

Committee Report

Item No: 8a

Reference: DC/23/03653

Case Officer: Elizabeth Flood

Ward: Assington.

Ward Member/s: Cllr Lee Parker.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Erection of 23 no. dwellings with associated roads, parking, garages and outbuildings, construction of new vehicular access from the A134 and a footpath connection towards Maple Way, public access to the existing woodland and new public open space on the street frontage.

Location

Land East Of Blackthorn Way And Campion Way, Leavenheath, Suffolk,

Expiry Date: 31/03/2024

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Waterson Homes

Agent: JCN Design & Planning

Parish: Leavenheath

Site Area: 2.46ha

Details of Previous Committee / Resolutions and any member site visit: None

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

Has the application been subject to Pre-Application Advice: Yes DC/22/00136

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason: The site is a major residential development over 15 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

SP01 - Housing Needs

CLASSIFICATION: Official

SP02 - Affordable Housing
SP03 - The sustainable location of new development
LP24 - Design and Residential Amenity
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport
LP32 - Developer Contributions and Planning Obligations

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area. The Leavenheath Neighbourhood Plan was adopted in July 2023 and therefore has full weight

Summary of Neighbourhood Plan Policies

LEAV1: Views of community importance
LEAV2: Local Green Spaces
LEAV3: Landscape and biodiversity
LEAV5: Location and scale of housing development
LEAV6: Pattern of growth
LEAV7: Housing size, type and tenure
LEAV9: Design principles (design guidelines and codes)
LEAV10: Walking and cycling
LEAV11: Traffic and road safety
LEAV12: Recreational space

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

Neighbourhood Plan

The proposal does not accord with the adopted Leavenheath Neighbourhood Plan 2023 and subsequently the Leavenheath Design Guidelines and Codes 2021. The following policies have not been sufficiently met:

a) Policy LEAV7: Housing size, type and tenure.

The applicant has proposed 7nr 3-bedroom family homes in total, including only 2 affordable homes, approximately 30% of the proposed housing mix, however, the Housing Needs Assessment undertaken by Aecom identified 3-bedroom family homes as being the priority. The applicant has not sufficiently

addressed how the proposed dwellings will be adaptable to meet the needs of the increasingly aging population, without restricting the needs of younger families.

The Design and Access Statement states on p85 that “the apartments and bungalows provide the potential to deliver accommodation that is more accessible than a two-storey house, although no specific adaptations are proposed at this stage”. There are 4 bungalows proposed across the site and the apartment plans do not show how they can be adapted. If for example lifts are an option for the apartments, then they should be incorporated at planning application stage for consultation as to include them at a later design stage may affect the site layout. As detailed further below, there is no consideration to Design code BF.08. Adaptability.

b) Policy Leav5: Location, scale and rate of housing development.

c) Policy Leav9: Design Principles (design guidelines and codes). The Planning Design and Access Statement states on p17 that “the location of the site makes it suitable to be designed as a hybrid of SPC.02. Residential streets and SPC.03. Edge street/lane”.

The proposed design does not reflect the Leavenheath Design Guidelines and Codes 2021 in respect of the below points:

- There is a lack of dwellings that overlook the public spaces provided (Design Code BF.01).
- There is an apparent lack of generous gaps between buildings to enhance openness and reinforce views into the open countryside and existing landmarks (Design Code BF.04).
 - The proposal does not adhere to the nominal plot dimensions noted within Design Code BF.05 which shows a minimum plot width required of 16metres. All minimum plot and parking space sizes within the design codes should be applied.
- The proposal does not provide the minimum depths required for front gardens (6m) and back gardens (12m) as defined under Design Codes SPC.02, SPC.03 and BF.05.
- The proposed scheme is not considerate of Design Code BF.08 as it does not demonstrate or detail how the developments can be adaptable. A large proportion of the parking scheme does not demonstrate any flexibility for adaptations.
 - The proposed car parking solutions do not adhere to the Design Codes as parking should be provided on-plot either on a driveway, in a car port or a garage and positioned either to the side or front of the property. The parking courtyards proposed for Plots 2-8 and 13-16 are not compliant with Design Code SPC.05 and SPC.02. (Cul-de-Sac street) that states parking courtyards are not acceptable and are not allowed in residential areas. The parking areas for these plots and additionally plot 17 are not overlooked as noted within design code BF.05. A significant number of the parking spaces cannot be “viewed from a habitable room window of the residents' property” as stated in the design code BF.05. Plots 1, 17 and 19 show garages that are separate to the dwelling, this is not acceptable as per Design Code SPC.02. The current design should not be supported.
 - The separate stores proposed for plots 2-8 do not comply with the Design Codes in terms of security as they “should be located and designed to avoid anti-social behaviour and be covered, safe and convenient” as noted in Design Code EE.05.
 - The rear gardens for plots 20-23 are not considered appropriate as they back onto a woodland and Design Code SPC.02 notes that this is generally not advisable as they become exposed. A side dwelling typology is suggested when backing onto the open countryside.

d) Policy Leav4: Surface Water Drainage.

The proposal is to connect the surface water drainage to the existing surface water sewer network, which is located on Maple Way and discharged into the field ditch to the north of Maple Way. This is not considered an appropriate method of disposal as it will exacerbate an existing issue in this area, as the ditch is prone to flooding and will not cope with the increased water capacity. There seems to be no

assessment of this ditch included in the application and Leav4 states “Future development must not cause or contribute to new flooding or drainage issues, exacerbate existing issues, or cause water pollution, and should mitigate its own flooding and drainage impacts.” Similarly, the foul water disposal method has not been adequately assessed. Anglian Water stated in their response “Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream.” As the proposed site is within the immediate locality of the identified surface water flooding area number 9. A134, junction of High Road, the current proposal is not considered acceptable. Alternative methods need to be investigated to prevent and, where appropriate, alleviate the drainage issues as noted within Policy Leav4.

