
Appeal Decision

Inquiry held on 12-14, 19-22 and 25-26 November 2013

Site visits made on 14 and 19 November 2013

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 January 2014

Appeal Ref: APP/D3505/A/13/2198853

Land east of Carsons Drive, Great Cornard, Sudbury, Suffolk

- 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 Persimmon Homes (Anglia) Limited against the decision of Babergh District Council.
 - The application Ref B/10/00094/FUL/GC, dated 28 January 2010, was refused by notice dated 18 April 2013.
 - The development proposed is the erection of 170 N^o dwellings and construction of new vehicular, pedestrian and cycle access, provision for public open space and play areas, woodland planting and new wildlife habitat.
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Decision

1. - The appeal is dismissed.

Procedural matters

2. - The application was the subject of amendment during its consideration by the Council. The description above is taken from the appeal form in recognition of this fact.
3. - Subsequent to the decision, further amendments were made to the layout and to the street elevation drawings of the proposal largely to reconcile identified discrepancies. Although these amended drawings were only submitted on the opening day of the Inquiry, I am satisfied that the Council and third parties were able to give them adequate consideration and that nobody would be prejudiced if I were to base my decision on them, which I have done.
4. - Further drawings making adjustments to aspects of the layout were submitted at the end of the Inquiry (documents 29 – 33) but I understand that they are the result of agreement between the two main parties. Taking account of their minor nature and the fact that they address matters at issue in the appeal without raising new issues, I judge that nobody would be prejudiced if I were to base my decision on them, which I have done.
5. - A unilateral undertaking was the subject of negotiations between the Council and the appellant at the time the Inquiry was taking place. A draft was the subject of discussion amongst all parties towards the end of the Inquiry. Although the signed and dated undertaking was not delivered until after the end of the Inquiry, this was by agreement amongst the participants and so

nobody would be prejudiced if I take it into account insofar as it is compliant with the CIL regulations. Insofar as it is not compliant with the CIL regulations, I have taken no account of those elements of the undertaking.

6. - During the Inquiry, reference was made to the European Landscape Convention (ELC), signed by the UK government in 2006. The government considers that the UK is already compliant with the ELC and so, although the government wishes to facilitate a strengthening of performance through policy and practice across as wide a section of society as possible and has commissioned Natural England to develop its own Action Plan towards that end, there are no specific implications resulting from the ELC for consideration in this appeal.

Main Issues

7. - There are six. They are the effects of the proposal on

- The character and appearance of the area
 - forming the setting of Abbas Hall, a Grade 1 listed building
 - within the surrounding countryside including the Stour Valley Special - Landscape Area and -
 - within the development itself
- Highway safety
- Biodiversity, particularly skylarks

and

- Local infrastructure, including affordable housing, open space, recreational facilities, landscaping, education, waste facilities, libraries and transport facilities.

Reasons

The setting of Abbas Hall

8. - The significance of Abbas Hall is largely evidential; that is, its importance lies in the survival of its physical fabric as historical evidence. This would not be affected by the development proposed. But, as Professor Williamson points out, the Hall also has some significance as a quintessential example of an isolated manorial hall. This derives from its setting, a view confirmed in appeal decision APP/D3505/A/03/1108548 which records that the historic setting of the house comprises its isolated rural location with few disruptions from urban incursions. The Hall also has significance for associations (challenged by Professor Williamson), between its grounds and paintings by Thomas Gainsborough. I will consider each in turn.

Isolation

9. - The isolation of Abbas Hall is reflected both in the approach to the building and in views from it.
10. As the definition of setting in the National Planning Policy Framework (NPPF) points out, its extent is not fixed and may change as the asset and its surroundings evolve. The evidence of Andrew Derrick suggests that nobody

has yet sought to define the setting of Abbas Hall in terms of a red line on a map. Based on his evidence, and that of others, the setting of Abbas Hall may once have extended as far west as Wells Hall Road where, according to Councillor Beer, entrances remain to what was once the main approach to Abbas Hall.

11. Since that time, development has encroached on Abbas Hall, even to a small degree inside the 1813 estate boundaries which undermines Mr Derrick's suggestion that they provide a good working definition of the extent of the present-day setting of the hall. The proposal would encroach yet further.
12. Yet, neither former land ownership boundaries nor mere distance from encroachment define setting; as the expert witnesses for both main parties agreed, it is how one experiences the approach to a listed building which defines its setting. In this analysis, there is a convincing coincidence of opinion between the appellant's expert and the representatives of the Cornard Tye Residents' Association.
13. Professor Williamson records that *"at present, Abbas Hall can be viewed and experienced – in the distance – from the suburbs of Sudbury, glimpsed between modern housing, standing in isolation on the rising ground above the town. But it is also, perhaps more importantly, experienced by the public – as CTRA suggest – from the bridleway that turns south off the C732, or that leading directly east from Carson's Drive – the two meeting on the eastern edge of the proposed development area and then continuing directly towards Abbas Hall. In both cases the hall, while not viewed as if surrounded by modern development, is nevertheless seen in its context: before the bridleways meet, walkers on either can hardly fail to be aware of the ranks of modern buildings to their left, and behind them. Only beyond this point of junction are the suburbs really left behind, as the path climbs towards Abbas Hall"*.
14. Similarly, Mr Hyam, in paragraph 17 of his proof of evidence comments *"that the approach to Abbas Hall is made along the public bridleway which runs through the proposed development. Every day, walkers and dog owners take this footpath over the brow of the hill away from Great Cornard and into the open countryside and can view the setting of Abbas Hall."* Likewise, Mr Evans, in paragraph 29 of his proof of evidence uses almost identical language; *"Every day, walkers and dog owners take this footpath over the brow of the hill away from Great Cornard and into the open countryside and can view Abbas Hall in its setting."* It is clear from those statements by the owner of Abbas Hall and by the Chairman of the local residents' association that they regard the setting of Abbas Hall as one to be experienced after passing the brow of the hill.
15. These sentiments concur with the view of the Inspector who reported on the objections to the Babergh District Council Local Plan Alteration No 2. In paragraph 3.96.12.7 of his report he recorded that from his visits to the area, the part of the land to the west of the ridgeline reads more with the built up area of the village than the countryside. I agree and so now turn to consider what effect the proposal would have on the experience of passing along the bridleway over the brow of the hill and viewing Abbas Hall in its setting.
16. The drawings show the introduction of a meandering cycleway through the housing development, running parallel to the line of the footpath which represents the historic approach to Abbas Hall through the site. Many took this to be disrespectful of the historic approach. But it is by no means clear that

the cycleway would supplant rather than supplement the footpath. The detailed layout of the open space can be left for later consideration as the requirement of a condition. It is sufficient now to observe that the extent of the linear open space proposed would allow for the retention of the original footpath on its original alignment.

