housing development for a hinterland village
- Land is subject to flooding, development will result in flooding elsewhere
- Unsuitable access onto Sudbury Road
- Local roads/junctions do not have the capacity for additional traffic
- Loss of important views
- Detrimental impact to the setting of nearby listed buildings
- Construction traffic will damage neighbouring listed buildings
- Loss of privacy and overshadowing
- Detrimental impact on biodiversity
- Pressure on health, dental and educational services and village shop
- Detrimental to local landscape, as Sudbury Road acts as boundary between village and open countryside
- Low density development, significant loss of land for few houses
- No evidence of local need
- Levels within site
- Piling could cause damage to nearby homes
- Loss of countryside
- No demand for additional affordable housing
- Sewerage system is at capacity
- Loss of outlook
- No local need for the development
- No need within the functional cluster for additional affordable dwellings
- Noise and disturbance during construction period
- Highway dangers
- Sudbury Road is not suitable for construction traffic
- Play area not suitable as land is waterlogged
- Loss of character of village
- Lead to additional parking on Sudbury Road
- Proposed dwellings will dominate skyline
- Increase in carbon footprint of the village
- Village is completely car dependent
- Cumulative impact on village following recent approval for 200 dwellings
- Access to village will be unsafe as involves crossing Sudbury Road in vicinity of parked cars
- Residential development will result in pollutants entering the stream
- Watermain bisects the site
- There are Great Crested Newts within the development site; otters have been seen in here.

(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

None relevant

CLASSIFICATION: Official

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The site is an agricultural field comprising rough pasture, located to the north-west of the village of Acton. The site rises up from east to west and along the north-eastern boundary there is a ditch/steam. The site is adjacent to the Built-Up Boundary of Acton, as defined in the Babergh Local Plan 2006.
- 1.2. To the north-east of the site is a row of properties which back onto the site and face onto Melford Road. To the south-east, the site is bounded by Sudbury Road and to the north-east and south-west by a substantial hedge with agricultural land beyond.
- 1.3. Within close proximity to the site is a number of Grade II listed buildings, including the Crown Public House, 1-3 Sudbury Road, Post Officer Row, 1-4 Long Gardens and Rose Cottage.

2.0 The Proposal

- 2.1. The proposal is for residential development comprising 30 dwellings of which 10 dwellings would be affordable. The indicative layout suggests that the majority of the market dwellings would be 3-bed with four x 4-bed and three x 2-bed properties.
- 2.2. Vehicular access to the site would be from Sudbury Road at the southern end of the development. The indicative proposal shows pedestrian access onto Sudbury Road close to Cobbler's Way and a further internal link leading to a frontage footpath along Sudbury Road to the junction with Melford Road.
- 2.3. The indicative layout plan shows the majority of properties facing onto a spine road through the site with some properties at right angles, with side elevations onto the properties on Melford Road. On the south-western side of the site, the substantial boundary hedgerow would be retained with a hedge maintenance track located between the properties and the hedgerow.
- 2.3. To the rear of the properties along Melford Road would be an area of public open space with a play area. Significant additional planting is proposed to the rear of the properties on Melford Road at this location.

3.0 The Principle Of Development

- 3.1. Babergh benefits from a five-year plus land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged in that respect. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. That said, there is a need for Council to determine whether relevant policies of the Core Strategy generally conform with the aims of the NPPF. Where they do not, they will carry less statutory weight.
- 3.2. 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 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 78 and 79 of the NPPF relating to rural housing, locally identified needs and promoting sustainable development in rural areas; paragraph 104 relating to limiting the need to travel and offering a genuine choice of transport modes; and paragraph 126 to achieve well-designed places.