Development is contrary to Development Plan and NPPF

It is imperative that Babergh District Council properly weighs the cumulative impact of the applications given the potential significant implications for the Leavenheath hamlets.

Subsequent Comments:

Leavenheath Parish Council has reviewed the amendments to the above application and our objection to the proposal still stands.

Additional significant rainfall and the current state of the main drainage ditch, situated to the north of Maple Way, which is not assigned to any responsible body, is currently unmaintained, not free flowing to clear surface water, does not provide a sustainable drainage solution to this development. This application does not present an acceptable solution and presents an unacceptable risk of flooding in this area, exacerbating existing issues already documented in this area.

The adoption of the Babergh and Mid Suffolk Joint Local Plan - Part 1 2023 maintains the need to meet the clear policies that accepting development outside existing boundaries is justified (SP03) and alongside our Neighbourhood Plan we do not believe the applicant has demonstrated a viable case for this development to be accepted.

The proposed application is not in accordance with the policies of the NPPF September 2023, as previously detailed in our earlier response and these points remain valid, with reference to paragraph 111 (Highways submitted an objection) and paragraph 159 (risk of flooding) and paragraph 160 (cumulative impact, which is potentially significant with other applications planning to use the same water drainage pathway).

Despite the re-submitted application, the applicant still fails to meet the exception tests stated in paragraph 164, and in accordance with paragraph 165, Babergh District Council must refuse this application.

In conclusion, this site has not been recognised within the newly adopted Leavenheath Neighbourhood Plan and fails to meet the appropriate planning policies.

National Consultee

Natural England: No objection

County Council Responses

Anglian Water: The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. Assessment has been made on drawing 61826-PP-004 Revision A. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no evidence that the surface water hierarchy has been followed and the proposed discharge rate is not in accordance with Anglian Water policy and

could not be accommodated. . Anglian Water require full evidence that infiltration and soakaways cannot be utilised as well as exploration of the watercourses., We would therefore recommend that the applicant consults with Anglian Water

SCC Fire and Rescue: A condition is required for fire hydrants.

SCC Archaeology: We do not require archaeological conditions or S106 requirements for this proposal.

SCC Development Contributions:

The local schools are Nayland Primary School (catchment school but no safe walking route from the proposed development), and Thomas Gainsborough School (catchment school and nearest but over 3-miles away from the proposed development).

Nayland Primary School has a capacity of 210-places (pupil admission number of 30) and is forecast to be full. Future expansion of the school is unlikely. However, a significant percentage of the existing pupils attending the school come from 'out of catchment' including from Essex. If in the future the school is oversubscribed then the admissions policy will be applied, thus resulting in the out of catchment pupils being 'pushed back' to other schools. The next nearest primary school in Suffolk to the proposed development is at Stoke-by-Nayland. The potential for a future CIL funding bid is made on the basis that primary schools across the local area might need to be expanded. In addition, SCC has requested a s106 contribution for school transport but noting paragraph 44 in the DfE guidance Securing developer contributions for education [August 2023] which encourages local planning authorities to approve development in sustainable locations which have safe walking routes to schools.

CIL	Education	
	- Primary school expansion @ £26,977 per place	£134,885
	- Secondary school expansion @ £37,466 per place	£149,864
	- Sixth form expansion @ £37,466 per place	£37,466
CIL	Early years expansion @ £26,977 per place	£80,931
CIL	Libraries improvements @ £216 per dwelling	£4,968
CIL	Household waste @ £269 per dwelling	£6,187
S106	Primary school transport @ £1,405 per pupil per annum	£49,175
S106	Secondary school transport @ £1,405 per pupil per annum	£28,100
S106	Monitoring fee per obligation trigger point	£476
S106	Highways	tbc

SCC Flood and Water Management: Holding objection - the applicant needs to demonstrate that Anglian Water approved the discharge rate and that the pumping station is to an adoptable standard.

SCC Highway Authority:

The proposed development is not deemed acceptable in its proposed form. Please see the comments below that need to be addressed.

Foot and Cycle Way Link(s) While it is acknowledged that a 2-metre footway link has been illustrated on Drawing No. 22/62/05 Rev. A, this is deemed not acceptable. A minimum of 3 metre foot and cycle way link is expected to be provided into the existing footway network running north of the site. This is to accommodate both pedestrians and cyclists and promote sustainable modes of travel.

In addition to the above, it is noted that a 2-metre segregated footway will be provided at the access entrance; however, a 2-metre segregated footway until the junction of High Road in order to link into the existing highway network is essential, whilst also ensuring connections into the improved bus stops along the A134.

Officer Note: The applicant is not in control of all the land between the site and the junction with the High Road.

The location of the uncontrolled crossing point is considered acceptable. Furthermore, a segregated footway should be provided on the other side of the access entrance and this should extend approximately 2 metres beyond the junction radii.

