



HEARING STATEMENT

Examination of the Babergh and Mid Suffolk Joint Local Plan

On behalf of:

Hopkins Homes and Hopkins & Moore (developments) Ltd

In respect of:

**Matter 9 – Allocated Sites for Housing and Other Development and Settlement Boundaries
Policy LA116 – Land East of Loraine Way, Sroughton**

Date:

August 2021

Document Reference:

GA/DJ/04019/S0005

1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of our clients Hopkins Homes Limited and Hopkins & Moore (Developments) Limited (the 'Hopkins Group') in respect of **Matter 9 – Allocated Sites for Housing and Other Development and Settlement Boundaries** of the Inspector's Matters and Questions for the Examination of the Babergh and Mid Suffolk Joint Local Plan (the 'JLP').
- 1.2 The Statement is intended to assist the Inspector's consideration of the soundness of the Plan with respect to **Policy LA116 – Land East of Loraine Way, Sproughton** and will form the basis of the discussion at the Examination Hearing session in November 2021.

2.0 QUESTIONS

Question 9.1 – Part 1

Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based?

- 2.1 The Hopkins Group considers that the decision to allocate Land East of Loraine Way, Sproughton (LA116) for residential development is sound. The site is sustainably located, adjoining the Core Village of Sproughton within the Ipswich Fringe, the Council's evidence base demonstrates that it is suitable for residential development and it is controlled by a housebuilder with a proven track-record of delivering high-quality housing in the District. The proposed allocation of the site is therefore consistent with national policy with respect to enabling sustainable development, it is positively prepared in that it would help to meet the area's housing needs, it represents an appropriate and therefore justified strategy as a location for development and it is clearly deliverable and therefore effective. It must therefore be considered sound against the tests set by NPPF paragraph 35.
- 2.2 We have reviewed the representations submitted to the Regulation 19 Consultation and do not consider that the matters raised by any of the third-parties alter the conclusion that the proposed allocation is sound. We respond to each of the matters raised below.

Consistency with appeal decision

- 2.3 Alongside their promotion of the site through the Local Plan, our client separately sought planning permission for the development of the site for 49 dwellings (Ref: DC/18/02010). This application was recommended for approval by officers at planning committee on 30th April 2020 (see Committee Report at **Appendix A**) but refused by members and was subject to 6-day public inquiry in November

2020 with a decision issued on the 22nd December 2020 (see appeal decision **Appendix B**). Whilst the appeal was dismissed, importantly, the inspector raised no in principle objection to the site becoming an allocated housing site. Indeed, it is quite clear from the decision letter that it was the detailed layout of the proposed development which led to her dismissal of the appeal. For example, at paragraph 58 she states that: *"the proposed layout of the housing is such that development would extend significantly across the width of the site to its eastern side, such that it would engulf the listed buildings effectively severing them from the wider agricultural setting"*. There is nothing in the appeal decision to suggest that the Inspector considered the site as a whole to be unsuitable for development, should an alternative design be brought forwards. The inspector also notes on several occasions that the site, as well as Sproughton itself, is in a sustainable location with good access to facilities.

- 2.4 In response to comments received to the Regulation 19 consultation that the previous appeal dismissal now renders the site undeliverable, we would highlight that the allocation of sites in the Local Plan is a separate process to the consideration of a planning appeal for specific development proposals. The Local Plan is supported by its own detailed evidence base and it is against this evidence that the policies should be judged.

Heritage Impacts

- 2.5 Historic England has raised an objection to the proposed allocation which we quote below in full:

"As with sites LA051, LA053, and LA075, and having reviewed the Council's Heritage Impact Assessment for LA116, we fundamentally object to the principle of allocating site LA116 for development.

The site is located within an area with a rich and varied historic environment, and in particular is within the settings of a number of listed buildings including the Grade II listed Tithe Barn, the Grade II listed Barn about 50 metres south west of Sproughton Hall, the Grade II listed Sproughton Hall, the Grade II listed Mill, and the Grade II listed Mill House, the Grade II listed 2 and 4 Lower Street, the Grade II listed Walnut Cottage, the Grade II listed Church of All Saints, and the Grade II listed 1 - 4 Church Close, Church Lane.*

As noted within the HIA many of the elements of the wider setting of Sproughton, including LA116, add to the significance of these listed buildings by illustrating its historical dependence on agriculture and allowing a continuity of experience with the past. Removal or erosion of the development site's agricultural character and the

contribution this makes to their settings will therefore impact on their collective significance.

Similar to other allocations discussed above, given the size and location of LA116 we consider that there is little that can be done to avoid harm if the site is developed because it is the principle of changing the use of the land from agricultural to developed that will cause harm, and that this cannot be overcome by design - any development here would fundamentally alter the setting of these heritage assets.

In addition, there is a requirement in the 1990 Act that "special regard" should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess. Although this requirement only relates to the determination of planning applications, failure to take account of this requirement at this stage may mean that, when a Planning Application is submitted, even though a site is allocated for development in the Local Plan, the need to pay special regard to the desirability of preserving a Listed Building or its setting may mean that either, the site cannot actually be developed or the anticipated quantum of development is undeliverable. As a relatively small site it is difficult to see how LA116 could adapt to the necessary mitigation measures, and this would seriously affect the suitability and achievability of this sites in terms of the Councils' supply.

Given that appropriate mitigation is not possible then we must conclude that this site is not effective and the harm that would result via setting change is not justified. On this basis we consider that the allocation of LA116 is not sound, and we strongly advise the Councils' delete this allocation."

- 2.6 It is clear from the above that Historic England have based their assessment of the site on the findings of the Council's Heritage Impact Assessment (Core Document: EE15) and not undertaken their own independent assessment of the site. It is therefore important to review what the HIA says about the allocation.
- 2.7 The HIA concludes at paragraph 15.122 that the overall effect of the allocation is medium-high. At Table 2.4, the HIA describes medium-high effects as:

"Asset is of high or medium significance and the magnitude of the change is likely to be of such a scale that the significance of the asset would be harmed but not substantially."

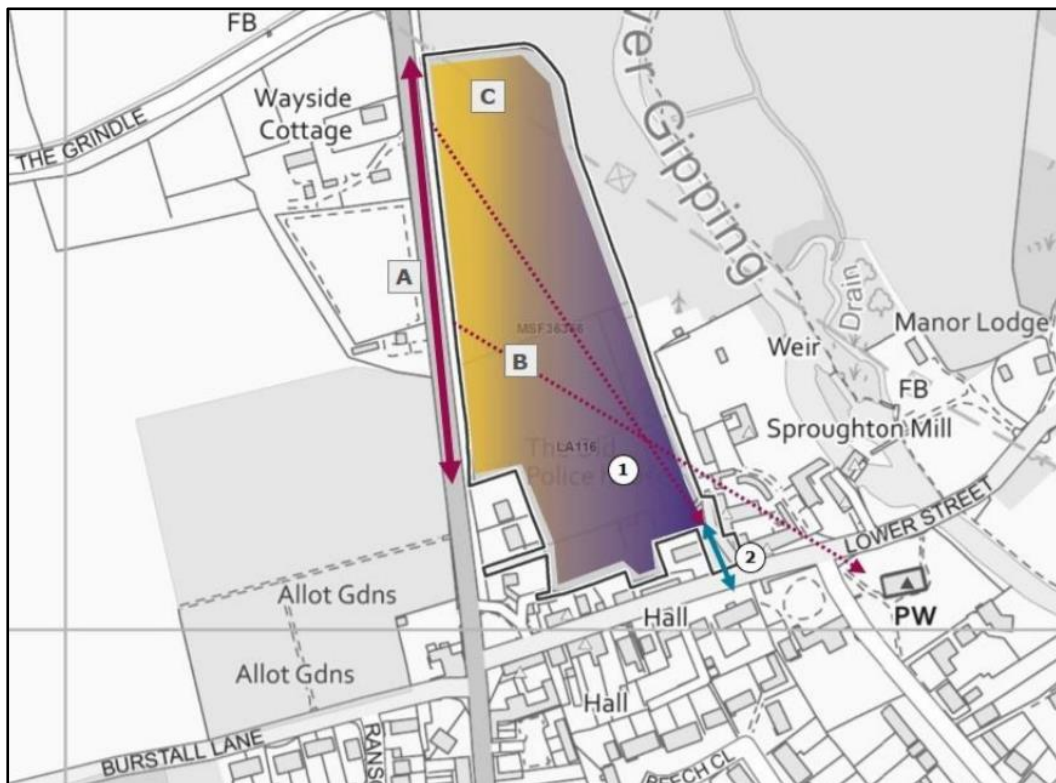
2.8 This conclusion of less than substantial harm is consistent with every assessment of the previous appeal proposals (including those of the Council’s expert witness and the Inspector – see **Appendix B**) that consistently found a level of less than substantial harm (albeit of varying levels). At no point do Historic England attempt to quantify the level of harm and it must therefore be assumed that they agree with the HIA’s assessment that it would be less than substantial.

2.9 NPPF paragraph 202 (formerly paragraph 196) instructs that less than substantial harm to heritage assets should be weighed against the public benefits of the proposal in determining planning applications. It is entirely possible for a decision maker to have “special regard” to the desirability of preserving Listed Buildings or their settings (in accordance with the statutory duty) whilst undertaking the paragraph 202 balance and finding that the benefits of a proposal outweigh the harm to heritage assets. Allocating a site where it would be necessary to undertake this balance at the decision making stage does not mean that the policy is not effective, but the Local Plan Inspector will need to be confident that an application could come forward in accordance with the allocation that passes the paragraph 202 balance. In this respect, we consider that Historic England has failed to consider the design options available to mitigate the level of harm to heritage assets and failed to consider the benefits of developing in such a sustainable location:

- **Failure to consider mitigation options:**

Historic England’s comments provide little justification for their conclusion that the identified harm cannot be mitigated – simply stating that the site is too small to offer any effective mitigation as the harm is caused by changing the land from agricultural to developed land. This is contrary to the conclusions of the Council’s HIA which sets out detailed options (see Figure 1 below) for sustainably developing the site to mitigate for heritage harm, including: concentrating development to the west of the site; retaining the open, undeveloped character of the south and east of the site, providing access from the west; and retaining sight lines through the site towards the Church.

The appeal scheme provided access from the west, and clearly it is possible to provide alternative mitigation to that proposed as part of the appeal proposal. It is important to note in this regard that the appeal application was recommended for approval by officers based on the evidence available at the time, but revised proposals would now need to take into account the HIA’s mitigation options which are very useful in setting out how a sustainable form of development could be delivered on the site. Such a scheme would also effectively respond to the appeal Inspector’s concerns regarding extension of built form across the eastern part of the site and the formal nature of a square area of open space that was proposed in the far south-eastern part of the site.



Historic Environment Considerations

1. The open, undeveloped character of the site is particularly important on the eastern side of the site, where the relationship between agricultural buildings (the two listed barns), the listed hall and their rural surroundings is still legible. The church tower is also visible, allowing it to act as a landmark building as intended and signalling the location of the religious and administrative core of the village.
2. Access to the site past the listed barns has the character of an open entrance and field gate/hedge with low visual prominence, appropriate to the entrance into an agricultural complex. The insertion of a vehicle and pedestrian access route into the development here would potentially introduce a modern splayed access, signage and so on immediately adjacent to the barns, potentially affecting both their settings and their physical condition.

Options for Sustainable Development

- A. Access to the site from Lorraine Way, away from the concentration of historic listed buildings within the village, would help minimise harm to the buildings through changes in their setting, which might otherwise affect their character and the legibility of the historic form of their spatial relationships.
- B. Sight lines towards the barns, hall and church tower incorporated into the development layout it would help the assets remain legible as a group, and for the church tower to remain a landmark feature.
- C. Concentrating development to the western half of the site would focus change where it is less likely to have a harmful effect on the settings of individual listing buildings, as well as minimising the cumulative impact of the development. Similarly, locating green, open space south and east of the site would help minimise harm by providing a green buffer that would help maintain the rural context for the group of listed buildings adjacent to this area.

Figure 1. HIA Options for sustainable development (Source: Figure 15.16 of HIA)

One potential design response to the HIA's mitigation options would be to remove all development from the south-eastern and eastern part of the site (as per the diagram above taken from the HIA) and for this area to be retained in its current use as paddocks. This would preserve the agricultural setting of the listed buildings which is the key concern mentioned by Historic England.

Removing dwellings from the south-eastern and eastern parts of the site would remove approximately 10-15 dwellings from the layout, but we consider some of these dwellings could be relocated across the site, including along the road frontage to the north-west. We therefore consider that a developable area based on the HIA options plan shown above could deliver approximately 40 dwellings whilst respecting the site's other constraints and retaining site lines through the site towards the church, thereby fully complying with the HIA's development options. As set out under Question 9.1 Part 2 below, we consider that amendments to the policy wording would be appropriate to ensure that the proposed allocation is delivered in accordance with the principles set out in the HIA.

- **Benefits of Development:**

Historic England's response naturally focusses on heritage harm, but in doing so it fails to consider the significant benefits of allocating residential development in this location. The site lies within the Ipswich Fringe, which is the highest tier on the settlement hierarchy. As such, it is the most sustainable location for growth with respect to access to key facilities and services. In the current housing and environmental crises, it is critical that new homes are delivered where there are good options for sustainable transport. The site is located within easy walking distance of facilities in Sproughton, is just 100m from a bus stop with good service to Ipswich and connects to the wider footway/cycle network to Ipswich, such that the Committee Report (**Appendix A**) for the appeal application acknowledged that the site is in an "*accessible location reducing the need to travel by private car compared to more remote areas of the district*". The sustainability of the site's location should not be underestimated, as allocating growth to the Ipswich Fringe represents a key part of the Local Plan's spatial strategy.

- 2.10 In conclusion, we consider that any harm to heritage assets resulting from the proposed development is capable of being mitigated to a low level of less than substantial harm, which in any event would be outweighed by the benefits of delivering housing in one of the most sustainable locations in the District.

Habitats Regulations Assessment

- 2.11 A third-party response made to the Regulation 19 consultation raises a concern that the site is not included in the Pre-Submission (Regulation 19) Habitats Regulations Assessment. This is clearly an oversight on the part of the Council and should be rectified as soon as possible, as the site lies within the 13km zone of influence of the Stour and Orwell Estuaries SPA and Ramsar site. In this respect, the Council undertook an Appropriate Assessment of the proposed development in the determination of the previous appeal application, which concluded that with appropriate mitigation in the form of a financial contribution to the Suffolk Coast RAMS, the application will not have an adverse effect on the integrity of the above sites. We therefore consider it unlikely that a plan level Appropriate Assessment would raise any issues with the proposed allocation, but this does not negate the need for an Appropriate Assessment to be undertaken.

Flood risk

- 2.12 In response to concerns raised to the Regulation 19 consultation regarding flood risk on the site, we can confirm that the appeal application was supported by a Flood Risk & Drainage Assessment which demonstrates that the majority of the site is located within Flood Zone 1 and at low risk of flooding from all sources, but that there is an area along the eastern edge of the northern half of the site that falls within Flood Zones 2 and 3A and that area was proposed as open space in the previous appeal application. The parties at the appeal agreed that the sequential test was met and that the exception test therefore did not apply. The residential development of areas in Flood Zone 1 is considered to be appropriate, due to the low risk of flooding.

Highways concerns

- 2.13 In response to highways concerns raised to the Regulation 19 consultation, we can confirm that the previous appeal application was accompanied by a Transport Assessment (TA) assessing the likely impact of vehicular traffic associated with the proposed development and the cumulative impacts of this development with other surrounding planning applications. The TA was reviewed by the Local Highways Authority during the course of the planning application and a series of highways improvements were identified to mitigate the potential for cumulative highway impacts from all these applications. The Highway Authority raised no objection to the appeal proposal subject to these contributions being secured through the S106 obligation.

Conclusion

- 2.14 In conclusion, having reviewed the third-party representations received to the Regulation 19 consultation, we do not consider that the matters raised alter the conclusion that the allocation is sound. There is nothing in the appeal decision to suggest that the Inspector considered the site to be

unsuitable for development should an alternative design be brought forwards. The Council's Heritage Impact Assessment (Core Document: EE15) demonstrates how the proposed development can be designed to mitigate harm to heritage assets that we consider would, in any event, be outweighed by the benefits of delivering housing in one of the most sustainable locations in the District. Further, we do not consider the concerns raised regarding Habitats Regulations Assessment, flood risk or highways to present any constraint to the sustainable delivery of the proposed allocation.

- 2.15 The site lies in a wholly sustainable location for new housing and it is controlled by a housebuilder with a proven track-record of delivering high-quality housing in the District. The proposed allocation of the site is therefore consistent with national policy with respect to enabling sustainable development, it is positively prepared in that it would help to meet the area's housing needs, it represents an appropriate and therefore justified strategy as a location for development and it is clearly deliverable and therefore effective. It must therefore be considered sound when judged against the tests set by NPPF paragraph 35.