17. The brow of the hill along the bridleway is just under the 50m contour line. -(To the north, the land rises higher). At that point, the nearest houses on the development site (plots 82 and 138) would be approximately 40-45m away, across a children's playground. The ground floor slab of Plot 82 would be about 4m below the brow of the hill but its roof ridge would be about 4m higher than the brow of the hill. The ground floor slab of plot 138 would be about 3.5m below the brow of the hill but its roof ridge would be about 4.5m higher than the brow of the hill. The next nearest houses would be 60m away from the brow, either lower down the hill, or more hidden by the higher end of the ridge but these two houses, together with the children's play area would be imminently present. In consequence, there would be little sense, at this point, that the suburbs had really been left behind, to use Professor Williamson's phrase.
18. Furthermore, the houses on both plots 82 and 138 would be substantial five-bedroomed houses. Their footprint would be about 75 sq m each, comparable to, and therefore competing with, Abbas Hall itself. From this, it is clear that the isolation of Abbas Hall in its setting would be compromised by this aspect of the development proposed.
19. In views from Abbas Hall, its isolation does not express itself in an absence of any sight of other development. As Professor Williamson observes, *"the edge of the built-up area lies, at present, only c.520 metres from the hall. The view from the area around the hall embraces ploughed fields and some hedges in the foreground; but the distant prospect is not across a picturesque village but over modern suburban development."*
20. Two key facets about this observation are distance and height; the existing built development which can be seen from the Hall and its lake is between 560 and 600m distant and on contour lines ranging from about 35 - 37.5 m. As Mr Hyam observes, cumulative effect must be considered; if the expansion of Sudbury were to continue without limit, there would come a point at which Abbas Hall would lose its character of isolation.
21. This point has been previously considered in the report of the Inspector considering objections to the Babergh District Council Local Plan Alteration N^o 2. He wrote that because of its topography and location, the area to the west of the ridgeline would be a logical extension to the village of Great Cornard. *"The view from the lake to the east would be marginally affected by the development in the southern triangle on Drawing 6 but on balance I consider that with effective planting the view from and the setting of Abbas Hall and the village would be enhanced."*
22. With the present appeal, three section lines are submitted (two on ASD Engineering drawing 1006/Gen/002B, and one of the three contained within Mr Neesam's proof of evidence) from which it is possible to evaluate the degree to which the current proposal would fulfil the local plan inquiry Inspector's expectations. The most northerly is section 1 on the ASD drawing. This shows that the tops of the roofs of houses in Carsons Drive 730m distant can just be

- seen from Abbas Hall, in winter, through leafless trees and that the tops of the roofs of houses proposed, 460m distant, would be visible in winter, through leafless trees. Mr Neesam's section A-A is very similar, showing that the effects of about 3m growth of trees on the ridgeline would raise the line of sight above the roofs of both existing and proposed development.
23. ASD's section 1 and Mr Neesam's section A-A are both drawn through the ridge line at its highest, and most effective point. ASD drawing section 2 is drawn through a point somewhat down the ridgeline, where the ridge would have less of a screening effect. The photographic basis of Mr Evans's exhibit MJE5 appears to be looking along a similar section line.
 24. ASD drawing section 2 shows that the full flank height of houses in Walsingham Close, off Carsons Drive, is presently visible from Abbas Hall, at a distance of about 615m. It suggests that the full flank height of plot 82 of the proposal would be visible at a distance of about 440m; however, I concur with the Council's witness, Mr Derrick, that an error has occurred in depicting the proposed development on this section and that, as noted above, only the top halves of the houses on plots 82 and 138 would be visible from Abbas Hall.
 25. Although the first photograph in Mr Evans's exhibit MJE5 appears to be an actual photograph including a board marker showing the 55m contour, which would be about 0.5m higher than the ridge of plot 138, his subsequent photomontage appears to depict buildings substantially higher still and so I am not convinced of the accuracy of the photomontages.
 26. Even so, the greater elevation (45m against 37m) of these plots compared with those of Walsingham Close, combined with the foreshortening effects of a distance reduced by about 28% would mean that they would have a considerably greater presence in views from Abbas Hall. Although Abbas Hall would still be sited on ground some 15m higher, the view along this section line would be less "over" suburban development than "towards" it.
 27. Of course, the woodland belt to be planted as part of the proposed development is intended, in part, to restore rural seclusion to Abbas Hall. But even Mr Neesam estimates that it will take up to 15 years to grow to a sufficient height and density (when in leaf) to hide the dwellings on plots 82 and 138 from their prominence in the view from Abbas Hall. In any event, as Mr Ingram points out, there would be a gap in the proposed planting, to allow the existing access route to pass through, which would mean that the proposed development would never be fully hidden. It is clear therefore, that this element of the proposed development would compromise the isolation of Abbas Hall in its setting.
 28. As noted by the local plan inquiry Inspector (quoted above) and by English Heritage in its comments of 1st March 2006, the southern, triangular, section of the site is more exposed to view from Abbas Hall because the ridge line is reducing in height and so acts less as an effective screen. However, development on this part of the site would be on much lower contours, both falling and receding from Abbas Hall and so the relationship of Abbas Hall with development on this part of the site would be much more akin to its relationship with existing housing in Brands Close, Turkentine Close and Chaplin Walk. Accordingly I am not convinced by English Heritage's view that the development proposed on this part of the site would be particularly damaging. In my view, it would have no more impact on the setting of Abbas

Hall than was envisaged by the local plan inquiry Inspector in his report, quoted previously.

Associations with Thomas Gainsborough

29. In the background to Thomas Gainsborough's picture of Mr and Mrs Andrews is the wooded slope of the Stour valley to the south-east of Sudbury. A small fleck in the painting is thought to represent Abbas Hall and its barn. The barn is now demolished; the wooded hillside considerably built up by the expansion of Sudbury as noted below. The development proposed would make little further difference to the view; it would not rise so high up the valley side as Abbas Hall, which would remain as visible in the view as ever it was.
30. Of more significance perhaps is the association with Abbas Hall of two paintings by Gainsborough nowadays known by the title Cornard Wood. They are thought to represent the view of the Stour Valley seen from the driveway to Abbas Hall, though that is challenged by the appellant's landscape history expert. Although the attribution is challenged, elements of the paintings bear an uncanny resemblance to elements in a present day photograph of the view towards the Stour valley from the Abbas Hall driveway.
31. Even if the pictures include artistic licence and so are not a precisely accurate rendering of the view in reality, it would be prudent to presume that, at the least, Gainsborough was inspired by the view from Abbas Hall. As such the view should be regarded as a heritage asset in its own right, though not one designated in any way.
32. The view seen from the Abbas Hall drive today differs from the view depicted in Gainsborough's painting, not least in the visibility of the upper part of the appeal site where the painting shows dense woodland in the foreground. The owner of Abbas Hall has planted and intends to plant trees to recreate the view depicted in the painting and so obscure views of the upper part of the appeal site. It follows that that part of the development would have no impact on the view as a heritage asset.
33. The part of the painting which contains a view of Great Henny parish church corresponds to a view in reality (in which Great Henny parish church is not actually visible) across the southern tip of the appeal site. It also corresponds to "the view from the lake to the east" described in the local plan inquiry inspector's report. I have reported earlier in this decision on how that view (and hence the undesignated heritage asset) would be no more affected by the appeal proposal than was anticipated and found acceptable in the local plan Inspector's report.