- 3.3 Policy CS2 'Settlement Pattern Policy' designates Acton as a hinterland village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 80, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 80 of the NPPF is not engaged.
- 3.4 In the absence of an up-to-date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However, its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and, therefore, the policy is given substantial weight.
- 3.5 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development for Core and Hinterland Villages.
- 3.6 The site is located within the Countryside outside of the built-up area boundary of Acton. As such, the principle of development will be accessed under Policies CS2 and CS11 of the Babergh District Core Strategy 2006. Policy CS2 states that (inter alia) *the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and Hinterland Villages will accommodate some development to help meet the needs within them.*
- 3.7 Policy CS11 states (inter alia) that *the following matters are addressed to the satisfaction of the local planning authority (or other decision maker) where relevant and appropriate to the scale and location of the proposal:*
- i) *the landscape, environmental and heritage characteristics of the village;*
 - ii) *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
 - iii) *site location and sequential approach to site selection; locally identified need - housing and employment, and specific local needs such as affordable housing;*
 - iv) *locally identified community needs; and*
 - v) *cumulative impact of development in the area in respect of social, physical and environmental impacts.*

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) is adjacent or well related to the existing pattern of development for that settlement;*
- iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*

The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.

- 3.8 The site is located adjacent to the BUAB of Acton and is adjacent to built development on two sides. As such, it is considered to demonstrate a close functional relationship to the existing settlement. The site is highly constrained due to surface water flooding, which makes approximately half the site undevelopable. Give this constraint, it is considered that the design, layout and scale of the development is acceptable when considered separately to any other development.
- 3.9 **Local Housing Need** Acton is classified as a Hinterland Village, within the functional clusters of both Sudbury and Long Melford, within Policy CS2 of the Babergh Local Plan. This policy states that (*inter alia*) *Hinterland Villages will accommodate some development to help meet the needs within them.*
- 3.10 In relation to housing need, Policy CS11 states that (*inter alia*): *Development in Hinterland Villages will be approved where proposals meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan.*
- 3.11 The application includes a Local Housing Needs Assessment which uses two different scenarios to calculate the need for additional dwellings within the two functional clusters that Acton is located within. The first of these is a proportional share of migration into Babergh. This shows that there is a surplus of 40 dwellings within the Long Melford cluster and a shortfall of 461 dwellings within the Sudbury/Great Cornard cluster. The second scenario is proportional growth, which shows that there is a shortfall of 103 dwellings in the Long Melford cluster and 11 dwellings within the Sudbury/Great Cornard cluster.
- 3.12 As such, it appears that there is a need, albeit small, for additional dwellings in the functional clusters that Acton is located within.
- 3.13 A recent appeal, however, at Land east of Bramford Road, Sproughton (DC/20/02010) confirmed that, for Hinterland Villages the local need for market dwellings required under Policy CS11 relates to the need within the village only rather than the functional cluster. The inspector stated that the application of Policies CS2 and CS11 together appear to support the provision of some development to meet the needs within a HV, that should meet a proven local need
- 3.14 The Local Housing Needs Assessment, which accompanies the application, does not provide any evidence of a local housing need for market dwellings within Acton itself. However, from the information provided within the Local Housing Needs Assessment, it is possible to calculate the local need within Acton. Under the proportional share of migration into Babergh, Acton, which

comprises 2.2% of Babergh's population, would require approximately 97 dwellings; whilst under the proportional growth model, Acton would require approximately 48 dwellings (6.15% of 790).

