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Parish: GLEMSFORD

Location: Land north of Crownfield Road, Glemsford

Proposal: Erection of 56 No. dwellings, garages and associated infrastructure and construction of balancing pond.

Applicant: Hills Residential Ltd

Case Officer: Stuart McAdam

Date for Determination:

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Members are advised that this application is reported to Committee in order to obtain the Committee's resolution, following receipt of an appeal against non-determination. As such the District Council can no longer determine the application but must convey its position were it in a position to determine it.

## BACKGROUND

The application proposal is defined as a Major Development. The application was registered on 10<sup>th</sup> February 2009, but was later invalidated as a Foul Drainage and Utilities assessment was deemed necessary under the Council's Local Validation Requirements. The application remains invalid largely due to the absence of information relating to foul sewerage and water supply. At that time, further information was separately requested relating to surface water drainage.

There are a number of outstanding issues including:-

- drainage information;
- unresolved highway matters;
- and Section 106 requirements; and
- further key consultation responses either not having been received in time or addressed satisfactorily.

Any further information/comments received, will be presented at the Development Committee.

The applicant in the absence of a decision has elected for the appeal against non-determination to be heard at a Public Inquiry. The Council's Statement of Common Ground is due to be submitted to the Planning Inspectorate by 3<sup>rd</sup> February 2010, with the subsequent submission of the Council's Statement of case and the Inquiry in late April/May 2010.

Members are requested to consider the following report and to confirm the stance the District Council is to take on the appeal.

## THE SITE

1. The application site lies on the northern edge of Glemsford village and is accessed via the existing development served off Crownfield Road. The land is contained within the Built-Up Area Boundary of Glemsford village; a sustainable village as defined within the Babergh Local Plan Alteration No.2 (2006).

2. The site has an area of approximately 1.8 hectares and is allocated for 45-60 houses within the Babergh Local Plan Alteration No.2 (2006), where policy HS25 provides the basis for considering the allocation.
3. The site consists of open grassland that is bordered to the north and west by mature tree lined boundaries. Public footpath No. 28 runs from east to west beyond the tree belt to the northern boundary of the site, linking to Brook Street to the east, and is joined by Footpath 27 which runs down the edge of the western site boundary (though outside of the site boundary). Beyond these footpaths is open countryside, currently used as agricultural land and allotments. To the east of the site are the rear gardens of properties fronting Spring Meadow, a cul-de-sac of properties which are accessed off Brook Street.
4. The development of the Crownfield Road estate to the south of the site (Phase 1) remains under construction.

## **THE PROPOSAL**

5. Planning permission is sought for the erection of 56 dwellings with access taken from Crownfield Road.
6. The design delivers a development based around a “village green” with enhanced and structured landscaping which will create its own unique character. The “green” will be enclosed by dwellings on all sides and the buildings are aligned to face onto and enclose the public spaces thus encouraging communal use of these areas whilst providing the security and safety of the area through surveillance from the houses. Car parking is largely kept away from the open space and tucked away in rear courtyards and cul-de-sacs, so the streets should be largely uncluttered by parked vehicles. The layout provides a variety of routes through the site and good pedestrian movement will be possible by links to the existing footways thereby giving the scheme a high degree of permeability.
7. The green will extend into a semi-wetland area in the north east corner of the site, which will provide a semi wetland habitat and drainage system in the form of a pond which will accumulate surface water. The water will in turn be discharged into the existing ditch to the north east corner of the site by means of a hydrobrake. The northern and western boundaries will be enhanced by further planting.
8. The development is connected by roads incorporating raised tables and shared surface areas to provide a low speed street which winds its way through the site from its access from Crownfield Road. This treatment should provide a safe pedestrian friendly environment.
9. A variety of dwelling types is proposed ranging from 1 bedroom starter homes to four bedroom family housing. Twenty of the dwellings will be affordable units. The buildings will be constructed in traditional building forms incorporating pitched roofs, in traditional materials chosen from the local vernacular and there is a mixed palette of weatherboarding, brick and render to provide variety and visual richness thereby helping to reinforce local identity. Apart from one bungalow, all the units are two-storey in height.

