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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Council Chamber, Council Offices, Corks Lane, Hadleigh**

DATE: **Friday, 30 June 2017 at 9.30 am.**

Members

Sue Ayres
Peter Beer
Sue Burgoyne
David Busby
Derek Davis
Alan Ferguson
John Hinton

Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
David Rose
Ray Smith
Fenella Swan

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

PART 1

ITEM	BUSINESS	
		<u>Page(s)</u>
1	<u>SUBSTITUTES AND APOLOGIES</u>	
	Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.	
	To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS</u>	
	Members to declare any interests as appropriate in respect of items to be considered at this meeting.	
3	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	
4	<u>QUESTIONS BY COUNCILLORS</u>	
	To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	

ITEM	BUSINESS	<u>Page(s)</u>
5	<u>QUESTIONS BY THE PUBLIC</u> To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
6	<u>SITE INSPECTIONS</u> In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections. The provisional date for any site inspections is Friday 7 July 2017.	
7	<u>PL/17/4 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u> An Addendum to Paper PL/17/4 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.	1 - 4
a	<u>B/16/00447 - The Malting, Whatfield Road, Elmsett (Pages 5 - 26)</u>	
b	<u>B/17/00003 - Oakleigh, Capel Road, Bentley (Pages 27 - 48)</u>	
c	<u>B/16/00802 - Football Ground, Back Lane, Copdock and Washbrook (Pages 49 - 72)</u>	
d	<u>B/16/00955 - Lodge Farm, Kersey Road, Lindsey (Pages 73 - 118)</u>	

Notes:

1. The next meeting is scheduled for Wednesday 5 July 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter for Public Speaking at Planning Committees, a link is provided below:

<http://baberghmidsuffolk.moderngov.co.uk/documents/s4772/Public%20Speaking%20Arrangements.pdf>

Those persons wishing to speak on a particular application must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Charter for Public Speaking (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on (01473) 826610 or via email at <mailto:Committees@baberghmidsuffolk.gov.uk>

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PL/17/4

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

30 June 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE

1.	5-24	B/16/00447	ELMSETT – The Malting, Whatfield Road	GP	
2.	25-44	B/17/00003	BENTLEY – Oakleigh, Capel Road	GP	
3.	45-66	B/16/00802	COPDOCK AND WASHBROOK – Football Ground, Back Lane	GP	
4.	67-80	B/16/00955	LINDSEY – Lodge Farm, Kersey Road	IW	
	81-112	B/16/00955	Previous report considered by Planning Committee on 1 March 2017		

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager - Development Management, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:-

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

The delegation to the Head of Economy includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

(Minute No 48(a) of the Council dated 19 October 2004).

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:-

The Babergh Local Plan: <http://www.babergh.gov.uk/babergh/LocalPlan>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

Agenda Item 7a

Committee Report

Committee Date: 30 June 2017

Item No:

Reference: B/16/00447/FUL
Case Officer: Gemma Pannell

Description of Development: Erection of 7 no. dwellings and associated works

Location: The Malting, Whatfield Road, IPSWICH, IP7 6LZ

Parish: Elmsett

Ward: South Cosford

Ward Member/s: Cllr. Alan Ferguson

Site Area: 0.38ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 04.04.2016

Expiry Date: 14.09.2016

Application Type: Full Planning Permission

Development Type: Smallscale Major Development

Environmental Impact Assessment: N/A

Applicant: Gracewood Housing Ltd

Agent: KLH Architects

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents residential development in a sustainable location. The dwellings will go towards meeting the needs of the district, acknowledging that Babergh District Council cannot demonstrate an up to date 5 year housing land supply.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee by Cllr Ferguson for the following reason/s:-

With reference to the proposed footpath link between the application site and the village and a difference of opinion between the parish council and the highway authority with regard to the design/length of footpath “I wish to make it clear that it’s the failure of Highways to respond to the proposed solution that has caused it to be considered in this manner. It’s not my preferred option nor that of the Parish Council and I thought that common sense had prevailed. This really is quite unacceptable and in that context I have every sympathy with the developer.”

PART TWO – APPLICATION BACKGROUND

1. This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:
 - S/66/417/OUT – Outline for residential development and creation of access (Refused)
 - S/72/1415/OUT – Outline for residential development (Refused)
 - B/01/01672/FUL – Erection of 2 no detached single storey and 8 no. two storey dwellings with garage, construction of estate road and vehicular access. Provision of public open space. Withdrawn.

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None

Details of any Pre Application Advice

5. Pre-application advice was given on the merits of the scheme having regard to policy CS11.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. The following responses have been received from consultees.

Elmsett Parish Council – The parish council objects to the application as currently proposed.

The parish council are not opposed to some residential development of this site but the number of properties is considered to be an overdevelopment of the site. The deletion of one of the detached plots would provide a less cramped layout and be more in keeping with the properties on the opposite side of the road. This would also allow for better on site manoeuvring and access/egress to and from the highway in a forward gear with more practicable on-site turning spaces.

The parish council considers that the existing frontage hedge should be completely removed and new frontage hedges be planted with indigenous species further into the site than the existing hedge line to allow for a new frontage footway to be provided along the whole of the site frontage. The hedges should be planted behind the new access visibility splays.

The parish council has long campaigned for a new footway along Whatfield Road and we fully support the highway authority recommendations with regard to the developer providing a new footway along Whatfield Road between the site and the existing footway to the east of the site, in effect a new linking footway. Unless the new footway is provided the erection and subsequent occupation of new dwellings on the application site will lead to a material increase of pedestrians using the existing unsafe and unsatisfactory route over the whole lifetime of the dwellings. This should be investigated between the applicant and the highway authority and conditioned to be provided prior to the first occupation of any of the approved units.

We note that the boundary of the application site has, in effect, allowed the existing access to the nursery to become a blind access with no visibility splay to the west. This is a road safety hazard and the application should be refused or visibility provided.

The ditch at the rear of the property has an essential drainage function and acts as a storage ditch to alleviate the potential for flooding in heavy rainfall - the Ecology Report mentions removal of this ditch at paragraph 4:2:2:5. This should not be allowed.

Amended Scheme – Welcome the provision of a footpath along the site frontage and would like to see this provided as part of a footpath link, starting from the west of the application site, to the village.

Local Highway Authority – No objection – subject to provision of footway. The footway can be split into two sections and estimated costs are as follows:

1. From the site to a point beyond the pond - £44,000
2. From the pond to the existing sections of footway near the Hadleigh Road junction - £26,000.
3. Full scheme - £70,000.

The Highway Authority have confirmed that without the provision of the footpath (at least in part – option 2) that they would object to the development. It should be noted that the HA has consistently requested the footway link when consulted on development proposals for this site. A refusal was issued for B/01/01672/FUL; all informals since had the request including BIE/15/01974/ENQC earlier this year for the same applicant/agent.

County Archaeologist - Identify that the site lies within an area of archaeological interest and recommends conditions requiring a site investigation be carried out.

Economic Development Officer – No objection – whilst I note from the application that the nursery that own this land will continue to operate from the north part of the site, the space lost to the business to accommodate the development has been replaced elsewhere to minimise any impact on the trading of the business.

Therefore my only concern is that being immediately next to residential premises may have an impact on the operation of the business and visitors.

Suffolk County Council, Flood and Water Management - Welcome the use of a rainwater harvesting system to collect the roof water, but note no mention has been given as to how the other impermeable area will be drained. They recommend that any discharge into the watercourse is no greater than 5l/s for the whole site.

Suffolk Fire and Rescue – No additional water supply for fire fighting purposes is required

Environmental Health - Land Contamination Issues – No objection to raise with respect to land contamination at the development – the developer should be advised to contact us in the event of unexpected ground conditions being encountered during construction.