- 3.15 Although these are approximate figures (as not all the inputs into the Local House Need Assessment are known); given that there are currently 209 dwellings with planning permission in Acton, there is a surplus of between 114 and 161 dwellings. This is a very large surplus and, therefore, it can be concluded that there is not a local need for additional market dwellings within Acton.
- 3.16 In the Sproughton appeal decision, it was considered that the requirement for *affordable* dwellings under CS11 could be looked at on a wider basis than just the need within the Hinterland Village. The Local Housing Needs Assessment considers that, under the worst-case scenario, there is a need for 74 affordable dwellings within Acton up to 2031 and a need for 237 affordable dwellings within the Long Melford Functional Cluster and 634 dwellings within the Sudbury/ Great Cornard Cluster. The only other evidence of housing need comes from the housing register where there are 13 applicants with a local connection to Acton.
- 3.17 The Tamage Road and Barrow Hill applications will together provide 70 affordable dwellings. Leaving a worst-case scenario of a shortfall of 4 affordable dwellings within Acton – however, that is for the entire plan period up to 2031. The proposed development would provide 10 affordable dwellings, 6 more than required for Acton. There is a wider need for affordable dwellings within the functional cluster, which the development would provide. This is an overall benefit of the development. However, Policy CS11 does not suggest that additional market dwellings above that required for local need should be provided to support the development of affordable dwellings. Therefore the application is contrary to Policy CS2 and CS11 and the principle of development is not acceptable.
- 3.18 **Cumulative Impact** Policy CS11 states that the *cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.*
- 3.19 It is generally difficult to assess the cumulative impact of development on a village, as any strain on infrastructure is difficult to quantify. However, in Acton, two developments of 100 dwellings have been approved recently in Tamage Road and Barrow Hill, which will result in an increase in population of approximately 25%. If this application were approved, the increase in population would be approximately 29%. No other Hinterland Village within Babergh has been subject to such significant development; except for Brantham which, although a Hinterland Village, has a special status within the Core Strategy. As such, the cumulative impact of the development in conjunction with other improved developments needs to be carefully considered.
- 3.20 Acton Primary School is a single form entry school, which cannot be expanded due to space constraints. The school has some capacity and it has been calculated that primary school pupils expected from the Tamage Road and Barrow Hill developments can be accommodated within the school. However, this application will take Acton Primary School above capacity, with 6 of the 7 primary school pupils expected from this application unable to have a place within the catchment primary school. Suffolk County Council has not objected to the development as there is the potential to provide school places available within the Chilton Woods School, provided funding for school places and school transport is provided.
- 3.21 The fact that the catchment primary school is unable to take the children from the development is a strong indication that the cumulative impact of development in Acton would have a detrimental impact on village infrastructure. Busing children to Chilton Woods School is also less sustainable

than providing the option for attending the local primary school, which is approximately 625 metres away and, therefore, within easy walking distance. It also has an impact on community cohesion, the Primary School is one of the few facilities within Acton and therefore has an important social aspect. The fact that children within the village could not be accommodated within the village school would deprive families from benefiting from being part of the school community. In the long-term, children from the development may also displace other children within the village who would not be able to attend the school.

- 3.22 The application is contrary to Policy CS2 and CS11, both in relation to need and cumulative impact and the principle of development is, therefore, not acceptable.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. Acton is categorised as a Hinterland Village within the Babergh Core Strategy (2014). The village has a limited range of facilities including a village shop, public house, primary school, pre-school, church, village hall and recreational facilities including a children's play area.
- 4.2 Approximately 1.1km North-west of Acton are the Bulls Lane/ Acton Place Industrial Estates, comprising a moderately-sized employment site providing a range of buildings. There is no footpath provision from Acton to the Bulls Lane/Acton Place Industrial Estate.
- 4.3 Sudbury is located approximately 2.5km to the south of Acton and provides retail, medical and dental facilities and secondary schooling. There is no direct footpath provision to Sudbury. Nearby footpaths are proposed to be upgraded as part of the Chilton Woods development which is located approximately 2.2km away and will include a new village centre.
- 4.4 There is a reasonably regular bus service between Sudbury and Bury St Edmunds via Acton. With buses approximately once an hour. Sudbury provides onward connections to Colchester and Ipswich. Overall it is considered the site is in a sustainable location.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. Paragraph 111 of the NPPF states that development may be prevented or refused on highway grounds where the impact on highway safety is unacceptable. The Highway Officer has provided a number of comments regarding the proposed layout and pedestrian footways. However the application is outline only with access to be considered. A revised access plan has been provided which shows a single access from the site. Highways have been reconsulted with regards to this, and officers revised comments are awaited. The Highway Officer has stated that the development is potentially acceptable subject to details.

6.0 Design And Layout [Impact On Street Scene]

- 6.1. Policy CS11 states that new residential development in hinterland villages needs to be well-designed and appropriate in size / scale, layout and character to its setting and to the village. The development is outline only, but the indicative layout shows development along a spine road perpendicular to Sudbury Road. This would be in keeping with the Cobbler's Way development opposite the site. The layout is dictated by ensuring that the developable area is outside the flood zone. This is likely to lead to a somewhat contrived layout, but overall it is considered that an appropriate layout can be achieved.

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

7.1. Policy CS11 states (inter alia) that new development must take into account the landscape and environmental characteristics of the village. Although the site does not have any special landscape designations, due to its topography, well established hedgerows and agricultural status (rough grassland used for grazing of livestock as opposed to arable land) it has a local landscape value. In addition, there is an important view through the site to Long Melford Church.