Question 9.1 – Part 2

Are the criteria and requirements set out in the relevant policies justified and effective?

- 2.16 As set out above, we consider that a residential development could be brought forward on the site that is in full compliance with the advice contained in the Council's Heritage Impact Assessment, but that it would require a slight reduction in the number of homes considered to be deliverable from 50 to 40 dwellings. Such a scheme would also effectively respond to the previous appeal Inspector's concerns regarding extension of built form across the eastern part of the site and the formal nature of a square area of open space that was proposed in the far south-eastern part of the site, allowing both of these previously proposed elements to be omitted.
- 2.17 We note from the SoCG between Historic England and the Councils (March 2021) that for other proposed allocations, Historic England are requesting additional / strengthened policy wording to resolve heritage concerns. Given the detailed assessment contained in the HIA, we consider that this would be an appropriate way forward in this instance and therefore recommend that the policy is amended to refer to approximately 40 dwellings and to reflect the mitigation options set out in the HIA. This would secure the range of mitigation options proposed, which we consider would mitigate the level of harm to a low level of less than substantial.
- 2.18 In order that the mitigation options set out in the HIA are secured we consider that the policy wording should be updated as follows:

LA116 – Allocation: Land east of Lorraine Way, Sproughton
Site Size – 3.4ha

Approximately **540** dwellings (with associated infrastructure)

The development shall be expected to comply with the following;

I. The relevant policies set out in the Plan;

II. Development is designed to conserve and where appropriate enhance listed barn 50 meters south west of Sproughton Hall, Tithe Barn, Sproughton Hall, Walnut Cottage, Mill House, 2 & 4 Lower Street, 1-4 Church Close (all Grade II) and Church of All Saints (Grade II) and their settings. **Development will be expected to comply with the 'Options for Sustainable Development' of the site set out in the Joint Local Plan's Stage 2: Heritage Impact Assessments for Preferred Sites, as follows:***

- a. **Access to the site from Lorraine Way (B1113), away from the concentration of historic listed buildings within the village;***
- b. **Sight lines towards the barns, hall and church tower incorporated into the development layout;***
- c. **Development to be concentrated on the western half of the site and the retention of green open space to the south and east of the site that is designed to be appropriate for the setting of the listed buildings;***

~~*III. Access to the site should be taken from Lorraine Way (B1113);*~~

~~*IV. Incorporate sight lines towards the barns, hall and church tower into the development;*~~

...”

2.19 In addition to the above change, we note that several consultees have suggested changes to the policy wording. We are pleased to respond to these suggestions as follows:

- **Air quality:**

Ipswich Borough Council has suggested that "Sustainable transport mitigation, impacts on air quality, and a transport assessment should be explicitly referenced [in the policy] is in the case of other [Ipswich] fringe allocations". We have no objection to this suggested change to the policy wording.

- **Archaeology:** We note that Suffolk County Council has requested a wording change to require an archaeological assessment. We have no objection to standard wording being added to the policy to require that an archaeological assessment is submitted with the application.

- **Infrastructure contributions:** We note that Ipswich Borough Council has suggested that the policy should identify where financial contributions are required for services in Ipswich. Financial contributions will naturally be considered at planning application stage and where there is a requirement for services in Ipswich to be improved, we expect that Suffolk County Council and other service providers will request contributions via the CIL procedure. We do not consider that any changes to the policy are necessary in this regard.

Question 9.1 – Part 3

Is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?

- 2.20 There is clear evidence that the development of the allocation is viable and deliverable as it is controlled by housebuilder with a proven track record of delivery in the District. The site is considered to be viable for the proposed development (with the proposed reduction to 40 dwellings) and would be deliverable well within the timescales indicated in the Housing Trajectory at Appendix 01 of the Local Plan. The Housing Trajectory forecasts the delivery of 32 dwellings in 2025/26 and the remaining 18 dwellings in 2026/27. We consider this forecast to be a little pessimistic and can confirm that Hopkins Homes would expect the development to be built out during 2025/26. If the Local Plan is adopted in Winter 2021/22 as forecast, we would expect development to commence on site in early 2024 (allowing sufficient time for the determination of the planning application and subsequent pre-construction process) and for the development to be delivered as follows:

- **2024/25:** 4 dwellings
- **2025/26:** 36 dwellings

Question 9.2

Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?

- 2.21 The site is neither in nor within the setting of an AONB. In so far as this question is relevant to Land East of Loraine Way, Sroughton (LA116) it can be concluded that great weight has been given to conserving and enhancing the landscape and scenic beauty of AONBs by locating development away from them. The allocation is therefore in line with NPPF paragraphs 176-177 (formerly paragraph 172).

Question 9.3

Are any of the sites allocated for housing/other development within the AONB likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?

2.22 Not applicable to Land East of Loraine Way, Sproughton (LA116).

Question 9.4

Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?

2.23 Not applicable to Land East of Loraine Way, Sproughton (LA116).

Question 9.5

Is the “contributions to the satisfaction of the LPA, towardsxxxx” wording used in many of the LAXXX policies justified and effective? Would “contributions towardsxxxx, to ensure that the development is acceptable in planning terms” be more appropriate?

2.24 No, it is not justified as the LPA will not necessarily be the decision-maker. The alternative wording suggested would be more effective.

Question 9.2

Are the settlement boundaries as shown on the policies map justified and effective?

2.25 Yes, the proposed settlement boundary for Sproughton includes all land required to deliver the proposed allocation at Land East of Loraine Way, Sproughton (LA116). It is therefore considered to be justified and effective.

APPENDIX A. COMMITTEE REPORT

Committee Report

Item 6A

Reference: DC/18/02010 and DC/18/02412

Case Officer: Jo Hobbs

Ward: Sproughton & Pinewood.

Ward Member/s: Cllr Richard Hardacre. Cllr Zachary Norman.

RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application (duplicate applications of DC/18/02412 and DC/18/02010) - Residential development of 49 dwellings with new vehicular access from Bramford Road (B1113), associated parking, landscaping and open space.

Location

Land On The East Side Of, Bramford Road (known as Loraine Way), Sproughton, Suffolk

Expiry Date: 27/03/2020

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Hopkins Homes

Agent: Strutt & Parker

Parish: Sproughton

Site Area: 3.45

Density of Development:

Gross Density (Total Site): 14.2 dwellings per hectare (dph)

Net Density (Developed Site, excluding open space and SuDs): 20 dph

Details of Previous Committee / Resolutions and any member site visit:

A Member Site Visit was previously held in 2019, and also more recently on 19th February 2020.

Members resolved to refuse duplicate application DC/18/02010 at Babergh Planning Committee on 17th April 2010 for the following reason:

“The proposed development is considered to lead to a medium level of less than substantial harm to the setting of the Grade II listed buildings of Sproughton Hall, Root Barn and Tithe Barn and the Grade II* listed All Saints Church in Sproughton, which is not considered to respect the features that contribute positively to the setting of these listed buildings, conflicting with Babergh Local Plan (2006) policy CN06, and not respect the heritage characteristics of the village or historic views of heritage assets contrary to Babergh Core Strategy and Policies (2014) policies CS11 and CS15. Further to this, the public benefits of the scheme, namely the housing,

affordable housing, net gain for biodiversity on the site, are not considered to outweigh this harm, making the proposal contrary to paragraph 196 of the National Planning Policy Framework 2019.”

The Minutes to this committee can be found in Appendix 1 of this committee report.

The applicants also submitted a duplicate application shortly after 18/02/2010 was submitted. The development in both applications is identical. The applicants have revised plans to respond to flood risk and heritage issues. These matters are considered further in the report below.

As a matter of record, it is important for Members to appreciate the need for consistency in decision-taking and it must be noted, therefore, that Members had previously resolved to refuse planning permission. However, it is the opinion of your officers that the application has evolved and the development amended to such a material degree that a refreshed decision is required with Members approaching that decision with an open mind. This is especially the case bearing in mind that through the passage of time the Applicant has sought to make changes in order to overcome the deficiencies identified by Members previously.

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes DC/17/04502

Summary of advice: Whilst the site is valued for its undeveloped character and this contributes to the qualities of the Special Landscape Area and historic environment, advised development on the site could be possible with a sensitively designed scheme, but proposal for 76 dwellings required fundamental changes to address heritage and design issues and that without these changes Officers minded to recommend refusal.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy 2014:

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS12 Sustainable Design and Construction Standards
- CS13 Renewable / Low Carbon Energy
- CS14 Green Infrastructure
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes
- CS21 Infrastructure Provision

Saved Policies in the Babergh Local Plan (2006):

- HS31 Public Open Space (Sites of 1.5ha and above)
- CR04 Special Landscape Areas
- CR07 Landscaping Schemes
- CR08 Hedgerows
- CN01 Design Standards
- CN04 Design and Crime Prevention
- CN06 Listed Buildings – Alteration/Extension/Change of Use
- TP15 Parking Standards – New Development

Supplementary Planning Documents

- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)
- Supplementary Planning Guidance on Provision of Outdoor Recreation Facilities and Open Space 2010

Other material planning considerations

National Planning Policy Framework 2019

Emerging Joint Local Plan – Preferred Options (Regulation 18) Consultation (July 2019)

Suffolk County Council Adopted Parking Standards

Suffolk County Council Minerals Core Strategy 2008 – Policy 5

Suffolk County Council Emerging Minerals and Waste Local Plan (2018) – Policy MP10

Sproughton Action Plan 2010 (n.b. this does not form part of the development plan but is considered to be a material consideration)

Neighbourhood Plan Status

An area has been designated for Sproughton Neighbourhood Development Plan in April 2020.

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

Cllr Christopher Hudson (Suffolk County Council)

Comments on original scheme for 54 dwellings:

Many Sroughton residents have objected to the Hopkins Homes development, on the basis of:
Unsustainable traffic congestion.
Consequential pollution.
Unsustainable infrastructure demands
The relevant nature of the proposed new development.

For these reasons, may I raise them as relevant planning objections to the proposal as the local County Councillor.

Cllr Zac Norman

Comments on current scheme for 49 dwellings

Object: concern over current highway capacity and future with this proposed development; air pollution from traffic relating to existing and proposed development; adverse impact on river valley and Special Landscape Area; flood risk on the site; impact on wildlife corridors; adverse impact on education and healthcare infrastructure; poor bus services to village; development out of keeping with village setting; light pollution harmful to local amenity and Special Landscape Area; impact on listed buildings; creeping coalescence with Ipswich from all proposed development in village; precedent for further development in village; insufficient public benefits to weigh against the harms, not proposed in the emerging Joint Local Plan; coalescence with Bramford; and Housing Needs Survey commissioned by Sroughton Parish Council indicates housing need only 12-15 homes in village.

Sproughton Parish Council

Comments on original scheme for 54 dwellings:

1st response: Object: Concern over level of development proposed for Sproughton, impact on open countryside, landscape and creeping coalescence, traffic impact and in cumulation with other planned/emerging developments, setting, style and layout – development does not reflect this part of the village, impact on setting of heritage assets, flood risk and concern over surface water drainage strategy and foul water and sewerage disposal concerns.

2nd response: In response to the publication of the Babergh and Mid Suffolk Joint Annual Monitoring Report on 11 July 2018, SPC wishes to make further representations of objection.

Monitoring Report states that, as of 11th July 2018 Babergh has a 6.7 year Housing Land Supply based on figures derived from the Adopted Local Plan Core Strategy site allocations. NPPF requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development site is not allocated in the adopted local plan for development and as such it is outside the defined built up area of Sproughton and is in open countryside. The adopted Local Plan has sufficient Housing Land Supply to pass the 5 year test and is therefore considered up-to-date. The application cannot therefore be considered within the context of presumption in favour of sustainable development. The emerging Joint Local Plan is at a very early stage of preparation and there has been no consultation carried out in response to objections to housing allocations put forward in the draft plan. In reference to the NPPF, little, if no weight, can

therefore be given to the emerging Joint Local Plan in relation to presumption in favour of sustainable development. The granting of planning permission for this development would prejudice the outcome of the current Plan making process as it would set a precedent over other sites which also appear within the emerging Local Plan and lead to a windfall approach to site development approvals and severely and materially undermine the principle of plan led development. The proposal is premature, and Sproughton Parish Council objects to the proposal and recommends that the LPA refuse to grant planning permission.

3rd response: Still object to planning application. Unsustainable development in the wrong place, does not consider Special Landscape Area designation on site, adverse impact on open countryside and creeping coalescence with Bramford, undermines plan-led process, highway and traffic impacts, setting and layout of proposed development failing to take account of listed buildings, flooding and surface water disposal from site, sewage disposal when there are existing issues at the Old Police House, lack of infrastructure for health, education and travel in cumulation with other applications in area, impact on biodiversity and lack of information on deer and dormice in submitted surveys.

Sproughton Working Group Findings: impact on Special Landscape Area, loss of best and most versatile agricultural land and open countryside, development impacts on listed buildings, creates light pollution, leads to creeping coalescence, adverse cumulative impact including in relation to traffic, no public benefits, sewerage system frequently overflows, landscape impact, does not support rural community or services, impact on river valley, design, scale and layout not in keeping with village, on fringe of village, already 2300 dwellings planned for parish, no doctors or dentists or capacity in schools, loss of open space, visual impact and effect on character of neighbourhood, loss of views and residential amenity, cumulative effect on tranquil area and air pollution, allocated land being developed so question why greenfield land needs to be developed, loss of open character of meadows and soft transition from open countryside to village, urbanising effect, development would demonstrably harm the character and appearance of the area and amenities enjoyed by residents, 2,310 homes proposed for Sproughton through emerging local plan, suggest pro-rata growth across parishes, no provision for wildlife corridors, consider harms outweigh public benefit which does not justify harm to heritage assets.

Comments on current scheme for 49 dwellings:

Object: impact on listed and non-listed buildings and settings with rural landscape; adverse impact on Gipping valley and Special Landscape Area; access to A14 poor and adverse impact on B1113 from increased traffic; not a sustainable location due to poor access to A14; settlement coalescence with Bramford; wildlife impact; insufficient sewerage capacity; insufficient surface water strategy; flood risk on site and from proposed development; cumulative impact of development on area; loss of best and most versatile agricultural land; poor design; impact on listed buildings; light pollution; no public benefits, harms not outweighed by public benefits; does not support rural community or local services; impact on road network; insufficient education and healthcare infrastructure; 2,310 dwellings identified in 'Sites Submitted' document which is 55% of housing requirement for district and should be dispersed amongst parishes rather than concentrated in Sproughton.

A housing needs survey for Sproughton parish has also been submitted by the parish council. The key findings of this report were that from 38 households that responded, a housing need for 87 people was identified.

National Consultee

Historic England

Comments on both original scheme for 54 dwellings and current scheme for 49 dwellings:

Do not wish to offer comments.

Environment Agency

Comments on original scheme for 54 dwellings

No objection: provided local planning authority take account of flood risk.

Comments on scheme for 49 dwellings

No further comments to make. Site sequentially sited away from higher flood risk and built footprint in flood zone 1 with safe access and egress.

Natural England

Comments on original scheme for 54 dwellings:

Insufficient info to assess impact on Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, and Orwell Estuary Site of Special Scientific Interest (SSSI). Habitats Regulations Assessment (HRA) needed and contribution to Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

Comments on scheme for 49 dwellings

Further information required to determine the recreational disturbance impacts of this development, a Habitats Regulations Assessment (HRA) needs to be undertaken.

Officer response: Further correspondence with the Council's Ecologist has confirmed that a Stage 2 HRA is not required as the scheme is under 50 dwellings.

Highways England

No objections.

Anglian Water

No objection: Assets owned by Anglian Water on site, permission required before works commence. Available capacity for foul water drainage at Sproughton Church Lane Water Recycling Centre. Surface water strategy unacceptable, no evidence to show surface water hierarchy has been met. Before connection to the public water surface sewer is permitted, confirmation of intended manhole connection point and discharge rate required.

Suffolk Preservation Society

Comments on original scheme for 54 dwellings:

Previously raised concerns about the harmful impact of the development on the setting of designated heritage assets including Sproughton Hall, Tithe Barn, Root Barn and the All Saints Parish church.

We welcome the revisions to the layout which show a significantly increased area of open space between Sproughton Hall, Tithe Barn, Root Barn and the new dwellings which will mitigate the heritage impact. We also consider that the revised layout has addressed our previous concern over the loss of view across the site from Bramford Road towards the heritage assets including the tower of the Church of All Saints. The revised orientation of the access road into the development and the layout of the dwellings should now retain this important view.