Representations

7. 3 letters of representation(s) have been received from the occupants of 3 residential properties adjoin the application site objecting to the proposed development. These comments are summarised as follows:
 - Overshadowing and loss of light
 - Development would be outside the village Built-Up Area Boundary.
 - Overlooking and loss of privacy.
 - Design of development is not in keeping with the surrounding area

The Site and Surroundings

8. The application site is a roughly rectangular parcel of land located on the south side of Whatfield Road, west of the village centre. It has an area of approximately 0.38ha and predominantly comprises an improved grassland field with a hedge running along the length of its boundary with Whatfield Road. An existing gate in the north west corner of the site provides access to the field.
9. There are residential properties on the north side of Whatfield Road opposite the site. Chequers Park is located to the west and an access road to Shrublands Park Nursery runs along the eastern boundary of the site. A line of detached buildings on the neighbouring nursery site abut the southern boundary of the site which is defined by a drainage ditch.

The Proposal

10. Planning permission is sought for the erection of 7 no. dwellings. These would be built in a line fronting Whatfield Road with a single vehicular access located at the midpoint of the site frontage. The proposal comprises 5 no. detached 1 ½ storey dwellings and a pair of semi detached bungalows. Double garages are provided to the front of plots 1 – 5.
11. The houses have been designed to echo the Suffolk vernacular and the scale of the existing buildings along this part of Whatfield Road. The materials proposed are a mix of, red facing brick, painted render and weatherboarding with clay pantile roofs The garages are proposed to be finished in dark coloured boarding.

NATIONAL PLANNING POLICY FRAMEWORK

12. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

PLANNING POLICIES

13. The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH CORE STRATEGY 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS21 Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

SUPPLEMENTARY PLANNING DOCUMENTS

- Rural Development & Core Strategy Policy CS11 Supplementary Planning Document, 2014

Main Considerations

14. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

The Principle of Development

15. The [National Planning Policy Framework \(NPPF\)](#) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.

16. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
17. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
18. In accordance with [National Planning Policy Guidance paragraph 030 \(Reference ID: 3-030-20140306\)](#) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *'...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'*
19. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the [Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment \(SHMA\)](#) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
20. A summary of the Babergh 5 year land supply position is:
 - i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years
21. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

22. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

23. As detailed at paragraph 17 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

24. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

25. Policy CS2 (Settlement Pattern Policy) identifies Elmsett as a Hinterland Village. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.

26. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that

"Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:

- i) Existing commitments as identified in the trajectory;*
- ii) Allowing for a windfall figure of 1,640 dwellings;*
- iii) Making provision for 2,500 new dwellings to be built in the following locations:*

*.....
Core & Hinterland Villages 1,050
.....*

The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required”.

27. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

"Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

- 1. the landscape, environmental and heritage characteristics of the village;*
- 2. the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
- 3. site location and sequential approach to site selection;*
- 4. locally identified need - housing and employment, and specific local needs such as affordable housing;*
- 5. locally identified community needs; and*
- 6. cumulative impact of development in the area in respect of social, physical and environmental Impacts.*

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

- 1. is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
- 2. is adjacent or well related to the existing pattern of development for that settlement;*
- 3. meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
- 4. supports local services and/or creates or expands employment opportunities; and*
- 5. does not compromise the delivery of permitted/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 listed above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

28. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
29. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
30. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
31. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

32. In terms of the likely visual impact into the surrounding landscape, the proposals will have a minor effect. The scale of the proposals combined with the location of the site within, and adjacent to, the existing settlement restricts the potential visual impact to wider area.
33. Whatfield Road retains a rural appearance with a variable width to the carriageway and an absence of raised concrete kerbs. The site is well contained by vegetation and buildings on neighbouring land and views toward the site from the surrounding landscape are limited.
34. It is considered that the loss of the field in this context will not have a significant adverse impact on the character of the wider landscape. *The green margin to the site would be retained by the replace proposals includes the replacement of the hedge along the front of the site maintaining a green edge to Whatfield Road.* Although the existing hedge along the front boundary would be removed as a result of this proposal the green edge to the site along Whatfield Road would be retained.
35. The residential development of the site itself is not considered to have a significant adverse impact on the local landscape character, which is punctuated by residential development in this location. However, consideration of the impact of the suggested layout on the character and appearance of the settlement as a whole are considered later in the report.
36. The site is not located within a conservation area.

37. The site does not contain any listed buildings, nor is it adjacent to any listed buildings. As such, no harm is identified to heritage assets.
38. The site does not contain any trees that are subject to Tree Preservation Orders. The majority of the boundary vegetation, in the form of hedgerows and trees, would be retained. As such, the majority of the vegetation that would be lost would be insignificant internal trees that offer little in the way of a positive contribution to the area. The only other loss would be a small portion of hedgerow to allow a new vehicular access, This would ensure that the impact on landscape amenity would be minimal and, as such, the proposal complies with policy CS11 in terms of the impact of the proposal on the landscape, environmental and heritage characteristics of the village.

The locational context of the village and the proposed development

39. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
40. Paragraph 10 of the SPD states that: *"To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement"*. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB, may not be well related to the village and a judgement will need to be made taking in account issues such as:
 - Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries
41. The site sits within and abuts the BUAB and is well linked to existing facilities and services in Elmsett and as part of the application a footpath link will provided to the west of the site linking to the village. Due to the pattern of development, it is considered that the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. Therefore, the proposal also complies with this part of policy CS11.

Site location and sequential approach to site selection

42. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside, but adjacent to, the BUAB.
43. There are no sequentially preferable allocated sites within Elmsett, nor are there any sites within the built up area boundary which would enable a development of commensurate scale that are available and deliverable.
44. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that, in relation to sequential assessment, there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

45. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

46. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
47. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
48. The Core Villages and Hinterland Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
49. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village or Hinterland Village identified in the application, namely Elmsett
50. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core and Hinterland Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
51. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
52. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves.

53. The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.
54. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. However, the development has not been subject to a housing needs survey and, therefore, whilst Officers are not aware of any other readily available sites which would accommodate this level of growth, it is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Elmsett. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

55. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
56. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case, the applicant has not submitted a community needs assessment.
57. In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

58. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
59. The technical advice received from highways and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed. The Highway Authority has confirmed that this development would not have a significant adverse impact on the highway network.

60. It is therefore considered that, given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

Additional CS11 Criteria for Hinterland Villages

61. While the above criteria are relevant to developments in both Core and Hinterland Villages, policy CS11 also provides additional criteria relevant to development in Hinterland Villages. These are considered further below.

Is well designed and appropriate in size, scale, layout and character to its setting and to the village

62. The size and scale of the development should be proportionate to the settlement in which it is located. The technical advice received from the consultees demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
63. The proposal is for 7 dwellings and the submitted layout demonstrates that the site could accommodate this level of development and it will have a positive relationship with the neighbouring dwellings. Therefore, the development is considered to be in accordance with this element of policy CS11 on the basis that it addresses, to the satisfaction of the local planning authority, that the development is well designed and appropriate in size/scale, layout and character to its setting and to the village.

Is adjacent or well related to the existing pattern of development for that settlement

64. In addition, the proposal is well related to the existing pattern of development for Elmsett and there are no other sequentially preferable sites which the Local Planning Authority considers are in a more favourable location, in terms of the site's relationship to the main part of the village and the services upon which it relies.
65. This matter was considered at paragraphs 41-43 above, where it is concluded that the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. Therefore, the proposal also complies with this part of policy CS11

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

66. Elmsett does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered in detail earlier in this report. The conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.

