

## **Committee Report**

**Item No: 8b**

**Reference: DC/23/04452**

**Case Officer: Elizabeth Flood**

**Ward: Assington.**

**Ward Member/s: Cllr Lee Parker.**

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## **RECOMMENDATION – PLANNING PERMISSION REFUSED**

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### **Description of Development**

Outline Planning Application (Access to be considered all other matters reserved) - Erection of 40no. dwellings with associated open space and landscaping buffers

### **Location**

Land south of High Road, Leavenheath

**Expiry Date: 31/03/2024**

**Application Type: OUT - Outline Planning Application**

**Development Type: Major Large Scale - Dwellings**

**Applicant: Boxford (Suffolk) Holdings Ltd**

**Agent: PJB Planning Ltd**

**Parish: Leavenheath**

**Site Area: 2.68ha**

**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: No**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

SP01 - Housing Needs

SP02 - Affordable Housing

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CLASSIFICATION: Official

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 (LNP) 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**

#### **Town/Parish Council**

Leavenheath Parish Council note the proposed change in the access site from the High Road. At this time, we remain opposed to granting outline planning for access only, as there has still been no response from the one of the key statutory consultees (Highways). We therefore repeat our previous response as follows:

As the application is for access only Leavenheath Parish Council does not propose to address at this stage the housing composition, number, design or comment beyond the issue of access. Babergh will be aware that this is one of two significant applications to build a number of properties within the parish and in close proximity. In addition to these two applications the Bramford to Twinsted National Infrastructure project moves forward to examination stage with the main site for the entire project being proposed just outside Leavenheath, on the A134. In respect of the other application, Highways have provided holding objections and indicated the cumulative impact needs to be considered. Given the importance of being able to properly

consider the viewpoint of the main consultee and as the application is for access only, we have no alternative at this stage other than object.

Leavenheath suffers from a number of surface water and drainage issues as set out within Policy Leav4 of our Neighbourhood plan. We therefore ask Babergh to refuse the application for the reasons outlined above and consider the cumulative impact for Leavenheath.

**National Consultee**

Natural England: No objection

**County Council Responses**

SCC Highways: The inclusion of the footway along the site frontage to connect with the existing footway network to the West is welcomed. Would it be possible to create an additional connection to this new footway from elsewhere in the site as to promote its usage? At present, all pedestrians would have to walk to the main access point to access the footway. While this would be attractive to those plots closer to the access (e.g. plot 40), the plots which are further (e.g. plot 16) may be discouraged from walking through the site, especially if they wish to access the wider village to the West. In addition to the footway along the frontage, in an effort to promote sustainable travel, it is requested that a new footway connection is created across the High Road by the junction with the A134 to connect with the new bus stop infrastructure that is being requested as part of a nearby application (DC/23/03653) and is shown indicatively on the plan below.

Officer Note: The applicant is not in control of the land between the site and the proposed bus stop..

SCC Development Contributions:

CIL	Education	
	- Primary school expansion @ £26,977 per place	£269,770
	- Secondary school expansion @ £37,466 per place	£299,728
	- Sixth form expansion @ £37,466 per place	£74,932
CIL	Libraries improvements @ £216 per dwelling	£8,640
CIL	Household waste @ £269 per dwelling	£10,760
S106	Primary school transport @ £1,405 per pupil per annum	£98,350
S106	Secondary school transport @ £1,405 per pupil per annum	£56,200
S106	Monitoring fee per obligation trigger point	£476
S106	Highways	Tbc

In respect of school transport the DfE guidance Securing developer contributions for education says in paragraph 43, In accordance with national planning policy and guidance, we anticipate that housing development which gives rise to additional pupils will only be planned in locations that are, or will be made, environmentally sustainable. Using connectivity metrics that indicate public transport accessibility or active travel provision can help identify what transport measures could be required to mitigate impacts and promote sustainable travel. And in paragraph 44 it goes on to say, You should advise local planning authorities of the consequences of allocating/permitting developments that have no school within safe walking distance and will require permanent public investment in home-to school transport or generate significant additional trips, for pupils to access their nearest available schools.