Parking, Electric Vehicle Charging and Cycle Storage There are concerns that the garage for Plots 1, 17, 19, 20, 21 are not deemed sufficient for a vehicle parking space. As per Suffolk Guidance for Parking (2023), a garage should maintain a minimum internal dimension of 7 metres x 3 metres for it to be considered as both vehicle parking and secure cycle storage. Alternatively, the depth of the garage can be reduced from 7 metres to 6 metres, provided additional provision is shown for secure cycle storage. There are some plots within the proposed development that does not have secured cycle storage. As per Suffolk Guidance for Parking (2023), 2 secure cycle spaces should be provided with a Class C3 dwelling. Cycle storage should meet the recommended dimensions for the storage of two cycles, which are easily accessible, secure and covered in accordance with Suffolk Guidance for Parking (2023, p. 12). These internal dimensions shall not be obstructed, e.g. door openings. It should be noted that a Class C3 dwelling would require one electric vehicle charging infrastructure in accordance with Suffolk Guidance for Parking (2023). Whilst there is sufficient amount of visitor parking provision, the spaces should be fairly placed out throughout the site to cater for visitors across the whole development. **Bus Stop Provision/Improvements** We have received information from the SCC Passenger Transport Team, who advised that two new permanent bus stops are required on the A134, closer to the development.

The proposed locations (see below, however dependent on the exact location of the proposed access entrance) are within highway land, and therefore, the improvements (DDA Kerbs, Poles, Flags and Timetable Cases) can be conditioned rather than a request for a Section 106 contribution. It is deemed appropriate that permanent bus stop infrastructure is proposed to serve the residents that live in Leavenheath.



Until the above concerns have been addressed, a holding objection to the proposal will be maintained.

It is noted and accepted that the access entrance is of sufficient width and appropriate radius provided to accommodate both refuse and emergency vehicles to enter and exit the site safely

Suffolk Wildlife Trust: We have assessed the information included within the submission and believe that, given the landscape context and habitats present, that a Biodiversity Net Gain assessment, using DEFRA Metric 4.0, should be undertaken to demonstrate that the proposals do not result in a loss of biodiversity value. Suffolk Wildlife Trust advocates that at least the minimum net gain put forward by the Environment Act 2021 – 10% - be delivered with the development aiming for 20% net gain which will offer more certain biodiversity benefits.

Nearby records of stag beetles are present, and we therefore also put forward that log piles, including partially buried logs, should be incorporated as an enhancement specifically designed to benefit stag beetles.

Given the location of the development, we believe it is reasonable that any development Babergh and Mid Suffolk District Council are minded to consent should meet the highest standards for environmental sustainability and ecological enhancement, going above and beyond the minimum requirements of Building Regulations.

Internal Consultee Responses

Heritage Team: The relevant chapter of the Desk-Based Heritage Assessment which has been provided with the application is concise but fair. I agree with its conclusions that the site has no particular spatial, functional or narrative relationship to any designated or non-designated heritage assets in the vicinity. Therefore, no detailed assessment of the schemes impact on their settings or significance is necessary in this case. As such, the Heritage Team has no further comments to make on this application.

Environmental Protection: Land Contamination – No objection subject to condition

Arboricultural Officer: No objection in principle to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a number of trees are proposed for removal, they are generally of limited public amenity value and/or poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint. These losses can be offset with suitable new planting in mitigation. All TPO tree remain unaffected. Recommend condition.

Public Realm: The quantity of POS in terms of the size of development is appropriate (Assuming that the existing woodland is included in this figure) . They note the access to the existing footpath which is welcomed, although care will need to be taken that this is kept from becoming too enclosed as it goes through the retained woodland. We note that a Private Management Company will be appointed by the Developer to own and manage the POS.

Environmental Protection: Noise - I have studied the Noise Assessment carried out by Mr Martin Court MIOA. MCIEH. and dated 31st July 2022, reference R1-31.7.22-Land west of A134, Leavenheath-2221280-MPC. (2221280-MPC). I would agree with the report's findings that with suitable mitigation methods the levels of internal noise at the properties could meet those detailed in table 4 page 5 of assessment, the recommendations contained in BS 8233:2014 and that this could be secured with a condition as in paragraph 4.11 page 11 of the document reference 2221280- MPC

Landscape: Overall, we consider the Site is able to accommodate a development of the proposed nature without causing major concerns on landscape and visual impact. The proposal has considered the retention of the existing boundary vegetation and woodland planting (to the north) which provides sufficient screening for the new development. The new planting proposed assists towards further mitigation of residual impacts and complements the new development areas and green open spaces

Although we are not supportive of the removal of a section of the existing hawthorn hedge (H1) along the A134 road, we acknowledge that a new mix hedgerow is proposed to strengthen this boundary and mitigate for hedgerow removal, reinstate the existing landscape character along this route.

There are positive elements within the proposed scheme such as:

- The retention of the existing woodland and new pedestrian links connecting to existing local pedestrian network and existing green infrastructure (Royston Wood Community Woodland) is a positive element.
- The public open space and pond area to the south-east part of the site. The proposed planting around the pond and open space contributes to visual amenity and biodiversity whilst providing a naturalistic space. We strongly advise the inclusion of natural play elements which will be beneficial to optimise multifunctionality of the proposed green infrastructure. A small pond dipping platform could also be included to improve access to nature. Health and safety risks concerns can be managed through education and raising awareness – interpretation boards can be provided to inform the public of the function of the pond and also to provide information on the flora and fauna the system supports.

Strategic Housing: Whilst we had agreed the affordable mix was broadly acceptable should the scheme be delivered we did not support the provision of open market and affordable housing in the same apartment block. This approach is still being proposed on this scheme and we do not support this approach for the reasons previously provided and we now offer a holding objection.

We have also noted that some affordable housing will be provided on private drives, we have stated in our previous response that this approach is not favourable. Ongoing highway maintenance costs are an issue in respect of affordability, with costs either being passed on to tenants / leaseholders or borne by the

eventual RP. Development proposals which leave RPs or residents with high ongoing maintenance costs may struggle to find a provider willing to take the units on.