Supports local services and/or creates or expands employment opportunities

67. The proposal would provide new dwellings that would support the existing facilities in the village through the generation of new occupants using those services, enhancing and maintaining the vitality of village life. As such, the proposal meets this element of policy CS11.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

68. The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Summary of Assessment Against Policy CS11

69. For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11 applicable to Hinterland Villages, with the exception of locally identified need, to the satisfaction of the local planning authority. As such, the proposal cannot be said to fully comply with policy CS11.

Consideration against other development plan policies.

70. Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
71. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
72. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
73. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.

74. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
75. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Elmsett is well connected with the surrounding settlements via the local highway and public rights of way network. It is acknowledged that there will be a high proportion of car travel from Elmsett, as people travel out of the village to work. However, it is important to take into consideration the provision of, and accessibility of, public transport in Elmsett, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
76. The socio-economic profile of Elmsett highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. There is a need to balance existing housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
77. It is considered that the development proposed would enhance the vitality of the community and that new housing will deliver a range of benefits including attracting new residents to enhance the economic contribution of Elmsett, underpinning social capacity and widening the housing mix overall.
78. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
79. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Design and Layout

80. The dwellings are proposed to be a mix of brick, render and boarding and follow a traditional Suffolk vernacular design. The scheme includes a mix of single storey bungalows and two storey detached dwellings. The semi detached bungalows are located on the eastern side of the site, adjacent to the boundary with the driveway leading to the Nursery with the detached dwellings located to the west of them. The layout reflects that built on the north side of Whatfield Road and reflects the existing pattern of development in the immediate locality.
81. The properties have reasonable sized amenity space the density is considered appropriate for the rural location. The scheme also enables the retention of existing frontage landscaping and additional planting. The layout of the development has been amended to include a footpath across the front of the site onto Whatfield Road. and will link to the centre of the village to the east of the site.
82. It is considered the overall design and layout of the scheme is acceptable and complies with policy CN01.

Impact on Heritage Assets

83. The site is not considered to have any impact on designated or non-designated heritage assets.

Connectivity and Highway Safety

84. Highway safety and connectivity with the village centre have been raised by both the Parish Council and Suffolk County Council Highway Authority. Following discussions with the applicants, confirmation has now been received that they are prepared to pay a financial contribution to enable the construction of a footpath from the pond to the east of the site to the existing section of footway near the Hadleigh Road junction. It is considered that this improves the pedestrian connectivity to the rest of the village and addresses the concerns of the Parish Council and the Highway Authority who no longer object to the proposed development. It is therefore considered that the scheme would be acceptable in highway safety terms.
85. As such, the proposal accords with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

Impact On Residential Amenity

86. Consideration has been given to the impact of the proposal on the residential amenity of the neighbouring residents.
87. Whilst concerns have been raised over the potential impact on residential amenity from neighbouring properties, it is considered that the proposed development would not lead to a significant loss of amenity or privacy. Whilst the new development would alter the outlook for the neighbouring residents and would alter their current level of amenity to a degree, this is not considered to be such that would give rise to detriment to amenity of a level that would warrant refusal of the application. almost new development has some level of negative impact but an application should only be refused if the impact of a development is significant. In this case it is considered that the impact would be far from significant and is considered acceptable.

Biodiversity and Protected Species

88. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
89. It is considered that the development could proceed with minimal impact on the local consideration status of any protected, principally important or rare species within the area.
90. As such, the proposal is considered to accord with criterion vii of policy CS15, insofar as it relates to biodiversity.

Land Contamination

91. The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event that of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Surface Water Drainage

92. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. The applicant has provided evidence with regard to infiltration rates and on site storage of water, however Suffolk County Council have not been able to establish if the submitted scheme represents a viable surface water drainage strategy for the proposed development. However, Suffolk County Council have agreed that the details of the strategy for the disposal of surface water drainage can be adequately dealt with by condition. Therefore the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

Summary of Assessment Against Policy CS15

93. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations / CIL (delete if not applicable)

94. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

95. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
96. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

97. Granting this development will result in the following financial benefits:
 - New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision

PART FOUR – CONCLUSION

Planning Balance

98. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
99. In laymans terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakeable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.
100. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.
101. It is considered that any adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

102. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

103. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

- (1) That authority be delegated to Corporate Manager - Growth and Sustainable Planning to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:

Provision of footway from the pond to the existing sections of footway near the Hadleigh Road junction - £26,000.

- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, he be authorised to grant planning permission subject to the conditions including:

- Standard Time Limit
- Approved Plans
- Archaeology
- Materials
- Surface Water Drainage Details
- Landscaping Scheme
- Timescale for Landscaping
- Provision of walls and fences

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Agenda Item 7b

Committee Report

Committee Date: 30 June 2017

Item No: 2

Reference: B/17/00003/FUL
Case Officer: Gemma Pannell

Description of Development: Erection of 16 no. dwellings comprising 5 no. bungalows and 11 no. houses, complete within garaging, related infrastructure, landscaping and new access off Station Road

Location: Oakleigh, Capel Road, Bentley, Ipswich, IP9 2DW

Ward: Dodnash

Ward Member/s: Cllr J Hinton and Cllr S Williams

Site Area: 0.96 hectares

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 31/01/2017

Expiry Date: 02/05/2017

Application Type: Planning Permission

Development Type: Smallscale Major Development

Environmental Impact Assessment: N/A

Applicant: Mr Goodwin, Thorcross Builder Ltd

Agent: Springfield Planning and Development Limited

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents residential development in a sustainable location. The dwellings will go towards meeting the needs of the district, acknowledging that Babergh District Council cannot demonstrate an up to date 5 year housing land supply.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential development of more than 15 dwellings

PART TWO – APPLICATION BACKGROUND

1. This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:
 - None relevant to this application

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None.

Details of any Pre Application Advice

5. Pre-application advice was given on the merits of the scheme having regard to policy CS11, highways issues and layout.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. The following responses have been received from consultees.

Anglian Water – No objections to the development

Bentley Parish Council: Recommended approval of the application. They did express grave concerns about access onto Capel Road which already has traffic issues. Concerns over safety of children using adjacent facilities and also its impact on the Bergholt Road junction which can only get worse.

SCC Development Contributions Manager: Detailed comments in relation to the requirements for CIL.

SCC Archaeological Service: No objection – subject to conditions

SCC Fire and Rescue Service: No objections to the development

Local Highway Authority: No objection subject to conditions.

Corporate Manager – Sustainable Environment (Land Contamination): No objection – Based on additional assessment undertaken by Nott Group (ref. 72630/R/001) dated 21st April 2017 agree that the risks posed by the site to a residential end use is low. Requested to be consulted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

Corporate Manager – Public Realm (Arboricultural Officer): No objection in principle to this application. A detailed arboricultural method statement and tree protection plan should be conditioned.

Representations

7. Summary of neighbour and other representations

At the time of preparing this report, 4 letters of representation have been received, which make the following comments (summarised) -

- Volume of traffic along this stretch of Capel Road continues to grow.
- Curved nature of road in conjunction with proximity to school make it a dangerous stretch of road
- Footpath on only one side of Capel Road.
- Concerns that materials changes to the plans may occur once permission is granted
- Concerns that the road, wall and hedge will be intrusive
- Concerns over maintenance of the landscaping
- Sad to see area of wildlife disappear.
- Not affordable housing for couples and children
- Will cause disruption and distress to neighbouring properties
- Additional 30 cars on an already dangerous road
- Central plot would lead itself to assisted living accommodation
- Possibility to work with housing association
- The site is located within the countryside
- Following the High Court Decision additional justification should be submitted for CS11 cases
- The application is not accompanied by a CS11 checklist
- Dwellings will appear dominant due to their bulky scale and massing
- Plot 12 has windows in the principle elevation obscurely glazed
- Ownership of the land for the site visibility splays needs to be checked
- The existing junction is poor and visibility is limited
- Street lighting would introduce an alien feature into this rural location.
- No other street lighting in Bentley
- Lack of drainage information should mean refusal of the application
- Drainage is an existing problem. Rear gardens already waterlogged.
- The site provides habitat for Great Crested Newts
- The site is unsustainable
- The road is not suitable for a walking along.
- The dwelling does not demonstrate a local need for 16 dwellings.
- Housing officer advised smaller units.