As well as the cost burden this imposes on the local authority, there may be lasting harm to the environment and public health through increased carbon emissions and detrimental impacts on air quality, which the local planning authority will weigh against any perceived benefits. Consider recommending refusal of planning applications when no suitable solutions for sustainable access to education infrastructure can be agreed, and there would be a clear detrimental impact, either from single or cumulative housing developments.

Paragraph 45 says, When there is no suitable solution for sustainable access to school but a local planning authority (or Planning Inspector) is still minded to approve a development, you can seek developer contributions towards the cost of home-to-school transport

In respect of primary school mitigation for the primary-age pupils forecast to arise 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.

SCC Fire and Rescue: Fire Hydrants required

SCC Archaeology: no objection to the development and do not believe any archaeological mitigation is required.

Anglian Water: The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option.

LLFA: Holding objection because the applicant has not got a 'in principle' agreement with the public surface sewer asset owner for permission to connect and at what discharge rate.

### **Internal Consultee Responses**

Strategic Housing: Babergh policy is for 35% affordable housing to help meet District needs. On the basis of 40 dwellings, and with regard to affordable housing need as recorded on the housing register, the following affordable housing mix is recommended:

<b>Tenure</b>	<b>Number of units</b>	<b>Bedrooms and Occupants</b>	<b>Minimum unit Size (GIA) (m2)</b>	<b>Type</b>
Affordable Rent (10 total)	2	1b2p	58	Maisonette
	2	2b4p	79	House
	2	1b2p	50	Bungalow
	2	2b4p	70	Bungalow
	2	3b5p	93	House
Shared Ownership (4 total)	2	2b4p	70	Bungalow
	2	3b5p	93	House

Environmental Protection (air quality): I can confirm that the scale of development is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site.

Public Realm:

1) We note that the quantity of provision of POS is appropriate as a proportion of the overall area of development site;

2) On a development with the proposed quantity of houses we would expect provision of a play area (LEAP) this should ideally be overlooked by several houses to provide an element of security and oversight - this may require some adjustment to the outline plans - if this were to be where the circular area is shown in the Southern piece of POS this is only really overlooked by two houses.

3) we appreciate that the public right of way system will connect the village to the development, however we believe the POS will get most use by residents of the new development; as this is the case we would expect a local management solution - either a management company or if interested the parish council

Environmental Protection (noise): Recommend conditions

Landscaping: We welcome the retention of the existing vegetation to the site boundaries and the proposed tree planting to the main access and residential streets. The proposed trees within the private garden plots are welcome but we are concerns about their retention long-term. If no protection is put in place, these trees could be removed by home owners having an impact on the landscape and visual character of the proposed development. The landscape buffer to the south is welcome and will help to reduce the adverse impact of the development as its looks into the countryside. The landscape buffer to the north-west is welcome as well as the green corridor linking this area to the public open space to the south. We feel that the eastern boundary will benefit from having a better landscape buffer to provide additional separation between the development and countryside. We acknowledge the intention of keeping open views into the apple tree plantation therefore the landscape buffer could consist of a meadow/wildlife strip or similar approach.

Any further vegetation removal along High Road, to the exemption of the above-mentioned access point area, will not be supportive as it will have a negative impact on the landscape character along this corridor and identified view within the LNP. Footway construction should be carried out as per recommendations under the Arboricultural Method Statement to avoid damage to roots of existing trees and hedgerow planting.

Environmental Protection (Land contamination): No objection

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 that development of this size and scale on this site would have an adverse impact on the Area of Outstanding Natural Beauty and would potentially interfere with a view of community importance as identified in LEAV1. The scheme would also not constitute a logical extension of the built-up area with the proposed design and scale of the site, and it is considered the scheme would not have logical and natural boundaries due to the open nature of the eastern part of the site. L

EAV6 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. 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.