Communities Team: We support the Parish Council's suggestion that the cumulative impact of this proposal be considered alongside the proposal south of High Road (DC/23/04452 40 dwellings) and west of A134 at Honey Tye (DC/23/04425 14 Dwellings).

This development would bring extra demand for community amenity where there is an existing lack. The only facility within the village is the community centre and next nearest is the public house & combined community shop in the separate hamlet to the north. The amenity offered within the development is for public open space. In order that this is well integrated to the development we encourage the applicant to consider improving the walking access to the open space. Currently the entrance point is onto a four-way vehicle junction and does not connect to made footpaths either to dwellings or to the footpath access to the north of the site. The linking of the open space to the woodlands is identified as beneficial in the Design & Access statement and we are concerned that this should be intuitive and inviting when realised. We would also encourage the applicant to consider enrichment of the open space, such as seating, sculpture or planting that provides visual interest in all seasons, to increase the benefit to new residents.

Access to green spaces is important to individual wellbeing and is identified in the Councils' Wellbeing Strategy. We are glad to see that the proposal (excepting the practical constraint above) broadly aligns with the Strategy and with the Neighbourhood Plan policy on Landscape and biodiversity (LEAV3) by retaining the woodland to the north and providing public access to it, by providing a green open space and by providing a buffer between development and the countryside. If it were possible to improve the relationships between the housing and the Open Space, as identified by the Parish Council, this would be desirable.

We are pleased to see the proposal for footpath access at the north of the site facilitating active travel for the development and pedestrian access to the Roper's Wood, the village centre and the pub/shop on the A134, according with Policy LEAV10 of the Neighbourhood Plan. This access relies on the condition of the existing footpath to which it connects – any support that the applicant could give to improving or maintaining the path would benefit the residents of the proposed development and the village.

The development relies in the Design & Access Statement on the access to services provided by the bus service. We agree with the SCC Highways response that pedestrian access to the site entrance at the A134 and then on to the bus stops is essential. We agree with the SCC Highways suggestion The suggestion of contribution to permanent bus shelter provision would be beneficial in supporting bus travel. Access to services and leisure facilities is important to individual wellbeing and if there is opportunity through the development to secure improved access this would help support the principle of development at this location. We would encourage this to be explored more fully in the assessment of this application.

The concern of the community about drainage and flood risk articulated in the Neighbourhood Plan has been heightened by recent storms. The site is near to an identified surface water drainage issue (9 – High Rd/A134 junction). We would like to see the concerns raised by the Parish Council, Anglian Water and SCC Flood Planning Consultee addressed.

We are pleased to see that building alignments provide south-facing surfaces desirable for solar and that high thermal efficiency is proposed, both being sought in the Design Code (EE.02. Low carbon development).

Planning Policy: It is noted that this application would be outside of the settlement boundary for Leavenheath as identified on the Council's Policies Map. As set out in Policy SP03 of the adopted Babergh and Mid Suffolk Joint Local Plan Part 1 Development Plan Document (November 2023), proposals for

development outside of settlement boundaries will normally only be permitted in certain circumstances. In this case there is an adopted made Neighbourhood Plan for Leavenheath (July 2023).

The Leavenheath Neighbourhood Plan has several key policies that will be applicable in this case. Policy LEAV5 lists requirements for development that is immediately adjacent to the settlement boundaries to be considered acceptable. It is considered development of this size and scale on this site would have an adverse impact on the Area of Outstanding Natural Beauty and would interfere with view of community importance as identified in LEAV1. The scheme would also not constitute a logical extension of the built-up area, as access can only be gained from the A134, which in itself this proposal would also likely have significant adverse safety impacts on the A134, and as such would not be in compliance with the policy.

LEAV6 identifies that proposals should respect the distinct separation of Harrow Street, High Road, and Honey Tye. This development would cause the clear visual separation between High Road and Honey Tye to be lost, with High Road expanding to be closer to Tye Road, and as such, does not accord with this policy.

This proposal would also require access from the A134, and as such development would not be set back from the A134, causing further conflict with this policy. Therefore, it is considered that this application does not conform with the Leavenheath Neighbourhood Plan, and as such, is not in compliance with Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan Part 1.

Please also note the Housing Land Supply position of 7.13 years, as set out in the Executive Summary to the Babergh Five-Year Housing Land Supply Statement 2022.

Ecology: Holding objection due to: a) insufficient information on European Protected Species (bats); b) insufficient information to demonstrate appropriate compensation for the loss of potential Priority Habitat (Lowland mixed deciduous woodland); and c) insufficient information to demonstrate that a measurable biodiversity net gain can be achieved.

We welcome the provision of this lighting statement but consider that an actual draft lighting strategy is required prior to determination, to allow the LPA to demonstrate compliance 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 (as amended).

The submitted Biodiversity Metric 4.0 – Calculation Tool (December 2023) and the biodiversity net gain statement (JBA Ltd, December 2023) does not include any justification on why the condition for the habitat baseline has been recorded as 'poor' or what condition criteria will be met for the post implementation habitat enhancement condition to achieve this increase in condition. This is essential to allow the LPA to demonstrate it has met its biodiversity duty under the NERC act 2006 (as amended).