7.2 The Landscape officer has stated (inter alia) that:

Although the site benefits from well-established hedgerows, because of the topography of the site and the proposed location of the developable area, the proposal will be clearly visible from PROW to the south. The visual experience is of a long and open view onto the rolling countryside. This is characteristic of the Ancient Rolling Farmland landscape character type. The edge of the settlement boundary can be perceived and the introduction of new roofs in the skyline will be detrimental to the landscape character. Any additional screening planting along this boundary will have a negative effect on the visual experience and the landscape character of this long view.

The north-eastern boundary is of open character. Properties along Melford Road back onto the site. Some hedge planting and scatter trees but the overall character of the site along this boundary is open. Screening planting along this boundary will shade the existing properties and back gardens and will have a negative effect.

When visiting the site, we noted the view available into the site and countryside beyond from Cobbler's Way and in our professional judgment extension of the settlement boundary will have a negative impact on the landscape and visual experience.

7.3 The Planning Officer concurs with this assessment, the development would have a detrimental impact on the character of the village by the creation of a highly discordant development, visible from surrounding roads and footpaths. In addition, although the view to the church would remain, its context would change, from being viewed in a rural setting, to being viewed in a more managed public open space with houses on both sides.

7.4 The Landscape Officer has also stated that the Landscape and Visual Impact Assessment is inadequate to assess the landscape impacts of the proposal. An addendum has been provided and the officer's revised comments are awaited.

7.5 Given the nature of the land and the presence of the stream/ditch, the site has a relatively high biodiversity value, including the use of the stream by water voles. The Ecological Officer has not objected to the proposal subject to conditions.

8.0 Land Contamination, Flood Risk, Drainage and Waste

8.1. A ditch/stream runs on the north-eastern boundary of the site and approximately 50% of the site is vulnerable to surface water flooding. The corner of the site between Sudbury Road and Melford Road is a low point within the village and it appears that water drains from the village into the ditch as this location. Representations from the local community have stated that there is a spring located within the flood zone area, however this is refuted by the landowner.

8.2 Development would not be appropriate within the area vulnerable to flooding and, as such, a parameters plan has been provided. This would limit the residential development to the south-east side of the site, which is located higher up, with the area in the flood zone becoming public open space.

8.3 Given that no development would be situated within the flood zone the Flood and Water Officer has no objection to the proposals, subject to conditions, including the parameter plan being part of the approved plans.

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

9.1. The site is within close proximity of several Grade II listed buildings: 1-3 Sudbury Road and Post Office Row which are located off Sudbury Road and Rose Cottage and 1-4 Long Gardens located off the High Street. All of these listed buildings form a line of development and have the potential to be impacted through change within their setting. The amount of change to the setting would be based on how close the dwellings are located to the development. 1-3 Sudbury Road is directly opposite the site and, therefore, would be most impacted, although the nearest part of the site to these dwellings is not proposed to be developed.

9.2 The Heritage Officer states that:

The proposed development site is a field of rough pasture located to the west of the heritage assets and looks out over uninterrupted views of an open agrarian landscape to the north-west and southwest.

Historic maps show that although the heritage assets had no functional historic association with the proposed development site, there were clear visual links between the heritage assets, the proposed development site, and the open agricultural landscape beyond.

These visual links, and the sense of openness, make a positive contribution to the setting of the heritage assets as buildings set within a rural settlement.

This contribution of the proposed development site to the setting of the heritage assets is further enhanced by the partial loss of openness and visual links through extensive and continued development to the south and south-east of the listed buildings.

As the proposed development site represents the only surviving link between the heritage assets and the open agrarian landscape, it is considered that the proposals would lead to less than substantial harm to the heritage assets, making Paragraph 202 of the National Planning Policy Framework (NPPF) relevant here.

Historic England Guidance on the Setting of Heritage Assets (Good Practice Advice Planning Note 3) states: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting."

It is not possible to support these proposals, as they would fail to preserve the heritage assets and their setting, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.3 As the development causes less than substantial harm in accordance with paragraph 202 of the NPPF, the harm should be weighed against the public benefits of the proposal. In this case the

public benefits are considered to be new housing, including affordable housing, plus the public open space and children's play area.