Communities: This development would bring significant extra demand for community amenity to a situation where there is an existing lack. The only facility within the hamlet is the community centre and there is the public house & combined community shop in the separate hamlet to the north.

There is no provision within the development for a community amenity. Similarly there is no play provision included in the plans and we note that the Public Realm response would expect a LEAP to be provided in a development of this scale, as identified in Neighbourhood Plan Policy LEAV12. We would suggest that either provision is included or contribution is made to expand the play provision at the village green, this to be at the choice of the Parish Council.

The development relies in the Design & Access Statement on the access to services provided by the bus service that we understand to be infrequent. We would encourage this to be explored more fully in the assessment of this application. Access to services and leisure facilities is important to providing for 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 are pleased to see the proposal for footpath improvements to the High Rd to facilitate active travel for the development and pedestrian connectivity to the footpath to the south of the site, according with Policy LEAV10 of the Neighbourhood Plan.

We are concerned that the social housing dwellings are of identifiably smaller and different character than the rest of the development and believe this is contrary to good practice for fostering integrated communities. In particular, the dwellings are clustered, the plot size is smaller and the gardens are of a different configuration to the other plots. Where the other plots have large rear gardens the social housing plots have small gardens that serve as access. These will either be enclosed and not contribute to the openness of the street (as specified in the Leavenheath Design Code) or be open meaning that these units uniquely for the development would not have access to private green space. We request that the applicant addresses the equity of experience across tenure types and community cohesion in subsequent submissions.

The indicative layout shows an open space at the North East corner of the site, for this to be usable by the nearby properties, for example for informal play, the access and oversight would need to be addressed. Where there is an intuitive walking route for the open space at the south of the site, this is not the case for the North East where access is dominated by the frontage to plot16.

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

We note that not many of the buildings are aligned and the alignments shown provide fewer south-facing surfaces desirable for solar, both of which preferred in the Design Code.

Arboricultural Officer: No objections

Ecology: Outline applications are now required to identify and pursue opportunities for securing a measurable biodiversity net gain, equivalent to a 10% increase, in accordance with the adopted Babergh and Mid Suffolk Joint Local Plan policies SP09 and LP16. In addition, the need for developments to deliver biodiversity net gains is outlined in paragraph 180d & 186d of the National Planning Policy Framework (December 2023). Therefore, whilst the secondary legislation of the Environment Act 2021 is not relevant for this application, given that it was validated before the 12th February 2024, the requirement to demonstrate a 10% mandatory biodiversity net gain is required for this scheme under local planning policy.

Therefore, we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information is supplied to demonstrate a 10% measurable biodiversity net gain can be achieved prior to determination. This would include the provision the Statutory Biodiversity Metric, as well as a biodiversity net gain statement to demonstrate how measurable biodiversity net gains can be achieved for this application prior to determination.

Officer Note: The application was received prior to the relevant date for Biodiversity Net Gain.

## **B: Representations**

At the time of writing this report at least 61 letters/emails/online comments have been received. It is the officer opinion that this represents 53 objections, 4 support and 4 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Lack of facilities
- Overlooking
- Loss of privacy
- Light pollution
- Increase in noise
- Detrimental impact on biodiversity
- Lack of capacity for Health Services
- Difficult to get out of High Road onto A134
- Inadequate bus service
- Previously refused planning applications on the site
- Loss of ancient hedgerow
- Insufficient school capacity

- Inadequate sewerage capacity
- Existing surface water drainage system incapable of taking additional dwellings
- Loss of verges
- Inadequate electricity capacity
- Doesn't comply with neighbourhood plan
- Detrimental impact on view of community importance
- Will encroach into area separating High Road with Honey Tye
- Unsustainable location
- Doesn't provide any additional community or sports facilities
- Loss of farmland
- Inadequate access
- Insufficient parking will lead to parking on High Road
- Insufficient childcare provision
- Detrimental to the AONB
- Indicative site plan does not reflect the requirements set out in the neighbourhood plan design code
- Housing mix would not reflect the requirements set out in the neighbourhood plan
- Previous site allocation has been proved to be unsound
- Sufficient housing supply in Babergh
- Cumulative impact of development should be considered
- Result in traffic congestion in village
- New footpath on current grass verge will be detrimental to the character of the area
- Loss of trees
- No objection to proposed new access point
- Insufficient green space
- Increase in crime