Conclusion on setting of listed building

34. I conclude that the isolated character of Abbas Hall would be compromised by the elevated position, height and size of the proposed dwellings closest to the brow of the hill along the access drive to Abbas Hall. The proposal would therefore be contrary to policy CN06 of the Babergh Local Plan (Alteration No2), adopted June 2006 (the LP) which requires that new work within the setting of a listed building should retain a setting which is appropriate to the listed building and the relationship with its surroundings.
35. The isolated character of Abbas Hall and the (non-designated) heritage asset which is the view from the Abbas Hall driveway accepted as inspiring

Gainsborough's pictures of Cornard Wood would also be marginally affected by the development in the southern half of the site, though not to any extent greater than that envisaged by the Local Plan Inquiry Inspector.

36. Bearing in mind that the isolated character of Abbas Hall is not its primary significance and that the effect on the "Gainsborough" view would be marginal and in line with that anticipated by the local plan Inspector, it follows that the development would not lead to substantial harm to or total loss of significance of the heritage assets. It would be less than substantial harm. In accordance with paragraph 134 of the NPPF, this less than substantial harm should be weighed against the public benefits of the proposal. I make this balancing exercise in later sections of my decision.

The surrounding countryside

37. To set the context, I can do little better than to refer to and quote from a landscape appraisal carried out in 2002 by the Landscape Partnership. The River Stour valley extends broadly north-west to south-east on the south-west side of Sudbury at a level of approximately 20-25m AOD. Above it on its eastern side the plateau land undulates very gently at levels of 60-75 m. The medieval centre of the town abuts the river flood plain, lying on the valley floor. Later development extends along the roads that follow the river on its north-east side. In the north, this development has spread up the valley sides, with the outer industrial and business park developments almost reaching the high plateau land beyond. To the south-east, where the appeal site lies, the built-up areas have remained predominantly below a height of 50m AOD, leaving the upper valley slopes undeveloped. Consequently, from much of the surrounding area, views of Sudbury are of a town sitting comfortably in the valley and set amongst mature vegetation.
38. Much time was spent at the Inquiry in establishing the precise elevation AOD of the ground floor level and roof ridge line of the most elevated houses on the appeal site. For the purposes of establishing the effects of the development on the setting of the listed building, the precision of that exercise was essential because a couple of metres would make the difference between a conclusion of harmful or not harmful. For the issue now in consideration, which is the effect on the surrounding countryside much of which is designated as the Stour Valley Special Landscape Area, such precision is less significant; the key question is whether there would remain above the proposal upper valley slopes left undeveloped and offering a setting of mature vegetation.
39. The parties agreed on a number of viewpoints from which longer-distance views of the site might be obtained and I made accompanied visits to each of these. In some cases, any view of the site would be quite marginal. In others it would be fully on display. But, in all cases, I am satisfied that the development would not break the skyline and there would remain undeveloped upper slopes on higher land behind the development. Some of these were well wooded. The woodland planting proposed as part of the development, although located on the ridge line within the site, would not, in fact, be on the skyline, which is formed by the higher plateau beyond, but it would, in time, add to the setting of mature vegetation on the valley sides.
40. In these longer views, much existing suburban development around Sudbury is clearly visible rising up the hillside. In some instances (such as the view from outside Middleton Hall) the hillside is well covered with trees so that only

glimpses of roof are visible, variously comprising weathered, reddish tiles, dark grey slate or even solar panels. In middle-range views, from the south in particular, the suburbs of Sudbury are clearly laid out in the forefront of the view without much tree cover again displaying a variety of roofing materials and some instances of renewable energy equipment. The appeal proposal would simply be just one more such suburb.

41. The parties disagree about the extent of tree cover which would be achievable within the site. I consider this point further when considering the effects of the development within the site itself. In relation to the issue of the effects of the proposal on the wider landscape, clearly, planting within the site would be beneficial in adding to the setting of mature vegetation on the valley sides but, whether or not this would be achievable to any significant degree, the development proposed would result in the built-up area remaining predominantly below a height of 50m AOD, leaving the upper valley slopes undeveloped. Consequently, from much of the surrounding area, views of Sudbury would still be of a town sitting comfortably in the valley and set amongst mature vegetation, irrespective of the success of any planting within the site.
42. The parties' analysis of the effects of the proposal on the landscape included appraisal of its effect on short-distance views from positions immediately surrounding the site. In the technical terms of landscape appraisals, these assessments include several findings of high and medium-high significance adverse visual impact.
43. In layman's terms, these mean no more than was reported to the local planning authority in considering the objections to the modifications to the Babergh Local Plan (alteration N^o 2) following the Inspector's report; *"It must be recognised that for occupiers of houses in Carsons Drive and Sheepshead Hill, a view onto a field is preferable to a view onto new housing. Similarly, this applies to walkers, etc. using the local rights of way network (although it would only affect that part of the network closest to Great Cornard). In the immediate locality then, the views of these parties would be adversely affected."*
44. The effects of the proposal on the countryside in short distance views are therefore entirely consistent with the expected effects of the inclusion of the proposal within the development plan, namely; there would be a change in character from countryside to urban development. However, this does not amount to a reason to refuse permission for such a development on a site included within the development plan for that purpose. In any event, none of these short distance views encompasses land within the Stour Valley Special Landscape Area.
45. Part of the site not proposed to be built on lies within or adjacent to the Stour Valley Special Landscape Area. Reference is made within the appellant's Landscape and Visual Impact Assessment (LVIA) to Suffolk County Council's Landscape Character Assessment 2007. The LVIA notes that within this Assessment, Landscape Character Type 4, Ancient Rolling Farmlands (LCT4), which encompasses the site and its surroundings, is characterised by blocks of ancient woodland amongst other features.
46. The LVIA also notes that Guidance Notes produced alongside the assessment include guidelines for land management. The guidelines for LCT4 include

maintaining the extent of woodland cover and maintaining and restoring the stock of moats and ponds in this landscape. Although, as Mr Evans pointed out, maintaining does not mean increasing, nevertheless, I am satisfied that the inclusion within the appeal proposals of planting a block of woodland and of forming an attenuation pond would be entirely consistent with the aims of the guidelines and the character of the Stour Valley Special Landscape Area.