With regards to the design we are pleased that previous units 15-18 have been removed from the scheme as we had serious concerns regarding their design, glazing and balconies. However we continue to urge that the wall and roof materials of the proposed dwellings are informed by the village character and house types seen throughout Sproughton.

NHS England

No objection: Two GP practices within a 2.5km radius, one of these surgeries has a main surgery that could be affected by proposed development. These practices do not have sufficient capacity for the

additional growth, therefore a contribution via Community Infrastructure Levy towards the capital funding to increase capacity will be sought for extension, refurbishment or reconfiguration at Hawthorn Drive Surgery and Pinewood Surgery (a branch of Derby Road Practice).

Cadent Gas and National Grid

No objection: Gas apparatus and overhead power lines within the application site boundary, the applicant will need to ensure works do not infringe on easements or wayleaves on site.

County Council Responses

Suffolk County Council (SCC) Highways

Comments on original scheme for 54 dwellings:

1st response: Plan to demonstrate visibility splays required.

2nd response: Cumulative impact of developments in surrounding area requires consideration. Junctions B1113/Burstall Road/Lower Street and A1071/Swan Hill/High Street roundabout at or over capacity.

3rd response: Cumulative impact to be considered. Potentially severe delays at Station Road/Norwich Road, Church Road/Ipswich Road, Loraine Way/Lower Street/Burstall Road. Junctions experience issues during AM or PM peak hours, with worse performing movements for right turning vehicles. With increased congestion vehicles likely to turn to other routes which are unsuitable for increase in traffic. Pedestrian safety could also be compromised where pedestrians are trying to cross roads between queueing cars so not visible to other drivers. Potential for increase queueing and delays for all users.

4th response: No objections subject to conditions. Information submitted with the application shows that required visibility splays can be met; the traffic generated by this development and cumulatively with other proposals in the area can be adequately mitigated against significant impacts; accident data has been reviewed and there are no patterns and no sections of highway where the layout or design has resulted in collisions in the last five years; pedestrian access provides connectivity to bus stops (within 100m of centre of site) and the wider footway network; catchment primary school 0.4 miles with a continuous footway link; high school is 3.7 miles with no continuous footway/cycle link. Conditions include provision of visibility splays, details of access, details of estate roads and footpaths, provision of carriageways and footways to binder course level prior to occupation, construction management plan, discharge of surface water, residents travel pack, manoeuvring and parking details and refuse/cycling bin presentation and storage details. A CIL contribution of £5,000 will be sought to make improvements to existing bus stops to make them wheelchair accessible kerbs. S106 contributions required to address cumulative impact of this and other proposals in area to include:

- B1113 - New zebra crossing north of Wild Man PH access - £15,050
- B1113/Burstall Lane/Lower Street Junction – Reduce kerb radii and install uncontrolled crossing points
- A1071/B1113 Beagle Roundabout – Widening of approach lanes to roundabout - £5,050
- Footway between Sproughton and Bramford – Cycle link on Loraine Way - £25,050

Comments on scheme for 49 dwellings

No further comments to those made above.

SCC Strategic Development

Comments on original scheme for 54 dwellings:

No objection subject to S106 contributions and CIL monies.

Comments on scheme for 49 dwellings

Previous responses set out position, aside from updated contributions required due to revised dwelling numbers: CIL monies required as follows: Primary school expansion at Sproughton CofE Primary School

- £182,556; Secondary school expansion - £181,904; Sixth Form expansion - £45,476; Libraries improvement - £10,584; Waste infrastructure - £5,390.

SCC Lead Local Flood Authority (LLFA)

No objections subject to conditions.

SCC Minerals and Waste

No objection: site falls within a mineral safeguarding zone and ask that an assessment of minerals resource is conducted, if materials found a strategy should be formed on how the resource is to be used that can then be conditioned as part of any permission. If material is economically viable prior extraction or use on site should be considered.

SCC Archaeological Service

Comments on original scheme for 54 dwellings:

No objection: An archaeological evaluation including geophysical and trial trenching now undertaken. Archaeological features include a ring ditch likely to relate to the remains of a prehistoric burial mound, as well as Anglo Saxon and medieval ditches. High potential for below-ground heritage assets of archaeological importance, and groundworks associated with the development will destroy archaeological remains which are known to survive in the development area. There are no grounds to consider refusal in order to achieve preservation in site of any important heritage assets. However in accordance with paragraph 199 of the NPPF any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage assets before it is damaged or destroyed.

Comments on scheme for 49 dwellings

No further comments, no objection subject to conditions.

SCC Fire Service

Comments on original scheme for 54 dwellings:

No objection: Fire hydrants to be secured through condition, consider installing fire sprinklers, and that access for fire-fighting appliances and water supplies are sufficient.

Suffolk Police

Suffolk Police (made on application 18/02412 on original plans for 64 dwellings, no further comments received on revised scheme): A number of concerns raised regarding potential for crime and anti-social behaviour relating to the open car ports, parking areas to rear of properties, rear footpaths and surveillance of footpaths, open space and permeability of the development to pedestrians. Recommend the principles of Secure by Design are followed.

Officer response: The scheme has been revised since these comments were made.

Internal Consultee Responses

Place Services: Ecology

Comments on original scheme for 54 dwellings:

1st response: Objection due to insufficient information on protected and priority species, contribution required to RAMS and HRA required to be undertaken by Local Planning Authority (LPA) to consider the likely impacts from recreational disturbance from this residential development required, including a potential 2.7km daily dog-walking route within local footpath network.

2nd response: No objection subject to conditions to secure visitor management measures and ecological mitigation and enhancements. The Extended Phase 1 Habitat Survey Feb 2018, Phase 2 Ecological

Surveys and Assessment Dec 2018, and Habitats Regulations Assessment Report Rev B Feb 2018 provides sufficient information to address previous concerns.

Comments on scheme for 49 dwellings

Further to receipt of updated ecology assessment (given the age of the previous assessment) for the site, no objection subject to conditions and financial contribution to secure recreation disturbance mitigation.

Place Services: Landscape

Comments on original scheme for 54 dwellings:

No objections: Proposed development would have an inevitable adverse impact on landscape character and visual amenity of Sproughton and the Gipping Valley Special Landscape Area. However, proposed design does identify landscape mitigation measures that will help reduce the impact both short and long term. Suggested conditions of detailed hard and soft landscaping scheme and landscape management plan.

Comments on scheme for 49 dwellings

No objection subject to conditions. Revised landscaping strategy and increased green open space welcomed, suggest low-medium shrub planting along eastern boundary to strengthen existing landscaping buffer. Review of proposed boundary treatment and surface treatment required through discharge of condition, sensitive use of boundary treatment will be required to avoid unnecessary fencing and reduce the use of different surface materials on small areas. Landscaping will be required to reduce visual impact of parking courts and long brick wall elevations which can be conditioned.

Babergh and Mid Suffolk District Councils (BMSDCs) Strategic Housing

Comments on original scheme for 54 dwellings:

Affordable dwellings - 19 required on site, including 15 affordable rent and 4 shared ownership. Note growing demand for smaller homes in market dwellings, and two to three bedroom bungalows, apartments and houses. Suggest a broader range of properties to include flats/apartments, terraced, semi-detached and detached houses, and where appropriate bungalows for older people wishing to downsize.

Comments on scheme for 49 dwellings

No objection: would prefer a higher proportion of two bedroom dwellings and 1 bedroom flats/apartments. Request for affordable housing mix of 13 affordable rent - 6 x 1b 2p apartment, 7 x 2b 4p house; and 4 shared ownership - 2 x 2b 4p terraced/semi-detached house and 2 x 3b 5p terraced house.

BMSDCs Heritage

Comments on original scheme for 54 dwellings:

Consider the Heritage Impact Assessment submitted with the application does not appropriately identify the setting for various listed buildings around the application site. In regard specifically to the proposed layout, three views across the development land towards the Church have been identified, and state that 'the retention of these views would help to preserve the context and extended setting of the church as a key landmark building identifying the historic core of the village from the north-west'. The Heritage Team is not convinced that in manufacturing specific views which are currently broadly available to those moving along Bramford Road, could it be argued that the 'extended setting' of the Church is preserved, nor is reducing the amount of open space around these heritage assets help to preserve the immediate setting of these buildings.

In conclusion therefore, whilst it is acknowledged that the development is less harmful to the significance of the various assets than it was previously, the Heritage Team considers the development would harm the settings of the Hall, the Root Barn, the Tithe Barn and the Church. The development is therefore contrary to the requirements of the P(LBCA)A1990, the NPPF and the policies within the Local Plan. In

terms of the NPPF the development would cause a *medium level of less than substantial harm* - and it is for these reasons the Heritage Team does not support the development.

Comments on current proposal for 49 dwellings

Do not support: proposals would lead to a medium level of less than substantial harm. Disagree with extent of settings of listed buildings as set out by the applicant. The settings of all the assets 'nest' and overlap, including the Church, no.s 1-4 Church Close, Sproughton Hall, the Tithe Barn, the Root Barn, the Corn Mill and Mill House. Their closely interlinked uses and the cultural identity that their uses generated through several centuries have resulted in a group of buildings that notably amplify the significance of the entire area around them. The development would harm the settings of the Hall, the Root Barn, the Tithe Barn and the Church.

Officer response: These issues are considered further in the report below.

BMSDCs Environmental Health: Noise/Odour/Light/Smoke

No objections: Subject to conditions to protect existing residents during construction phase.

BMSDCs Environmental Health: Contamination

No objection: Risk of contamination low, suggest condition on unexpected contamination.

BMSDCs Environmental Health: Air Quality

No objection: scale of development unlikely to compromise the existing air quality.

BMSDCs Environmental Health: Sustainability

Object: Further information required on how 10% reduction in carbon dioxide emissions from renewable energy achieved on site, along with sustainable construction methods. Condition sustainability and energy strategy if approved.

Officer response: The information requested could reasonably be provided through condition.

BMSDCs Arboricultural Officer

No objection: Subject to conditions set out in arboricultural report. Although a number of trees are proposed for removal they are of limited amenity value and/or poor condition. Request condition for detailed Arboricultural Method Statement and Tree Protection Plan.

BMSDCs Public Realm

Objection: Welcome considerable areas of open space within the development, but no details given on how this would be provided on site. Object on grounds of lack of evidence of any play provision.

Officer response: There is sufficient space for play space to be provided on site, which would be secured through a S106 agreement along with management arrangements.

B: Representations

At the time of writing this report at least 250 letters/emails/online comments have been received. A verbal update shall be provided as necessary.

DC/18/02010 - 251 Contributors – 250 Objections, 1 Neutral

DC/18/02412 - 265 Contributors - 264 Objections, 1 Neutral

Views are summarised below:-

Objections based on:

- Visual and historical importance to the village
- Blocking countryside views to current houses, loss of outlook
- In Special Landscape Area and National Character Area, landscape impact
- Inappropriate near grade II listed buildings and other historic properties, the proposal would have a severe impact on their rural and agricultural setting
- Out of character with the village and area (including solar panels)
- Further visual impact assessment required
- Inappropriate location for village amenities
- No public benefit (NPPF paragraph 196)
- Dilution of village life
- Poor design and unsympathetic to area (NPPF paragraph 127)
- New properties will cause overlooking / lack of privacy
- Estate footpath running alongside houses back gardens causing concerns about privacy and security/crime
- Increased risk of flooding, with proposed drainage system not accommodating for the proximity to the river / flood banks
- Wildlife and Ecological issues
- Loss of green spaces, particularly the historic village green
- Urbanising countryside / Inappropriate in a rural setting
- Environmental issues (light, noise and air pollution)
- Disruption caused by any future building works (noise, dirt and traffic issues)
- Health issues (car fumes)
- Mature trees on boundary of land
- Too close to river
- Loss of high-quality agricultural land
- Highways issues with increased traffic and fears of high-speed traffic
- Inadequate infrastructure in place
- Overdevelopment of the village and out of scale
- Compounding impact of other large development proposals in neighbouring villages
- In excess of local housing needs
- Development is too high density, there is already a large number of unoccupied properties in the area
- Development outside local plan and settlement boundary
- Conflict with neighbourhood plan
- Area not a key site for delivery of housing strategy
- Strain of village amenities, services and facilities with no additional support or facilities offered – specific concerns regarding healthcare and school facilities
- Strain on sewage system and inadequate system for surface water
- Lack of employment in the village
- Unaffordable houses
- Proposal does not promote sustainable development (economic, social and environmental)
- Development should be considered after Joint Local Plan adopted
- Concerns that development will set a precedent for further development
- Concerns development will create a shortage in parking spaces, particularly for the local shops and exacerbating pre-existing parking issues
- The proposal constitutes Ribbon development
- Against policy RLP2

- The proposed development would join Sproughton up with Ipswich and Bramford, which should be avoided at all costs or the village will lose its identity and become a suburb
- Investors taking advantage of small community
- Modern technology allows for better materials and conservation, water drainage, sewage treatment and energy efficiency which are not detailed in plans
- Will not enhance quality of life for existing residents
- The Council can now demonstrate a 5-year land supply, so this development is not needed
- Development plans and statements in scale and language which makes them unclear to public
- Development not considering compounding effect of other applications in areas
- Development will take away rural river walks and picturesque views
- Errors in the agent's provided impacts reports, especially in relation to heritage issues
- Habitats impact assessment provided does not give enough information on the impact the development would have on the surrounding area
- Inadequate information and detail
- Proposed mitigation measures are insufficient
- A bypass would be required before any further development in Sproughton
- Do not want mini-roundabout in village
- The small decrease in the proposed number of houses does not change the overall impact the development will have on the area
- The Wild Man pub is now closed, leaving the village without yet another facility
- Public transport is infrequent, and there are not adequate and safe public footpaths or cycle routes in the area
- Exploitation of the ever changing NPPF and governments desire to increase housebuilding projects
- The junction on Main Street is already dangerous, and would be more so with an increase in traffic causing gridlock
- Sproughton is a known Rat Run and cannot cope with any more additional traffic from this proposed development, especially at times when the Orwell Bridge is shut
- Housing developments on brownfield sites should be prioritised
- Impact on property value
- Light pollution
- Not sustainable development
- Inappropriate in a Conservation Area [Officer note: the site is not within or near a conservation area]

Neutral comment based on:

- No assessment on the impact of increased traffic
- Lack of details for access to the development
- Supports additional road infrastructure to support traffic
- Further environmental and archaeology assessment required

(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: DC/18/02010

Full Planning Application. Residential development of 49 dwellings with new

DECISION: Pending

vehicular access from Bramford Road (B1113), associated parking, landscaping and open space.

REF: DC/18/02412	Full Planning Application (duplicate application of DC/18/02010)- Residential development of 49 dwellings with new vehicular access from Bramford Road (B1113), associated parking, landscaping and open space.	DECISION: Pending
REF: B//92/01028	ERECTION OF A STABLE/FIELD SHELTER AS AMENDED BY REVISED DRAWING RECEIVED 02.11.92	DECISION: Granted 16.11.1992

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The application site is located to the east side of Loraine Way (referred to as Bramford Road by the applicants) in the village of Sproughton. Sproughton is defined as a 'Hinterland Village' in the Babergh District Core Strategy 2014. The village settlement boundary aligns with the southern boundary of the application site.
- 1.2 The site comprises Grade 3 agricultural land, forming a meadow surrounded by hedgerows and interspersed vegetation on all boundaries. Part of the site is visible from Loraine Way, with the southern part of the site bounded by development along Loraine Way, Lower Street and most notably listed buildings forming Sproughton Hall and barns (Grade II), outbuildings and the Tithe Barn (Grade II).
- 1.3 To the east is Sproughton Hall, and the River Gipping, which is located around 30m from the site boundary with the intervening land mostly planted woodland. Adjoining the site to the south east and south of the site are dwellings and buildings that either front onto or are accessed via Lower Street. This includes Root Barn, Tithe Barn and Sproughton Community Shop. There are a number of properties along the southern boundary of this application site, which front onto Lower Street with rear gardens adjoining the application site, including the listed Walnut Cottage (Grade II). To the south west of the application site are further residential dwellings that face onto Loraine Way, again with rear gardens adjacent to the application site. Further along the west boundary of the site is intermittent hedgerow and mature trees. Further to the south west of the application site is the junction of Loraine Way/B1113 and Lower Street and Burstall Lane. The Wild Man Public House is located at this junction, which is a Grade II listed building. To the north of the site are fields predominantly used for grazing, with the listed building of Runcton House (Grade II) in Bramford around 400m from the site boundary.
- 1.4 The site is not in, adjoining or within proximity of a Conservation Area, but there are the listed buildings noted above and the following within the vicinity of the application site;- Mill House, Mill, Lower House and The Stores, nos 2 & 4 on Lower Street (all Grade II), and the Church of All Saints (Grade II*) and nos 1-4 Close, Church Lane (Grade II). There are also other listed buildings located further away, including Sproughton Manor and Grindle House (both Grade II).

- 1.5 The site is not within a Special Area of Conservation, but is within the Risk Impact Zone for the Stour and Orwell Estuaries Site of Special Scientific Interest (SSSI) Special Protection Area and Ramsar site. The site is also within a Special Landscape Area relating to the River Gipping, and covers the entirety of the application site. With regard to protected trees, there is one protected sycamore tree to the south of the site and a group of tree subject to a TPO outside of the site but directly adjoining the east boundary of the site.
- 1.6 The site is located directly adjoining the Built-Up Area Boundaries for Sproughton, and there are footpaths adjacent to Loraine Way and Lower Street that connect into the wider footpath network within Sproughton and to Bramford. There are no public rights of way through the site, but there is a public footpath located on the east side of the River Gipping within the vicinity of the site.
- 1.7 The boundary of both Bramford Parish and Mid Suffolk District Council are located approximately 25m to the north of this application site, running east to west. The site is also partly located within the Mineral Consultation Area. The proposed development and access road are located entirely within Flood Zone 1, with part of the site proposed for open space being within Flood Zones 2 and 3a.

2. The Proposal

2.1. The application is a Full application for 49 dwellings comprising of:

- 49 dwellings including 17 affordable dwellings (35%) located towards the north of the site
- open space including play area, and enhanced landscaping in and around site
- single vehicular and pedestrian access via B1113
- pedestrian footpath provision to Loraine Way and Lower Street
- market housing including; 13 no. two bed, 11 no. three bed and 8 no. four bed
- affordable housing including; 6 no. 1 bed, 9 no. 2 bed and 2 no. 3 bed
- mix of single storey bungalows, apartments, flats over garages and two storey dwellings
- single storey dwellings are located adjacent to the existing dwellings adjoining the site along Lower Street and Loraine Way.
- parking spaces for each dwelling meeting the required number under Suffolk Parking Standards for both cars and cycles.
- across the 3.45 hectare site a gross density of 14 dwellings per hectare (net density of 20 dph)
- materials of red, buff and multi bricks, render and weatherboarding. Proposed rooftiles include red and black pantile along with black Eternit slate.

3. The Principle Of Development

3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.

3.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).

3.3 Babergh benefits from a five plus year land supply position as required by paragraph 73 of the NPPF. However, paragraph 213 of the NPPF identifies that the weight attributed to policies should be according

to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.

Policy CS2 Settlement Pattern Policy

3.4 Policy CS2 (Settlement Pattern Policy) designates Sproughton as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary and policy CS2 therefore applies.

3.5 Policy CS2 has previously been found to be consistent with national policy, forming part of the Core Strategy as a post-2012 NPPF development plan document. It provides a strategy for the distribution of development that is appropriate in recognising local circumstances and its overall strategy remains sound. However, in the absence of an allocations document and settlement boundaries review (which has been absent for several years but has in practice been overtaken by the preparation of the emerging Joint Local Plan) it should be afforded less than full weight. This is also the case because national policy continues to require that policies are tested for their consistency with the NPPF: the 'exceptional circumstances' threshold is not entirely consistent with the NPPF and this has been recognised repeatedly in appeal decisions following the most recent NPPF publication. The fact that the site is outside the settlement boundary is therefore not necessarily a determinative factor upon which the application turns.

3.6 The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.

3.7 A momentum in favour of securing development that satisfies the objectives of sustainable development, and the need for a balanced approach to decision making, are key threads to Policy CS1, CS11 and CS15 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework as it applies to the subject application. Policy CS18 is also a key consideration given the scale of development proposed.

Policy CS1 Presumption in Favour of Sustainable Development

3.9 Policy CS1 takes a positive approach to new development that seeks to secure development that improves the economic, social and environmental conditions in the Babergh district.

Policy CS11 Strategy for Development in Core and Hinterland Villages

3.10 As noted in the Core Strategy, delivery of housing to meet the District's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.

3.11 The site is an edge-of-settlement location where the criteria set out at Policy CS11 are engaged.

3.12 Policy CS11 states that development in hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:

- (a) Core villages criteria:

- i) the landscape, environmental and heritage characteristics of the village;
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - iii) site location and sequential approach to site selection;
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;
 - v) locally identified community needs; and
 - vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.
- (b) Additional hinterland village criteria:
- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;
 - ii) is adjacent or well related to the existing pattern of development for that settlement;
 - iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
 - iv) supports local services and/or creates or expands employment opportunities; and
 - v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.

3.13 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and is considered to be a material consideration when planning applications are determined.

3.14 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn. Policy CS15 criteria, which an application must score positively against, are addressed later in this report.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

3.15 The NPPF emphasises as a core principle the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3.16 Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district, and local plan policy CR04 seeks to maintain or enhance the special landscape qualities of the area and designed and sited so as to harmonise with the landscape setting. The Planning Practice Guidance advises that '*The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape*'.

3.17 Policy CS11 envisages that there will be some development in the countryside and it is axiomatic that the development of a greenfield site will result in an element of adverse impact; the key question is

whether the character impact of the development is reasonably contained or can be mitigated to an acceptable degree.

3.18 A Landscape Visual Impact Assessment has been submitted with the application. This identifies the impact to both landscape character and visual receptors to the development. The most significant impacts by year 15 after completion of development include:

- Permanent moderate adverse impact to land use
- Minor adverse impact to character of Sproughton, Rolling Valley Farmland and Valley Meadowlands character areas and the Gipping Valley Special Landscape Area (SLA)
- Moderate adverse impact to listed buildings in vicinity (considered further in Heritage section below)
- Moderate adverse impact to users of Public Rights of Way around site, including PRoW 22 – Gipping Valley River Walk
- Moderate/Minor adverse impact to motorists and pedestrians using Loraine Way
- Moderate adverse impact to residents of Loraine Way Road to west of site
- Major/Moderate adverse impact to residents of Lower Street to south of site (considered further in the Residential Amenity section to this report).

3.19 The scheme has also been designed to incorporate and enhance landscape features on the site. The sycamore tree subject to a Tree Protection Order to the south of the site is to be protected and retained, along with trees and hedges along the boundaries of the site. There are two lower category trees and landscape features, along with three portions of one hedgerow proposed to be removed on the site. Other than these all trees and hedges are to be retained, and provided works are carried out to the specification in the submitted arboricultural report there would be no adverse impact to trees retained on site. Additional trees and hedges are proposed to be planted on the site to strengthen existing landscape features. The Council's Arboricultural Officer raises no objections to the development.

3.20 The Council's landscape consultant also raises no objections to the scheme subject to conditions for further details on the soft and hard landscaping scheme.

3.21 The concern of coalescence between Sproughton and Bramford has been raised in letters of objection. The proposed development would represent a small incursion into the open landscape between Sproughton and Bramford, but it must also be noted that there are intervening landscape features such as trees and hedges that create a greater sense of separation between the two. In light of the small extent that the proposed development would extend into this landscape this is not considered to lead to a significant level of landscape harm.

3.22 The proposed development therefore is noted to have some landscape impact. The extent of this impact however would only lead to minor adverse impacts to the landscape character, but some moderate adverse impacts to visual receptors from surrounding public rights of way. The extent of these moderate adverse impacts has been considered, and also noted that they occur in a limited area in the context of the wider landscape. An appropriate landscaping scheme could be secured through condition to ensure a high standard of landscaping is provided, as required by local plan policy CR07, and it is not considered any hedges of amenity or landscape significance would be adversely affected by the small extent of removal proposed. The heritage and amenity impacts are considered further in the report. These impacts must be balanced against the benefits the scheme would deliver.

Impact on Heritage Assets

3.23 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the listed buildings Act") states: "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses" i.e. having special regard to the desirability of keeping designated assets from harm. Further to this local plan policy CN06 requires proposals for development within the setting of a listed building amongst other matters respect those features which contribute positively to the setting of a listed building, including space, views from and to the building and historic layout.

3.24 There are a number of listed buildings in the vicinity of the application site as noted above, but the heritage assets materially impacted by these proposals are considered to be Sproughton Hall, the Root Barn, the Tithe Barn and the Church of All Saints. Walnut Cottage has been considered, but the setting of this asset is not considered to be adversely affected by the proposed development, its significance being preserved. A Heritage Impact Assessment has been submitted with the applicant. On review of this assessment, the Council's Heritage Officer does not agree with the assessment of setting for many of the heritage assets, considering that the setting of some heritage assets incorporates more than just their physical location but also the functional relationship of buildings such as the Tithe Barn with the Church and Sproughton Hall. In conclusion the Council's Heritage Officer considers that there would be a medium level of less than substantial harm to the key heritage assets noted above due to the incursion of development into the previously undeveloped setting of these listed buildings, even with the revision of the scheme from 54 to 49 dwellings. Officers endorse this view. This harm, which warrants the attachment of considerable importance in line with the statutory duty referred to above, must be balanced against the public benefits of the scheme, as required under paragraph 196 of the NPPF. This is considered further in the Conclusion to this report. Within that balance great weight must be attached to the asset's conservation (and naturally considerable importance attached to any harm identified) in accordance with paragraph 193 of the NPPF, which is consistent with the aforementioned statutory duty. It is therefore said that where harm is identified there is an inherent presumption against planning permission being granted. It is possible to approve a development that is harmful to heritage assets but the benefits must be suitably compelling; this is a matter of judgement.

3.25 The site lies in an area of archaeological potential and the County Archaeologist requests an archaeological investigation condition should planning permission be granted. An archaeological evaluation including geophysical and trial trenching has already been undertaken. Archaeological features include a ring ditch likely to relate to the remains of a prehistoric burial mound, as well as Anglo Saxon and medieval ditches. There is considered to be high potential for below-ground heritage assets of archaeological importance, and groundworks associated with the development will destroy archaeological remains which are known to survive in the development area. However there are no grounds to consider refusal in order to achieve preservation in site of any important heritage assets. A condition is therefore recommended to record and advance understanding of the significance of any heritage assets before it is damaged or destroyed, to be in accordance with paragraph 199 of the NPPF.

The locational context of the village and the proposed development

3.26 Paragraph 10 of the SPD states proposals should be well related to the existing settlement and that the starting point for assessing this is whether or not the site adjoins the village settlement boundary. The SPD states a judgement will need to be made and issues to be taken account include:

- Whether the proposal would constitute ribbon development on the edge of the village
- How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
- The scale, character and density of the proposal in relation to the existing adjoining development.
- Whether the proposal constitutes a logical extension of the built-up area of the village. Whether the proposal is self-contained and has logical, natural boundaries.

3.27 The site is very well related to the Sproughton settlement boundary, in part directly adjoining it and in other locations situated within very close proximity to it. The proposal would not constitute ribbon development given the proposed layout and depth of the site. The site is very well connected to the village in a visual sense, with residential development to the south of the site. The proposed scale and layout of development is not at odds with the form of neighbouring development along Lower Street and Loraine Way.

3.28 The site is in proximity to local village amenities including a community shop, primary school, public house and community facilities at the Tithe Barn. The proposed pedestrian access provides connectivity to bus stops (within 100m of centre of site) and the wider footway network. The catchment primary school is 0.4 miles from the site with a continuous footway link and secondary school 3.7 miles with no continuous footway/cycle link. It is accepted that trips beyond the village will be required for employment opportunities and supermarket shopping, to nearby locations such as Ipswich. Whilst it is accepted that the village is not well supported in terms of regular bus links, the village is in close proximity to Ipswich enabling people to cycle between Sproughton and Ipswich.

3.29 On balance it is concluded that the site has a functional relationship with the village and is in a sustainable location in respect of its access to local services and facilities.

Site location and sequential approach to site selection

3.30 The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the Sproughton settlement boundary which would enable a development of a scale or nature commensurate with that proposed. There is a large amount of brownfield land in Sproughton at the former Sugar Beet site, but this is allocated for employment uses and has recently been the subject of various planning permissions pursuant to that allocation and which remain extant or have already been implemented. There are no other brownfield sites being promoted for development within or around Sproughton of this scale. Case law, namely *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin), has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier. As a site abutting the settlement boundary, and bearing in mind its functional relationship with it, this criterion is satisfied.

Locally identified need - housing and employment, and specific local needs such as affordable housing

3.31 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of an individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area. Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District. Policy CS19 also seeks to secure 35% affordable dwellings.

3.32 Paragraph 14 of the SPD states that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal.

3.33 The application is not supported by a full housing needs assessment, but does submit some evidence of surveys on local housing need, and meets the requirement of 35% affordable housing provided on site.

3.34 The Planning Statement submitted with the application identifies Sproughton Village Plan identified the following:

“...that there is a trend towards an older population with nearly 50% of the residents in the 25-59 year old age group. Some 22% have lived in the village for 6-15 years, 21% for 16-25 years and 23% for 25-50 years. Some 5% have lived in the village for their whole life.”

3.35 In addition to this the applicants sought views of the residents of Sproughton at their public exhibition on 20th September 2017 regarding what type of housing did people feel was needed in Sproughton. The responses were as follows:

Starter homes for young first-time buyers – 15 people agreed
Affordable Housing – 13 people agreed
5-bedroom houses – 1 person agreed
4-bedroom houses – 7 people agreed
3-bedroom houses – 12 people agreed
2-bedroom houses – 11 people agreed
1-bedroom houses – 5 people agreed
Bungalows – 14 people agreed

3.36 The mix of house sizes proposed under this application are:

Market housing including;
13 no. two bed (41%)
11 no. three bed (34%)
8 no. four bed (25%)
Affordable housing including;
6 no. 1 bed (35%)
9 no. 2 bed (53%)
2 no. 3 bed (12%)

3.37 Council's Strategic Housing Officer has identified the Strategic Housing Market Assessment specifies demand for new open market dwellings as follows:

Bed No's	Babergh DC
1	12%
2	36%
3	30%
4	22%

3.38 The Council's Suffolk wide Housing Needs Survey showed there was a need for small homes across all tenures, both for younger people who may be newly formed households but also for older people who are already own property but may wish to downsize. The Council's Housing Officer requests that a range of 2, 3 and 4 bedroom properties to include flats/apartments, terraced, semi-detached and detached houses, and bungalows where suitable.

3.39 The proposed market housing mix contains a significant number of 2 and 3 bedroom dwellings along with bungalows which is reflected in the information gathered at the above public consultation event. A range of properties including flats, terraced, semi-detached and detached houses and bungalows are also proposed on the site. Further to this the proposed affordable housing mix is in line with the required mix from the Council's Housing Officer. Some minor changes were made to the layout to address comments made by the Housing Officer, with an increase in the size of one of the shared ownership units and ensuring the affordable units were in more than one location on the site.

3.40 The identification of local housing need for the purpose of policy CS11 could be stronger with a full local housing needs assessment. However, on balance some evidence is submitted to allow an

assessment to be made against policy CS11. On balance it is considered that the proposed development would go some way to meet local housing need in relation to private market housing, and meet the requirements of affordable housing need.

3.41 Sproughton Parish Council have submitted a Housing Survey Report for Sproughton. The report produced by Community Action Suffolk aimed to understand the existing and future housing needs for Sproughton residents, including family members and other members of households (not necessarily living in Sproughton). A survey was sent to residents of Sproughton, and the key findings were that respondents favoured homes for older people, small family homes and homes for couples. In total, a response from 38 households identified a need for 87 people in Sproughton.

3.42 This housing survey identified the needs of residents in Sproughton. However, for the purposes of policy CS11, the policy approach set out in the Core Strategy relies on the concept that villages do not exist in isolation but part of wider functional clusters of villages. A local housing needs assessment for the purposes of policy CS11 requires that wider consideration of housing needs than just the parish level. Therefore the findings on the Housing Survey Report for Sproughton are noted, but the limitations of the report must be noted and conflict with this part of policy CS11 and in this respect it is not considered the application could be refused on the basis of this identified housing need.

Locally Identified Community Needs

3.43 The SPD states that proposals should be accompanied by a statement that assesses the community needs of the village and how they have been taken into account in the proposal. The application is not supported by a community needs assessment.

3.44 However, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure. The proposal would deliver benefits through CIL that are considered to satisfy this element of Policy CS11.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

3.45 There is no evidence before officers, with the exception of highway impact addressed further below, to suggest the scheme will result in an unacceptable cumulative impact on the area in the context of social, physical or environmental impacts. There are no concerns raised by infrastructure providers and therefore the scheme does not result in an adverse cumulative impact on the area.

3.46 Any additional infrastructure requirements are a consequence of the development, they are not adverse social, physical or environmental impacts. Subject to mitigation where required, there are no grounds to reject the proposal because of any unacceptable adverse impact on local services and infrastructure. The proposal complies with this element of Policy CS11.

Development scale, layout and character

3.47 Local plan policies CN01 on design and CN04 on designing out crime are also key considerations. The character and layout of the proposed development is focused on the green space surrounding the development. The development seeks to provide a mix of dwellings and the entrance to the site has been well thought out, with a key feature of the site ensuring views are retained through to the Root Barn, Tithe Barn and All Saints Church. Development faces onto Loraine Way adjacent to the existing dwellings along Loraine Way. Development would back onto Loraine Way to the north of the proposed access into this development, but given the existing mature vegetation and trees it is considered an appropriate layout as retention of this vegetation is important in landscape terms. The scale of development has been

carefully considered, with a good proportion of bungalows incorporated, picking up on the nearby scale of development.

3.48 It is noted that plots 25-30 would lead to a larger building than others on the site. This has been considered for its acceptability. When viewing its location within the site and with surrounding vegetation, the building would be on the corner of the development. Given that this building would face onto an open space it is not considered to be overly-dominant within the wider scheme.

3.49 Detail on materials has been provided, and indicate materials of the local Suffolk vernacular. A condition is recommended to agree final materials, notwithstanding the details submitted, to ensure appropriate use of materials. A condition is also requested by the Council's Landscape Consultant to confirm hard landscaping details as there is some discrepancy between submitted plans.

3.50 The open space proposed on site would provide a sufficient level of open space as required by local plan policy HS31 Public Open Space and a play area, which would be secured through a Section 106 agreement.

Settlement context

3.51 As noted above, the site is well related to the village in visual and physical terms, consistent with this criterion.

Meets local need identified in neighbourhood plan

3.52 An area has been designated for Sproughton Neighbourhood Plan but this has not reached the stage of a draft neighbourhood plan at present.

Supports local services and/or creates employment opportunities

3.53 The development of 49 dwellings would create short term employment opportunities. The future residents of these dwellings would also support local services in the village (and naturally, consistent with the NPPF and the Functional Cluster model within the Core Strategy, support services and facilitates within settlements nearby).

Delivery of permitted schemes

3.54 There is no evidence before the Council that the proposal would compromise the delivery of other permitted schemes in the village.

Policy CS15 Sustainable Development

3.55 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criterion set out at CS15 have already been considered in this report, those that have not are considered further below.

3.56 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected in highway connectivity terms. As acknowledged above, the proposal will generate vehicle trips for travel to employment and other services such as food shopping not provided in the village. This said, as noted above, the village has many of the day to day services expected in a hinterland village of this size. Employment opportunities are available in nearby Ipswich.

3.57 Policy CS15 sets out criteria relating to economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living, along with Policy CS14 on green infrastructure. Further to this paragraph 78 of the NPPF identifies that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and paragraph 79 seeks to avoid the development of isolated homes in the countryside. The proposal respond favourably to these matters.

3.58 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raise no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.

4. Site Access, Parking And Highway Safety Considerations

4.1. Paragraph 109 of the NPPF states that development may be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development has been considered in terms of impact on the wider road network through the Transport Assessment submitted with the application. The site access via Loraine Way and impact on the wider road network have been considered to road capacity and highway safety. Paragraph 111 of the NPPF also seeks Travel Plans for development that generate significant amounts of movements.

Impact on wider network

4.2 The Transport Assessment submitted with the planning application assessed the likely impact of vehicular traffic associated with the proposed development. Traffic modelling was undertaken to consider the impact of this development and trip generation on key local junctions using recent traffic survey data. Both the individual and cumulative impacts of this development with other surrounding planning applications has been considered. These applications included the following applications and sites:

- 18/00233 land east of Loraine Way, Bramford (195 dwellings and pre-school)
- 19/00567 land north of Burstall Lane, Sproughton (114 dwellings, community use)
- B/15/00993 at land north and south of Poplar Lane, Sproughton (620 dwellings, employment and commercial uses and other associated infrastructure)
- 19/01401 - land south of Fitzgerald Road, Bramford (115 dwellings)

4.3 The Highway Authority carried out analysis of the applications Transport Assessments/Statements for the above planning applications. This identified the potential for cumulative highway impacts from all potential development sites coming forward, in particular there are significant/potentially severe delays at key junctions of Loraine Way/Lower Street/Burstall Road in Sproughton. Subsequent discussions were held with the developers of the above sites to consider how the identified cumulative highway impacts could be mitigated.

4.4 A series of improvements have been identified by the Highway Authority for all of the above schemes to contribute proportionally to, to address the cumulative highway impacts. These will be secured via Section 106 contributions from each developer. These include:

- A1071/B1113 Beagle Roundabout – junction improvements to widen approach lanes to roundabout
- New zebra crossing on B1113 to the north of Wild Man Public House
- B1113/Burstall Lane – reduce kerb radii and install uncontrolled pedestrian crossing
- New cycle link between Sproughton and Bramford – cycle link on Loraine Way/footway improvements

4.5 The above improvements require all developments to come forward to enable the full cost of the works to be secured. It has been considered what would happen if one scheme were to stall or to not come forward. In this instance some improvements could still be carried out for example on the Beagle Roundabout. In this instance the roundabout widening could be delivered by the first development, and signals/widening delivered by later sites. If insufficient funds were secured to deliver the zebra crossing or uncontrolled pedestrian crossing on the B1113, the funds that have been collected from commenced developments would be put towards delivering the new cycle link between Sproughton and Bramford. This is considered to adequately mitigate the highway impact for this proposed scheme.

4.6 Members may also wish to note within the vicinity of this application site the following improvements would be secured if the following planning applications were granted permission and constructed. Planning application 19/00567 at land north of Burstall Lane, Sproughton would provide a new priority junction with right hand turning land on the B1113 at the proposed access to site if it were approved. This would be required to mitigate the direct impacts of the development of that application, and so it is not reasonable to require this application currently being considered by Members to contribute to these.

4.7 Through the work to consider the cumulative impact of proposed development in the vicinity of this application site, two application sites in Barham and Claydon were also considered. These were 18/00861 for 73 dwellings on land at Ely Road in Barham and Claydon, and land east of Norwich Road in Barham for 269 dwellings. These were considered but there was not considered to be a cumulative impact with this application site currently being considered by Members as they are too geographically detached, most notably by the A14, for traffic from those developments to impact roads and junctions around this application site.

4.8 Whilst the applicant identifies their scheme would only have a minimal impact, they do have an impact in conjunction with existing road capacity and proposed developments in the area. It is therefore considered reasonable to secure the above mitigation measures. With these two junctions and the identified mitigation measures the highway impact would only be approaching capacity and not a severe adverse highway impact, as is the test under paragraph 109 of the NPPF.

4.9 Highways England have been consulted and raised no objection in terms of the impact on the trunk road A14 and its junctions in the vicinity of the application site.

On site access and other highways matters

4.10 The application seeks detailed consent for the access point on Loraine Way. The proposed junctions has been designed to an acceptable level with appropriate visibility splays which are to be secured through planning condition. Accident data has been reviewed and there are no patterns and no sections of highway where the layout or design has resulted in collisions in the last five years.

4.11 Saved Policy TP15 of the Local Plan seeks to ensure parking provision for new development complies with the Suffolk Parking Standards. This development plan policy is given full weight as it is considered to align with paragraphs 105 and 106 of the NPPF in providing minimum parking space standards unless compelling reasons justify otherwise. The site layout plan shows parking and garage spaces can be provided for each dwelling. The number of parking spaces within the development, meets the minimum requirements. There are 4 visitor car parking spaces identified out of a suggested 12 under the above parking standards, but it is considered that there is sufficient space on site for visitor parking. The Highway Authority have raised no objection to the parking proposed, subject to a condition to secure parking (including electric vehicle charging points). The development complies with local plan policy TP15.

4.12 Sufficient cycle parking for two cycles per dwelling plus visitor cycle parking could be provided within garages of houses/bungalows or through covered and secure storage units in rear gardens of flats. Also refuse bins could be stored in rear gardens, with refuse storage and collection areas being agreed through condition.

4.13 The Highway Authority have raised no objections subject to the mitigation measures and details to be secured through the S106 and proposed conditions below. Also CIL monies totalling £5,000 will be sought to improve bus stops to make them more accessible for wheelchairs/pushchairs and install bus shelters. With the proposed mitigation through S106 agreement and conditions, the development is considered to meet the requirements of both paragraphs 109 and 111 of the NPPF and policy T15 of the local plan ensuring there is not a severe impact on the road network, provision of safe access and egress from the site, the safe and free flow of traffic and pedestrian safety, suitable capacity in the road network, adequate parking and turning for cars and service vehicles and pedestrian and cycle links.

5. Ecology, Biodiversity And Protected Species

5.1 Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity. These requirements are considered to be supported by the relevant paragraphs in the NPPF, including 170 on minimising impacts on and providing net gains for biodiversity, 175 which seeks to avoid, mitigate, or compensate for adverse impacts or lastly refusing harmful development, and looking for opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Therefore the above development policies are considered to carry full weight. Also Regulation 9(3) of the *Conservation of Habitats and Species Regulations 2017* requires all 'competent authorities' (public bodies) to have regard to the requirements of the Directive. For a Local Planning Authority to comply with regulation 9(3) it must engage with the provisions of the Habitats Directive.

5.2 An initial Phase 2 Ecology Survey and Assessment was submitted with the application. The report was been reviewed by Council's Ecology Consultant who agreed with the report's findings relating to bats, nesting birds, reptiles, hedgehogs and potential invertebrates such as Stag Beetles that could use the site. A number of enhancement measures were identified including native planting on site with species known to benefit bats, provision of bat bricks/boxes, bird nesting boxes, maintenance of reptile friendly habitats, hibernacula/log piles and bug boxes. The biodiversity enhancement measures recommended in the ecology report could be secured by planning condition and will result in a net gain for biodiversity on the site. The recent reconsultation on the application identified that the ecology reports are now out-of-date and require updating. At the time of writing the committee report the applicants were addressing this point, and an update will be given to Members at the committee meeting on this matter.

5.3 The site lies within 13km of the Stour and Orwell Estuaries SPA and Ramsar site which could lead to likely significant effects to this protected site. However as the proposal is now for under 50 dwellings a Stage 2 Habitats Regulations Assessment is not required, but a proportional financial contribution would be required to provide mitigation to protect this site from additional recreational disturbance. With this contribution it can be concluded that this application will not have an adverse effect on the integrity of the above sites from recreational disturbance. The requirements of the Conservation of Habitats and Species Regulations 2017 are therefore considered able to be met.

6. Flooding and Surface Water

6.1 Criteria xi and xii of saved Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. Paragraph 150 of the NPPF seeks to avoid increasing vulnerability to impacts of climate change, with development needing to demonstrate it does not increase

flood risk elsewhere. Paragraph 170 of the NPPF also seeks to ensure new development does not contribute to water pollution, and as this site is over a Principal Aquifer and in a Nitrate Vulnerable Zone so the water quality of surface water run-off is a key issue.

6.2 The application is accompanied by a flood risk assessment (FRA). The site is predominantly in Flood Zone 1, with all built form within this lower risk flood zone. A section of the open space and path through this space is in Flood Zones 2, 3a and 3b when taking climate change into account. The sequential test is therefore triggered under paragraph 155 and 157 of the NPPF as part of the site is in this higher risk flood zone. This test seeks to identify whether development could be sited in a lower risk flood zone.

6.3 As no development aside from a footpath is proposed in these higher risk flood zones however, a pragmatic approach is suggested towards the sequential test. The risk of flooding towards people and property is low as the open space would be the area of the site that would flood. Therefore whilst the sequential test is triggered, officers place less weight on this conflict with the material consideration of the NPPF as there would not be a risk of flooding to the proposed development on site and residential occupants, and there is not considered to be an increased risk of flooding elsewhere as a result of the development (subject to suitable mitigation).

6.4 The Environment Agency (EA) have been consulted on the application, and whilst they offer no objection they have advised the council must take account of flood risk. The EA also note in their subsequent response that the site is sequentially sited away from higher flood risk, and the built footprint is in Flood Zone 1 with safe access and egress.

6.5 Core Strategy policy CS15 seeks to minimise the exposure of people and property to the risks of flooding by taking a sequential risk-based approach. As detailed above, the proposals would not increase the risk of flooding to people and property as no built form is proposed outside of flood zone 1. The proposal therefore does not conflict with policy CS15 in this regard, but the conflict with paragraph 157 of the NPPF is noted. However, and even if at a strict interpretation policy CS15 is also breached, as the proposed development would only site part of the open space within the higher risk flood zones, and would not lead to an increase risk of flooding to people or property, it is not considered refusing the development on this ground would be reasonable or a reason that would successfully withstand appeal.

6.6 With regard to surface water, disposal via infiltration is considered feasible, with the site capable of managing storm water in the 1-in-100 year flood event (with 40% climate change allowance) and appropriate pollution control mechanisms provided.

6.7 Anglian Water have indicated they have capacity for wastewater treatment but a drainage strategy is requested via condition to ensure there is appropriate foul sewerage network capacity.

6.8 The application is therefore considered to be acceptable in relation to matters of flooding and drainage.

7. Impact On Residential Amenity

7.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.

7.2 The majority of proposed dwellings are set well back from the existing neighbouring residents, although it should be noted that plots 9 and 10 are the closest to neighbouring dwellings on Lower Street. The orientation of the dwellings should also be taken into account, with dwellings on Lower Street to the south of the development site which would limit the loss of daylight and direct sunlight from the proposed

development. The distance from the rear of the proposed dwelling to the neighbouring property is around 20m. The proposed garage would be at around 10m from the neighbouring property. The corner of proposed plot 7 would also be around 10m from the boundary of the dwelling in the former Police House on Loraine Way. Whilst these distances are close, the proposed dwellings in plots 4 to 10 are single storey. Therefore the level of outlook, daylight and direct sunlight would not be sufficiently adversely affected to merit refusal of the application on this basis.

7.3 The proposed public footpath adjacent to the Cardinalls and Forge House linking the south west of the application site to Loraine Way has been considered in terms of residential amenity. Both properties currently have ground floor windows facing the piece of land that is proposed to become the footpath. The area is currently covered by vegetation, with a fence on one side. The proposals indicate a 1.8m fence to run either side of this footpath. The loss of outlook and disturbance from this area becoming publicly accessible has been considered. Whilst it is regrettable that there would be some loss of amenity for these residents, the benefits of providing this link to facilities such as the nearest bus stop have been balanced against this harm. In this instance it is considered that the loss of amenity for these residents is not sufficient enough to merit refusal of the scheme on this basis.

7.4 The wider impact of introducing development to the rear of resident's properties where they have previously not had such a use has been considered. The development would lead to some loss of amenity from noise associated with residential dwellings and loss of privacy from the two storey dwellings located further within the site. Both of these however are considered to be to a minimal degree due to the design and layout of the scheme, and not sufficient reason for refusal.

7.5 Concerns have also been raised over air quality for residents from the additional traffic associated with this development. Environmental Health have considered the application but do not raised an objection based on air quality.

7.6 The amenity of future residents of the site has also been considered. There is sufficient space between dwellings and appropriate orientation of dwellings to ensure an adequate level of amenity in relation to outlook, privacy, daylight and sunlight will be achieved for future residents. Each dwelling has access to private amenity space and a large area of public amenity space. The proposed flats have a small outdoor private amenity space but each flat has a covered balcony area that can be used for private amenity. The amenity for future residents is therefore considered to be acceptable and in line with paragraph 127 of the NPPF.

8. Delivery

8.1 The NPPF makes clear in paragraph 59 that it is the Government's intention to significantly boost the supply of housing and in support of that objective it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF also states that in order to help ensure proposals for housing developments are implemented in a timely manner, a shorter time limit can be considered, provided it does not affect its deliverability or viability.

8.2 The deliverability of a development is an important factor in an assessment as to its sustainability (in terms of its benefits) and in terms of its contribution to the supply of housing in the District; considered to be more compelling in the event that there is a demonstrable shortfall in housing supply.

8.3 The NPPF defines deliverable:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.”

and:

“Sites with outline planning permission... should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

8.4 The PPG gives further guidance on those considerations under the chapter heading, ‘*Housing and economic land availability assessment*’ and including three, important concepts: suitability, availability, and achievability. Whilst primarily aimed at aiding the plan-making process, the principles are no less useful when considering the deliverability of this development. The PPG also identifies information relating to site viability, ownership constraints or infrastructure provision, and a statement of common ground between the local planning authority and the developer confirming the anticipated build-out rates.

8.5 A shorter time limit of two years to implement has been discussed with the applicants to ensure the dwellings would come forward in a timely manner and support delivery towards the council’s five year housing supply.

9. Other matters

9.1 The Best and Most Versatile (BMV) agricultural land is sought to be retained under paragraph 170 of the NPPF. In this instance the 3.45ha comprises of Grade 3 land. It is not known whether this is Grade 3a (Best and Most Versatile) or 3b which does not fall into BMV. Given the small size of the site it is not considered reasonable to ask the applicants to ascertain the grade. The extent of loss of 3.45ha would be minimal to the wider agricultural land available and so would not be sufficient to merit a reason for refusal for this development.

9.2 The site partly lies within the mineral consultation area under Suffolk County Council’s Mineral Core Strategy 2008. Policy 5 of this document requires that any proposed development on unallocated sites over one hectare will be safeguarded from development unless it can be shown that sand and gravel present are no of economic value or that mineral will be worked prior to development taking place. This is considered to align with paragraphs 203 and 204 of the NPPF, and so can be given full weight.

9.3 The Mineral Planning Authority have responded with no objection but requesting an assessment of minerals resource is conducted, if materials are found a strategy should be formed on how the resource is to be used which can be conditioned as part of any permission. If material is economically viable prior extraction or use on site should be considered. With this condition the proposed development would therefore be in accordance with paragraph 203 and 204 of the NPPF.

9.4 Section 143 of the Localism Act 2011 on local financial considerations requires consideration to be given to the financial benefits a development would bring to the council through grant income, such as New Homes Bonus, Community Infrastructure Levy, Council Tax and Business Rates. Whilst such considerations are positive they should be afforded little weight; the PPG is clear that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. Officers do not consider that such benefits are determinative in reaching the recommendation at the end of this report.

9.5 Fire hydrants would be conditioned to any approval issued.

9.6 It is noted that Suffolk County Council request some housing on site is housing with care for older people. A mix of housing is proposed on the application site, but none specifically for older people. In the absence of a clear policy requirement for housing for older people in the development plan it is not possible to insist it is provided.

9.7 Superfast Broadband connections are also requested by the County and provision supported by paragraph 112 of the NPPF. This is a service provided by a private company and so cannot in itself be secured through planning consent. A condition can be applied to ensure there is sufficient space for the required cabling to each dwelling within the development and is recommended as such.

9.8 The development would be required to be built to sustainable design and construction standards and with renewable/low carbon energy sources under policies CS12 and CS13 of the core strategy. However, the Written Ministerial Statement on Housing Standards (reference HCWS488) made in 25th March 2015 is clear that requirements should not be set over revised Building Regulations Part L1A and Part G that came into force in 2015. Meeting revised Building Regulations is considered to provide a good standard of construction, carbon dioxide emissions rate, energy performance of buildings and reduced water usage of 125 litre of water per person per day. With the required compliance with Building Regulations the proposed development is considered to meet the requirements of paragraph 150 of the NPPF which seeks to reduce greenhouse gas emissions. A condition is recommended for a Sustainability and Energy Statement to detail the measures to be taken.

10. Planning Obligations / CIL

10.1 As required by various policies listed in the above report and policy CS21 of the core strategy, the application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, the provision of open space, the RAMs contribution and highway mitigation measures identified earlier in the report.

10.2 CIL contributions would be sought for primary school expansion of £182,556, secondary school place provision of £181,904, Sixth Form expansion of £45,476, £10,584 for libraries and £5,390 for waste infrastructure.

11. Emerging Joint Local Plan

Emerging Joint Local Plan

11.1 The Joint Local Plan (JLP) Preferred Options Regulation 18 was published in July 2019. In this document this site was promoted for development by the landowner/developer but it was not proposed to be allocated.

11.2 This JLP is at present at an early stage in the plan making process, and so limited weight can be given to this document in terms of deciding this planning application. This does however give an indication of the direction of travel as to how the authority will meet its identified housing needs over the next plan period with planned infrastructure to support this growth.

11.3 The above report however indicates that the different infrastructure requirements for the proposed development can be provided. There is no reason to refuse the application on this basis. Whilst the underlying evidence to support the emerging JLP is extensive and a material consideration, there is no evidence to suggest this development would undermine the wider infrastructure delivery for the JLP. Members must have caution in placing weight on the fact the site is not allocated in the JLP as the plan is at an early stage.

PART FOUR – CONCLUSION

11.1 The Council benefits from a five-year housing land supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged in that respect.

11.2 The site is outside the settlement boundary and therefore conflicts with Policy CS2. As a policy of vital importance underpinning the spatial strategy of the Council, and where the circumstances of this application are not exceptional, the development is considered to conflict with the development plan as a whole. It is then important to consider whether other material considerations indicate that a decision other than in accordance with the development plan should be made.

11.3 Policy CS2 carries reduced statutory weight because of the age of the settlement boundaries and its inconsistency with the NPPF, although the overall settlement pattern strategy remains sound. Bearing in mind the relationship between the site and the settlement of Sproughton as a Hinterland Village, the underlying aims of policy CS2 are broadly met. Policies CS1, CS11 and CS15 are attached full statutory weight given their strong alignment with the NPPF. Therefore for the purposes of paragraph 11(d) the policies most important for determining the application as a whole are considered to be up-to-date. Whilst CS2 carries some reduced statutory weight, as a complement of policies they are not considered to be out-of-date and paragraph 11(d) is not engaged in that respect.

11.3 Although the site is located outside the main part of Sproughton, it is on the edge of the village, close to other development. Policy CS11 contemplates development at such edge-of-village locations. The land is in a sustainable location, with pedestrian connectivity. The proposal would not be physically, visually or functionally isolated. The site's sustainable location is a scheme positive.

11.4 The applicant has not fully demonstrated how the dwellings serve an identified local need. Some information has been collated however and on balance this provides sufficient information to conclude that the development does go some way to meet local housing need for market housing. The Parish Council's Housing Survey Report identified limited need for additional housing, but it must be considered that the report does not cover the local housing need from the functional cluster of villages around Sproughton as required under policy CS11 of the Core Strategy and so can only be given very limited weight. The proposal offers 35% affordable housing provision which is policy compliant.

11.5 The proposal will result in a medium level of less than substantial harm to the setting of the neighbouring Grade II listed buildings and Grade II* listed Church. This harm to the designated heritage assets is a disbenefit of the scheme which needs to be treated with the utmost importance in light of the statutory duties imposed by the listed building Act.

11.6 In determining this application Officers are mindful of the specific duty imposed on the local planning authority with respect to the need to have special regard to the desirability of preserving the listed building or its setting, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Full consideration has been given to the comments received from the Heritage Team. The level of harm to the above Grade II and Grade II* listed heritage assets is noted to be a medium level of less than substantial harm.

11.7 Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

11.8 Further to this paragraph 193 of the NPPF identifies “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.” It continues to identify that “This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

11.8 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In consideration of the contribution towards the Council’s housing targets, provision of affordable housing and economic and infrastructure benefits and biodiversity net gain, it is considered that these material considerations would none the less outweigh the medium level of less than substantial harm to the heritage assets, even where a considerable importance and great weight is applied to the desire to keep the affected asset from harm.

11.9 Officers have therefore applied the balance required by paragraph 196 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the listed buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits including housing, policy compliant affordable housing provision, an accessible location reducing the need to travel by private car compared to more remote areas of the district and net gain for ecology and biodiversity on the site, are considered to outweigh the medium level of less than substantial harm, having given considerable importance and weight to the harm identified. With regard to the duty under the 1990 Act, the heritage harm of medium level of less than substantial harm to heritage assets has been identified and harm against local plan policy CN06 noted, and then balanced against the public benefits of the scheme as required by paragraph 196 of the NPPF. For the avoidance of doubt, officers have also had special regard to the desirability of preserving the setting of the identified listed buildings as required by the above Act, but in this instance do not consider planning permission should be refused on the basis of the identified harm to the setting of the listed building. It is considered the duties under the above Act have been met in coming to the conclusion.

11.10 The starting point for decision-taking purposes remains the development plan with the National Planning Policy Framework a material consideration in this decision. The policies of the Core Strategy generally conform with the aims of the Framework to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

11.11 However, the Framework objectives for sustainable development include delivering a sufficient supply of homes. The council can demonstrate at least the five-year housing land supply required by paragraph 73 of the Framework. Therefore, there are not the grounds on which to find policies as out of date in respect of housing supply and so it is not necessary to apply the ‘tilted balance’ of Framework paragraph 11 in that respect.

11.12 Nevertheless, meeting the requirements of paragraph 73 is not intended as a ceiling on further housing, where the Framework continues to support Government’s objective to significantly boost the supply of homes under paragraph 59 of the NPPF. The location is considered to be a sustainable location with some services provided within the village and good connections to Ipswich reducing the need to travel by private car.

11.13 Although there would be some degree of harm through this proposal running contrary to the adopted settlement strategy of the Core Strategy, this would be off-set by the national policy considerations set out above. The Framework recognises in paragraph 68 that small and medium-sized sites can make an important contribution to meeting the requirement of an area, and are often built-out relatively quickly. There is also some degree of conflict with Core Strategy policy CS15 as more information could have been provided on local housing need, and paragraph 157 of the NPPF relating to flood risk although this is largely mitigated by no increase in risk of flooding to people or property as all built form is in Flood Zone 1.

11.14 As identified above in the report, the development would result in an impact on the landscape character and to visual receptors to the site. However, the landscape harms identified would reduce to moderate adverse with mitigatory planting by year 15 of the development being completed. The extent of these harms must also be noted, and that they do not occur over a significantly large area within the wider landscape. There would not be significant harm to the Special Landscape Area either. The site is physically very well related to the body of the village. Whilst the urbanising effect will be marked, the development will not appear isolated in a landscape sense (and paragraph 79 of the NPPF is not engaged). The development scale will not overwhelm the village given its size and sufficient provision can be made for required infrastructure.

11.15 The proposal would result in the development of 49 new dwellings, which would add to the local housing stock and offer meaningful support for the local services in the village, both during construction and following occupation of the development. Consequently, the proposal would have social and economic benefits that, given the scale of development proposed, which would be significant. These benefits are afforded more than moderate weight given the level of contribution towards the aim of achieving sustainable development. They weigh clearly in favour of the scheme.

11.16 Having regard to the comments of the highway authority, it is concluded that the proposal would not be detrimental to highway safety. Residential amenity of neighbours is safeguarded to an acceptable level and a high standard of amenity will be provided for future occupants of the development. Finally the development would enable a net gain for biodiversity compared to the existing value of the site for protected species. These are scheme positives.

11.17 Therefore, it is considered the above merits of the scheme and broad compliance with policy CS15, including the accessible location of the housing and its contribution to boost housing supply, when balanced against the medium level of less than substantial harm to heritage assets, limited harm to the wider landscape and loss of agricultural land, and would represent sustainable development and when considered as a whole would meet the requirements of policy CS15 and all other relevant local plan policies outlined above. The conflict with policy CS2 on the location of this development is noted, but is given less weight for the reasons outlined above. Matters relating to heritage, landscape and local housing need have been considered, but for the reasons identified in the above report these matters are considered not to be fatal to the application, and the proposal is considered to broadly comply with policy CS11. The proposal is considered to represent an appropriate site for new residential development and would deliver sustainable development, furthering the overarching thrust of policies CS1 and CS15 of the Core Strategy and providing for net gains to the three objectives of sustainability in accordance with the NPPF (which notwithstanding the development plan is a compelling material consideration). The application is therefore recommended for approval because, although not in compliance with the development plan as a whole other, material considerations indicate that permission should be granted and this is considered to be the appropriate outcome.

RECOMMENDATION

That the applications are GRANTED planning permission and includes the following conditions:-

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- Affordable housing – no less than 17 dwellings (35% of total scheme)
 - Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
 - The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
 - All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
 - Adequate parking provision is made for the affordable housing units including cycle storage for all units.
 - Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.
- On site open space and playspace (to include natural play equipment) and include management of the space to be agreed and requirement for public access at all times.
- RAMS contribution
- Highway improvement works contributions to include:
 - B1113 - New zebra crossing north of Wild Man PH access - £15,050
 - B1113/Burstall Lane/Lower Street Junction – Reduce kerb radii and install uncontrolled crossing points
 - A1071/B1113 Beagle Roundabout – Widening of approach lanes to roundabout - £5,050
 - Footway between Sproughton and Bramford – Cycle link on Loraine Way - £25,050

(2) That the Chief Planning Officer be authorised to APPROVE Planning Permissions upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Time limit (reduced to 2 years)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Provision of visibility splays
- Details of access
- Details of estate roads and footpaths
- Provision of carriageways and footways to binder course level prior to occupation
- Construction management plan
- Discharge of surface water from highway
- Residents travel pack
- Manoeuvring and parking details

- Refuse/cycling bin details
- Level access to enable wheelchair access for all dwellings/buildings.
- Fire hydrant provision
- Energy, renewable integration and sustainability measures (including rainwater harvesting)
- Biodiversity method statement
- Biodiversity enhancement strategy, including swift boxes and hedgehog fencing
- Landscape and ecological management plan
- Wildlife sensitive lighting design scheme
- Archaeology: Written scheme of investigation
- Archaeology: Site investigation and post investigation assessment
- Surface water disposal strategy
- Sustainable Urban Drainage System components and piped network details
- Construction Surface Water Management Plan
- Hours of work for construction/demolition, construction method statement (control of noise, dust, light, no burning of waste, hours of construction) and no burning of waste
- Hard and soft landscaping scheme
- Landscape management plan
- Foul water strategy
- Surface water management strategy (Anglian Water)
- Unknown contamination
- Final materials to be agreed
- Minerals extracted from site quantified
- Broadband cable ducting provided

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles
- Archaeology
- Surface water

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the applications on appropriate ground(s).

APPENDIX B. APPEAL DECISION

Appeal Decision

Inquiry Held on 1-4 and 9 December 2020

Site visit made on 7 December 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/D3505/W/20/3256969

Land east of Bramford Road, Sproughton, Ipswich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hopkins Homes against the decision of Babergh District Council.
 - The application Ref DC/18/02010, dated 4 May 2018, was refused by notice dated 4 May 2020.
 - The development proposed is described as residential development of 64 dwellings together with new access from Bramford Road (B1113) associated parking, landscaping and open space.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. During the course of the planning application the number of proposed houses was reduced to 49. It was on this basis that the Council determined the planning application. I have treated the appeal on the same basis.
3. With agreement, after the Inquiry, a legal agreement under S106 of the Town and Country Planning Act 1990 was submitted (the S106). This secures the provision of open space together with a contribution towards its maintenance, off-site highway works, the Stour and Orwell Estuaries Special Protection Area and Ramsar site and a monitoring fee requested by Norfolk County Council. It also secures the provision of 35% affordable housing and works to the existing community parking adjacent to the Tithe Barn.
4. As the proposal relates to a number of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. On the 7 October 2020 the Council resolved to grant planning permission, subject to the signing of a S106 agreement, for a hybrid scheme at land north of Burstall Lane in Sproughton.¹ The scheme consists of outline consent for the erection of up to 92 homes and 13 self-build/custom build plots (including provision of up to 37 affordable homes); open space, including a village wood; land for community use/ local shops/ office space; land for a village car park; land for an extension to existing village allotments; land for paddocks; land for

¹ DC/19/00567 (referred to as the Pigeon scheme)

relocated and enhanced caravan storage provision; safeguarded land for potential future relief road; new public right of way and associated infrastructure provision. The proposal also includes for full planning permission for a spine road between Loraine Way and Burstall Lane (including accesses onto Burstall Lane and Loraine Way); access for proposed caravan storage area; accesses for self-build plots from Burstall Lane; and associated drainage and highway works (including formation of passing bays on Burstall Lane). At the time of the Inquiry the S106 had not yet been concluded. This matter is a material consideration which I refer to later in the decision.

6. As part of the appeal submission the appellant submitted a revised indicative landscaping layout plan ref GUA-DR-L-001 P04. Whilst noting the Council's concerns that this plan has not been the subject of consultation it is submitted in an indicative form only. It has also been agreed within the Statement of Common Ground (SOCG) that it would be necessary to have a condition imposed, if the appeal were to be allowed, requiring the submission of a detailed landscaping plan. This would be for the Council to consider in the first instance. The revised indicative plan makes no alteration to the number of houses, or the proposed layout. I am satisfied therefore that the changes are minor, and no one would be prejudiced if I were to take it into account. I have therefore proceeded on that basis.
7. At its meeting on 10 November 2020 the Full Council agreed that the Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document (eJLP) be approved for publication. The Full Council also delegated authority to the Assistant Director for Sustainable Communities in consultation with the Cabinet Member for Planning to submit the eJLP for independent examination and for modification and procedural processes necessary for the Examination. The eJLP allocates the appeal site for the development of approximately 50 dwellings through emerging Policy LA116.
8. The report considers key risks with the process and, while it notes that it is probable that there will be significant objections to the soundness or legal requirements of the eJLP, it is unlikely that representations would be made that would find the eJLP unsound as there has been an evidence led approach and it has been prepared with regard to the latest national planning guidance. It goes on to state that the Examination would consider the representations accordingly.
9. However, I am required to give weight to relevant policies in emerging plans in accordance with paragraph 48 of the National Planning Policy Framework (the Framework). In this instance the eJLP is still out for consultation and, while noting the contents of the Full Council report, it is not certain that it would be submitted in its current form for examination. Paragraph 1.3 of the Planning Inspectorate Procedural Guidance for Local Plans (the Guidance) states that the plan that is published for consultation at Regulation 19 stage should be the plan that the LPA intends to submit to the Planning Inspectorate for examination. However, paragraph 1.5 of the Guidance also allows changes to be made prior to submission for examination, albeit they would need to be the subject of consultation. While the Full Council report considered this scenario unlikely, it cannot be ruled out entirely. Even if the plan was submitted as currently drafted, as the plan is still out for consultation, I am not aware of any unresolved objections to not only the emerging Policy LA116, but the overall

strategy and in particular Sproughton's proposed place in the settlement hierarchy.

10. Development on the appeal site has been through a consultation exercise and objections have been received in the consideration of the planning application the subject of this appeal. However, in my view, this is a separate process to the local plan allocation and therefore would not increase the weight I give to the specific allocation.
11. I appreciate that, in the report to Full Council, it states that the eJLP will have increased weight in planning decisions. As the regulation 18 version was given limited weight in the Committee report which considered the Pigeon scheme, the appellant has interpreted this to mean that the eJLP should now attract increased weight. However, the weight to be attributed to matters is for the decision maker and, in my view, while the eJLP is a material consideration in the determination of this appeal, for the reasons above, it can only be given limited weight in its determination. I note that this is a similar approach taken by the decision maker in a number of appeal decisions supplied by the Council².

Main Issues

12. The main issues are:

- the effect of the proposal on the identified strategy for growth for the district; and
- the effect of the proposal on the setting of Sproughton Hall, Root Barn and Tithe Barn Grade II listed buildings and on All Saints Church a Grade II* listed building.

Reasons

Strategy for Growth

13. Policy CS2 of the Babergh Local Plan 2011-2031 Core Strategy and Policies 2014 (the Core Strategy) sets out the settlement pattern policy for the district. Most new development, including housing, will be directed sequentially to the towns/urban areas, and to the identified Core Villages (CV) and Hinterland Villages (HV). In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new/enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish/community/neighbourhood plans.
14. Policy CS2 states that CV will act as a *focus for development within their functional cluster*. Whereas HV will accommodate *some development to help meet the needs within them* (my emphasis). Given that they have different places in the settlement hierarchy and different functions then, in my view, there must be some difference in the scale and nature of development between a CV and a HV.
15. Within Policy CS2, Sproughton is identified as a HV. The explanatory text to Policy CS2 makes it clear that there is a difference between Sproughton as a

² APP/C4235/W/18/3205559, APP/C2741/W/19/3233973, APP/Q3115/W/19/3230827, APP/E0535/W/19/3225123

- HV and the wider parish of Sproughton. The built up areas on the edge of Ipswich, but within the parish of Sproughton are, for the purposes of the spatial strategy, considered to be part of the urban area of Ipswich and not the HV of Sproughton which is largely contained to the area west of the A14.
16. The appeal site being outside of the settlement boundary for Sproughton, falls to be considered against the policy requirement for Countryside within Policy CS2 which states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.
 17. However, the explanatory text to Policy CS11 states that settlement boundaries provide a useful starting point when considering the relationship of proposed development in relation to the existing pattern of development for that settlement and for defining the extent of its developed area and a distinction between the built up area and the countryside. Therefore, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the identified settlement boundaries subject to specified criteria for both CV and HV. Development in a HV has to meet both sets of criteria. That of particular relevance and concern for the Council here is CV iv and HV iii. CV iv seeks the provision of housing to meet a locally identified need and specific local needs such as affordable housing; whereas HV iii states that development must meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan.
 18. The Bergholt judgement³ casts light on the meaning of CV iv and states that local housing need in Policy CS11 means housing need in the village and its cluster, and perhaps in areas immediately adjoining it. However, crucially, paragraph 19 of the judgement states this relates to CV iv and not HV iii. Although at paragraph 34 the judgement considers that there is no difference between locally identified needs and specific local needs that seems to relate purely to CV iv.
 19. From the above therefore, the application of Policies CS2 and CS11 together appear to support the provision of some development to meet the needs within a HV, that should meet a proven local need. The position regarding affordable housing is less clear.
 20. Paragraph 2.8.5.2 i of the CS states that the provision of affordable housing relates to need, however this approach (i.e. the approach in Policy CS11) will enable need to be considered more widely than just within the context of individual settlements. It will allow for provision in one village within a functional cluster to serve, not only that settlement, but also the other villages within that cluster and in some cases adjoining clusters. That seems to me to suggest that the need for affordable housing is of a wider consideration than market housing.
 21. The Rural Development and Core Strategy Policy CS11 Supplementary Planning Document 2014 (the SPD) states that developers should set out how the proposal meets locally identified needs. This should include an analysis of the number and types of dwelling in the village, an assessment the need for housing in the village and the identification of any gaps in provision. Proposals should provide affordable housing in accordance with Policy CS19. Proposals should therefore be accompanied by a statement that analyses the local

³ R (*East Bergholt Parish Council*) v *Babergh DC & Aggett* [2016] EWHC 3400 (Admin)

- housing, employment and community needs of the village and how they have been taken into account in the proposal. It is anticipated that such statements should be prepared in consultation with the Council using evidence from a number of sources. There is therefore no set format to demonstrating local need.
22. While the Council insists that the burden of proof to demonstrate a local need for housing lies with the appellant, it seems to me that this could be more of a joint process using various evidential sources and still accord with the SPD. Indeed, when the Council considered both this scheme at application stage and the nearby Pigeon scheme there was very little evidence provided from the applicants on local need and this was supplemented by the Council's own information.
23. A Local Housing Needs Assessment 2020 (LHNA) accompanied the appeal and put forward three scenarios for growth to ascertain local need for housing (Scenarios A, B and C). The LHNA concludes that there is a future need for 25 dwellings in Sproughton and there is a shortfall across the cluster villages of about 90 dwellings.
24. However, since the preparation of the LHNA, the Council published its eJLP and within Mr Armstrong's rebuttal, for the appellant, to Mr Robert's Proof of Evidence, for the Council, he considers matters have moved on and puts forward Scenario E using figures within the eJLP to demonstrate compliance with Policies CS2 and CS11.
25. Using the standard methodology contained in the PPG, Babergh's housing requirement in the eJLP is 7,904 dwellings or 416 dwellings per annum for the plan period. Sproughton has been identified as a CV and within the Ipswich fringe within the eJLP and therefore a focus for future growth with an expectation that a minimum 1514 new homes would be required within the plan period, from the district wide requirement. The appellant has used the housing trajectory contained in the eJLP which includes the proposed allocation on the appeal site, together with other allocations, existing completions and houses coming forward on unallocated sites and applied the existing Core Strategy timespan, which is shorter than that of the eJLP. This according to the appellant would result in a deficit of 177 dwellings in Sproughton which would worsen to 227 dwellings if the appeal site was removed from supply.
26. However, there is little evidence before me to suggest that the proposed 1514 homes in Sproughton contained in the eJLP is an assessment of the specific local needs of the village of Sproughton as identified in the Core Strategy as distinct from the area of the Parish including the Ipswich fringe. Indeed, the allocation to Sproughton in the eJLP is based on a much larger area than is under consideration in the current Core Strategy.
27. Even if there is an element of housing to address local need, as envisaged by Policy CS11, there is no substantive evidence to suggest what proportion of the district wide requirement in the eJLP is required to meet that specific local need. It seems to me that this is a top down approach to housing that seeks to redistribute the district wide requirement based on a number of factors which may or may not include local housing need as referred to in Policy CS11 HV iii. The appellant seeks to demonstrate a local need required in the current spatial strategy by using evidence from a different spatial strategy underlying the

eJLP, which I have already found attracts limited weight and there is no parity between the area of the settlement of Sproughton in each strategy.

28. The Parish Council commissioned a Local Housing Needs Survey (LHNS) which was undertaken by Community Action Suffolk (CAS). This had a response rate of just 27.5%. Due to confidentiality issues only some of the results of that survey have been available to parties and the Inquiry. Mr Armstrong provides some evidence by using the limited public information available and extrapolating the figures which results in an alleged total of 97 households in housing need. However, as explained by Mr Roberts, this does not take account of any sampling bias and therefore, in my view, such figures are not robust, particularly when the figure from an independent analysis within the LHNA is 25.
29. I have had regard to Scenario D put forward by Mr Roberts. I appreciate his comments that this Scenario was just put forward for context. However, this essentially uses the same approach as Mr Armstrong in Scenario E i.e. a top down distribution of district wide requirement in the Core Strategy split equally between the CV and HV, an approach that is specifically warned against in the Core Strategy at paragraph 2.8.5.4. This therefore does not help matters.
30. Figures provided for local affordable housing need by the appellant are even less robust in my view, having been based on the extrapolated figure from the LHNS for total households in need. Mr Armstrong then suggests some 70% of these, with little substantive justification for that figure, would require affordable housing creating a total of 68. Instead, the Council point to the local housing register which contains 6 Sproughton residents in need of affordable housing.
31. Nevertheless, it is agreed between the parties that there is a substantial need for affordable housing across the district. The number of households on the waiting list is 912 in 2018/19 which has worsened from 748 in 2017/18. Based on the evidence before me I would concur. However, the evidence before me regarding the local need, which I have already found may be within the wider cluster, is sparse.
32. Although the appellant supplies various quotes from the development Manager at Eastlight, a local affordable housing provider to the effect that the broader areas surrounding Ipswich are an area of high affordable housing demand. there are no substantive figures before me regarding that proven local need.
33. I accept also that the Parish Council's submitted Neighbourhood Plan survey shows that in the Parish 121 express a strong need for affordable homes and 141 a moderate need. There were 26 that expressed that there was a strong need for social housing and 89 with a moderate need. However, whether this need would equate to the definition of affordable housing contained in the Framework is not known. Furthermore, the Neighbourhood Plan is at such an early stage of preparation that it can only be given very minor weight.
34. In my view, while noting the Council's misgivings regarding the potential for double counting regarding under delivery within scenario B in the LHNA, this is the most robust figures before me. I note that this assessment is similar to that accepted by the Secretary of State (SoS) in his consideration of the Long

Melford appeal⁴. This demonstrates a need for 25 dwellings in the HV of Sproughton. However, the resolution to grant planning permission for the Pigeon scheme would effectively deliver this level of local need. There is no substantive evidence before me to suggest that either the S106 would not come forward, or that the site would not be developed, even though there is not, as yet, a housebuilder involved.

35. Therefore, based on the evidence before me I do not consider that it has been appropriately demonstrated that there is a local need for housing, that would not be met by existing proposed development in Sproughton, as envisaged by Policies CS2 and CS11.
36. The exceptional circumstances test contained within Policy CS2 is not consistent with the Framework as found by the SoS in the Long Melford decision. While the appellant asserts that the settlement boundaries are out of date, Policy CS11 is not predicated on the need to provide development within those settlement boundaries. Moreover, while site allocations have not come forward as envisaged by Policy CS2, there is no substantive evidence before me to demonstrate that this has not prevented development coming forward, through the application of Policies CS2 and CS11. Nevertheless, the inclusion of the exceptional circumstances test means that the weight given to the conflict with Policy CS2 is reduced.
37. The general purpose of Policy CS11, as explained in the SPD is to provide more flexibility in the location of new housing development in rural areas. Moreover, the purpose of the spatial strategy is to achieve continued, incremental growth, at a scale appropriate to the size and character of the existing settlement. The relationship to the main urban areas within and beyond the district is important to the development strategy, which is underpinned by broad sustainable development principles.
38. Although a HV, there is no dispute between the main parties that Sproughton is an accessible settlement. At my site visit I saw that the village had local facilities including a community shop, primary school, public house (although closed at the time of my site visit, it is available for lease) and community facilities at the Tithe Barn providing a good level of facilities to meet resident's day to day needs.
39. The proposed housing would be located a very short distance from these facilities. The pedestrian access would provide convenient connectivity to bus stops and the wider footway network. The catchment primary school is 0.4 miles from the site with a continuous footway link and secondary school 3.7 miles away. I acknowledge that there would be a requirement for travel beyond the village to access employment and supermarkets. However, I saw that the village is in close proximity to Ipswich enabling people to cycle between Sproughton and Ipswich. Overall, therefore, I am satisfied that the site is in a highly accessible location close to Ipswich. The level of growth proposed here therefore, would be adjacent to and well related to the existing pattern of development for that settlement.
40. Any harm therefore arising from this proposal not meeting a demonstrated local need would be very minor in this instance given that I am satisfied that the appeal site is well related to a HV which is in a very accessible location for

⁴ APP/D3505/W/18/3214377

development in accordance with paragraphs 8b and part 9 of the Framework. Therefore, for the reasons above, the weight given to the conflict with Policies CS2 and CS11 is very minor.

Listed buildings

Significance

41. Although there are a number of listed buildings within the vicinity of the appeal site, there is no dispute between the main parties that the designated heritage assets affected would be the three Grade II buildings known as Sproughton Hall, the Tithe Barn and the Root Barn and the Grade II* listed building All Saints Church. The effect would derive from changes to their setting and it is agreed that any harm would be less than substantial in nature and that paragraph 196 of the Framework would be engaged whereby harm is to be weighed against public benefits.
42. Sproughton Hall is a late sixteenth or early seventeenth century house with later additions. It is of traditional timber frame construction with rendered elevations and its principal elevation facing south towards Lower Street. It has two large external chimney stacks on its eastern elevation with additional entrances on both east and west elevations. Previously occupied as a farmhouse, the evidence supplied by the Council, and not disputed by the appellant, shows that the land to the west, including the appeal site formed part of the historic agricultural operation that was centred on the farm. This land is located immediately alongside Sproughton Hall which has an extensive residential curtilage with a long rear garden, planted with trees. The boundary here to the land to the west is relatively open, with a high evergreen hedge near to the house itself.
43. The Root Barn dates from the sixteenth century comprising a 3-4 bay and storeyed bay to the north. It is constructed in timber frame and weather boarded externally and painted black. The roof is steeply pitched with half hips and thatched in a traditional manner with a block cut ridge. It forms the west side of the farmyard enclosure south of Sproughton Hall with the Tithe Barn forming the south side. It is now in residential use.
44. The seventeenth and eighteenth century Tithe Barn is a fine example of a Suffolk Barn constructed in traditional timber frame over a brick plinth and weather boarded externally, painted black. All of the main posts, tie beams, collars and principal rafters survive intact. The roof is steeply pitched, thatched, gabled at the west end and half-hipped at the eastern end. It has been converted to meeting rooms, sports hall and a community shop.
45. Given the above, the age and high level of surviving fabric contributes greatly to the architectural and historic significance of these buildings. Mr Sutton, for the appellant, attempts to provide an assessment of significance of the buildings through the application of a grading from negligible/none through to very high which reflects the hierarchy for national and local designations. However, this is Mr Suttons own classification which is not reflected in policy or legislation. In my view given the level of surviving fabric and the history of each building they have high significance.

46. The setting of a heritage asset, which can contribute to its significance, is defined in the glossary to the Framework as the surroundings in which a heritage asset is experienced.
47. Mr Sutton has produced a map which he considers shows the indicative settings of the listed buildings⁵. However, he confirmed that, as the way that these heritage assets are experienced is with the eyes, and therefore visually, the map is based on an assessment of the visibility of the listed buildings, in accordance with paragraph 10 Historic England Guidance⁶ which states that the contribution of setting to the significance of a heritage asset is often experienced with reference to views. Furthermore, the Court of Appeal said that the general position was that the decision maker will be concentrating on visual and physical considerations⁷.
48. However, that judgement also states that it does not mean that factors other than the visual and physical must be ignored when the decision maker is considering the extent of a listed buildings setting. Furthermore, the Planning Practice Guidance (the PPG) states that while the extent and importance of setting is often expressed as the visual relationship between the asset and the proposed development, and this will play an important part in the assessment of impacts in setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity and by our understanding of the historic relationship between places⁸. It goes on to say that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. Moreover, the Assessment Step 2 checklist in GPA refers to functional relationships and communications, history and degree of change over time, rarity of comparable survivals of setting and cultural associations.
49. In this case the dispute lies in the extent to which the fact that the land to the west, including the appeal site, was historically part of the agricultural farmstead of Sproughton Hall should figure in the definition of the setting of these buildings. Mr Sutton's view is that while the appeal site and its historic association forms part of the setting of the listed buildings in historical and cultural terms, in visual terms the settings are less extensive.
50. Bearing in mind the guidance in the PPG, it is my view that the historical connection to the adjacent field is an important consideration in this case, not least because of its proximity to the buildings. Although the buildings are no longer used for their original purpose, the very close relationship with the field that they served helps understand their historical function, which is an essential part of their significance both individually and as a group. Furthermore, although the appeal site is not currently actively farmed, but instead forms rough grassed pasture grazing land, that may not always be the case. I accept that there has been some development on the southern edge of the appeal site, in the form of modern housing and a barn and stable on the appeal site. However, this development is not considerable, and does not materially detract from the overall rural nature of the appeal site on the edge

⁵ Figure 1 Mr Sutton's Proof of Evidence

⁶ The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (GPA)

⁷ *Catesby Estates v Steer* [2019] 1 P&CR 5 85

⁸ Paragraph: 013 Reference ID: 18a-013-20190723

of the settlement and the ability to experience the buildings in an open agricultural setting. Finally, this field is the last remaining link to the listed buildings agricultural hinterland where the buildings can be seen in association with open undeveloped green land.

51. Given the above I find that the setting of these buildings, insofar as it relates to this appeal, is greatly informed by the Sproughton Hall farmstead and the associated agricultural land once worked by the farm. The agricultural setting to the buildings and the village in this location gives an important understanding of the historic role of the buildings, directly contributing to their significance and special interest. The appeal site is located within the field which formed part of the historic Sproughton Hall farmstead and therefore contributes significantly to the significance of these three listed buildings both individually and collectively.
52. The buildings, and the Tithe Barn in particular, also have a relationship with All Saints Church (the Church) dating from the early fourteenth century and later medieval period. It is constructed of flint with stone dressings, with glacial boulders in the plinth and footings and a tile roof. It substantially retains its medieval fabric. It has a tower which is visible from a number of vantage points in the village and beyond forming a landmark in the area. However, given the limited height of the church tower there are not extensive views of it over the wider landscape, instead it has a smaller, more intimate relationship with the settlement.
53. Tithe Barns were originally built to store the agricultural produce paid to the Churches as tithes. There is therefore a functional and historic relationship between the church and the agricultural buildings and hence the land beyond, including the appeal site.
54. Given the above, as a grade II* listed building the Church has great architectural and historic significance. I find that the setting of the building, insofar as it relates to this appeal, to be primarily associated with the visibility and prominence of the Church tower within the settlement and its immediate environs together with the historic relationship to the Tithe Barn in particular, and that this directly contributes to its significance and special interest.
55. By virtue of the appeal site being within the surrounding rural area, over which the views of the Church tower are visible and forming part of the agricultural land related to the farmstead then it is within the setting of the Church making a moderate contribution to its significance.
56. Together the four buildings form a cluster of heritage assets sited close to the land which they have an historic relationship with. Together they give a more complete story of the agricultural/religious relationship with the agricultural land encompassing the appeal site and therefore, have a collective significance to which the appeal site makes a considerable contribution.

Effects

57. There would be no harm to the fabric of the listed buildings and the immediate settings of the buildings would be retained. Even if I were to accept Mr Sutton's definition of the settings, although some views would be available of the listed buildings from within the appeal site and from Lower Street, they would be in the context of a housing estate, and the experience of the assets would be

significantly diminished. Other views, from Bramford Road/Lorraine Way would be lost. I accept that the dwellings themselves would be well designed, and there would be bungalows at the southern end of the site. Furthermore, there is no reason why there could not be a high quality landscaping scheme. However, the wider rural setting would be largely replaced by housing.

58. Although there would be an area of open space immediately adjacent to the listed buildings, the proposed layout of the housing is such that development would extend significantly across the width of the site to its eastern side, such that it would engulf the listed buildings effectively severing them from the wider agricultural setting. Instead they would be viewed primarily in the context of a suburban housing estate which would significantly erode the context of the buildings and the understanding of their role in the wider landscape.
59. As such, in my view, the quantum and layout of the proposed development is such that it would have a high impact on the individual significance of Sroughton Hall, the Tithe Barn and the Root Barn due to the substantial erosion of the open agricultural setting of the buildings where that relationship is particularly apparent.
60. The context of the views of the Church spire would alter from across open land to views through a housing estate, and this would cause some harm. However, the church spire would continue to be a landmark in the surrounding area and therefore there would be a medium level of harm to its significance.
61. The significant erosion of the rural setting to the buildings through the layout of the development proposed, as described above, would have a high impact on the collective significance of the group of buildings.
62. I note that the appeal site is an emerging allocation in the eJLP for approximately 50 units and the appeal scheme would achieve some of the sustainable development options aims in the Stage 2 Heritage Impact Assessment underlying the eJLP. However, I am satisfied that the harm I have identified to the significance of these heritage assets can be considered as less than substantial. In any case the allocation and associated policy is only emerging, and I have given the eJLP limited weight.
63. For the reasons above, I conclude that the proposal would be harmful to the setting of Sroughton Hall, Root Barn and Tithe Barn Grade II listed buildings and on All Saints Church a Grade II* listed building. In so far as the proposal causes harm, it would therefore be contrary to Policy CN06 of the Babergh Local Plan Alteration No 2006 and Policies CS11 and CS15 of the Core Strategy. These require that development should respect heritage assets and retain a setting which is appropriate to the listed building and the relationship with its surroundings. I will go on to consider the relevant balancing exercise.

Planning and Heritage Balance

64. While the Council and others have sought to quantify the scale of level of harm on a sliding scale, I am mindful that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable importance and weight. In any case although I have found harm to the significance of the individual listed buildings ranging from medium to a high level, considered in the round and cumulatively the harm,

- although not demolition or destruction, would still be towards the higher end of less than substantial harm. I afford considerable importance and weight to that harm.
65. As required by paragraph 196 of the Framework where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
66. The Council considers it is able to demonstrate a five year housing land supply of 6.54 years. Mr Armstrong for the appellant presented evidence to the Inquiry which he suggested reduced this to between 4.05 and 4.45 years. This was identified as a main issue and debated at the Inquiry, but any housing is a matter which attracts weight.
67. For the purpose of this appeal, I shall adopt the position of the appellant. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt the lower figure as a worst case scenario in order to carry out the planning and heritage balance. Such a level of shortfall would mean that the provision of up to 49 houses, in an accessible location would attract significant weight in the balance.
68. The proposal would also deliver 17 units of affordable housing. I have already found that there is a substantial need for affordable housing within the district and in my view, given the level of need, this would be a public benefit that would attract significant weight in the balance.
69. There would be economic benefits of the scheme with, according to the appellant, 36 construction jobs over two years with 54 extra jobs from the multiplier effect for the construction period. In addition, there would be 6-7 jobs from the additional expenditure of the people in the homes on a permanent basis. These figures have not been effectively challenged by the Council and I give them moderate weight.
70. 45% of the site would be delivered as open space, in excess of the 10% required by 10%. While this is benefit, I note that a proportion of the northern part of the site is not developable anyway due to the presence of power lines and being within a flood zone. I give this benefit moderate weight.
71. There are agreed net biodiversity benefits to which I give moderate weight.
72. The appellant proposes the upgrade of an area of community parking adjacent to the Tithe Barn and its transfer to the Community. This is a grassed area that provides parking for the adjacent community building. The provision of a surfaced area as shown on the plan would in my view be harmful to the setting of the Tithe Barn through the provision of an urbanised formal road layout as opposed to the informal grassed area, which at the time of my site visit was in good condition. I have seen no evidence to suggest that the area requires upgrading or that the proposal would result in a significant increase in the parking provided. While giving some certainty over its future association with the Tithe Barn would be of some benefit, I give it limited weight in the overall balance given its accessible location within the village.
73. While the new village green would enable new views of the heritage assets and allow public access to the heritage asset it as set out in GPA3, it would do so in a way that compromises the setting of the assets. Therefore, I give these benefits limited weight in the balance.

74. Taking all the above into consideration, I am of the view that taken together, the public benefits do not outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively. Therefore, even if I had given it more weight in my decision, there would still be conflict with emerging Policy LA116 of the eJLP which requires that development is designed to conserve and where appropriate enhance the settings of the heritage assets.
75. Given that I have found that the Framework paragraph 196 balance is not satisfactorily achieved, even if I were to find that the Council has no five year housing land supply and therefore paragraph 11 (d) of the Framework is engaged, in accordance with paragraph 11 (d) (i), the application of policies in the Framework provides a clear reason to refuse permission. I have not therefore gone on to consider the evidence regarding the Council's five year housing land supply.
76. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of heritage assets which latter harm is not outweighed by public benefits. Neither would the proposal accord with policies for the location of housing development, albeit the harm arising from this conflict would be very minor in this particular regard. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan.
77. I appreciate that the overall balance within the Pigeon committee report reached a different conclusion. However, the harm to the heritage assets in that case was assessed at medium to low. Furthermore, the proposal was not just for housing but for land for employment and community use, extension to existing allotments and self/build custom plots. Therefore, not only were elements in the proposal different to that before me now, the level of prescribed harm was different.
78. I also note that I have reached a different conclusion to planning officers who undertook the planning balance in respect of the planning application the subject of this appeal. However, the matter of the application of weight is for the decision maker.
79. For the reasons given above, and having regard to all other matters raised, I conclude that on balance the appeal should be dismissed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

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He called:

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FOR THE APPELLANT

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Instructed by:

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He called:

Mr Paul Sutton

Director, PS Planning and
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INTERESTED PERSONS

Mr Martyn Levett

Local Resident

Ms Helen Davies

Chair, Sproughton Parish
Council

Mr Peter Powell

Vice-chair, Sproughton Parish
Council

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Opening on behalf of the appellant
- 2 Opening on behalf of Babergh District Council
- 3 Parish Council statement
- 4 Councillor Norman email
- 5 Councillor Norman statement
- 6 Statement of Rhona Jermyn regarding the Neighbourhood Plan
- 7 Suffolk County Council monitoring fee justification
- 8 Core Strategy
- 9 Introduction to Joint Local Plan
- 10 Parish Council statement regarding housing need
- 11 Sproughton Housing Survey Report 2019 CAS summary
- 12 Housing Need Survey CAS
- 13 Neighbourhood Plan survey
- 14 Revised CIL compliance statement
- 15 Council Open Space Assessment
- 16 Other Listed Buildings from the Parish Council note
- 17 Appellant note on Document 16
- 18 Agreed amended conditions
- 19 Closing submissions for Babergh District Council
- 20 Closing submissions for the appellant

DOCUMENTS SUBMITTED AFTER THE HEARING

- A Section 106 Agreement

HEARING STATEMENT

Examination of the Babergh and Mid Suffolk Joint Local Plan

On behalf of:

Hopkins Homes and Hopkins & Moore (developments) Ltd

In respect of:

Matter 9 – Allocated Sites for Housing and Other Development and Settlement Boundaries

Policy LA006 – Land South of Fitzgerald Road, Bramford

Date:

August 2021

Document Reference:

GA/DJ/04019/S0004

1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of our clients Hopkins Homes Limited and Hopkins & Moore (Developments) Limited (the 'Hopkins Group') in respect of **Matter 9 – Allocated Sites for Housing and Other Development and Settlement Boundaries** of the Inspector's Matters and Questions for the Examination of the Babergh and Mid Suffolk Joint Local Plan (the 'JLP').
- 1.2 The Statement is intended to assist the Inspector's consideration of the soundness of the Plan with respect to **Policy LA006 – Land South of Fitzgerald Road, Bramford** and will form the basis of the discussion at the Examination Hearing session in November 2021.

2.0 QUESTIONS

Question 9.1 – Part 1

Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based?

The Hopkins Group considers that the decision to allocate Land South of Fitzgerald Road (LA006) is soundly-based. The site is sustainably located adjoining the Core Village of Bramford within the Ipswich Fringe, its suitability for housing has been confirmed by the Council's resolution to grant outline planning permission on the site (and surrounding land not included in the allocation) for 115 dwellings (Application Ref: DC/19/01401) and it is controlled by a housebuilder with a proven track-record of delivering high-quality housing in the District. The proposed allocation is therefore consistent with national policy with respect to enabling sustainable development, it is positively prepared in that it would help to meet the area's housing needs, it represents an appropriate and therefore justified strategy as a location for development and it is clearly deliverable and therefore effective.

Question 9.1 – Part 2

Are the criteria and requirements set out in the relevant policies justified and effective?

- 2.1 As set out in our client's previous representations, the Council resolved to grant outline planning permission for 115 dwellings on the proposed allocation and surrounding land not included in the allocation in June 2020, subject to the signing of a S106 agreement. There has been a delay in progressing this agreement, but it is now expected that it will be completed and planning permission issued in August 2021.

2.2 As set out previously, our client supports the inclusion of Land South of Fitzgerald Road (LA006) as an allocation, but objects to the extent of the allocation site and the quantum of development proposed. Without wishing to repeat our client’s previous representations, it is clearly not justified or appropriate for the Council to allocate a smaller development on a smaller site than it has found to be a reasonable and necessary alternative through the planning application process. The Council has resolved to grant planning permission for 115 dwellings on a larger site and the allocation (and settlement boundary) should be amended to reflect this.

2.3 There were several representations submitted at Regulation 19 stage that commented on the criteria and requirements set out in Policy LA006. We respond to these below:

- **Flood risk assessment:** Suffolk County Council has requested that the policy be amended to require a Flood Risk Assessment (FRA). The site is over 1ha and as such an FRA would be required under national policy. There is therefore no reason to include this in the allocation policy. An FRA was submitted with the outline application on the site without the need for a local policy requirement specifying that one was needed.
- **Archaeological Assessment:** Suffolk County Council has requested a wording change to require an archaeological assessment. We have no objection to standard wording being added to the policy to require that an archaeological assessment is submitted with the application.
- **Air Pollution:** Ipswich Borough Council has raised a concern regarding air quality impact. In this respect, the Council’s Environmental Health Officer responded to the planning application to state:

Many thanks for your request for comments in relation to the above application. I have reviewed the Air Quality Report by SRL and can confirm that I concur with the findings of the report that the likelihood of the development significantly adversely impacting on the surrounding area is sufficiently low as to not require further investigation or mitigation measures. I therefore have no objection to the proposed development from the perspective of Local Air Quality Management.

Air quality is not therefore considered to be a constraint to development.

- **Transport mitigation:** We note that Ipswich Borough Council has objected that “There is no reference to transport mitigation measures in the policy”. This is not true. The Policy sets a clear requirement for:

"ix. Contributions to the satisfaction of the LPA, towards junction improvements on the A1071/B1113."

It is not clear what other requirements Ipswich Borough Council are seeking.

Question 9.1 – Part 3

Is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?

- 2.4 There is clear evidence that the development of the allocation is viable and deliverable as it is controlled by Hopkins Homes and will soon benefit from outline planning permission for 115 dwellings. The timescales indicated in the Housing Trajectory at Appendix 01 of the Local Plan are highly pessimistic as it forecasts the first dwellings being completed on the site in 2026/27. Hopkins Homes can confirm that they would expect the whole development to be completed by this time. Following the anticipated completion of the S106 agreement in August 2021, we would expect development to commence in Spring 2022 and for dwellings to be delivered along the following timescales:

- **2022/23:** 8 dwellings
- **2023/24:** 46 dwellings
- **2024/25:** 41 dwellings
- **2025/26:** 20 dwellings

Question 9.2

Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?

- 2.5 The site is neither in nor within the setting of an AONB. In so far as this question is relevant to Land South of Fitzgerald Road (LA006) it can be concluded that great weight has been given to conserving and enhancing the landscape and scenic beauty of AONBs by locating development away from them. The allocation is therefore in line with NPPF paragraphs 176-177 (formerly paragraph 172).

Question 9.3

Are any of the sites allocated for housing/other development within the AONB

likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?

- 2.6 Not applicable to Land South of Fitzgerald Road (LA006).

Question 9.4

**Are the precise dwelling numbers listed in policy LS01 justified and effective?
Would approximate figures be more appropriate?**

- 2.7 Not applicable to Land South of Fitzgerald Road (LA006).

Question 9.5

Is the “contributions to the satisfaction of the LPA, towardsxxxx” wording used in many of the LAXXX policies justified and effective? Would “contributions towardsxxxx, to ensure that the development is acceptable in planning terms” be more appropriate?

- 2.8 No it is not justified as the LPA will not necessarily be the decision-maker. The alternative wording suggested would be more effective.

Question 9.2

Are the settlement boundaries as shown on the policies map justified and effective?

- 2.9 No, as set out above under Question 9.1, the Council has resolved to grant planning on a larger site to LA006 and the settlement boundary should be amended to reflect this.