10. The number of units and tenure mix is as follows:-

<b>Private (36)</b>	<b>Rented (15)</b>	<b>Shared ownership (5)</b>
2 x 2 bed flat	2 x 1 bed flat	2 x 2 bed flat
31 x 2 bed house (5 types)	2 x 1 bed flat	1 x 2 bed house
3 x 3 bed house	1 x 1 bed bungalow	2 x 2 bed house
	6 x 2 bed house	
	3 x 3 bed house	
	1 x 4 bed house	

11. The application is accompanied by the following supporting information:-

- Design and Access Statement
- Flood Risk Assessment
- Desk Study Contaminated Land Report
- Extended Phase 1 Habitat Survey
- Reptile Survey Report
- Arboricultural Impact Assessment

### RELEVANT HISTORY

12. 1961 – Planning permission refused for residential development (Ref. S/2695/M)
13. 1963 – Planning permission refused for residential development (Ref. S/63/68/M)
14. 1971 – Planning permission granted for residential development (Ref. S/71/270/M -not implemented).
15. 2008 – Planning Permission refused for 58 No dwellings, garages, and associated infrastructure (Ref. B/08/01052/FUL)

### NATIONAL GUIDANCE

16. **PPS1** (Delivering Sustainable Development)
17. **PPS3** (Housing)
18. **PPS9** (Biodiversity and Geological Conservation)
19. **PPG13** (Transport)
20. **PPG15** (Planning and the Historic Environment)
21. **PPG16** (Archaeology and Planning)
22. **PPG17** (Planning for Open Space, Sport and Recreation)
23. **PPS23** (Planning and Pollution Control)
24. **PPS25** (Development and Flood Risk)

### PLANNING POLICIES

25. The Development Plan comprises the East of England Plan, Adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

## **East of England Plan - 2008**

- **SS1** Achieving Sustainable Development.
- **ENV7** Quality in the Built Environment.
- **ENG1** Carbon Dioxide Emissions and Energy Performance

## **Babergh Local Plan (Alteration No.2) 2006**

- **LP01** Planning Obligations
- **HS08** Affordable Housing – allocated sites
- **HS25** Land off Crownfield Road, Glemsford
- **HS34** Smaller units
- **CN01** Maintaining Local Distinctiveness
- **CN17** Archaeology
- **TP01** Pedestrians
- **TP15** Vehicle Parking Standards

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## **CONSULTATIONS**

26. PC - Glemsford Parish Council agreed to recommend this application for refusal due to the drainage, storm water and sewage issues still not being resolved
27. LHA – the Local Highway Authority has no objection in principle but requested changes to certain aspects of the layout to meet its requirements. These changes have been made but the current layout drawing has never been formally superseded. The Local Highway Authority has no objection to the latest plan subject to the imposition of conditions relating to access and carriageways, footways, prevention of discharge of surface water onto the highway, gradients, and parking.
28. It has been clarified that there is no need for a Traffic Regulation Order to be put in place (see “Planning Considerations” – Policy HS25, Note 2 below)
29. SCC Rights of Way Officer – No objections to the proposal subject to standard informatives. However, it is noted that Public Footpath Nos 27 and 28 are in the vicinity of the development but do not appear to be directly affected by it. Access is proposed from the development to the public footpaths. In anticipation of increased use by the public we would like to request that the applicant considers improving the surface of Footpath No 27 at the southern end which leads to the highway at Broadway (where it runs between back garden fencing) by levelling with the import of further soil, if required and re-consolidated. This route will provide access to shops, school and surgery and so will benefit the occupiers of the new homes.
30. EA – No objections to the proposal subject to a condition to address surface water drainage
  - (detailed design of surface water drainage system including Greenfield run off rates; attenuation storage;
  - maintenance and management of scheme;
  - residual risk from any surcharged sewers on site; and
  - detailed design of the piped network including all on-line structures

and conditions/informatives to address ecology and contamination and pollution.