47. I conclude that the proposal would have no significant adverse effect on the character and appearance of the surrounding countryside and that aspects of the proposal, namely the woodland planting and the attenuation pond would make a positive contribution to reinforce the character and appearance of the Stour Valley Special Landscape Area. Provided that appropriate arrangements are made, either by condition or through a planning obligation, for the provision, retention and management of those parts of the proposal outside the housing area, the appeal proposal would comply with LP policies CR01 and CR04. These require developments in the countryside to be restricted to forestry and to appropriate outdoor recreation and to maintain or enhance the special landscape qualities of the area identified in the relevant landscape appraisal. The provision of public open space and woodland planting would comply with a specific requirement of LP policy HS17.

The character of the development itself

48. The council's second reason for refusal refers to scale, form, design, finish, layout and place-making. These were elaborated into a Building for Life Assessment and a Table of Main Concerns in Anne Westover's evidence and by Anthony Ingram on behalf of Shape East and the East of England Design Panel who were asked to undertake a Design Review at a late stage in the Council's processing of the application.
49. Some of these criticisms (I hesitate to call all of them objections) relate to process matters; (discrepancies between drawings and technical studies; absence of visualisations and photomontages; incomplete analyses or assessments) or to a lack of information (the reason for the dwelling mix proposed). Others relate to issues discussed elsewhere; the effect on the special landscape qualities of the setting; the effects on the setting of Abbas Hall; the provision of infrastructure and skylark mitigation.
50. A distillation of the substantive points not discussed elsewhere suggests the following list for examination;
- Local context
 - Connectivity
 - Tree protection
 - Streetscape (fronting/not fronting streets, open space, open country)
 - Adequacy of parking provision
 - Efficiency of layout
 - Placemaking /views/landmarks
 - Tree planting

- Location of play areas
- Surveillance
- Road gradient
- Sustainability/energy efficiency
- Cycle storage provision
- Materials
- Lighting
- Details – of woodland planting, habitat creation

Local context

51. Although Sudbury is an historic market town with numbers of listed buildings, its growth during the 1960s as part of the Greater London Council's expanded town programme means that existing built development likely to be seen in conjunction with the site is typical of that period. Rectilinear, open plan layouts of terraced houses in buff and brown brick with shallow (approximately 22 degree) pitched roofs covered with concrete tiles are typical of the development of Sheepshead Hill and Carsons Drive, the latter almost entirely devoid of any street trees.
52. They draw little inspiration from Suffolk vernacular building which, as I could see on my site visits to viewpoints in the surrounding countryside, includes materials such as half timbering, render and brick, either orange or reddish in colour, paired with plain clay roof tiles of similar colour (though now weathered) on 45 degree pitches (approximately), or white gault paired with slate roof tiles on 30 degree pitches (approximately). Realistically, Suffolk vernacular building does not form the context for this appeal site.
53. Further south along Carsons Drive is housing more typical of the 1980s with more informal layouts of detached and semi-detached houses in a variety of materials and with roofs pitched more steeply. Unlike the earlier housing, this later development is not contiguous with the site but is separated from it by a former green lane, now overgrown with mature trees, many of which are subject to a tree preservation order. A few street trees are also evident.
54. The proposal's organic, informal layout, mixture of house types, materials (insofar as specified) and roof forms would have more in common with the housing along the southern parts of Carsons Drive than with the housing along the northern part of Carsons Drive and Sheepshead Hill with which it would be contiguous in part. In this, it is criticised for a failure to respond to its context. But these adjoining developments are largely self-contained, turning their backs or flanks to the site and, in the case of Sheepshead Hill, separated from the site by a sward of grass and a hedge.
55. From the evidence given there is no particular reason why the appeal proposal need replicate forms of development of fifty years ago which, whatever their quality, are now out of fashion. There were hints of a disparagement of the use of developers' standard house types but no specific information to demonstrate that this would cause harm to the resulting character or

appearance of the development. It would be of its time and there is no reason, in fact, why the development should not display a character of its own.

Connectivity

56. The development proposed is criticised for failing to connect with surrounding development but, as already noted, it is separated from the Sheepshead Hill development by the latter's landscaped boundary and from the 1980s development in the southern part of Carsons Drive by a belt of trees on a former green lane outside the appeal site. The only potential for connectivity is along the bridleway formerly the western approach to Abbas Hall and into the three culs-de-sac at the northern end of Carsons Drive.
57. Of these three opportunities, the opportunity of connecting to the bridleway would be taken by the development. The layout proposed affords opportunities for footpath connections into the cul-de-sac at the northern end of Carsons Drive and into the footpath in front of number 15 de Grey's Close. It also offers the opportunity for a piece of open space within the development (between plots 24 and 25) to be linked to similar open space running between 22/24 de Grey's Close and 8/9 Walsingham Close. However, evidence was given and not contradicted that the Council as owners of de Grey's Close and Walsingham Close responded to the views of local residents by refusing its permission for connections to be made. Nevertheless, the opportunity remains in the layout proposed and so this matter is not a reason for dismissing the appeal.

Tree protection

58. The site itself is relatively treeless. - Outside the site, along the southern part of its western perimeter, is a former green lane, now so colonised by shrubs and trees as to be impassable. Parts have now been taken into the curtilage of houses in Brands or Turkentine Closes. Many of the trees are protected by a tree preservation order. The proximity of the proposed development to these trees is said to constitute a threat to their preservation. In fact, the proposed houses would be, in most cases, less close to the protected trees than is the existing development in Brands and Turkentine Closes and Chaplin Walk. There would be some interference with root protection areas, which could be limited by conditions requiring protection during construction but insufficient to cause a significant threat to the trees' survival.
59. In general, the rear gardens of houses within the proposed development would abut the former green lane and the line of preserved trees. This too is said to present a threat to the trees' preservation because it would make them less accessible for maintenance purposes but there is no information to demonstrate or reason to suppose that trees located to the rear of properties are more or less likely to be maintained than those located to their front. I therefore take the view that this is a criticism without substance.

Streetscape

60. Elsewhere, the layout proposed is variously criticised for fronting or not fronting the open space proposed, both within the housing and lying to its east. The appellant's landscape consultants comment adversely on the existing housing in the northern part of Carsons Drive because it turns its flank or rear to the appeal site and so is said not to present a clearly defined edge to the

urban development of Sudbury. Without disagreeing, the County Council's Landscape Officer considers the adverse effect to be moderate.

61. The substantial belt of planting proposed along the west side of the top of the ridge is said to provide a much stronger boundary. I have already accepted that the woodland planting would make a positive contribution to reinforce the character and appearance of the Stour Valley Special Landscape Area. That would be so, irrespective of the orientation of house fronts or rears to the open space proposed within or on the edge of the development.
62. Advantages of dwellings fronting on to open space include the probability of more direct surveillance from the dwellings and hence, greater public safety and the avoidance of access to the rear of dwellings from public spaces, as advised in the government's 2004 publication *Safer Places*. Disadvantages include the introduction of public street lighting abutting open land and the inherently inefficient land use of single-sided access roads used where houses front onto public open space but there is no clear evidence to show that the use of either approach is inherently wrong or harmful. I return later to the issues of surveillance and crime prevention in relation to particular parts of the appeal scheme and to the consequences of inefficient land use.