The Site and Surroundings

8. The application site comprises 0.96ha of the residential garden of Oakleigh and an unused paddock to the south and south east of the dwelling. Mature trees and hedgerows are situated along elements of the boundary.
9. To the north of the application site lies Station Road with dwellings and a recreation ground opposite the frontage. To the east of the site lies further residential properties and gardens on Station Road and Link Lane. To the west of the site lies a number of dwellings and properties at The Link, and a paddock east of Bergholt Road. To the south of the site lies the garden and dwelling at Link Lane.
10. A local pub, village hall, primary school, hairdressers and various other services are located within and around the village. The Planning Statement submitted with the application also makes reference to a community shop which is run by members of the community.

The Proposal

Please note details of the proposed development including plans and application documents can be found online.

11. The application seeks full planning permission for the erection of 16 dwellings. 11 of the dwellings would be market housing and 5 would be affordable housing. 5 of the dwellings would be bungalows. The market housing would consist of 4x 4 bedroom detached dwellings, 5x 3 bed detached or semi-detached dwellings and 2x 2 bed semi-detached dwellings. The affordable housing would consist of 3x 2 bed terraced dwellings and 2x 1 bed terraced or semi-detached dwellings.
12. The site would be provided with a new 5.5m road with 1.8m wide proposed along the west side of the site with access from Station Road. The road would be designed to meet adoptable standards. There would be a new bellmouth junction to serve the access road, with radii kerbs to the north west of the site, across the highway verge at Station Road. Visibility Splays would be provided across highway land in each direction to the required dimensions of 4.5m by 70m.
13. The overall proposal, including the retention of Oakleigh, will result in a density of 17.7 dwellings per hectare.

NATIONAL PLANNING POLICY FRAMEWORK

14. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

PLANNING POLICIES

15. The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH CORE STRATEGY 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh

- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS16 Affordable Homes
- CS21 Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS32 Public Open Space (Sites of up to 1.5ha)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

SUPPLEMENTARY PLANNING DOCUMENTS

- Rural Development & Core Strategy Policy CS11 Supplementary Planning Document, 2014

Main Considerations

16. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

The Principle Of Development

17. The [National Planning Policy Framework \(NPPF\)](#) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
18. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
19. The precise meaning of ‘relevant policies for the supply of housing’ has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a “narrow”

interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the “wider” definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the ‘tilted balance’ required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive ‘counterpart’ policies such as countryside protection policies.

20. In accordance with [National Planning Policy Guidance paragraph 030 \(Reference ID: 3-030-20140306\)](#) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *‘...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...’*
21. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the [Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment \(SHMA\)](#) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
22. A summary of the Babergh 5 year land supply position is:
 - i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years
23. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."
24. In light of all of the above, this report will consider the proposal against the three strands

of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

27. As detailed at paragraph 20 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

28. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

29. Policy CS2 (Settlement Pattern Policy) identifies Bentley as a Hinterland Village. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.

29. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that
"Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:

- i) Existing commitments as identified in the trajectory;*
- ii) Allowing for a windfall figure of 1,640 dwellings;*
- iii) Making provision for 2,500 new dwellings to be built in the following locations:*

.....
Core & Hinterland Villages 1,050

.....
The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required".

30. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

"Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

- 1. the landscape, environmental and heritage characteristics of the village;*
- 2. the locational context of the village and the proposed development (particularly*

- the AONBs, Conservation Areas, and heritage assets);
- 3. site location and sequential approach to site selection;
- 4. locally identified need - housing and employment, and specific local needs such as affordable housing;
- 5. locally identified community needs; and
- 6. cumulative impact of development in the area in respect of social, physical and environmental Impacts.

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

- 1. *is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
- 2. *is adjacent or well related to the existing pattern of development for that settlement;*
- 3. *meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
- 4. *supports local services and/or creates or expands employment opportunities; and*
- 5. *does not compromise the delivery of permitted/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 listed above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

- 31. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
- 32. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material

consideration when planning applications are determined.

33. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
34. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

35. In terms of the likely visual impact into the surrounding landscape, the proposals will have a minor effect. The scale of the proposals combined with the location of the site within, and adjacent to, the existing settlement restricts the potential visual impact to wider area.
36. Visibility in and out of the proposal site is generally restricted due to surrounding natural topography and existing foliage which both contains and limits views particularly on the southern boundary of the site. To further minimise any visual impact brought about through the proposal site's development, a landscaping scheme could be conditioned to soften the appearance of any development and to help it assimilate with the surrounding area. Concerns have been raised over the introduction of street lighting to the area. It is considered that the level of lighting would be extremely minor and with modern lighting now offering vastly reduced light spill, it is considered that the need for lighting for highway safety purposes outweighs any perceived landscape impact.
37. The proposed development lies in an area of archaeological potential, as recorded by information held in the County Historic Environment Record (HER). The site lies on the edge of the Stour Valley in a topographic position that was favourable for early occupation. Although there are no recorded heritage assets within the site itself, this plot and the surrounding area have not been the subject of previous systematic investigation. Cropmarks and finds of Roman, Saxon and medieval artefacts have, however, been recorded in similar topographic positions further north and (HER nos. BTY 006 and BTY 027). The Senior Archaeological Officer has therefore requested two conditions to ensure that any finds are properly recorded to advance understanding of the significance of any heritage asset.
38. The site is not located within a conservation area.
39. The site does not contain any listed buildings, nor is it adjacent to any listed buildings. The nearest listed building is located on Bentley Grove, which is over 300m away. As such, no harm is identified to heritage assets.
40. The site does not contain any trees that are subject to Tree Preservation Orders. The majority of the boundary vegetation, in the form of hedgerows and trees, would be retained. As such, the majority of the vegetation that would be lost would be insignificant internal trees that offer little in the way of a positive contribution to the area. The only other loss would be a small portion of hedgerow to allow a new vehicular access, This would ensure that the impact on landscape amenity would be minimal and, as such, the proposal complies with policy CS11 in terms of the impact of the proposal on the landscape, environmental and heritage characteristics of the village.

The locational context of the village and the proposed development

41. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
42. Paragraph 10 of the SPD states that: *"To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement"*. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB, may not be well related to the village and a judgement will need to be made taking in account issues such as:
 - Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries
43. The site sits within and abuts the BUAB and is well linked to existing facilities and services in Bentley through a network of public footpaths. Due to the pattern of development, it is considered that the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. Therefore, the proposal also complies with this part of policy CS11.

Site location and sequential approach to site selection

44. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is both within and outside, but adjacent to, the BUAB. The southern section of the site adjoins the BUAB boundary and is considered to be well related and accessible by walking to the services and facilities in Bentley.
45. There are no sequentially preferable allocated sites within Bentley, nor are there any sites within the built up area boundary which would enable a development of commensurate scale that are available and deliverable.
46. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that, in relation to sequential assessment, there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
47. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

48. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
49. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
50. The Core Villages and Hinterland Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
51. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village or Hinterland Village identified in the application, namely Bentley.
52. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core and Hinterland Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
53. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
54. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves.

55. The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.
56. The Council's Choice Based Lettings system currently has circa. 1200 applicants registered for affordable housing in Babergh at July 2016. The Bentley Housing Needs Survey Report, dated June 2015, revealed that there are 12 households in local need for affordable housing. This site is a S106 planning obligation site so the affordable housing provided will be to meet local and district wide need.
57. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. The mix takes into account the research undertaken by both the applicant and the Council. However, the development has not been subject to a housing needs survey and, therefore, whilst Officers are not aware of any other readily available sites which would accommodate this level of growth, it is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Bentley. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

58. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
59. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case, the applicant has not submitted a community needs assessment.
60. In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

61. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on*

other neighbouring villages and neighbouring local authority areas should also be taken into account".