31. AW – No objection to the proposal as there is existing capacity to accommodate the development in terms of water resource capacity, foul sewerage and wastewater treatment. It is noted that there is not sufficient capacity to supply water from the network.
32. SCC - Children and Young People's Service – Education contribution sought for £143,330 to accommodate upper and sixth form places generated by this development
33. NE – Originally objected on the grounds of insufficient information concerning a mitigation strategy for the impact on the common lizard population, specifically concerning a suitable receptor site for the translocated lizards. Following receipt of further information there is no objection subject to a condition being applied requiring the surveying of the site for common lizards and translocation of them, as necessary to a receptor site, is carried out before any works commence.
34. SWT – Objects on similar grounds to NE above. Objection can be addressed by the imposition of a condition.
35. SCC (Archaeology) – This application affects a large area of c.1.82 hectares that has not been the subject of previous systematic archaeological investigation. There is high potential for medieval occupation deposits to be disturbed given the size of this development area. The proposed works would cause significant ground disturbance that has potential to damage any archaeological deposit that exists. There are no grounds to consider refusal of planning permission in order to achieve preservation *in situ* of any important archaeological deposits, but any permission granted should be the subject of a PPG 16, paragraph 30 condition, to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by development.
36. SCC (Fire and Rescue Service) – no objection but reference made to building control requirements. The Authority recommends that fire hydrants be installed within the development, but it is not possible at this time to determine the number of hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when plans have been submitted by the water companies.
37. Contaminated Land Officer – The proposal is for a residential development on a greenfield site. The site has been unoccupied for the period of accurate historic mapping extending until the late Nineteenth Century and there are no recorded pollution incidents that would impact on this site. Despite this, we are obliged to request a basic contamination assessment with such an application owing to its sensitive end use - this has been fulfilled by the report by Knight Environmental. There is not perceived to be any unwarranted risks from this development progressing on this site from a land contamination perspective. However, as with all applications, I would advise that a suitably qualified consultant is contacted should any unexpected contamination be discovered during the construction works.
38. Suffolk Constabulary – no response.
39. PCT - any responses will be presented at the development committee
40. BDC Policy - no comment as site is allocated in Local Plan

41. BDC Open Space Manager – no objection in principle. However, there is no provision for play for the very young i.e. toddler play area so that the site conforms to the FiT (was NPFA) Six Acre Standard. A site like this should have something for the very young such as a LAP with some small items of play. There is just enough open space once the structural landscaping (how is that to be maintained?) and the floodable area, which will be too wet for much of the time to be considered usable have been discounted from the overall area. The floodable area looks as though it would get deeper than 500mm. Ideally we would want a maximum of 300mm. These areas need further consideration.
42. BDC Landscape Officer – no objection. It is imperative that the North and West sides are fully planted-up, retained and effectively managed in the long-term.
43. BDC Affordable Housing Team – there remains some variation in the number and type of affordable units proposed by the Developer compared to those required by the Council to meet locally identified affordable housing need. Of greatest concern is the excessive number of two bedroom rented houses and single one bedroom bungalow proposed for the site. These proposals are not acceptable. The affordable housing team cannot support this application.

## REPRESENTATIONS

44. Nineteen letters of objection have been received in respect of the application, including letters from Tim Yeo MP and Councillor Kemp. A petition signed by the residents of Chequers Lane, Glemsford (13 in total) has also been received. The comments are summarised as follows:-
  - Increased traffic movement as a result of the development which will exacerbate existing traffic problems including the junction at Brook Street with Crownfield Road. SCC Highway Authority has expressed concerns about road safety due to the substantial increase in traffic resulting from the site being allocated in the draft local plan
  - Drainage, sewage and rainwater problems which will result in increased flooding and make an existing flooding problem worse
  - Safety issues and air pollution due to increased traffic.
  - Loss of privacy to No's 8, 9 and 10 Spring Meadow and proximity of garages which would cause noise and other pollution
  - A further 56 dwellings would add considerably to the existing flooding problems.
  - Balancing pond – will this be suitable for 56 houses? would become an attractive playground for the local children with the possibility of a “fatal attraction”. At the height of the summer the water level will drop leaving a “muddy stinking cesspit” which the local residents will have to live with.
  - The scheme fails to comply with the Council's policies on sustainability, either in construction or energy conservation and not providing appropriate homes for the C21.
  - The existing access from Crownfield Road is inadequate and an alternative access should be taken from the southwest behind Schoolfields Close to Shepherds Lane
  - There is surcharging of both the main sewer and surface water drains in Brook Street in all to frequent storm conditions. This has caused flooding to dwellings in Chequers Lane. The surface water problem is aggravated by the presence of the constant natural spring on the boundary of the land included in this application. This spring water drains through Chequers Lane and services Silk Mill. In storm conditions, the only route for the additional water is the footpath to Brook Street and then down Chequers Lane putting the residents of Spring Meadow at risk. The development requires its own surface water drain to beyond the Silk Mill to avoid prejudicing existing homes