(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**

<b>REF:</b> B/0002/84/ADV	Retention of advertisement hoarding/direction sign.	<b>DECISION:</b>
<b>REF:</b> B/0279/76/OUT	Erection of hypermarket and construction of car parking and access	<b>DECISION:</b> REF 23.07.1976
<b>REF:</b> B/EN/90/90050	PROPOSED GOLF COURSE	<b>DECISION:</b> PCO

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1. The site is currently a commercial orchard, with apple trees and associated trellising. The north of the site is bounded by a line of mature trees, although these are not protected by a TPO. To the north of the site is High Road, then linear residential development. To the east is an agricultural track and then further commercial orchard. To the south of the track is a public right of way and



then agricultural fields. To the west of the site are residential dwellings along Orchard View and Edies Lane and a TPO tree.

- 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 and village shop are located 1.45km 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 Outline Planning Application (Access to be considered all other matters reserved) - Erection of 40no. dwellings with associated open space and landscaping buffers. The application form sets out the size of the proposed dwellings (bedroom numbers).
- 2.2 Access to the site would be from the High Road on the eastern boundary of the site. The indicative layout shows a development divided into four quarters, with houses facing out towards the boundaries. There would be a landscape buffer to the south and north and a small area of open space to the south containing the proposed SUDS basins.
- 2.3 Originally the access to the site was proposed at the centre of the site; however, following objections from the occupiers of the properties on the opposite side of the A134, the access was moved to the eastern edge of the site.
- 2.4 The site would measure 2.68 Hectares. A slightly larger size was previously allocated for development within the draft JLP for 40 dwellings. However, this allocation (although mentioned within the Neighbourhood Plan) has no weight.

## **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, although this pre-dates the JLP, it is considered that the Neighbourhood Plan has full weight. Policies LEAV5 and LEAV6 of the Leavenheath Neighbourhood Plan relate to the principle of new residential development.
- 3.3 Policy 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 adjacent to one of the views of community importance, the trees and grass verge adjacent to the site are included within the view. However, given the distance from the viewpoint to the site it is not considered that the development would be detrimental to the view of community importance. The site is 300m distance from the Dedham Vale AONB, which is located on the

opposite side of the A134, given the distance and the intervening road, it is not considered that the development would be detrimental to the AONB.

- *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 access to the site would be on the very Eastern boundary of the site. While the site is adjacent to the existing settlement, it wouldn't have a particularly close functional relationship, as one would not need to go past any other part of the built up area of Leavenheath to reach it. However, a footpath is proposed to the front of the site and further pedestrian linkages onto the footpath at the front could be agreed at reserved matters stage. The site is adjacent to development along Edies Lane and Orchard View, which are also accessed from the High Road. Overall, although the position of the access is not ideal in relation to integrating the development, with the provision of additional pedestrian links it is considered that the site constitutes a logical extension to the built-up area.

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

The site is not self-contained and does not have logical, natural boundaries. The site is in effect part of a single commercial orchard with the only division to the East being an agricultural access. To the south there is also no natural boundary, the site being open to the PROW and the adjacent agricultural field.

3.5 • *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 scale of the proposed development means that it is not apparent that a suitably designed layout, having regard to the Leavenheath Design Guidelines and Codes, can be created which would provide meaningful public open space and sufficient landscape buffers to the PROW and mature trees which surround the site.

3.6 • *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.

3.7 LEAV6 (Pattern of Growth): 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. 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 undermine the physical and visual separation of High Road and Honey Tye. The development would bring built development 130 metres closer to Honey Tye. While there would still be a gap of approximately 200 metres between the two settlements, there would be a general sense of coalescence, with only one small field between the two settlements. This would be particularly apparent from views from the PROW to the rear of the site and the existing agricultural access opposite the first of the properties at Honey Tye. Currently, from this view one can only see the houses on Edies Lane in the very distance, but the new dwellings would be seen within the middle distance.