62. The technical advice received from highways and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed. The Highway Authority has confirmed that this development would not have a significant adverse impact on the highway network. The County Council's Development Contributions Manager identifies that infrastructure required to support this development will be sought through the Community Infrastructure Levy.
63. It is therefore considered that, given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

Additional CS11 Criteria for Hinterland Villages

64. While the above criteria are relevant to developments in both Core and Hinterland Villages, policy CS11 also provides additional criteria relevant to development in Hinterland Villages. These are considered further below.

Is well designed and appropriate in size, scale, layout and character to its setting and to the village

65. The size and scale of the development should be proportionate to the settlement in which it is located. The technical advice received from the local highway authority, SCC Obligations Manager and Anglian Water demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
66. The proposal is for 16 dwellings and the submitted layout demonstrates that the site could accommodate this level of development and it will have a positive relationship with the neighbouring dwellings. Therefore, the development is considered to be in accordance with this element of policy CS11 on the basis that it addresses, to the satisfaction of the local planning authority, that the development is well designed and appropriate in size/scale, layout and character to its setting and to the village.

Is adjacent or well related to the existing pattern of development for that settlement

67. In addition, the proposal is well related to the existing pattern of development for Bentley and there are no other sequentially preferable sites which the Local Planning Authority considers are in a more favourable location, in terms of the site's relationship to the main part of the village and the services upon which it relies.
68. This matter was considered at paragraphs 41-43 above, where it is concluded that the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. Therefore, the proposal also complies with this part of policy CS11

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

69. Bentley does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered in detail earlier in this report. The conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.

Supports local services and/or creates or expands employment opportunities

70. The proposal would provide new dwellings that would support the existing facilities in the village through the generation of new occupants using those services, enhancing and maintaining the vitality of village life. As such, the proposal meets this element of policy CS11.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

71. The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Summary of Assessment Against Policy CS11

72. For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11 applicable to Hinterland Villages, with the exception of locally identified need, to the satisfaction of the local planning authority. As such, the proposal cannot be said to fully comply with policy CS11.

Consideration against other development plan policies.

73. Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
74. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
75. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.

76. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
77. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
78. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Bentley is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between and to Colchester and Ipswich. Therefore, residents in Bentley have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.
79. It is acknowledged that there will be a high proportion of car travel from Bentley, as people travel out of the village to work. However, it is important to take into consideration the provision of, and accessibility of, public transport in Bentley, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
80. The socio-economic profile of Bentley highlights the village’s important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. There is a need to balance existing housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
81. It is considered that the development proposed would enhance the vitality of the community and that new housing will deliver a range of benefits including attracting new residents to enhance the economic contribution of Bentley, underpinning social capacity, providing affordable housing and widening the housing mix overall.
82. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;

- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
83. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Design and Layout

84. With regards to the layout of the dwellings, the host property, Oakleigh would be retained so that visually, from the northern side of the site, it would be largely unaltered. A row of bungalows would run north to south along the eastern boundary on the northern element of the site. The scale of these dwellings would allow for easier assimilation into the surrounding area.
85. The two storey dwellings would be located at the southern end of the site and would be arranged around an area of open green space. The layout, whilst not a common design in the area, would form an attractive feature within the village. It is considered to be a good use of the space and would allow for an acceptable density of 17.7 dwellings per hectare whilst still ensuring an open, semi-rural, feel to the development
86. In terms of the design of the dwellings, the scheme takes design elements from the surrounding area and beyond in order to form a development that assimilates well with the rest of the village. The mixture of small and medium sized homes, as well as a group of bungalows, gives the impression of a development that has evolved naturally over time. The dwellings in prominent corner locations would be dual frontage to ensure a high standard of design. Overall, it is considered that the design of the dwellings is acceptable in this instance. They would assimilate well with the rest of the village and would not create an incongruous feature when viewed from public vantage points.
87. In these regards, the proposal would comply with saved policy CN01 of the Local Plan.

Site Access, Parking And Highway Safety Considerations

88. The sites nearest bus stops are located on Station Road within 325m of the development. From these bus stops services run 6 days a week to the large settlements of Colchester and Ipswich as well as to Core Villages such as Capel St Mary and East Bergholt.

89. The proposed site would have access from Station Road with visibility splays in accordance with Manual for Streets for 30mph speed limit. Car parking has been provided in line with the "*Suffolk Guidance for Parking – Technical Guidance*". Therefore 2 car parking spaces would be provided for two and three bedroom dwellings and 3 car parking spaces for the four bedroom dwellings. Visitor parking would also be provided at a level of 0.5 spaces per dwelling.
90. The Local Highway Authority has been consulted regarding the scheme and has offered no objections to the proposed development. The proposed access is designed to meet the highway requirements of Suffolk County Council and there will be no detriment to safety and minimal effect on capacity on the highway network.
91. As such, the proposal accords with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

Environmental Impacts - Land Contamination

92. There is no objection to the application on grounds of land contamination. The details submitted with the application have been assessed and found to satisfy the Council's Contaminated Land Officer that the risk to life is low. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Impact On Residential Amenity

93. Consideration has been given to the impact of the proposal on the residential amenity of the neighbouring residents.
94. As stated above, Plots 2 to 6 would be single storey bungalows. This would ensure that this element of the development would not lead to the creation of an overbearing impact and would not lead to any significant overshadowing of the neighbouring properties. The design would also ensure that these dwellings would not lead to a loss of privacy for the existing neighbouring residents.
95. With regards to Plots 7 to 17, these dwellings would be located a significant distance from the dwellings on Station Road, The Link and Link Lane. The mature trees on the boundaries of the paddock provide an element of screening that softens the appearance of the development. As stated within the Planning Statement accompanying the application, the applicant has taken care to design the positioning of the fenestration so as to limit any potential for overlooking into the neighbouring properties.
96. Whilst concerns have been raised over the potential impact on residential amenity from neighbouring properties, it is considered that the proposed development would not lead to a significant loss of amenity or privacy. Whilst the new development would alter the outlook for the neighbouring residents and would alter their current level of amenity to a degree, this is not considered to be such that would give rise to detriment to amenity of a level that would warrant refusal of the application. Almost new development has some level of negative impact but an application should only be refused if the impact of a development is significant. In this case it is considered that the impact would be far from significant and is considered acceptable.

Biodiversity and Protected Species

97. The site predominately consists of garden and an unused paddock, with mature

hedgerows at some of the boundaries. A Phase 1 Habitat Survey has been submitted in support of the application. This has been assessed by the Council's Consultant Ecologist. No objections have been received.

98. It is considered that the development could proceed with minimal impact on the local consideration status of any protected, principally important or rare species within the area.
99. As such, the proposal is considered to accord with criterion vii of policy CS15, insofar as it relates to biodiversity.