- In the event of a power cut, what will happen to the sewerage from the 56 houses?
- The flooding issue should be resolved before permission is given

## **PLANNING CONSIDERATIONS**

45. The application remains invalid largely due to the absence of information relating to foul sewerage and water supply) as highlighted in the background to the application.
46. The current status of the application in respect of the submitted layout plan is as follows:-
- Layout Drawing Ref. 08.095/210 B submitted with the application (Local Highway Authority did not find this acceptable)
  - Drawing 08.095/ Rev C replaces above plan (29<sup>th</sup> June 2009). This was sent to the LHA and copied to the planning department and supersedes Drawing B. As the application was invalid, Rev C was never in the public domain. Had the application been made valid, this drawing would have been tested in the public domain.
  - Drawing 08.095/210 Rev D replaces Rev C (6<sup>th</sup> July 2009). This drawing was submitted directly to the Local Highway Authority and deemed to be acceptable subject to conditions. This plan was not formally submitted to the planning department until 8<sup>th</sup> January 2010. It will be for the Planning Inspector to decide whether it is acceptable bearing in mind that this plan has never been tested in the public domain.
47. The four key issues for consideration are:-
- Planning Policy
  - Affordable Housing and absence of planning obligation (to mitigate the impact)
  - Highway Issues
  - Drainage
  - Design and layout
48. Planning Policy - The application site is situated within the settlement boundary of Glemsford as defined in the Local Plan and is formally allocated for residential development by Policy HS25. Accordingly, the principle of the development of the site for residential purposes has been established.

### **Policy HS25**

49. For clarity the requirements of the policy are bullet pointed with an officer response in italic below.

“HS25 - Approximately 1.8 hectares (1.3 hectares net) of land off Crownfield Road, Glemsford are allocated for 45 – 60 houses. Proposals for development will be required to provide for:

- 0.5 hectares of land for public open space;

*Officer Response: While the Open Space Manager has raised concerns about the open space in respect of the provision of a LAP and maintenance, see above response, the open space provided is sufficient. The applicant has confirmed that it is his desire that all the open space would offered up for adoption by the Council. There is no objection to the area of public open space being adopted by the Council. This aspect would have been the subject of further discussion and dealt with by condition/legal agreement had the application not been appealed against non-determination.*

- retention and enhancement of the existing perimeter landscaping (where most suitable for retention), combined with structural landscaping where required to supplement the existing perimeter landscaping;

*Officer Response: The Council's Landscape Officer was consulted on the proposal and is supportive of it subject to additional planting along the north and west boundaries and effectively managed. The Council would be prepared to adopt this area. However, access to maintain this area is likely to pose a problem as vehicular access is required. Further discussion on this matter would have taken place had the appeal not been lodged. If access had not been an issue, the management and maintenance of this area could be achieved by an appropriate planning condition/legal agreement.*

- vehicular and pedestrian access from Crownfield Road;

*Officer Response: The access point is taken from Crownfield Road*

- highways improvements as necessary to facilitate safe access;

*Officer Response: The Local Highway Authority has intimated that there is no objection to the proposals, subject to conditions – see consultation response above*

- provision of a public footpath through the development linking in with the existing paths to the rear of the allotments and Fair Green;

*Officer Response: The layout drawing shows footpath linkages through the site to link with the existing paths*

- upgrades to the footpath linking the site with Fair Green.

*Officer Response: The applicant is prepared to make a financial contribution towards upgrading the footpath linking the site with Fair Green. This can be dealt with through a legal agreement*

Note 1: Before a detailed application is determined an ecological survey and Flood Risk Assessment will be required.

Officer Response: An ecological survey and Flood Risk Assessment have been submitted in support of the application.

Note 2: In relation to criterion four above the Transport Authority advise that notwithstanding any physical improvements that may be achieved at the junction of Crownfield Road and Brook Street, the minimum required to satisfy this criterion is that the developer should promote any Traffic Orders necessary to achieve traffic management measures designed to improve visibility at this junction.