Parking provision

63. Elected representatives who made appearances at the Inquiry were anxious to ensure that car parking provision would be adequate and would not lead to on-street parking along narrow estate roads. An analysis of future residents' likely behaviour in parking their cars was undertaken during the Inquiry. It showed that there were three points where the layout proposed would require residents to drive past their own house before reaching their designated parking space in a rear parking court. This is a feature which is recognised as likely to lead to on-street parking in preference to the less-convenient parking court. Although an undesirable feature which must be taken in to the overall balance, the relatively few instances where this feature is manifest are unlikely to lead to a general problem requiring the appeal to be dismissed for this reason alone.

Efficiency of layout

64. Some of the parking courts proposed would be to the side of houses, accessed directly from the street. Although the use of rear car parking courts would not be universal, in those instances where they are proposed, they would be an inherently inefficient use of land because they require an access way to be provided. Examples are those serving plots 6-18, 33-43, 64-70 and 116-118. Similarly, as noted above, the use of single-sided access roads serving plots 71-75, 111-116, 134-138, 139, 144 and 145 would be an inherently inefficient use of land.
65. Both parties agreed that the site was pressured, in terms of the quantity of housing it was expected (both by developer and by local plan) to accommodate, and that in consequence it would need to be laid out efficiently in order to achieve an acceptable result. No party had tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF.

66. Some inefficiencies of layout are an inevitable result of the shape of the site. Others may flow from the demands of the local authorities themselves, such as the reported requirement of the local highway authority, accepted by the developer, for a loop road to give alternative access in case of emergency for the numbers of dwellings proposed, or the requirement, accepted by the developer, for a buffer zone around children's play areas. However, consequences flow, in terms of placemaking, tree planting and the location of play areas, from the efficiency with which the site is used. These are considered in the following paragraphs.

Placemaking

67. The comments of the East of England Design Panel on the scheme include the observation that it is perfectly reasonable to use standard house types but essential to configure them to contribute to quality of place. In their view the urban design could be improved by designing the configuration of standard house types to contribute to the quality of space. In response to my questions, Mr Ingram, representing the Design Panel, accepted that the proposed layout of the southern part of the site was approaching the quality of placemaking sought and that some areas of the layout worked quite well.

68. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the handed pairings of plots 82 and 138 (although harmful in other ways noted earlier) and 81 and 128 around the eastern third of the linear parkway, or the handed pairings of plots 151 and 153 at one of the entrances to the site from Sheepshead Hill. The developer's architect pointed to the greater height of the flats (plots 90-100 as creating a focal point and the grouping of plots 63, 64 and 38-45 around a green space as creating a sense of place, both points not controverted.

69. Elsewhere, however, it is hard to escape the substance of some of the points of criticism levelled in the section of the Council's Committee report headed "Urban Design". In particular, I agree that many spaces and streets would have little sense of enclosure or of design and appear to be no more than pragmatic arrangements of houses and roads and that internal views are frequently terminated by garages, parking courts, fences, sides and rears of properties giving a sense that internal views have been little considered.

70. Much of this criticism is a matter of judgement and balance; missed opportunities and matters which could be improved upon rather than matters which actually cause harm. An exception to that generality is that in response to my questions, the developer's architect accepted that he would have liked to have improved on the quality of life which would be experienced by the potential future residents of plots 105-110, closely surrounded by car parking or roads on all four sides. I agree with that. Although the poor living conditions likely to be experienced by the residents of 6 flats out of a proposed 170 dwellings might seem to be a disproportionate reason for dismissing this appeal, they are clearly a factor to be taken into account in the overall assessment of the scheme.

Tree planting

71. Although the landscape masterplan for the scheme indicates that approximately 200 new street trees would be planted (in addition to that in the

woodland and copses of trees in the open space) only a little over half that number is shown on the proposed site layout as amended by document 31 and it is evident that many of those could not have a canopy of more than about 2.5m radius before fouling a proposed building. It is evident therefore that effective tree planting within the housing layout would be quite limited, albeit far more than is provided within the adjacent housing developments along Carsons Drive.

72. On the other hand, the scheme includes a linear park, about 20m wide, across the centre of the site, which would provide considerable scope for planting substantial trees. It also provides for a woodland belt, typically about 40m wide, to the east of the housing layout. Overall therefore, although the proximity of house to the streets, the extent of hard surfacing for access and car parking and the lack of room for street tree planting would produce a relatively hard character within the housing layout, somewhat similar to that of the houses off the southern end of Carsons Drive, that would be relieved by the central linear park and by the surrounding woodland to a much greater degree than in the existing housing off of Carsons Drive, which sets the context for the appeal scheme.

Play areas

73. All parties accept that the scheme would meet the Council's quantitative standards for the provision of open space and play areas, if secured by conditions or a planning obligation. In the terms of the Council's *Open Space, Sport and Recreation Strategy* September 2010, the proposal would provide a Local Equipped Area for Play (LEAP), three Local Areas of Play with play equipment (LAP+2) and one "doorstep" Local Area for Play (LAP).
74. Only the last would be provided within the housing development itself. -The other facilities would be located within the land set aside for open space, to the east of the housing. This design choice is apparently made in response to the Council's requirement for a minimum distance to a property boundary around the activity zone associated with each facility.
75. Whereas for a LAP the minimum distance required is only 5m, increasing its total land take from 150 sq m to 600 sq m if surrounded by housing, for a LAP+2 the minimum distance required is 13m, increasing its total land take from 250 sq m to 1600 sq m and for a LEAP the distance required is 20m, increasing its land take from 625 sq m to 4225 sq m. The larger areas would have a disproportionate effect on the efficiency of the layout and so, it is not surprising that the choice has been made to locate the more land-hungry facilities within the open space area rather than within the body of housing.
76. Nevertheless, in consequence, the catchments of the three LAP+2s would be eccentric to the housing and two small areas of the site, comprising about 14 houses and nine flats (about 13% of the total) would lie outside their defined catchments. Two of the LAP+2s would be positioned within the woodland belt, reducing its effective width from about 40m to about 20m and so reducing its potentially beneficial effects on the character and appearance of the surrounding countryside, noted earlier. As also noted earlier, the location of LAP+2 N^o 2 would contribute to the adverse effect of the proposal on the setting of Abbas Hall.