Summary of Assessment Against Policy CS15

100. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations / CIL

101. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

Details Of Financial Benefits / Implications (\$155 Housing and Planning Act 2016)

102. Granting this development will result in the following financial benefits:
 - New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance

103. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
104. In laymans terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakeable. This is

a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

105. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.
106. It is considered that any adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

107. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

108. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- Affordable Housing

and that such permission be subject to the conditions as set out below:




- 1) Standard Time Limit Condition.
- 2) Reserved Matters to be submitted and agreed
- 3) Approved Plans
- 4) Sustainability
- 5) Surface water drainage
- 6) As recommend by Highways
- 7) The recommendations of the ecological report to be adhered to
- 8) Construction management plan
- 9) Detailed hard/soft landscaping to be submitted
- 10) Implementation of landscaping plan to be submitted
- 11) Submission of Arboricultural Method Statement and Tree Protection Plan
- 12) Details of renewables

Application No: B/17/00003/FUL




Parish: Bentley



Location: Oakleigh, Capel Road, Bentley

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 7c

Committee Report

Committee Date: 30 June 2017

Item No: 3

Reference: B/16/00802/FUL
Case Officer: Gemma Pannell

Description of Development: Erection of 15 no. dwellings including 5 no. units of affordable housing, with associated works to roads, access, parking and landscaping

Location: Football Ground, Back Lane, Copdock and Washbrook, IP8 3EX

Parish: Copdock and Washbrook

Ward: Brook

Ward Member/s: Cllr. Nick Ridley & Cllr. Barry Gasper

Site Area: 0.8ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 15.06.2016

Expiry Date: 14.09.2016

Application Type: Full Planning Permission

Development Type: Major Residential Dwellings

Environmental Impact Assessment: N/A

Applicant: Dale View Property Developments Ltd

Agent: Wincer Kievenaar

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents residential development in a sustainable location. The dwellings will go towards meeting the needs of the district, acknowledging that Babergh District Council cannot demonstrate an up to date 5 year housing land supply.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential land allocation for 15 or over dwellings

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

W/306/1/FUL - Granted Housing estate layout Also under same ref.:- Erection of 21 houses (Nos. 5-21 incl. & 30-33 incl.) Approved - 19/01/1953 - 02/02/1953

Details of Previous Committee / Resolutions

2. 19th October 2016 – Members resolved to grant planning permission subject to S106.

Following the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 Before Mitting J. in December 2016 in order to safeguard consistency of decision making with all of those applications which engage policies CS11 and CS2 and for which decision notices have not been issued, the Planning Committee is asked to reconsider its decision in this case.

Details of Member site visit

3. None

Details of any Pre Application Advice

4. Pre-application advice was given on the merits of the scheme having regard to policy CS11.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. The following responses have been received from consultees.

Copdock & Washbrook Parish Council - No objections. The Parish Council feel this is a well balanced development. The only concern is traffic volume through Elm Lane and Back Lane.

Local Highway Authority – No objection – subject to conditions

County Archaeologist - No comments received

Anglian Water - The development site is within the 15m cordon sanitaire of a sewage pumping station. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. The sewage system has available capacity for the development. A condition is suggested to prevent development within 15m of the sewage pumping station.

Suffolk County Council Flood & Water Team (inc Drainage) – Concerns raised with regard to the storage capacity on site but Suffolk County Council, Flood and Water Management are mindful of the recommendation by Babergh District Council to recommend approval of planning permission for this application. Therefore, propose conditions to enable the submission of a strategy for the disposal of surface water.

Suffolk County Council Section 106 - I refer to the planning application consultation for the scheme in Babergh.

- Proposed number of dwellings from outline proposal: 15
- Approximate persons generated from proposal 38

The local catchment schools are Copdock Primary School, East Bergholt High and Suffolk One. We currently forecast to have no surplus places at the primary and secondary school, but do have surplus places at Suffolk One. Whilst East Bergholt High is at capacity there are a large number of children coming out of catchment in Essex, therefore Suffolk children will take priority and no contribution will be sought.

Therefore, we require CIL contributions for the pupils generated from the development: Total education contributions: £48,724.00

From this development proposal we would anticipate up to 1 pre-school pupils at a cost of £6,091 per place. There is 1 provider in this area with surplus spaces available therefore no contribution is sought.

Using established methodology, the capital contribution towards libraries arising sought from this scheme is stated below and would be spent at the local catchment library and allows for improvements and enhancements to be made to library services and facilities. Libraries contribution: £3,240.00

The above will form the basis of a future bid to the District Council for CIL funds.

Strategic Housing - The most recent information from the Babergh Council's Housing Register shows 17 applicants registered who have a connection to Copdock and Washbrook. 5 of the dwellings on the proposed development should be for affordable housing. These should take the form of:

- 2 x 1-bedroom 2-person bungalows 54 square metres for Affordable Rent Tenancy
- 2 x 2-bedroom 4-person houses at 76 square metres for Affordable Rent Tenancy
- 1 x 2-bedroom 4-person houses at 76 square metres for Shared Ownership

Affordable Tenure: 4 of these dwellings should be for Affordable Rent Tenancy and 1 for Shared Ownership

Environmental Health - Land Contamination Issues – Requested Phase 1 land contamination survey which has now been submitted.

Environmental Health - Sustainability Issues - The energy statement supplied by Wincer Kievenaar and other supporting information found within the design and access statement has addressed the sustainability policies and the required 10% reduction in carbon emissions via low or zero carbon technologies. We recommend approval for this scheme and request that inclusion of the Building for Life standard is part of the conditions alongside the 10% carbon reduction and sustainable construction methods proposed in the reports.

Environmental Health - Other Issues - No objection in principle to the proposed development however note that the development site is in close proximity to a number of existing dwellings and therefore there is potential for loss of amenity due to noise, dust, light during the site clearance/construction phases of the development and therefore recommend conditions regarding hours of operation (0800 -1800 Mon - Fri and 0900-1300 Sat); no burning of waste and the submission of a Construction and Environmental Management Plan.

Sport England - On the basis that the site has not been used for formal sport for approximately 25 years, Sport England would not be a statutory consultee on this planning application, as the land has not been used for pitch sports within the last five years. Given the time that has elapsed since it was last used for football, and the relatively limited value of the land for sport due its size, Sport England do not consider it would be reasonable in this instance to seek replacement playing field provision to compensate for the loss of this site.

Representations

6. 17 representation(s) (inc 5 letters from Westhill Farm Complex) objecting to the application have been received from 7 properties and the comments are summarised as follows:

- Site is not a football ground but grazing land
- This will be supported purely to satisfy targets
- Devaluation of properties in Dales View
- Development should be located in Ipswich
- There is no broadband
- Access is limited with single track access to Ipswich
- No shop or internet access
- No buses and people cut through from A12
- Infrastructure is inadequate for further housing
- Increased traffic along Elm Lane and Back Lane
- Development should be along dual carriageway and not here
- Meeting quotas is the only consideration
- Object to the density of development
- This site was not mentioned in recent survey for Neighbourhood Plan
- Site recently cleared of valuable wildlife habitat
- Uninspiring design of dwellings
- Should consider BIMBY (beauty in my back yard) - championed by Princes Trust
- Suffolk is being completely trashed
- Site is currently not well kept and always has stuff dumped on it.
- Children currently walk down the lane to school and extra traffic will make this more dangerous.
- Proposal will lead to disruption
- Access is unsuitable
- Coalescence with Washbrook

The Site and Surroundings

7. The site is located on the edge of the built up area boundary for Washbrook & Copdock and has historically been used as a football ground, though has been vacant for a number of years having previously been in the ownership of Suffolk County Council.
8. The site bounds an existing area of housing on its north and west boundaries, both of which are fenced. To the east and south the site is bounded by a hedge adjacent to the verge. An existing gate provides access to the field from Elm Lane. The site is relatively level, but has a slight fall towards the road.