10.0 Impact On Residential Amenity

- 10.1. The nearest dwellings are the row of houses which back onto the site and front onto Melford Road. Although the development is in outline, a parameters plan has been provided. This indicates the shortest distance from the residential development to the boundary with the existing properties is 45 metres, while the distance to the actual dwellings is around 55 metres. Generally these distances would be sufficient to protect the amenity of the existing dwellings. However, the site is on a slope and some of the proposed dwellings would be significantly higher than those existing and have the potential to overlook the gardens, albeit from a distance.
- 10.2 In order to ensure that there is no loss of privacy, the indicative layout shows significant planting on the edge of the boundary of the new properties, with dwellings orientated away from the existing dwellings.
- 10.3 A play area is proposed to the rear of the three properties on the corner of Melford Road and Sudbury Road. In order to prevent mutual overlooking and provide some noise attenuation, the parameters plan and indicative layout show significant planting in this location. However, the rear gardens of these properties are shallow, between 7 and 11 metres deep. The introduction of landscaping to the rear of these properties would result in overshadowing and the loss of significant light to their gardens and loss of outlook. Decreasing the landscaping may result in a loss of amenity due to noise and disturbance from the play area. Therefore, in order to protect the amenity of these properties, it is unlikely that a play area would be suitable in this location.
- 10.4 On balance, it is considered that, subject to careful orientation and landscaping and the removal of the proposed play area, the development proposed would not be so detrimental to neighbouring properties as to justify refusal of planning permission on these grounds.

11.0 Parish Council Comments

The Parish Council has provided comprehensive comments in relation to this proposal. All the comments are considered to relate to material planning considerations and these comments have been considered throughout the report.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1. It is considered that the site is unsuitable for development. In order to mitigate the flood risk, the dwellings need to be placed on the highest part of the land; however, this would result in the dwellings being highly dominant, leading to a highly visible development, especially within local views, and a wider detrimental landscape and character impact.
 - 12.2 CS11 envisaged a limit to the amount of new residential development within Hinterland Villages, given the limited facilities that these villages provide. Within Acton two developments of 100 houses each have been approved. It is considered that with the current facilities within Acton, the village has reached capacity for large scale development. While it is generally hard to comprehensively
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prove that facilities have reached capacity, in the case of Acton Primary School there would not be capacity for all of the children calculated to come from the proposed development to attend the village school.

- 12.3 The proposed development would lead to a less than substantial development harm to the setting of a number of listed buildings, in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. The public benefits are considered to be an additional 30 dwellings including 10 affordable dwellings, public open space and a children's play area.
- 12.4 Babergh District Council has a 6.32-year land supply and no evidence has been provided that the market housing is required for local needs. Although there is a need for additional affordable housing in the district, the need within Acton, under the worst-case scenario, is an additional four affordable dwellings until 2031. As such, it is not considered that there is a pressing need for affordable houses within the village. The children's play area is unlikely to be achievable as it would be detrimental to the amenity of the neighbouring occupiers. Overall it is not considered that the public benefits outweigh the harm to the setting of the listed building.

RECOMMENDATION

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

- 1) The proposed development is Contrary to Policy CS2; as well as CS11 of the Babergh Core Strategy, which states that residential development within Hinterland Villages should be provided for local needs. In the absence of any evidence of local need within Acton for further market dwellings the development does not comply with the policy.
- 2) The proposed development is Contrary to Policy CS11 of the Babergh Core Strategy which states that the cumulative impact of the development in conjunction with other developments should be considered. The proposed development, in conjunction with the recently approved 200 dwellings, is considered to have a detrimental impact on the infrastructure within the village, notably primary education.
- 3) The development, due to its siting and scale, would cause a less than substantial harm to the setting of surrounding listed buildings and this harm is not outweighed by the public benefits of the development contrary to Policy CN06 of the Babergh Local Plan and the NPPF.
- 4) The development, due to its siting, scale and proposed landscaping would have a detrimental impact on the character of the area, contrary to Policies CS15 and CS11 of the Babergh Core Strategy.
- 5) In the absence of a signed s.106, the development would fail to provide funding for new primary and pre-school places and school transport. In addition it would fail to ensure affordable housing of the tenure required to reflect the established needs within the district, contrary to Policy CS19 of the Babergh Local Plan.