Surveillance

77. Although there are level differences between the LEAP, LAP+2s N^os 1 and 2 and nearby housing, the location of the LEAP and the three LAP+2s, either close to well-used public footpaths or overlooked by proposed housing, would mean that surveillance would be adequate. The outer ends of the linear park would be adequately overlooked but I am less convinced of the adequate surveillance of the central section, one side of which would be entirely bounded by rear gardens and the other side partly bounded by side walls.
78. Within the housing layout, the use of alleyways to provide rear access to terraced houses inevitably introduces an element of security risk but is a necessary attribute of that form of housing. Elsewhere in the housing layout, the exposure of flanks and rears, which present a security risk, is largely minimised but there are exceptions. The occasional use of rear parking courtyards, noted above, presents a security hazard. So too does the incidence of houses presenting their rear gardens to public space such as plots 78-80, 83-89 and 139-142.
79. Nevertheless it has to be recognised that the elimination of all risk is an unrealistic expectation. The Suffolk Constabulary comments on aspects of the proposal do not amount to a reason to dismiss the appeal; even its most strongly expressed concern, relating to the LEAP, that it is likely to become a meeting point for teenagers and would result in a risk of crime and anti-social behaviour, is a statement which would be true of any LEAP, wherever located. Although crime risk needs to be minimised and weaknesses need to be weighed in the balance, there is little evidence that the design of this appeal proposal would lead to a housing development characterised by high levels of crime or insecurity.

Road gradients

80. Mr Ingram's evidence points out that the layout implies a gradient of about 1:10 for about 40m in length on the access to plots 135-146, in contrast to the developer's aspiration, expressed in the Design and Access Statement, for a maximum 1:15. Paragraph 6.3.27 of the government's Manual for Streets (MfS) advises that longitudinal gradients should ideally be no more than 5% (1:20) but acknowledges that topography or other circumstances may make this difficult to achieve. As this site is on a hillside, that comment clearly applies. A steep gradient is obviously undesirable but as the example quoted would affect less than 10% of the dwellings proposed, I am not convinced that it is, by itself, a reason to dismiss the appeal.

Sustainability and energy efficiency

81. The Council's committee report advises that the appellant's surface water management strategy would result in a post-development discharge rate no higher than the maximum pre-development rate, is supported by the Environment Agency and can be secured by condition. I have no reason to disagree and so find this aspect of the proposal acceptable in principle.
82. The County Council's landscape officer gave evidence to the effect that certain of the features proposed appear to be incompatible with the proposed site layout, instancing the difficulties of digging by hand a drainage ditch or swale alongside the western edge of the development. However, the appellant's

surface water management plan clearly shows this as an existing ditch to be retained and cleaned, not a new ditch to be constructed. A similar misreading of the drawing was given in evidence relating to an existing culvert and ditch adjacent to Sheepshead Hill, so I am not convinced that the surface water management plan would be inconsistent with the housing layout proposed.

83. The Council's committee report asserts that the appellant's Energy Assessment is unclear in that it goes through all of the options but does not conclude which renewable option is preferred or proposed. Only in a pedantic sense is this correct, in that the appellant's Statement on Renewable Energy by Millard Consulting, dated November 2009 goes through all the options and concludes against all but one that they are not recommended. It follows that one remaining option survives that process and could be secured by condition, as indeed the Council's committee report records.
84. Mr Ingram, in his evidence, correctly points out that solar panels are not shown on the submitted drawings but that does not preclude their requirement by condition, nor does it preclude consideration of the implications of such reflective roof glazing upon views primarily from the south and west. The implications of the proposal on such views are considered earlier in this decision and the choice of materials to be used is considered further below.

Cycle storage provision

85. Other than for the flats proposed, no specific building is shown to house cycles or refuse bins. But all the houses have their own private rear gardens with rear access in which residents could store refuse bins or bicycles in whatever manner they choose without affecting the character or appearance of the development. Many would be provided with garages, more likely to be used for storing bicycles or refuse bins while cars are parked on drives. For these reasons, I find no substance to this point of objection.

Materials

86. The materials proposed to be used in the construction of each house are not individually specified but are generically described on the application form as red/brown facing brick, buff facing brick and render for walls and red roof tiles and slate for roofs. As noted above in the discussion of the context for the site, these generic descriptions would not be inconsistent with the locality, although I emphasise that in my observations of the local vernacular, the clay roof tiles I saw were reddish and weathered rather than bright red concrete tiles which I only observed on the recent estate developed on the former rugby ground. In any event, the particular specification of each material used could be required by condition to be the subject of approval to ensure consistency with the character and appearance of the area.

Lighting

87. The appellant's proposed design code for lighting in effect suggests that a condition be imposed to require the submission of details to be agreed with the local authority. It suggests that footways and cycle ways within the area of open space be lit but, as that all lies within the area for development allocated to the west of the proposed woodland planting belt within local plan policy HS17, that would comply with the expectations of the local plan. There is no suggestion that areas to the east, in the habitat creation area or in the skylark

mitigation area would be lit and so I take the view that the effects of lighting on the character and appearance of the area would be no different from the expectations implicit in the development plan allocation and are not therefore a reason for dismissing the appeal.

Details of woodland planting and habitat creation

88. The scheme does not specify details of the woodland planting or of the habitat creation or of their maintenance regimes. The expectation that the woodland planting would largely comprise ash has been confounded by the ravages of the disease currently afflicting that species. Nevertheless, I am satisfied by the suggestion that other species, such as hornbeam, could be used to achieve the desired effect, so the absence of a detailed planting scheme at this stage does not require the appeal to be dismissed; the matter can be dealt with by condition.

Conclusions on the character of the development itself

89. The above analysis shows that the local context does not set such a good example in all respects that the scheme should be bound by it. The appeal scheme would be of its own time, would have its own character and that would not be wrong. It is a relatively treeless site but the scheme would adequately protect all existing trees of significance. The part given over to housing would offer restricted opportunities for street tree planting but the proposed development would still be more treed than existing housing on Carsons Drive nearby. The relatively hard, urban character of the housing area would be more than adequately balanced by the open space and belt of woodland planting to the east.
90. Some elements which would contribute to its character are as yet not fully specified or would require to be secured by conditions. These include the materials to be used, the sustainable drainage scheme, renewable energy provision and public lighting. However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved through conditions.
91. The proposal would be as connected to adjoining development as it could be. The layout takes a varied (some would say inconsistent, some would say pragmatic) approach to the question of frontages which is not inherently wrong but in places leads to inefficiencies of land use and some less well supervised areas of open space. The eccentric location of three of the play areas would reduce the effectiveness of the service they would provide. The site is on a hillside so some steep gradients would result. The layout also produces three areas where, in practice, on-street parking is likely to be preferred over the intended provision. Some efforts at placemaking are evident but there is one instance of an unacceptable outcome, which is the setting of plots 105-110.
92. After a fairly exhaustive examination of the elements which would contribute to the character of the development itself, the conclusion must be that the scheme is capable of improvement in a number of elements which would not, by themselves, amount to a reason for dismissing the appeal but which need to be taken into the overall balance and there is one part of the proposed scheme which would be quite unacceptable and that is the setting of plots 105-110.