The Proposal

9. Full planning permission is sought for the erection of 15 no. dwellings. The layout provides a new access road with footpath off of Back Lane to serve fourteen dwellings and an access off Elm Lane to serve one dwelling.
10. The dwellings are a mix of market housing and affordable as set out below:

House type	Number	Bedrooms
2 storey House(Shared Ownership)	1	2 (82m ²)
2 storey House (Affordable Rent)	2	2 (82m ²)
Bungalow (Affordable Rent)	2	1 (54m ²)
2 storey House (Private)	1	5 (175m ²)
2 storey house	1	4 (149m ²)
2 storey house	6	3 (102m ²)
Bungalow	1	3 (85m ²)
Bungalow	1	3 (169m ²)

11. The houses have been designed to echo the Suffolk vernacular and the scale of the traditional buildings in Washbrook. The materials proposed are a mix of artificial slate roofing, pan tiles and plain tiles with a mix of rendered properties over a brick plinth or red facing brick. The garages are proposed to be finished in dark coloured boarding.

NATIONAL PLANNING POLICY FRAMEWORK

12. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

PLANNING POLICIES

13. The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH CORE STRATEGY 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes
- CS21 Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLA

- Rural Development & Core Strategy Policy CS11 Supplementary Planning Document, 2014

Main Considerations

14. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

The Principle Of Development

15. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
16. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
17. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position.

The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a “narrow” interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the “wider” definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the ‘tilted balance’ required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive ‘counterpart’ policies such as countryside protection policies.

18. In accordance with [National Planning Policy Guidance paragraph 030 \(Reference ID: 3-030-20140306\)](#) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *‘...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...’*
19. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the [Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment \(SHMA\)](#) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
20. A summary of the Babergh 5 year land supply position is:

Core Strategy based supply for 2017 to 2022 = 4.1 years
SHMA based supply for 2017 to 2022 = 3.1 years
21. The site is located outside the Settlement Boundary for Copdock and Washbrook. Therefore, there is a policy presumption against development in such locations. Copdock and Washbrook is identified as a Hinterland village.
22. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

23. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

24. As detailed at paragraph 18 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

25. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

26. Policy CS2 (Settlement Pattern Policy) identifies Copdock as a Hinterland Village. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.

27. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that

"Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:

- i) Existing commitments as identified in the trajectory;*
- ii) Allowing for a windfall figure of 1,640 dwellings;*
- iii) Making provision for 2,500 new dwellings to be built in the following locations:*

*.....
Core & Hinterland Villages 1,050*

*.....
The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required".*

28. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

"Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

- 1. the landscape, environmental and heritage characteristics of the village;*
- 2. the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
- 3. site location and sequential approach to site selection;*
- 4. locally identified need - housing and employment, and specific local needs such as affordable housing;*
- 5. locally identified community needs; and*
- 6. cumulative impact of development in the area in respect of social, physical and environmental Impacts.*

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

- 1. is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
- 2. is adjacent or well related to the existing pattern of development for that settlement;*
- 3. meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
- 4. supports local services and/or creates or expands employment opportunities; and*
- 5. does not compromise the delivery of permitted/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 listed above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

29. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.

30. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
31. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
32. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

33. Back Lane retains a rural appearance with a variable width to the carriageway and an absence of raised concrete kerbs. The site is well contained by vegetation and buildings on neighbouring land and views toward the site from the surrounding landscape are extremely limited.
34. It is considered that the loss of the field in this context will not have a significant adverse impact on the character of the wider landscape. The proposals will include the reinforcement of the existing hedge boundaries with new planting, and the boundary to the adjacent housing reinforced to increase its presence as a landscape belt.
35. The residential development of the site itself is not considered to have a significant adverse impact on the local landscape character, which is punctuated by residential development in this location. However, consideration of the impact of the suggested layout on the character and appearance of the settlement as a whole are considered later in the report.
36. The proposal complies with policy CS11 in terms of the impact of the proposal on the landscape, environmental and heritage characteristics of the village.

The locational context of the village and the proposed development

37. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
38. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:
 - Whether the proposal would constitute ribbon development on the edge of the village

- How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries
39. The site abuts the built up area boundary, which encompasses properties along Back Lane and is adjacent to the existing housing estate of Dales View and therefore the development here will be well related to existing development and would not constitute ribbon development. The scale, character and density of the proposal is well related to the adjacent development and the proposal would constitute a local extension of the built up area boundary.
40. The site would be in close proximity to the school and public house, noting that there is no footpath along Back Lane, albeit that when the original housing estate was built, Suffolk County Council purchased land along Back Lane in order to provide a footpath from the estate to the village. Whilst there is no paved footpath it is considered that the nature of the road would deter traffic from travelling at excessive speeds and therefore it would not deter pedestrians from walking along Back Lane to access the school and services within the village. There is also a bus stop outside of the application site which serves the local schools.
41. The application site is, therefore, well connected in highway terms, connecting the village to the nearby settlements of Ipswich and Colchester and the site is considered to have a reasonable level of public transport accessibility.
42. In this regard, the site is considered to be well related to the village. Therefore, the proposal also complies with this part of policy CS11.

Site location and sequential approach to site selection

43. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Copdock and Washbrook.
44. There are no sequentially preferable allocated sites within Copdock and Washbrook, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
45. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

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

46. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within

- policy CS11 means the needs of the Core Village, its functional cluster¹ and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
47. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
 48. The Core Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
 49. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Hinterland village identified in the application, namely Copdock and Washbrook and its wider functional cluster.
 50. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
 51. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
 52. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.
 53. The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.
-

54. The most recent information from the Babergh Council's Housing Register shows 17 applicants registered who have a connection to Copdock and Washbrook.
55. The Balancing Housing Markets – Housing Stock Analysis of 2008 identified a shortfall of 130 1 bed market houses in the Babergh East Area. Advice from Strategic Housing was that there is a significant lack of 1 – 2 bedroom properties in the locality.
56. Based on CS19 and requirements of CS11, 5 of the dwellings on the proposed development should be for affordable housing, 4 of these dwellings should be for Affordable Rent Tenancy; 1 for Shared Ownership. The requirements are for 1 and 2 bed units as set out in the consultation response from the Professional Lead - Housing Enabling.
57. The proposed layout includes a mix of 2 no. 1 bed bungalow, 2 no. 3 bed bungalows, 3 no. 2 bed dwellings, 6 no. 3 bedroom dwellings, 1 no. 4 bedroom and 1 no. 5 bedroom dwelling. 69. The development will need to include a mix of dwellings which meet the identified local need for smaller dwellings in order to improve the mix of housing stock in the village. The applicants stated mix provides for the half of the dwellings to be 3 bed (8/15) and a third being 1 and two bed (5/15) and it is considered that this meets the local needs as set out above which identifies smaller properties, so a range of 1 – 2 bedroom properties should be considered a priority, as Copdock already has a high proportion of 3 & 4 bed dwellings. The provision of a third of the proposed dwellings being 1 & 2 bed will go some way to meeting this need.
58. However, the development has not been subject to a housing needs survey and, therefore, whilst Officers are not aware of any other readily available sites which would accommodate this level of growth, it is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Copdock. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

59. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
60. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.
61. In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through

CIL that are considered to satisfy this element of policy CS11.

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

62. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
63. In terms of existing commitments and other proposals in the relevant cluster, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the following applications have been either delivered or have planning permission. As Copdock sits within both the clusters of Capel St Mary and Ipswich the applications are as set out in Appendices A and B.
64. Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
65. In the functional cluster of Capel St Mary, there have only been 40 residential completions in the last 5 years and there are an additional 58 dwellings committed in the cluster, including 5 in Copdock and Washbrook itself. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years.
66. In the functional cluster of Ipswich 295 dwellings have been approved, however of these 175 are in Pinewood and 87 are within Sroughton. In addition to these there is an outstanding application, with a resolution to approve, for 475 dwellings in Sroughton. Pinewood and Sroughton are identified as being part of the Ipswich Urban area for the purposes of planning policy. As such the cumulative impact of these developments will be absorbed by the infrastructure of Ipswich. Outside of these villages, only 33 other dwellings have been approved in the cluster.
67. It is acknowledged that there is a capacity issue at the local primary school and Suffolk County Council have indicated that they will be make a bid for CIL monies for the provision of additional primary school places arising from the proposed development.
68. The Local GPs practice is indicated to have capacity for new patients. Anglian Water has confirmed that the foul drainage from this development is in the catchment of Chantry Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows.
69. The information regarding the capacity of the site to deal with additional surface water drainage has been submitted and therefore this matter will be addressed further within the report.
70. It is therefore considered that, given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be

easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

Additional CS11 Criteria for Hinterland Villages

71. While the above criteria are relevant to developments in both Core and Hinterland Villages, policy CS11 also provides additional criteria relevant to development in Hinterland Villages. These are considered further below.