*Officer Response: While the applicant has been prepared to promote a Traffic Order, and has indeed instigated an Order, the Local Highway Authority has (following discussions with the Police Traffic Liaison Officer and the local beat officer), confirmed that yellow parking line restrictions, via the TRO route, are unlikely to be enforced. There are no other similar restrictions in the village. The LHA has agreed to use some white lining around the junction to protect the visibility splay and the beat officer will monitor. Further discussions have taken place with the local Highway Authority who has confirmed that the lines are being paid for by the developer and will be installed irrespective of any new development.*

Note 3: Satisfactory measures for surface water and foul drainage will need to be agreed before any development scheme for the site is implemented.

*Officer Response: The Environment Agency and Anglian Water have not objected to the proposals subject to the imposition of conditions/informatives to any consent granted. Your officers believe that the information required by condition should be provided prior to the application being determined. A key concern is that the existing ditch to the north east of the site (into which the surface water will be discharged) cannot accommodate the surface water run off. The applicant has carried out a survey off this ditch at your officer's request and this is currently subject of further consideration by the Environment Agency.*

Note 4: The development of this site will have to be planned and implemented in a comprehensive way and piecemeal development must not occur."

*Officer Response: The development as proposed complies with this requirement.*

### **Affordable Housing and Absence of Planning Obligation**

50. Policy HS08 of the Local Plan identifies this site as one where the District Council will require up to 35% of dwellings to be provided in the form of affordable housing to meet identified local needs.
51. The requirement of this site would be for 20 units of affordable housing, in a 75% rented and 25% shared ownership split. The submission achieves this. However, the affordable housing mix does not meet the identified requirements which have been established based on needs information, and is therefore considered to be inappropriate, exacerbating the present imbalance in housing in the area.
52. The proposal is therefore contrary to the provisions of policy HS08. Following further discussion with the Strategic Housing Manager, it has been acknowledged that improvements have been made to the affordable housing provision from the previous (refused) application, Ref B/08/01052/FUL. While further discussions are still ongoing in respect of improving the housing mix, it is not in itself considered a reason for refusal of the application. The comments made by the affordable housing team were made on the basis that a compromise could be reached. Further discussions are taking place to resolve this issue,
53. Policy LP01 of the Adopted Local Plan provides for the provision of payment for services, facilities and other improvements directly related to the development. Financial contributions towards health and education, and the upgrading of Footpath no. 27 (at the southern end) are required in this instance. The applicant has expressed a willingness to make a financial contribution although the details have not been finalised due to the appeal against non-determination of the application.

## Highways

54. The site layout has been subject to revision. An amended site layout ref. 08.095/210 Rev C was submitted in June 2009 to replace the initial site layout plan. This drawing was never aired in public as the application was invalid. Had the application been valid, this drawing would be open to public scrutiny and it would have been made available when the application was re-registered.
55. Rev C was amended by Rev D on 9<sup>th</sup> July following direct discussions between the applicant and highways. It was never formally submitted to the planning department until 7<sup>th</sup> January 2010.
56. While Rev D is acceptable to highways, subject to the imposition of conditions, this drawing has never been aired in the public domain. The amendments could have been addressed had an appeal not been lodged. It will now rest with the Planning Inspector to decide whether the revised drawing is acceptable bearing in mind it has not been the subject of public scrutiny.