B: Representations

At the time of writing this report at least 50 letters/emails/online comments have been received. It is the officer opinion that this represents 49 objections, 1 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Not in accordance with the Neighbourhood Plan
- Detrimental to existing drainage system
- Worsen flooding along A134
- Schools are at capacity

- Construction will cause disruption to A134
- Noise impact on neighbouring properties
- Loss of view
- Loss of privacy
- Detrimental impact on existing wildlife including dormouse
- Loss of hedgerows
- Health service at capacity
- Doesn't follow Leavenheath design code
- Poor design
- High density development
- Parking courts would not be overlooked
- Design won't allow EV parking
- Field ditch which surface water will drain into is poorly maintained and prone to flooding
- Dwellings could be subject to overheating
- Lack of details about zero carbon standard
- Lack of details of solar pv panesl
- Housing mix doesn't comply with Neighbourhood Plan
- Larger dwellings not required
- Lack of adaptive dwellings
- Outside of settlement boundary
- Dangerous access onto the A134, where drivers overtake
- Land currently floods
- Poor bus service
- Impact on electrical supply
- Boundary to west is disputed
- Impact on TPO trees, pressure for TPO trees to be removed by new residents
- Air and noise pollution during construction
- A134 at this location is subject to speeding cars
- LPA has a significant housing supply
- Contrary to JLP
- Loss of trees
- Occupiers would not be able to access village facilities due to lack of lighting on existing pedestrian footpath
- Development doesn't integrate with village
- Increase traffic onto A134
- Protected birds recorded on the site
- Insufficient ecological surveys
- Lack of security for existing dwellings
- Loss of light
- Development will be reliant of private car
- Detrimental impact on water supply
- Impact of lighting on existing residents
- Land is a wildlife corridor
- Long term management of the site and woodland
- Unsafe route for children to access the school bus
- Development will provide 30% of site as open space and retained woodland
- Provide access to existing footpaths
- Well balanced combination of new houses
- Will provide new affordable dwellings

(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/0010/81/RES	Particulars of planning permission reserving details for approval; B/132/76 Residential development - land to North side of High Road, Leavenheath. Particulars of details submitted for approval; Details of siting, design, external appearanc	DECISION: GRA 11.03.1983
REF: B/0132/76/OUT	Residential development with site for school, community centre and village green (playing fields)	DECISION: REF 26.07.1976
REF: B//76/00132	OUTLINE - RESIDENTIAL DEVELOPMENT, SCHOOL, COMMUNITY CENTRE AND VILLAGE GREEN	DECISION: REF 26.07.1976
REF: B//88/01719	ERECTION OF 14 DETACHED BUNGALOWS AND 25 DETACHED TWO STOREY DWELLINGS WITH DOUBLE GARAGES AND CONSTRUCTION OF ESTATE ROAD AND VEHICULAR ACCESSES AS AMENDED BY THE APPLICANTS REVISED LAYOUT PLAN NO. 1096/AD/1/502E REC'D ON 02.02.89	DECISION: GRA 01.02.1989

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The site is located to the west of the A134, on land which is currently partly an agricultural field/grazing and partly woodland. To the west of the site are residential properties on Champion Way and Blackthorn Way. Between the site and these properties is a row of TPO trees. To the north of the site is a single residential dwelling, Woodhouse and beyond this a pedestrian footpath leading from the residential estate to the east to the A134 and then Royston Woods which is a small community woodland. To the west of the site is the A 134, on the opposite side of the A134 is large garage/ car sale site and sporadic residential development. To the south of the site is an agricultural field.
- 1.2. Leavenheath is a large village, with very limited facilities for a village of its size. There is a village hall, pre-school, playground and village green/ cricket ground. The nearest public house (which also provides a village shop) is located 1.12km from the site. The nearest primary school is in Nayland, which also has a health centre, Nayland is located 3km to the south without a safe walking

route. Secondary schooling, convenience retail and employment facilities are all in Sudbury, approximately 9km north of Leavenheath.

2.0 The Proposal

- 2.1. The proposal is for full planning permission for erection of 23 no. dwellings with associated roads, parking, garages and outbuildings, construction of new vehicular access from the A134 and a footpath connection towards Maple Way, public access to the existing woodland and new public open space on the street frontage.
- 2.2 The dwellings would comprise:
- Market:
- 2 x 1 bedroom flats
 - 4 x 2 bedroom houses
 - 6 x 3 bedroom houses
 - 2 x 4 bedroom houses
 - 1 x 5 bedroom house
- Affordable:
- 2 x 1 bedroom houses
 - 4 x 2 bedroom houses
 - 2 x 3 bedroom houses
- 2.3. The dwellings would be a mix of detached, semi-detached and terraced dwellings, with a single block of 4 flats. The dwellings would be a mix of 2-storey and bungalows.
- 2.4 Access to the site would be from the A134, with the main access then splitting into three smaller roads with dwellings off them. Parking would comprise a mixture of garages, frontage parking and two parking courts. The roads would be tree lined.
- 2.5 All the dwellings would have generous rear gardens, with the block of flats sharing a garden. To the front of the site would be a SUDS basin and a large area of public open space. The existing woodland would be retained and a footpath included through the woodland to the existing footpath.
- 2.6 Materials for the dwellings would include render, weather boarding, bricks, plain and pan tile roofs.

3.0 The Principle Of Development

- 3.1. The site is outside the settlement boundary of Leavenheath, within the Countryside. Policy SP03 of the Joint Local Plan states (inter alia) that outside of the settlement boundaries, development will normally only be permitted where it is in accordance with a made neighbourhood plan.
- 3.2 Leavenheath has a recently adopted Neighbourhood Plan (LNP); although this pre-dates the JLP, it is considered that the LNP has full weight. Policies LEAV5 and LEAV6 relate to the principle of new residential development.
- 3.3 LEAV5 states that:

Housing development will be supported within or immediately adjacent to the settlement boundaries for the three settlements identified in Figure 22, provided that the development:

- *Does not have an adverse impact on the special qualities of the Area of Outstanding Natural Beauty, Local Green Spaces (policy LEAV2) and views of community importance (policy LEAV1).*

The site is included within one of the views of community importance. However, it is considered that it doesn't detrimentally affect the view of community importance.