- 38 The proposed development therefore does not comply with policies within the Leavenheath Neighbourhood Plan 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 1.45km which is approximately 26 minutes' walk and 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 distant. 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 140 metres and 180 metres from the site. However it is not clear if these bus stops will remain in their existing location, or be relocated further up the A134 which would require crossing and recrossing the A134. There is also a bus stop on High Road, adjacent to the site, 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 40 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 High Road. Although there are holding objections from the Highway Authority relating to the internal layout, this is indicative only. There is no indication that an acceptable internal road layout could not be designed. In addition, although not currently indicated, further pedestrian links onto the High Road could be required at reserved matters stage. The Highway Authority has not objected to the proposed access which is the only highway matter with is required to be resolved at outline stage.

5.2 The Highway Authority has requested footways - a 2-metre segregated footway from the junction of High Road north along the A134 to the potential site of improved bus stops along the A134. As the applicant does not own this site, this would not be possible (although it is not clear if the verge is within the ownership of the Highway Authority). A footway along the A134 is also likely to have an unacceptable urbanising nature on the character of the area.

## 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 The housing mix is set out within the application form, most of the proposed 40 dwellings are either three-bedroom or smaller. However, there would be 6 four-bedroom dwellings and 3 five-bedroom dwellings. Of the 31 market dwellings, 34% would be 4 or 5-bedroom, While the pre-ambule to Policy LEAV7 states that *the provision of larger homes should not be inhibited entirely*, it is considered that the level of 4 and 5-bedroom dwellings would be contrary Policy LEAV7.

6.3 Offices recognise that this is an outline application and therefore housing mix would not normally be a consideration at this point. However, the applicant has expressly set out the housing mix within the planning application form. Policy LEAV7 is a relatively prescriptive policy which the proposed housing mix would not comply with. It is therefore good practice to consider this proposed housing mix at outline stage.

6.3 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 indicative layout suggests that a layout which generally addresses the Leavenheath Design Guidelines and Codes could be provided.

6.4 Policy LEAV12 states that all major residential developments should include on-site recreational green space. Development should also provide for informal spaces, play equipment and/or sports facilities, depending on the size and location of the site, relative to, and complementing existing provision.

6.5 The indicative layout provides very little usable public open space. There would be generous landscape buffers to the north and west which would help protect the existing trees, but these would have little amenity value. Only a small area of public open space, dominated by SUDS features, is provided to the south. The Public Realm team has confirmed that a development of this size would require a LEAP. This is especially important as the site is 700 metres from the only play area within Leavenheath which is situated next to the village hall.

6.6 The land to the south of the site is not considered as appropriate for a LEAP due to the small size and lack of overlooking, in addition it is not clear if the proposed SUDS are of sufficient size which may in turn decrease the area available for public open space. . It is therefore concluded that the

scale of the development would not respond positively to creating an attractive parish in accordance with Policy LEAV9 or provided onsite recreational green space in accordance with Policy LEAV12.

- 6.7 Officers recognise that the current layout is indicative only and an alternative layout could be designed. However the application is for a defined 40 dwellings (instead of up to 40 dwellings), given the constraints of the site which are as follows
- the protected hedgerow to the front of the site,
  - the TPO tree to the west
  - the distance to the boundaries of neighbouring properties on Orchard View
  - the need for large scale SUDs features and
  - suitable landscaping to the surrounding countryside.

Plus, the need to ensure any development is in accordance with the Leavenheath Design Guidelines and Codes which support low density development, the applicant has not convincingly shown that a scheme for 40 dwellings can be designed that would provide an acceptable level and appropriate siting for public open space including a LEAP. Officers have therefore taken precautionary approach in the absence of sufficient information to be sure that unacceptable impact can be avoided.