## Drainage

57. The proposed development lies within Flood Zone 1, the low risk zone, as defined in Table D.1 of PPS25 and illustrated on the Environment Agency Flood Zone maps. While the site is outside the floodplain, proposals that involve development greater than 1ha, can generate significant volumes of surface water and as such a Flood Risk Assessment has been submitted with the application.
58. Surface water run off will be dealt with as follows:-
  - It is proposed that the surface water run off from the development is drained into a new surface water sewer on the site (proposed to be adopted by Anglian Water). The new sewer will then discharge, via a flow control device to restrict the final discharge to no more than the existing Greenfield run off rate, to the existing ditch system at the north east corner of the site. During storm events, the surcharge resulting from the flow control device will overflow into a detention pond where it will be stored temporarily prior to passing through the flow control device and discharged to the ditch at the restricted rate.
59. Foul Drainage will be dealt with as follows:-
  - In view of the location of the site on the north side of the east-west ridge line separating this site from the rest of the Crownfield Road estate, it is necessary to provide a pumping station near the north east corner of the site to pump the foul water back to the head of the public sewer system in Crownfield Road. It is intended that the pumping station would be offered for adoption.
60. A Strategic Flood Risk Assessment - 2009 (SFRA) was commissioned by Babergh District Council as part of the evidence base for the emerging Local Development Framework in order to inform development and identify any risk from flooding and where further flooding information would be required. Flooding information has been obtained from a wide spectrum of bodies including local authorities, Environment Agency, Anglian Water and the Local Highway Authority. The work was overseen and approved by the EA
61. The SFRA highlights the area to the north east of the site (alongside the ditch which it is proposed to discharge the surface water run off) as an area which is subject to "intermediate susceptibility" of flooding.

62. The key consultees in respect of flooding and drainage are the Environment Agency and Anglian Water. Their consultation responses are detailed earlier in this report.
63. Anglian Water has no objection to the proposal as there is existing capacity to accommodate the development in terms of water resource capacity, foul sewerage and wastewater treatment. It is noted that there is not sufficient capacity to supply water from the network.
64. The Environment Agency initially objected to the proposal until it could be demonstrated that the development will not cause flood risk elsewhere. Further information was submitted to address concerns about the ability of the system to cope with 1 in 30 year storm and 1 in 100 year storm plus climate change for all storms and durations. This information was duly submitted and the Environment Agency withdrew its objection to the proposal subject to a condition to address surface water drainage (as highlighted in consultation responses, above) and conditions/informatives to address ecology and contamination and pollution.
65. Concern has been expressed by residents that if the development is allowed, that local residents will face increased flooding. Historically, the area near the proposed site has experienced severe flood problems. These concerns are taken very seriously and while the Environment Agency is satisfied that these issues can be addressed through appropriate planning conditions, your officers believe that these matters should be addressed prior to determination of the application.
66. The applicant was asked to provide further information to address the areas of concern including whether the surface water sewer could accommodate the run off; information on the detention pond such as depth, adoption, management/maintenance of the pond and any landscaping requirements to mitigate its impact and address safety concerns. A foul sewage and utilities assessment was also requested detailing such things as how the development would link to existing utility services such as water supply. While the applicant has addressed some of the points raised, they have not been fully addressed or resolved.
67. While the applicant maintains that the run off will be no greater than that which presently exists, the District Council's main concern is that the existing ditch may not be able to cope with the run off as there is a flood issue in the vicinity of the site and this is a known fact. The ditch has been surveyed by the applicant as requested and has in fact been found to be blocked. There is an option for the District Council to use its riparian powers to clear and maintain the pipe system and this is another area under consideration, though these notices are likely to be served once the Environment Agency have requested such action. Notwithstanding this, any additional flooding which takes place following development (and the Strategic Flood Risk Assessment highlights areas in the vicinity to be subject of flooding) will undoubtedly be blamed on the development if approved, and this could present a problem in enforcing landowners to bare the cost of remedial works when they would feel that any burden should be met by the developer.
68. One of the key areas is the release of attenuated waters in the detention pond to the watercourse downstream at the regulated rate (3.4 litres/sec) and the capability of the watercourse to handle this at times of duress and a guarantee that the discharge rate can be maintained at 3.4 litres/sec. It is therefore critical for example, that the pond can accommodate and maintain Greenfield run off rate at times of duress and that the hydrobrake to control this is satisfactory at this key point of discharge which is in the vicinity of a susceptible flood area (as identified in the District Council's SFRA).

69. The Environment Agency has highlighted in their consultation response that the overflow from the hydrobrake/manhole appears to be via a pipe which is not shown or included in the network design. As this would have a hydraulic effect on the upstream pipes, the Environment Agency would wish to see this analysed by way of a condition of the detailed design. Having assessed all the information submitted to date, it is your officers opinion that this and the other information requested by the Environment Agency should be provided prior to determination of the application and not left to be dealt with by condition.
70. Your officers are liaising closely with the Environment Agency who may wish to make further representations to address these concerns and will report any further developments on an addendum sheet or at the development committee.