- *Would not have an adverse unacceptable impact upon the historic or natural environment or highway safety.*

The development is not considered to have an unacceptable impact upon the historic or natural environment or highway safety.

- *Has a close functional relationship to the existing settlement or constitutes a logical extension of the built-up area of the settlement.*

3.4 The site is adjacent to the existing settlement and backs onto Blackthorn Way and Campion Way. However, it is not considered to have a close functional relationship to the existing settlement. The only access to the site from the existing settlement would be via a 230-m footpath. This footpath is unlit and generally enclosed. It would also pass through the retained woodland. Given the nature and distance of the footpath it is likely to be considered unsafe by some residents, especially at night. This would further restrict the linkages between the existing and proposed development. The development is also not considered to constitute a logical extension of the built-up area of the settlement as it would be accessed off the A134 rather than from the existing built development. Access straight off the A134 is considered to be out of character in Leavenheath.

- *Is self-contained and has logical, natural boundaries.*

3.5 The site is self-contained and has logical, natural boundaries, comprising existing hedgerows and boundaries with the footpath, A134 and rear boundaries of the properties within Blackthorn Way and Campion Way.

- *Is well designed and landscaped and is appropriate in size/scale, layout, and character to its setting and to the settlement, having regard to the Leavenheath Design Guidelines and Codes (June 2021) (supporting document).*

The development, as a whole, is considered to be well designed and landscaped.

- *Can demonstrate no likely significant effects or adverse effects on site integrity of European sites through an individual project-level Habitats Regulations Assessment (HRA). There is a requirement for all residential development within the 13km Zone of Influence (ZOI) of Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar to make a financial contribution towards mitigation measures, as detailed in the Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS).*

Subject to a signed s.106 or payment of the RAMS contribution, this can be demonstrated.

3.6 Policy LEAV6 states that:

Development should respect and retain the generally open and undeveloped nature of the parish, in particular, the distinct separation of Harrow Street, High Road and Honey Tye (see figure 22). Development in the main is set back from the A134 and this should continue to be respected.

Development that would individually or cumulatively undermine the physical or visual separation of the three settlements will not be supported.

The development, due to its location, would not have a significant impact on the separation of High Road and Harrow Street, it would not come any closer to Harrow Street than existing development within the High Road settlement.

- 3.7 The development would be accessed off the A134. The built development has been set back from the A134 by approximately 60 metres, with public open space and a SUDS basin to the front. However, the dwellings would be 76 metres closer to the A134 than existing development and would be visible from the A134 from the wide access. There is existing hedging/ vegetation at the front of the site which gives the A134 in this location, a rural character, with only sporadic development off it. The proposed access would require much of the existing vegetation to be removed to allow for visibility splays. While a new native hedge would be provided, this would be set back from the access. The access itself would be 25 metres wide. In addition, there is proposed an additional 15 metres of footpath to the front, leading to a bus stop. As such it is considered that the development does not respect the undeveloped nature of the parish and would be detrimental to the character of the village by providing significant development directly of the A134.
- 3.5 The proposed development, therefore, does not comply with policies within the LNP and in turn is contrary to Policy SP03. The development is therefore contrary to the Development Plan.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. The site is considered to be within an unsustainable location for the scale of development. Within walking distance of the site would be the village hall, pre-school, playground and cricket pitch. While there is a footway along the A134 to the village Public House, which includes a newly opened village shop, the distance is 1.12km which is beyond the limit of a convenient walking distance.
- 4.2 There is no footway to Nayland, which provides primary schooling and health care facilities. Secondary schooling, employment opportunities and retail facilities are all provided at Sudbury, approximately 9km to the North. Given the distances and lack of safe walking routes, Suffolk County Council has requested school transport funding for both primary and secondary schools.
- 4.3 There is a reasonable bus service currently serving Leavenheath; this includes an hourly bus service to Colchester and Sudbury, from temporary bus stops along the A134, approximately 75 metres and 130 metres from the site. Should the development be approved, there is a proposal to locate permanent bus stops closer to the entrance to the site. There is also a bus stop on High Road, which provides a more limited service. The bus service will therefore provide an alternative to private vehicle for some residents.
- 4.4 The proposed development of 23 dwellings would, therefore, be highly dependent on private vehicle for the majority of trips, contrary to Paragraph 109 of the NPPF and Policy SP03 of the Joint Neighbourhood Plan.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. The access to the site would be off the A134. Currently there is a field access on the northern boundary of the site, but the proposal is for an access further south. A footway at the access and crossing point would be included to allow occupants to cross over the A134 to the footway on the opposite side of the road.

- 5.2 The Highway Authority has requested footways a 2-metre segregated footway until the junction of High Road in order to link into the existing highway network, whilst also ensuring connections into the improved bus stops along the A134. As the site does not control of all the land to the junction of the High Road, this would not be possible (although it is not clear if the verge further to the south in within the ownership of the Highway Authority). A footway along the A134 is also likely to have an unacceptable urbanising nature. It would be possible to hide the footway behind the proposed landscaping however this is unlikely to be attractive during the dark.
- 5.3 A revised highway drawing has been received, which shows a 15-metre section of footway at the front of the site providing access to a permanent bus stop. Any further updates following further consultation with the Highway Authority will be provided at Committee.