93. Although the proposal would largely comply with Local Plan policy CN01 which requires developments to be of an appropriate scale, form, detailed design and construction materials, it would fail to comply with its fifth bullet point in this respect. That requires interesting and attractive public and private spaces in and around the development, which plots 105-110 lack entirely.

Highway safety

94. Local Plan policy HS17 contains specific requirements for highway improvements including provision of a footpath in the development of this site. A note to the policy records that satisfactory detailed proposals for transport measures to serve this site will need to be agreed before any development scheme is implemented and that planning permission will not be granted until these matters are resolved. It specifically records that the proposals should be adequate for the detailed residential scheme, based on sustainable development principles and that accordingly, road widening of the C732 throughout its length will not be considered acceptable.

95. This conclusion was reached in full knowledge of the evidence given to the Local Plan Inquiry in 2004 by Alan Newman on behalf of Suffolk County Council as the highway authority and which was re-presented to me without any further evidence which would persuade me to reach a conclusion different to that reached previously.

96. At the time the Council determined the application, satisfactory detailed proposals for transport measures to serve the site had not been agreed. On the penultimate day of the Inquiry, documents 29-33 were presented showing detailed transport measures to serve the site, with the advice, not contradicted, that they represent measures agreed with the local planning and local highway authorities. They can be secured partly by condition and partly by provisions within the Unilateral Undertaking for a Highway Contribution towards public transport improvements and appropriate Traffic Regulation Orders in the vicinity of the development.

97. As the evidence of Chris Ward, the County Council's Travel Plan Officer confirmed, the Interim Residential Travel Plan dated November 2011 prepared by ASD consultants on behalf of the developer was also agreed. However, there remain disputes between the County and the developer over the funding of the travel plan and related matters. These would be secured by the submitted Unilateral Undertaking but only to the extent that I confirm that they are required.

98. The three remaining matters in dispute are a payment for monitoring the Travel Plan, a payment towards a car sharing scheme and a payment of a bond providing insurance against failure to implement the travel plan.

99. I note that paragraph 3.4.1 of the Travel Plan records that Persimmon Homes will be required to make a one-off payment to Suffolk County Council to cover their costs of monitoring and reviewing the Travel Plan but such is not included within the estimated costs of the travel plan itself set out in paragraph 3.4.2 of the Travel Plan. Monitoring is a necessary feature of a travel plan but section 8 of the Travel Plan includes monitoring as one of the functions to be carried out by the travel plan coordinator to be appointed and funded through the travel plan itself. In cross-examination, Mr Ward accepted that even if a travel plan monitoring payment were not made, no planning consequences would ensue

and Suffolk County Council would in any event monitor the travel plan over and above any monitoring carried out by the travel plan coordinator.

100. - Given this advice, it follows that, without the Travel Plan Monitoring Contribution, monitoring would occur anyway, not least as part of the travel plan coordinator's functions and no planning consequences would ensue. Therefore, the specific Travel Plan Monitoring Contribution is unnecessary to make the development acceptable and so would fall outside the CIL regulations. I have therefore taken no account of it in reaching my decision.
101. - Section 6.9 of the Travel Plan discusses car sharing. It makes it quite clear that car sharing is an integral part of the Travel Plan, indicates how the travel plan coordinator might effect such a scheme, recommends its adoption on a trial basis and commends the County's scheme both as an alternative (paragraph 6.9.4) and as an advantageous supplement (6.9.5). There is provision within paragraph 3.4.2 of the travel plan to fund a car sharing scheme and, if that takes the form of a subscription to the County's scheme, then clearly, provision within the Unilateral Undertaking is necessary and I have taken account of it in reaching my decision.
102. - All parties are agreed that a travel plan is necessary as part of the satisfactory detailed proposals for transport measures to serve this site required by Local Plan policy HS17. It follows that a bond to insure against the possible failure to implement the plan is necessary for the development to be acceptable. Such is provided for within the Unilateral Undertaking and I have taken account of it in reaching my decision.
103. - The travel plan itself would be secured by condition; the highway improvements partly by condition and partly by the Highway contribution within the Unilateral Undertaking. With these arrangements in place, I am satisfied that the requirements of Local Plan policy HS17 would be met and the development would have a satisfactory effect on highway safety.

Biodiversity

104. - The written evidence of Mrs Sue Hooton, the Senior Ecologist of Suffolk County Council confirms that the practical measures proposed to mitigate and compensate for the ecological impacts of the development would be satisfactory in her view. I have no reason to disagree. Those relating to the woodland planting belt, the wildflower meadow and the open space could be secured by conditions. The submitted Unilateral Undertaking would secure the skylark mitigation measures for a period of not less than ten years as recommended by Mrs Sue Hooton. I therefore conclude that the effects of the proposal on biodiversity, particularly skylarks, would be acceptable and that the proposal would comply with the third bullet point of paragraph 109 of section 11 of the NPPF.

Local infrastructure

105. - This includes affordable housing, open space, recreational facilities, landscaping, education, waste facilities, libraries and transport facilities. The adequacy of provision of open space and recreational facilities has already been discussed and found to be adequate if secured by conditions and subject to the submission of detailed layouts to be required by conditions. So too has the provision of the transport facilities, partly secured by conditions and partly by

provisions within the Unilateral Undertaking which, with the exception of the Travel Plan Monitoring Payment are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

106. - The evidence of Mr McManus submitted to the Inquiry, together with the answers he gave to my questions demonstrate that the various contributions proposed within the Unilateral Undertaking for financial contributions to the provision of education, waste facilities, libraries and transport facilities would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Furthermore, it is clear that the County Council can identify specific measures on which the financial contributions would be spent which would alleviate the impact of the development on local infrastructure. These provisions of the Unilateral Undertaking therefore comply with the CIL regulations and so I have taken them into account in making my decision.
107. - The Unilateral Undertaking would also make provision for affordable housing in the proportions required by Local Plan policy HS08. This too is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. These provisions of the Unilateral Undertaking therefore comply with the CIL regulations and so I have taken them into account in making my decision.
108. - With these provisions in place, I conclude that the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, landscaping, education, waste facilities, libraries and transport facilities would be acceptable. The proposal would comply with Local Plan policy LP01 by which the Council seeks the provision or payment for all services, facilities and other improvements directly related to the development.

Conclusions

109. - In addition to the main issues discussed above, a number of other matters were mentioned by objectors to the scheme, including observations made about the procedures followed in the modification and adoption of the Local Plan. Although not specifically mentioned in this decision, I have nevertheless taken them into account.
110. - This proposed development would be satisfactory in terms of four of the six issues identified; namely its effect on the character and appearance of the surrounding countryside including the Stour Valley Special Landscape Area; on Highway safety; on Biodiversity, particularly skylarks; and on local infrastructure, including affordable housing, open space, recreational facilities, landscaping, education, waste facilities, libraries and transport facilities.
111. - To be taken into account are the marginal impacts on the view from Abbas Hall and the view associated with the Gainsborough paintings caused by the development of the southern part of the site. But this is not a new impact resulting from this particular scheme; the impact on the view from the lake in the grounds of Abbas Hall is inherent in the allocation of land within the development plan and was specifically taken into account at the time that the allocation was made.