## **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 site is adjacent to a view of community importance, 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 down the High Road and therefore less visible, 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 The Landscape Officer has concluded that the proposed development would not have a detrimental impact on the character of the surrounding landscape and welcomes the landscape buffers. The indicative layout shows minimal landscaping to the east of the site, so that the dwellings can have a view of the orchards. However, the land to the west is in agricultural use and therefore the orchards could be dug up and replaced by grazing or arable crops. This would mean there was no landscape buffer to the wider countryside. The indicative layout also shows limited landscape to the east, adjacent to the public right of way, again this could have a detrimental impact on the countryside.
- 7.4 The Council's ecologist has objected to the proposals as 10% Biodiversity Net Gain cannot be achieved, however as the application was received before the relevant date, BNG is not required. Biodiversity enhancement could be provided through condition.

## **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 Leavenheath Neighbourhood Plan 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 two detention basins, which would then feed into the Anglian Water surface water infrastructure within a surface water sewer to the north of the site, using a pumping station.
- 8.3 The applicant has requested agreement with Anglian Water for the proposed connection and discharge rate, but this has not yet been agreed. 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 were 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 LNP 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, the nearest listed building Stonicott is 140 metres to the west, within intervening residential development. While the neighbourhood plan designates some non-designated heritage assets, none of these are close to the development. Therefore it is concluded that the development would not be detrimental to either listed buildings or non-designated heritage assets.

**10. Impact On Residential Amenity**

- 10.1 The nearest residential properties are the properties on High Road to the front of the site, Orchard View to the west and Edies Lane to the west and south. The retention of the mature trees to the front of the site would protect the amenity and privacy of the occupiers of dwellings along the High Road. In addition, the proposed landscape buffer (which is required to protect the TPO tree) will also protect the amenity and privacy of the properties on Orchard View.
- 10.2 It is considered that the proposed development can be designed so as not to be detrimental to the amenity of the existing residents or the occupiers of the new properties by overlooking or overbearing nature of the development.

**11.0 Planning Obligations / CIL**

- 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 they would 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 The majority 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 land to the east of Blackthorn way and Campion Way (DC/23/03653) 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.

- 12.2 While the Parish Council has stated that, as the development only relates to access, they do not propose to address at this stage the housing composition, number, design or comment beyond the issue of access; the planning application also covers the amount of development and, within the application form, the bedroom numbers. Therefore, these matters have also been addressed within this report.

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## **PART FOUR – CONCLUSION**

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### **13.0 Planning Balance and Conclusion**

- 13.1 The development would provide 40 dwellings within a village which has had little development in the recent past. This would include 14 affordable dwellings. 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 facilities and new residents may support the village clubs and facilities. The site is a logical location for further built development.
- 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 significantly decrease the existing gap between High Road and Honey Tye, the physical and visual separation of the three settlements that make up Leavenheath is crucial for protecting the character of Leavenheath and the proposal would result in a detrimental change to the character of the village as a whole.
- 13.4 **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) and potential social benefits arising from new residents supporting village facilities 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 based on the following reasons:-

- 1) The proposed development by virtue of its scale and location would be contrary to Policy LEAV5 and LEAV6 of the Leavenheath Neighbourhood Plan which requires new development outside of the settlement boundary to be self-contained and have logical, natural boundaries, while development which undermines the physical or visual separation of the three settlements will not be supported.

The proposed development is not within a site with natural boundaries and would result in a development which undermines the physical and visual separation of High Road and Honey Tye

resulting in development which is 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 a non-sustainable development, highly dependent on private vehicle for everyday trips contrary to the NPPF.
- 3) The proposed development by virtue of its scale and siting would be contrary to Policy LEAV12 of the Leavenheath Neighbourhood Plan as it would result in a development with insufficient space for suitable onsite recreational green space and play equipment.
- 4) The proposed development by virtue of its proposed housing type would be contrary to Policy LEAV7 of the Leavenheath Neighbourhood Plan as it would include a significant amount of 4 and 5 bedroom dwellings.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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).