6.0 Design And Layout [Impact On Street Scene]

- 6.1 Policy LEAV7 of the LNP states that the following housing mix should be provided:
- 3-bedroom family homes.
 - Starter homes and smaller homes for downsizing.
 - Specialist housing for older people.
 - A range of affordable housing
 - Homes that are adaptable in order to meet the needs of the increasingly ageing population, without restricting the needs of younger families.
- 6.2 Most of the proposed development comprises dwellings which are either three-bedroom or smaller and four of these properties are 2 or 3-bedroom bungalows. There would be 2 no. four-bedroom dwellings and 1 five-bedroom dwelling. The five-bedroom dwelling has the potential to be adapted to allow single-storey living. The preamble to Policy LEAV7 states that *the provision of larger homes should not be inhibited entirely*. Overall it is considered that the development would comply with Policy LEAV7.
- 6.3 The Strategic Housing team has concerns regarding the proposed affordable housing including a set of four flats which would be split between market and affordable, which may make it difficult to find a Registered Provider willing to take on the development. However, different tenancies within one unit is not contrary to Policy SP02 and it is considered that the block could be redesigned to further separate the uses if required.
- 6.4 Policy LEAV9: “Design Principles” states that Development proposals that respond positively to creating an attractive parish and enhance each of the settlements’ aesthetic qualities (Harrow Street, High Road and Honey Tye) will be encouraged and should be guided by the Leavenheath Design Guidelines and Codes (June 2021) (addendum document). The Parish Council considers that the development does not comply with Policy LEAV or the Design Guidelines & Codes for the following reasons:
- There is a lack of dwellings that overlook the public spaces
 - There is an apparent lack of generous gaps between buildings to enhance openness and reinforce views into the open countryside and existing landmarks (
 - The proposal does not adhere to the nominal plot dimensions which shows a minimum plot width required of 16metres. All minimum plot and parking space sizes within the design codes should be applied.

- The proposal does not provide the minimum depths required for front gardens (6m) and back gardens (12m)
- The proposed scheme does not demonstrate or detail how the developments can be adaptable. A large proportion of the parking scheme does not demonstrate any flexibility for adaptations.
 - The proposed car parking solutions do not adhere to the Design Codes as parking should be provided on-plot either on a driveway, in a car port or a garage and positioned either to the side or front of the property
 - The separate stores proposed for plots 2-8 do not comply with the Design Codes in terms of security
- The rear gardens for plots 20-23 are not considered appropriate as they back onto a woodland

6.5 The Design Guidelines & Codes are relatively prescriptive and are based on the lower density development which comprises much of Leavenheath. The proposed development would be accessed from the A134 and would not be seen in the context of the residential development to the rear. As such it is considered that an alternative design character is acceptable.

6.6 The development has been designed with a rural/agricultural aesthetic, with many of the dwellings designed to appear as rural outbuildings or Suffolk barns. While this design is not typical of Leavenheath, it would provide an attractive development. The development has been designed to provide a soft edge onto the public open space and towards the A134, with limited car parking on the frontage properties. This has resulted in parking courts to the rear. The built element of development is relatively dense, reflecting the makeup of the development, which is generally smaller dwellings, to comply with Policy LEAV9 and the requirements for affordable housing. However, this allows for good use of land and generous public open space within the sensitive frontage. Providing storage, externally from gardens, is unusual but the stores have been carefully designed to appear as agricultural outbuildings and would provide convenient cycle storage.

6.7 On balance, it is considered that the design of the development is acceptable and would respond positively to creating an attractive parish in accordance with Policy LEAV9.

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

7.1. Policy LEAV1 states that development proposals within, or which could affect a view of, community importance should take account of the view concerned. Developments, which would have an unacceptable adverse impact on the landscape or character of the view concerned, will not be supported.

7.2 The south east corner of the site is located within a view of community importance within the LNP; however, the preamble to Policy LEAV1 indicates that the view which is considered to be important is looking west along High Road from the A134. As the site is some way from the High Road it is considered that the development would be in accordance with Policy LEAV1 and not have an adverse impact on the character of the view concerned.

7.3 Despite the loss of frontage hedgerow, the Landscape Officer has concluded that the proposed development would not have a detrimental impact on the character of the surrounding landscape. The development would have some positive landscape impacts, including the retention of the woodland and introduction of new public open space including a pond which would have biodiversity benefits.

7.4 There is currently a holding objection from the Council's Ecologist relating to Biodiversity Net Gain calculations and lack of a bat friendly lighting scheme. Further information has been provided and this will be updated at Committee.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1 Leavenheath currently suffers from surface water drainage issues, mainly due to the inability of the prevalent soil to drain. The LNP includes Policy LEAV4 which states that: *Future development must not cause or contribute to new flooding or drainage issues, exacerbate existing issues, or cause water pollution, and should mitigate its own flooding and drainage impacts*
- 8.2 The proposed development would not use infiltration to manage Surface Water, but instead store water within driveways and in a detention basin, which would then feed into the Anglian Water surface water infrastructure, which is understood to then feed into a watercourse/ditch.
- 8.3 There is currently a dispute between Anglian Water and the applicant as to if the pumping station and discharge rate into the Anglian water system has been agreed. The applicant has stated that these were agreed at pre-application stage with Anglian Water, whereas Anglian Water states that the proposed discharge rate is not in accordance with Anglian Water policy and could not be accommodated. Anglian Water requires full evidence that infiltration and soakaways cannot be utilised as well as exploration of the watercourses.
- 8.4 The SUDS system is wholly dependent on the agreement of Anglian Water, the discharge rate needs to be agreed at this stage as it could affect the layout of the development, for example if a larger detention basin was required. In addition, if Anglian Water will not agree to adoption of the pumping station this would lead to additional costs to residents and potentially impact the ability for the development to provide truly affordable housing. In the absence of an agreement with Anglian Water the development is considered to be contrary to LEAV4 of the Leavenheath Neighbourhood Plan and Policy LP27 of the JLP.