112. - The additional deficiencies which this particular scheme brings lie in the character and appearance it would create within the housing development itself and in terms of its effect on the setting of Abbas Hall in its approach. Most of these defects are localised; they consist of the elevated position, height and size of the proposed dwellings closest to the brow of the hill along the access drive to Abbas Hall; the positions of the LAP+2s (particularly N^o 2); the three locations where on-street parking is likely to ensue from the inconvenience of rear courtyards; the setting of plots 105-110; and the lack of surveillance of parts of the central linear park.
113. - Much of the development proposed is quite acceptable. Indeed it would bring considerable benefits; the implementation of a sizeable provision of the development plan, including a substantial contribution to housing supply in general and affordable housing in particular in a district where there has been an under-performance in terms of delivery, and enhancements to the Stour Valley Special Landscape Area in terms of the woodland planting belt and the attenuation pond.
114. - But these benefits are not peculiar to this particular scheme; any proposal complying with the local plan allocation would also bring those benefits; just as the marginal adverse impact on the views from Abbas Hall associated with Gainsborough are an inherent disadvantage of the land allocation, so those benefits are an inherent advantage of the land allocation. The proposal would bring disadvantages of its own with no advantages of its own.
115. - It is government policy that developments which accord with the development plan should be approved without delay. But this scheme does not fully accord with the development plan. Its defects, particularly those which compromise the setting of plots 105-110 would be counter to the objective of the fourth bullet of paragraph 17 of the NPPF to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
116. - Were I to allow this scheme, its adverse effects on the living conditions of some of its residents and on the setting of Abbas Hall would be permanent. There is no information to suggest that a scheme cannot be designed which would be fully satisfactory in all respects; indeed several of the Council's witnesses expressed the view that this could be done speedily. I have no reason to disagree and so, in dismissing this appeal, make it clear that I do so only on the basis of its identified deficiencies and not in contradiction of the allocation of the site for development including about 170 dwellings.

P. W. Clark

Inspector -

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Ground, of Counsel	Instructed by the solicitor to Babergh District Council
He called	
Anthony Ingram DArch RIBA, Architect	Director, Anthony Ingram Design and Architecture
Anne Westover BA DipLA CMLI	Landscape Planning Officer, Suffolk County Council
Andrew Derrick BA DipBC NIHBC	Director, Architectural History Practice
William Richards MRTPI	Director, Aspinalls Planning
Chris Ward BA	Travel Plan Officer, Suffolk County Council
Neil McManus BSc MRICS ACES	Planning Obligations Manager, Suffolk County Council
Keith Barber and Peter Black	Legal Officer, Babergh District Council Suffolk County Council Highways Officer

took part in the discussion on potential conditions

FOR THE APPELLANT:

Meyric Lewis, of Counsel	
He called	
Simon Neesam BA DipLA CMLI	Associate Director, The Landscape Partnership
Professor Tom Williamson MA PhD	University of East Anglia
David Goodin DiplArch RIBA	CHBC Architects
Raymond Ricks DipTP MRTPI	Director, Boyer Planning

FOR CORNARD TYE RESIDENTS' ASSOCIATION:

Jeremy Hyam, of Counsel	Instructed by Cornard Tye Residents' Association
He called	
Michael Evans and gave evidence in person	Chair, Cornard Tye Residents' Association Local resident

INTERESTED PERSONS:

Councillor Beer	Chairman, Planning Committee, Babergh District Council
Mr Cornish	Chairman, Great Cornard Parish Council

DOCUMENTS submitted during the Inquiry

- 1 Bundle of additional or revised plans numbered 08.6716.400 P, 08.6716.410 B, 08.6716.411 C, 08.6716.412 C, 08.6716.413 B
- 2 Extract from Ordnance Survey map with footpath numbers and photograph of footpath W.2760160
- 3 Extract from Babergh District Council Local Plan Alteration No.2 Second Deposit Inspector's Report
- 4 Extract from The Setting of Heritage Assets; English Heritage Guidance
- 5 Extract from Seeing the History in the View
- 6 English Heritage letter dated 25 May 2012
- 7 Extract from The Setting of Heritage Assets: English Heritage Guidance
- 8 Extract from supplementary notes to Screening Analysis for EIA
- 9 E-mail from Gareth Durrant to Ray Ricks 04 January 2010
- 10 Chris Ward Proof of Evidence, Supplementary Proof and supporting documents
- 11 A Picture of Britain (the East) documentary by David Dimbleby (on DVD)
- 12 English Heritage; National Planning Policy Framework (NPPF) and Heritage Assets
- 13 Two photographs with flag on pole
- 14 Appeal decision APP/N5660/A/10/2129558
- 15 Appeal decision APP/K2610/A/12/2177219
- 16 Appeal decision APP/C3105/A/12/2189191
- 17 Extract from Planning Portal listing current planning policy and legislation
- 18 Department of Transport Good Practice Guidelines: Delivering Travel Plans through the Planning Process
- 19 Explanation of Public Open Space Commuted Sum Calculation
- 20 Extract from Landscape Appraisal of Land at Great Cornard, Sudbury
- 21 E-mail exchanges between Steven Fisher, James Nichols, Gareth Durrant, Mark Tavernor and Ray Ricks concerning LAPs and area coverages
- 22 Tables of 2011 Census Information - dwelling sizes for Great Cornard Parish and Babergh
- 23 Appeal decision APP/D3505/A/12/2188742
- 24 Draft of suggested conditions
- 25 Further draft of suggested conditions
- 26 Note on Housing Land Supply
- 27 Draft of conditions with tracked changes
- 28 Draft of Unilateral Undertaking
- 29 Drawing PHSY2/150A – Location of proposed gateway features
- 30 Drawing PHSY2/A134 – C732/A134 junction
- 31 Drawing 1006/HWY/003A – Additional footway/cycleway location plan
- 32 Drawing 1006/HWY/01 Rev A – Proposed junction improvements at Carson's Drive/C732 junction
- 33 Drawing 250612 101 1 – Acton Gateway manufacture details
- 34 Mitigation specification for skylark
- 35 Proforma submitting appeal proposal for Design Review
- 36 E-mail trail concerning appointment of Andrew Derrick
- 37 Drawing number PHSY2/1-1 – Survey drawing
- 38 Revised draft of Unilateral Undertaking
- 39 Conveyance Plan

DOCUMENTS submitted by arrangement following the Inquiry

- 1 Signed Unilateral Undertaking
- 2 E-mail from AshtonKCJ solicitors instructing that Unilateral Undertaking be dated

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