### **Design and Layout**

71. Policies HS30, HS34 and CN01 of the Adopted Local Plan are relevant. Policy HS30 requires all new development to be of a high standard of layout and design while Policy CN01 requires all development proposals to be of appropriate scale, form, detailed design and construction for the location. Proposals must pay particular attention to (inter alia):-
- The scale, form and nature of adjacent development and the environment surrounding the site
  - The materials forming the external elevations and roofs of the buildings
  - Retaining and incorporating local features, both natural and built
  - Existing and proposed hard and soft landscaping
  - Creating interesting and attractive public and private spaces in and around the development
72. The design and layout of the proposal follows lengthy negotiation with your officers after the refusal of an earlier application (Ref. B/08/00641/FUL). The current proposal incorporates many changes to the previous, refused scheme such as revised parking arrangements, better architectural detailing and a wide range and mix of materials and colours and better use of the open areas within the site.
73. Officers are satisfied with the layout and design, subject to further details of screening/fencing etc. around the lagoon and the pumping station which require further consideration, particularly in respect of Anglian Water's requirements should it be put forward for adoption. The design as described in the 'proposal' section of this report is considered to accords with the requirements of Policies HS30 and CN01, although the highway issues also remain outstanding.
74. Furthermore, it is considered that as 49 of the 56 units proposed are one or two bedroom houses, that the general requirements of Policy HS34 are achieved by securing units to meet the requirement of first time buyers and single person households.

### **Other issues**

75. While concern has been raised about the proximity of the units to residents at 8, 10 and 12 Spring Meadow and the potential loss of amenities, members are advised that there is a minimum separation between buildings of at least 25 m which is considered to be acceptable. It is acknowledged that there will be an impact as a result of the additional car parking spaces (5), particularly to the property at 8 Spring Meadow. However, as there will inevitably be an increase in noise levels by virtue of the development to the rear of the objector's property, this is not in itself considered a justifiable reason to refuse planning permission.

76. Comments have been received that the scheme fails to comply with the District Council's policies on sustainability, either in construction or energy conservation and not providing appropriate homes for the C21. Members are advised that the development is in accordance with the number of units required in policy HS25 and therefore the density of development at 31 dwellings per hectare (37 if open space is discounted) is in accordance with government guidelines. The houses will be built in accordance with the Sustainable Codes Standards.
77. As the proposal is for more than 10 houses, Policy ENG1 of the East of England Plan is relevant. This matter would have been the subject of further discussion had an appeal not been lodged.
78. A suggestion has been made that an alternative access to the site should be considered. However members are advised that the access is in accordance with the site allocation as specified in Policy HS25.
79. The issue of what will happen to sewerage from the 56 houses in the event of a power cut is outside the remit of planning.

## **RECOMMENDATION**

- A. That had the applicant not appealed to the Secretary of State against non-determination, the Council would have refused planning permission for the following reasons:
  - (a) the absence of a planning obligation to mitigate the impact of the development
  - (b) that the applicants have failed to demonstrate that the proposal is acceptable on highway grounds and that the Local Planning Authority is not convinced that the development will not be contrary to PPG 13; Policies TP01, TP15 and TP25 of the Babergh Local Plan (Alteration No. 2) 2006
  - (c) that the applicants have failed to demonstrate that the proposal is acceptable in drainage and flooding grounds and that the Local Planning Authority is not convinced that the development will not be contrary to PPS25; and Policy HS25 of the Babergh Adopted Local Plan (Alteration No. 2) 2006
- B. That the Solicitor to the Council and the Chief Planning Control Officer defend the Council's position on appeal at the forthcoming Public Inquiry on behalf of the Council on the above grounds.
- C. That the Solicitor to the Council seek to secure a planning obligation under S106 of the 1990 Act, to be presented to the Secretary of State, providing that should the appeal be allowed and outline planning permission be granted, seeking the following:
  - Affordable housing
  - Contributions to additional education provision
  - Contribution towards the improvement of public footpaths
  - Contribution to health provision
  - Contribution towards Public open space and/or the provision of a LAP
  - Structural landscaping/maintenance
  - Provision and maintenance of public open space
  - Such other Obligations as the Solicitor to the Council and the Chief Planning Control Officer consider appropriate