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 not within a Conversation Area and the nearest listed building is 320 metres in distance. While the neighbourhood plan designates some non-designated heritage assets, none of these are close to the development.

10.0 Impact On Residential Amenity

- 10.1. The nearest residential properties are the properties on Blackthorn Way and Campion Way to the rear of the site. The side/rear of these dwellings would be a minimum of 19 metres from the side elevation of the new dwellings, which only have windows to en-suites to the side. There would also be a 4.5 metre maintenance strip/ open space between the new and existing boundaries of the dwellings. This would support the retention and maintenance of the existing rear landscaping (including TPO trees) of the properties on Blackthorn Way and Campion Way.
- 10.2 While the outlook for the neighbouring properties would significantly change, given the distances between the dwellings, it is not considered that the proposal would result in a loss of privacy or have over bearing impact on the existing dwellings.
- 10.3 The new dwellings have been designed with generous gardens which would prevent any overlooking or loss of privacy within the development.

11.0 Planning Obligations / CIL (delete if not applicable)

- 11.1. Suffolk County Council has requested s.106 funding for primary and secondary school transport. This reflects the unsustainable nature of the site, particularly the lack of a safe walking route to Nayland Primary School. The applicant has not indicated that would they be averse to such an agreement but, given that the application is recommended for refusal for other reasons, in the absence of such an agreement this would be a further reason for refusal.

12.0 Parish Council Comments

- 12.1 Most of the Parish Council comments are considered within the body of this report. In relation to the cumulative impact of development, one of the three planning applications for residential development at Honey Tye (DC/23/04425) has been withdrawn. The second at High Road (DC/23/04453) is recommended for refusal. The Twinstead to Bramford project is to be determined by the Planning Inspectorate but does not directly relate to this application.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 The development would provide 23 dwellings within a village which has had little development in the recent past. This would include 8 affordable dwellings and smaller 1 and 2-bedroom dwellings and bungalows. The development would, therefore, add to the overall mix of housing in the village and provide opportunities for residents of the village to access affordable housing, downsize or have a starter home. The site would be within walking distance of many of the village's scarce facilities and new residents may support the villages clubs and facilities. The development would provide public access through the current private woodland, which would be managed for biodiversity. The development would create a large public open space including a pond which would be accessible from the residential development to the east. Although not typical of Leavenheath, the dwellings would be well designed and add interest to the village.
- 13.2 However, Leavenheath as a whole is an unsustainable location for this scale of development. The village pub and shop are not within easy walking distance and the A134 is unsuitable for most cyclists. Despite the large population, there is no primary school and limited employment opportunities. The village is highly reliant on Nayland and Sudbury for facilities. There is a limited bus service and, therefore, any development is reliant on private vehicles for the majority of trips.
- 13.3 The development would require a wide vehicular access from the A134 plus a footway and bus stop, and bring development much closer to the A134 than currently. The lack of development along the A134 is a significant feature of the character of the village. Currently, when travelling along the A134, it is not apparent that you are very close to a large village. Even with the proposed landscaping, the development would be much more visible from the A134 and result in a detrimental change to the character of the village as a whole.
- 13.4 **Planning Balance**
The development does not comply with the Development Plan (Leavenheath Neighbourhood Plan and the JLP) as a whole, it is also contrary to the NPPF. The benefits of the development, which would include short term economic benefits during construction, the provision of new housing (including affordable housing), potential social benefits arising from new residents supporting village

facilities and additional public open space (including biodiversity enhancement) would not outweigh the harm of the development on the character of the village and the policy breaches identified.

RECOMMENDATION

That the application is REFUSED planning permission/listed building consent/other based on the following reasons:-

- 1) The proposed development by virtue of its location, layout and access would be contrary to Policy LEAV5 and LEAV6 of the Leavenheath Neighbourhood Plan, which requires new development outside of the settlement boundary to have a close functional relationship to the existing settlement or constitute a logical extension of the built-up area of the settlement and for development to be set back from the A134.

The proposed development would be accessed off the A134 and result in a development physically separated from surrounding development and closer to the A134. This would not constitute a logical extension of the built-up area but would result in a development detrimental to the character of the High Road area of Leavenheath.

Due to the above, the development would also be contrary to Policy SP03 of the Joint Local Plan which states that outside of the settlement boundaries development will normally only be permitted where it is in accordance with a Neighbourhood Plan.

- 2) The proposed development by virtue of its scale and location, would result in unsustainable development, highly dependent on private vehicles for everyday trips contrary to Policy SP03 of the Joint Neighbourhood Plan and the NPPF.
- 3) The proposed development has not shown that surface water discharge can be acceptably dealt with without resulting in flooding elsewhere, contrary to Policy LEAV4 of the Leavenheath Neighbourhood Plan and Policy LP27 of the JLP and the NPPF.
- 4) In the absence of a signed s.106 agreement the development would not provide a contribution to primary and secondary school transport contrary to Policy LP29 of the Joint Local Plan which states that development will be expected to provide home to school transport contributions.
- 5) In the absence of a signed s.106 agreement the development would not provide a contribution to affordable housing, contrary to Policy SP02 of the Babergh and Mid Suffolk Joint Local Plan.
- 6) In the absence of a signed s.106 agreement or RAMS payment the proposed development would have of an unacceptable impact on the Stour and Orwell Estuaries Special Protection Area (SPA) contrary to Policy SP09 of the JLP and the Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS).