

Section 55 Town and Country Planning Act

Permission in Principle - Planning Statement

Construction of up to 3 dwellings with associated access.

Land to the East Side of Melford Road Lawshall

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Site Information

Consultant	Jonathan McDermott
Client	Ian Taylor
Site Address	Land to the East Side of Melford Road Lawshall
LA	Babergh
Description of Development	Construction of up to 3 dwellings with associated access.
Pathway (PD/Application/Appeal)	PiP Application

Constraints Review

Flood Risk Zone	1
Contaminated Land	Former Farmland
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

Local Policy Requirements

Local Plan/Core Strategy

Core Strategy

Effective Policies in Development Control

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
CS18 Mix and Types of Dwellings
CS19 Affordable Homes
CS20 Rural Exception Sites

SPG/SPD's

N/A

Planning History

Relevant History

Application Reference: DC/21/05765
Date Registered: 22-Oct-21
Proposal & Location of Development:
Application for Permission in Principle Town and Country Planning Act 1990. (Amendment)
Order 2017 - Construction of up to 9 dwellings with associated vehicular access. Land To The East Of, Melford Road, Lawshall, Suffolk

Refused and Appeal Dismissed

Report Date

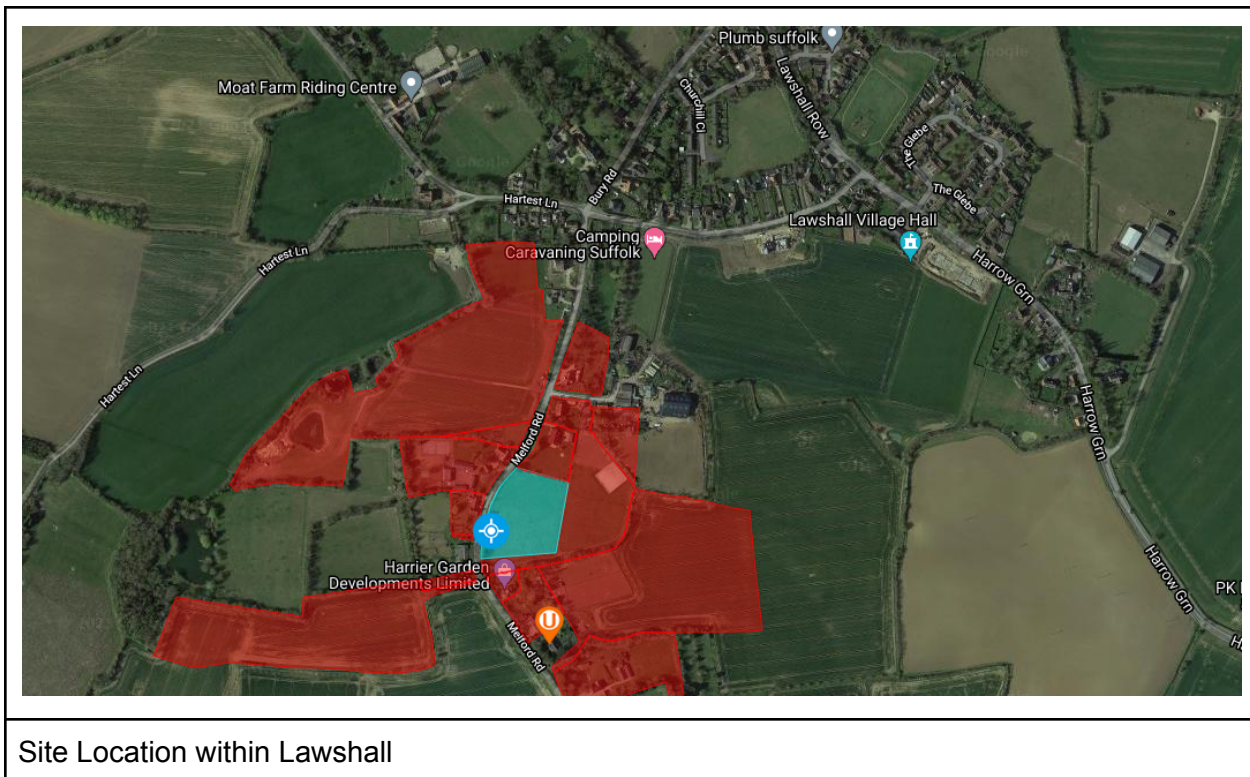
8 November 2022

1. Introduction

1.1. The site, the subject of this permission in principle application, relates to a pocket of farmland located on the east side of Melford Road and between dwellings at Coopers Lea, Little Acre and Dales Cottage. Access to the field is taken by an existing access to Melford Road

1.2. The site itself comprises a vacant field covering some 0.957ha of land.

1.3. Lawshall is identified as a Hinterland Village under the provisions of Policy CS11 and Policy CD2 identifies that the village will be used to accommodate additional development. There are no other impediments to development on this application site.



Matters Pursuant to the application

1.4. The permission in-principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

1.5. The site is within a Hinterland Village and as such Policies CS2 and CS11 encourage the growth of development within these villages to meet the district's housing needs.

1.6. Permission in principle was sought previously for housing lead development on the application site. The permission in principle application was refused and appeal dismissed for the following substantive reason:

The proposed location for permission in principle of up to nine dwellings would conflict with the Babergh Core Strategy (2014) policies CS1 and CS2, CS11 and CS15 and the Babergh Local Plan (2006) policies CN01 and CN06. The site would not constitute sustainable development when assessed with regard to paragraphs 8, 79 and 105 of the NPPF. The proposal would be detached from services, facilities, amenities and employment within a cluster of sporadic development within the countryside. The addition of residential development in this location would increase a sense of urbanisation on site, undermining its original farm character and introduce further built form into a relatively open and rural locality within the setting of a Heritage Asset. Realistically, future occupants would be heavily, if not solely, reliant on private motor vehicles. There are inadequate benefits accruing from allowing an additional nine dwellings on site to outweigh the harm of enabling development within a countryside location where the Council can demonstrate a strong and healthy five-year housing land supply and the site is detached and not well-related to existing settlement. Furthermore, the applicant has not provided evidence that the use of the land for residential purposes is acceptable in terms of land contamination. The proposal is contrary to the Babergh Core Strategy, Babergh Local Plan and the Lawshall Neighbourhood Plan (Policies LAW1 and LAW3 2017 - adopted 2017), which are consistent with the aims of the National Planning Policy Framework 2021.

Summation of Case

1.7. Following the dismissed appeal the applicants have both reduced the quantum of development proposed to bring it in line with the neighborhood plan and the proposed drawings demonstrate a greater separation between the proposed development and the heritage assets noted.

1.8. As such the applicants consider that this application has grappled with the reasons for refusal and as this statement will demonstrate the development is acceptable and will achieve 3 dwellings in an appropriate scheme.

2. Site Context

2.1. Lawshall is a village and civil parish located around a mile off the A134 between Bury St Edmunds and Sudbury, it is part of Babergh district. The parish has nine settlements comprising the three main settlements of The Street, Lambs Lane and Bury Road along with the six small hamlets of Audley End, Hanningfield Green, Harrow Green, Hart's Green, Hibb's Green and Lawshall Green.

2.2. Notable buildings in the parish include All Saints Church and Lawshall Hall. In addition, Coldham Hall is very close to the village and part of the grounds of the estate is located within the parish. Other important features include Frithy Wood, which is classified as Ancient Woodland and a designated Site of Special Scientific Interest (SSSI), and The Warbanks historical site.

3. Local Development Framework

National Planning Policy Framework

3.1. The National Planning Policy Framework was revised on 20 July 2021 and set out the government's planning policies for England and how these are expected to be applied.

This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

3.2. The current Core Strategy post dates the 2006 relevance date within the NPPF and together with the NPPF provides the most current planning policy for Babergh. The relevant sections of the NPPF are set out below:

Introduction

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account the policy on plan-making in chapter 3.

Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by

ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon Economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision Making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Application

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

48. Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, 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.

61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

71. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Promoting sustainable transport

104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

105. The planning system should actively manage patterns of growth in support of these objectives. 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. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

106. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);
- e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and

f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy.

107. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

111. Development should only be prevented or refused on highways grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

112. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making effective use of land

119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

120. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within

settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

121. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

123. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

Achieving well-designed places

126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and

distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. **Conversely, significant weight should be given to:**

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)

Local Policy

3.2. The Babergh Core Strategy is the Borough's current development plan. The plan provides a comprehensive statement of land use policies and proposals for the Borough. The relevant policies are set out below:

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
CS18 Mix and Types of Dwellings
CS19 Affordable Homes
CS20 Rural Exception Sites

Neighborhood Plan

3.3. The Council cite the Lawshall Neighbourhood Plan 2016-2036, specifically policy ies LAW1 And LAW3 are referenced. The Council avoids referencing LAW5. Policy LAW3 is particularly pertinent stating that planning permission **will be granted for schemes of small groups of up to 5 dwellings outside, but adjacent to, the Built-up Area Boundary.**

4. Principle of Development

4.1. The development seeks permission in principle for the redevelopment of land within a defined Hinterland Village for housing lead development. The proposal would seek the creation of no more than 1000sqm of building footprint comprising up to 3 dwellings and over a site area of less than 1 hectare.

4.2. Policy CS2 of the Core Strategy states:

Hinterland Villages

Hinterland Villages will accommodate some development to help meet the needs within them. All proposals will be assessed against Policy CS11. Site allocations to meet housing and employment needs may be made in the Site Allocations document where circumstances suggest this approach may be necessary.

4.3. Policy CS11 provides the assessment criteria stating

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

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

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

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria list above.

4.4. The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

4.5. Local planning authorities can grant permission in principle to a site upon receipt of a valid application.

4.6. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details

consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

4.7. The NPPF encourages the use of land in a more efficient manner. This proposed development seeks the provision of housing on former farm land that is surrounded on three sides by housing and is well related to the existing village of Lawshall. The indicative site plan attached to this application demonstrates that up-to 3 family homes can be accommodated comfortably within the 1000sqm footprint afforded by the PiP process (amounting to 333 sqm of footprint per dwelling).

4.8. Limited to 1000sqm of footprint the proposed development would be well related to the character and appearance of adjoining and surrounding housing in compliance with criteria (1) and (2) of CS11.

4.9. The remainder of the land and compound will be allocated to provide garden space for each house and car parking to meet the council's parking standards.

4.10. As such the applicants consider that the quantum of development on this site is acceptable and would accord with the aims and objectives of the NPPF. Further, the development would not present a clear reason for refusal from within the NPPF and as such the principle of development is acceptable.

5. The Design Appraisal

5.1. Whilst matters of design are not for consideration at the Permission In Principle Stage the applicant considers it important to provide some commentary on the design-related matters associated with this site.

Scale

5.2. The proposed development is envisaged to maintain the single to 1 ½ storey scale and massing of the adjoining and surrounding houses to relate well to the scale and massing of adjoining buildings and spaces within this location.

Amount

5.3. The proposed development provides for up-to 3 dwellings on the application site. Each of the dwellings will comply with the National Space Standards. The amount of development fits well within the site and provides for three quality new homes that meet and exceed modern standards of living.

Layout

5.4. The proposed layout of the site follows the good advice within CS11 and presents a conventional layout related to adjoining development within the village.

Landscape

5.5. The landscape setting of the houses has been carefully considered. The proposal is to seek to retain most, if not all, of the planting treatment, and the technical detail stage will be accompanied by a full landscape plan for the site.

Appearance

5.6. The design solution for this development will take its lead from the more traditional built form of adjoining and surrounding houses.

6. Commentary on the previous appeal and reasons for refusal

Not constitute sustainable development

6.1. Sustainable development is defined at length within para 8 of the NPPF 2021 and policy CS15 of the Core Strategy which states:

Policy CS15: Implementing Sustainable Development in Babergh

Proposals for development must respect the local context and character of the different parts of the district, and where relevant should demonstrate how the proposal addresses the key issues and contributes to meeting the objectives of this Local Plan. All new development within the district, will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development – as interpreted and applied locally to the Babergh context (through the policies and proposals of this

Local Plan), and in particular, and where appropriate to the scale and nature of the proposal, should:

i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;

ii) make a positive contribution to the local character, shape and scale of the area;

iii) protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting, and raise workforce skills and incomes;

iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;

v) retain, protect or enhance local services and facilities and rural communities;

vi) consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;

vii) protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;

viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;

ix) make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district;

x) create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the

enhancement of biodiversity, and mitigate some of the impacts of climate change eg. enhancement of natural cooling and reduction in the heat island effect, provision of pollution sequestration for the absorption of greenhouse gases, and through the design and incorporation of flood water storage areas, sustainable drainage systems (SUDs);

xi) minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk;

xii) minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate;

xiii) minimise the demand for potable water in line with, or improving on government targets, and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;

xiv) minimise waste (including waste water) during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development;

xv) minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change (eg. resilience to high winds and driving rain);

xvi) promote healthy living and be accessible to people of all abilities including those with mobility impairments;

xvii) protect air quality and ensure the implementation of the Cross Street (Sudbury) Air Quality Action Plan is not compromised;

xviii) seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality; and

xix) where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.

The production of development briefs/Masterplans will be required where proposals warrant such an approach owing to the scale, location or mix of uses. A landscape/townscape appraisal, energy strategy, multifunctional green infrastructure strategy and design and a design concept statement will be essential components of development briefs and Masterplans, alongside the sustainability assessments required in Policy CS12.

Proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas. In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.

With regard to the SPAs, SACs and Ramsar sites any development that would have an adverse effect on the integrity of a European site including candidate / proposed sites either alone or in combination with other plans or projects will be refused (see Note 2).

6.2. Whilst much of the requirements of CS15 relate to matters that are not relevant to the case before the Council applicant would highlight that the development would directly comply with sections i), ii), vii), ix), xi), xii), xvi) and xviii) through the siting, location and placement of buildings within the established built up frontage and within the hinterland village setting.

6.3. Further the creation of new dwellings within Lawshall as a hinterland village would indirectly or through the imposition of conditions comply with sections iii), iv), v), vi), viii) and xiii)

6.4. Para 78 and 79 of the NPPF reminds us that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby

6.6. The social and economic benefits of housing within rural communities cannot be understated. In 2020 the average UK household budget was £2,548 a month (£30,571 a year) based on an average of 2.4 people per household, according to the latest ONS Family Spending report. The social and economic benefits of adding new housing within the setting of an existing hinterland village together with the environmental benefits of siting new housing development where it would support the services of the Hinterland Village setting draw the conclusion that the development would be otherwise sustainable both in terms of policy CS15 and para 8 of the 2021 NPPF.

Would be detached from services, facilities, amenities and employment

6.7. The development seeks permission in principle for the redevelopment of land within a defined Hinterland Village for housing lead development. The proposal would seek the creation of no more than 1000sqm of building footprint comprising up-to 3 dwellings and over a site area of less than 1 hectare.

6.8. Policy CS2 of the Core Strategy states:

Hinterland Villages

Hinterland Villages will accommodate some development to help meet the needs within them. All proposals will be assessed against Policy CS11. Site allocations to meet housing and employment needs may be made in the Site Allocations document where circumstances suggest this approach may be necessary.

6.9. Policy CS11 provides the assessment criteria stating

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites

where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

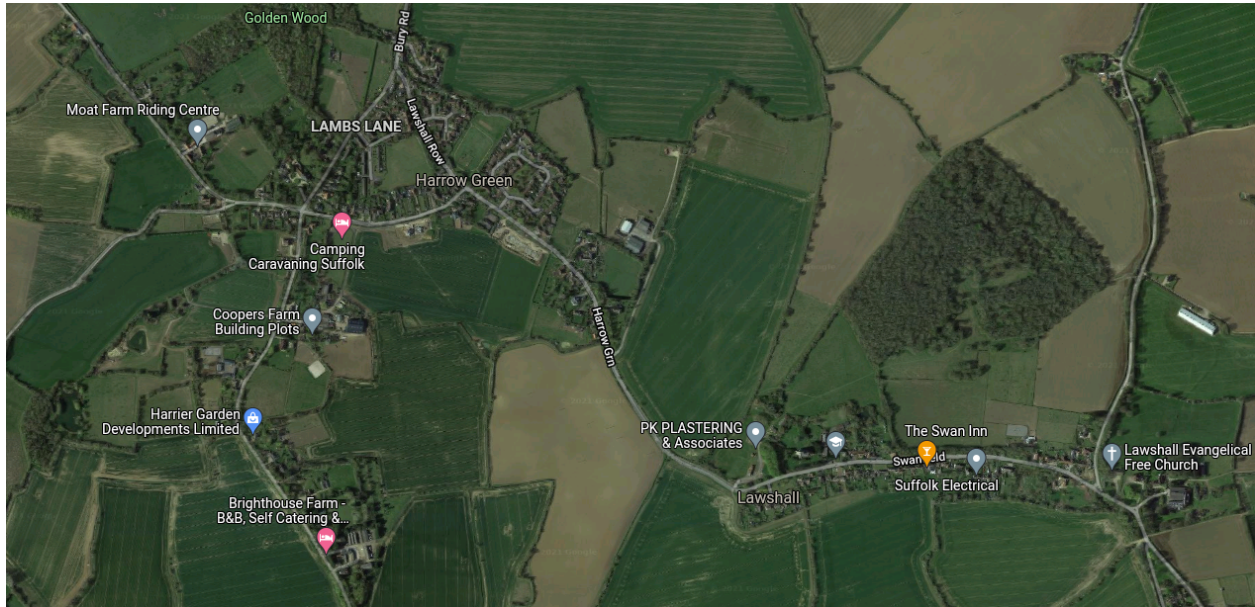
- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;
- ii) is adjacent or well related to the existing pattern of development for that settlement;
- iii) meets a proven local need, such as affordable housing or targeted market housing identified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

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

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria list above.

6.10. The NPPF encourages the use of land in a more efficient manner. This proposed development seeks the provision of housing on former farmland that is surrounded on three sides by housing and is well related to the existing village of Lawshall. The indicative site plan attached to this application demonstrates that 3 family homes can be accommodated comfortably within the 1000sqm of footprint afforded by the PiP process (amounting to 333sqm of footprint per dwelling).

6.11. The site itself is within a distributed settlement that the Council themselves have considered appropriate for growth and that contains shops and other services. A map showing some of the businesses, employment opportunities and services is shown below.



6.12. As such the broad principle of development within a built up setting is established and the development would comply with policy CS2 which seeks to allow the growth of distributed hinterland villages.

Would increase a sense of urbanisation on site and would introduce further built form into a relatively open and rural locality within the setting of a Heritage Asset.

6.13. Lawshall is a recognisable distributed village and is characterised by linear development extending along several roads. There is a dispersed pattern of development along Medford Lane however the site in question is surrounded on three sides by other, more intensive, forms of development.



6.14. The Council referred to the suburbanising effect it considers would result from the development. This has been addressed directly by reducing the quantum of development down to a mere three dwellings with large plots reflective of this part of Medford Road.

6.15. Having regard to the setting of the heritage asset noted within the decision this relates to a Grade II Listed farm on the opposite side of the road and some distance from the suggested position of the proposed houses.

6.16. Notwithstanding that layout is a matter reserved to the technical detail stage para 206 of the NPPF reminds us that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favorably.

6.17. The proposed development, as altered, would not be viewed in conjunction with the existing listed farmhouse on the opposing side of the road and could well be designed to reflect the older building by reinforcing the new development around it.

6.18. Given the wider ranging benefits from housing lead development on this site it is submitted that the proposal would not have an overt impact on setting of the listed building that would be harmful to its significance within the context of its own farmstead.

Occupants would be heavily, if not solely, reliant on private motor vehicles.

6.19. The NPPG reminds is that:

How can planning policies support sustainable rural communities?

People living in rural areas can face particular challenges in terms of housing supply and affordability, while the location of new housing can also be important for the broader sustainability of rural communities. Strategic policies will need to be informed by an understanding of these needs and opportunities, especially where authorities in designated rural areas wish to demonstrate that it is appropriate to set lower thresholds for affordable housing than those which apply generally.

The nature of rural housing needs can be reflected in the spatial strategy set out in relevant policies, including in the housing requirement figures for any designated rural areas. A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.

Local planning authorities can support opportunities to bring forward rural exception sites by working proactively with landowners and potential delivery partners such as parish councils and community land trusts.

Paragraph: 009 Reference ID: 67-009-20190722

Revision date: 22 07 2019

6.20. Para 105 of the NPPF 2021 as noted by the LPA is not negative or determinative in this regard and states:

105. The planning system should actively manage patterns of growth in support of these

objectives. 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. This can help to reduce congestion and emissions, and improve air quality and public health. **However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.**

6.21. The location of the site within a distributed village setting is an intrinsic constraint to the desire to help make Lawshall more sustainable however with urban growth comes demand for additional local employment and services and this is one of the key factors why the Hinterland Villages have been identified to address part of the Council's housing demand.

Use of the land for residential purposes is acceptable in terms of land contamination.

6.22. The Environment Agency Pollution Control Register notes that there is no known source of pollution or ground contamination within 0.5km of the application site with the nearest being set out within the below table. As such the Council's concern regarding the presence of ground contamination is addressed.

Register	Name	Registration	Registered as	Distance (km)	Address
Waste Carriers and Brokers Public Register for England	P R Howe Gardening Services	CBDL397822	Carrier, Broker, Dealer - Lower Tier	0.6	14, SHEPHERDS DRIVE, BURY ST. EDMUNDS, IP29 4PZ
Water Quality Exemptions for England	-	EPR/SH0263WA/A001		0.6	THE COTTAGE, GOLDEN LANE, LAWSHALL, BURY ST. EDMUNDS, SUFFOLK, IP29 4PS
Waste Carriers and Brokers Public Register for England	Anglia Pest Management	CBDL205283	Carrier, Broker, Dealer - Lower Tier	0.6	CORNERSTONE, LAWSHALL ROW, BURY ST. EDMUNDS, IP29 4FH
Waste Exemption Registrations for England	W.G.Waspe & Son	WEX193161	D1, D7, S1, S2, U1, U10, U13, U8	0.7	Hall farm, Harrow Green, Lawshall, Bury St Edmunds, IP29 4PB
Environmental Permitting Regulations - Discharges to water and groundwater for England	ANGLIAN WATER SERVICES LIMITED	AN/ASENF2681/001		0.7	LAWSH.-HARRO, LAWSHALL - HARROW TRIANGLE SP, CORDERS FARM, LAWSHALL, BURY ST. EDMUNDS, SUFFOLK, IP29 4PJ
Environmental Permitting Regulations - Discharges to water and groundwater for England	ANGLIAN WATER SERVICES LIMITED	AN/ASENF2681/002		0.7	LAWSH.-HARRO, LAWSHALL - HARROW TRIANGLE SP, CORDERS FARM, LAWSHALL, BURY ST. EDMUNDS, SUFFOLK, IP29 4PJ
Environmental Permitting Regulations - Discharges to water and groundwater for England	ANGLIAN WATER SERVICES LIMITED	AN/ASENF2681/003		0.7	LAWSH.-HARRO, LAWSHALL - HARROW TRIANGLE SP, CORDERS FARM, LAWSHALL, BURY ST. EDMUNDS, SUFFOLK, IP29 4PJ
Water Quality Exemptions for England	-	AN/PRENF20986/001		0.7	THE WORM FM, THE WORM FARM, HARROW GREEN, LAWSHALL, BURY ST EDMUNDS, SUFFOLK, IP29 4PA
Environmental Permitting Regulations - Discharges to water and groundwater for England	MR JON SENIOR	AN/EPRQP3124GE/001		0.8	THE COTTAGE, THE COTTAGE (FORMALY THE COT), GOLDEN LANE, LAWSHALL, SUFFOLK, IP29 4PS
Waste Carriers and Brokers Public Register for England	EE Mortimer & Son (BSE) LTD	CBDU411829	Carrier, Broker, Dealer - Upper Tier	0.8	CORDERS SHED, BURY ROAD, BURY ST. EDMUNDS, IP29 4PJ

7. The Access Appraisal

7.1. The existing access to the site is not considered sufficient to serve the development as a whole. As such a new access is proposed to the north of the site that has access to a full visibility splay of 43M in both the north and southbound direction. The Technical Detail Submission will include provision for car parking within the detailed layout at a ratio of at least 2 spaces per dwellings.

8. Conclusion

8.1. The proposed development represents an opportunity to provide three additional family homes within the district. Further, this can be done in a manner within the boundary of the Village of Lawshall and in accordance with policies CS2 and CS11 of the Local Plan.

8.2. As such, it is requested that permission in principle is approved in this instance and in the event any alterations are sought they are requested at the council's earliest opportunity.

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