Is well designed and appropriate in size, scale, layout and character to its setting and to the village

72. The size and scale of the development should be proportionate to the settlement in which it is located. Copdock has approximately 475 houses and the proposal for 15 dwellings would represent an increase of 3% which is considered an acceptable scale of development for the village.
73. The technical advice received from SCC highways and Anglian Water demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
74. The proposal for 15 dwellings and the submitted layout demonstrates that the site could accommodate this level of development and it will relate to the neighbouring dwellings within Dales View. Therefore the development is considered to be in accordance with policy CS11 on the basis that it addresses to the satisfaction of the local planning authority that the development is well designed and appropriate in size/scale, layout and character to its setting and to the village.

Is adjacent or well related to the existing pattern of development for that settlement

75. In addition, the proposal is well related to the existing pattern of development for that settlement and there are no other sequentially preferable sites which the Local Planning Authority considers is in a more favourable location, in terms of its relationship to the main part of the village and the services upon which it relies.
76. This matter was considered at paragraphs 39-41 above, where it is concluded that the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. Therefore, the proposal also complies with this part of policy CS11

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

77. Copdock does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered in detail earlier in this report. The conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.
78. The proposal is to develop 15 new dwellings which would not only add to the supply of housing in the district but includes an element of affordable housing which would provide additional housing in that respect as well, such that the proposal can be considered to fall within the social dimension of sustainable development.

Supports local services and/or creates or expands employment opportunities

79. The proposal would provide new dwellings that would support the existing facilities in the village through the generation of new occupants using those services, enhancing, and maintaining the vitality of village life. As such, the proposal meets this element of policy CS11.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

80. The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Summary of Assessment Against Policy CS11

81. For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11 applicable to Hinterland Villages, with the exception of locally identified need, to the satisfaction of the local planning authority. As such, the proposal cannot be said to fully comply with policy CS11.

Consideration against other development plan policies.

82. Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
83. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
84. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
85. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites". Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.

86. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
87. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Copdock is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service between and to Colchester and Ipswich. Therefore, residents in Copdock have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure
88. It is acknowledged that there will be a high proportion of car travel from Copdock, as people travel out of the village to work. However, it is important to take into consideration the provision of, and accessibility of, public transport in Copdock, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
89. The socio-economic profile of Copdock highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. There is a need to balance existing housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
90. It is considered that the development proposed would enhance the vitality of the community and that new housing will deliver a range of benefits including attracting new residents to enhance the economic contribution of Copdock, underpinning social capacity, providing affordable housing and widening the housing mix overall.
91. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
 - The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).

- The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
- During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)

92. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Design and Layout and impact on Residential Amenity

93. The dwellings are proposed to be a mix of brick, render and boarding and follow a traditional Suffolk vernacular design. The scheme includes a mix of single storey bungalows and two storey detached, semi-detached and terrace dwellings. The single storey properties are located on the perimeter of the site adjacent to the boundary with Dales View/Fen View and this will minimise the impact on the residential amenity of existing properties and will ensure that the development is well related to the existing pattern of development.

94. The properties have reasonable sized amenity space the density is considered appropriate for the rural location. The scheme also enables the retention of existing frontage landscaping and additional planting. A small footpath is also provided across the front of the site onto Back Lane which will link into the existing footpath with Dales View/Fen View and will link to the playground within the existing housing estate and to the footpath within the estate which comes out further along Back Lane.

95. It is considered the overall design and layout of the scheme is acceptable and complies with policy CN01.

Impact on Heritage Assets

96. The site is not considered to have any impact on designated or non-designated heritage assets.

Connectivity and Highway Safety

97. The layout of the proposed estate road is considered acceptable and the Highway Authority have no objection to the proposal subject to conditions and a highway infrastructure contribution towards improvements to pedestrian connectivity and £4000 towards upgrades to the existing bus stop.

98. The evidence presented regarding vehicle speeds is accepted as justification for the Y-distances along Back Lane of the visibility splays proposed. The access onto Elm Lane should be improved with visibility splays, as it will be much more frequently used. The National Speed limit applies and vehicle speed surveys haven't been submitted for this but from inspection it is considered that a relaxation to 70m y-distance should be acceptable.

99. A footway is proposed to the northeast along Back Lane. It does not quite connect to the existing footway leading behind the bus shelter. The highway record plan suggests that some land necessary to join the footways is in the control of a third party therefore it cannot be simply extended. This isn't considered to be sufficient reason to refuse the application given the low traffic flows, although clearly it isn't desirable. It is proposed that the County Council seeks the agreement of the 3rd party owner to dedicate the land and use part of the contributions to construct the link footway.
100. Whilst it was considered that improvements for pedestrian connectivity to the rest of the village would be desirable as part of the pre-application discussions with the County Council this has not been achieved, despite the County Council having secured land for this purposes in the 1960s. Given the existing adjacent development and there being no known significant accident history, it is not considered reasonable to object on grounds of unsustainable accessibility. A contribution towards a scheme of minor improvements, however, is justifiable mitigation because of the additional pedestrian and vehicular activity the development will generate along Back Lane. Such interventions may also reduce vehicle speeds southbound approaching the new junction too. Unfortunately, a footway connection to the main area of the village would be prohibitively expensive and require additional land.
101. It is therefore considered that the scheme would be acceptable in highway safety terms and the proposal complies with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

Biodiversity and Protected Species

102. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

Land Contamination

103. The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event that of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Surface Water Drainage

104. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. The applicant has provided evidence with regard to infiltration rates and on site storage of water, however Suffolk County Council have not been able to establish if the submitted scheme represents a viable surface water drainage strategy for the proposed development. However, Suffolk County Council have agreed that the details of the strategy for the disposal of surface water drainage can be adequately dealt with by condition. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

Summary of Assessment Against Policy CS15

105. Policy CS15 is a detailed policy setting 19 individual criteria as to how sustainable

development will be implemented in Babergh. The proposal has been assessed against these criteria and, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

Planning Obligations / CIL (delete if not applicable)

106. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.
107. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
108. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

109. Granting this development will result in the following financial benefits:
 - New Homes Bonus
 - Council Tax
 - CIL

These are not material to the planning decision

PART FOUR – CONCLUSION

Planning Balance

110. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
111. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case.

If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

112. In consideration of the contribution towards the Council's housing targets (that has now

become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore, whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.

113. It is considered that any adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

114. When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

115. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- Affordable Housing
- £4000 – upgrading of bus stop
- £12,500 – improvements to pedestrian connectivity

and that such permission be subject to the conditions as set out below:

- Standard Time Limit
- Approved Plans
- As recommended by County Highway Authority
- As required by County Floods Officer
- Materials – details to be submitted
- Sustainability
- Hours of operation (0800 -1800 Mon - Fri and 0900-1300 Sat)

- No burning of waste
- Submission of a Construction and Environmental Management Plan.
- Landscaping Plan
- Tree Protection Plan
- Provision of walls and fences
- Window Side Elevation (Plot 12) to be obscure glazed.

Application No: B/16/00802/FUL

Parish: Copdock And Washbrook

Location: Football Ground, Back Lane

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



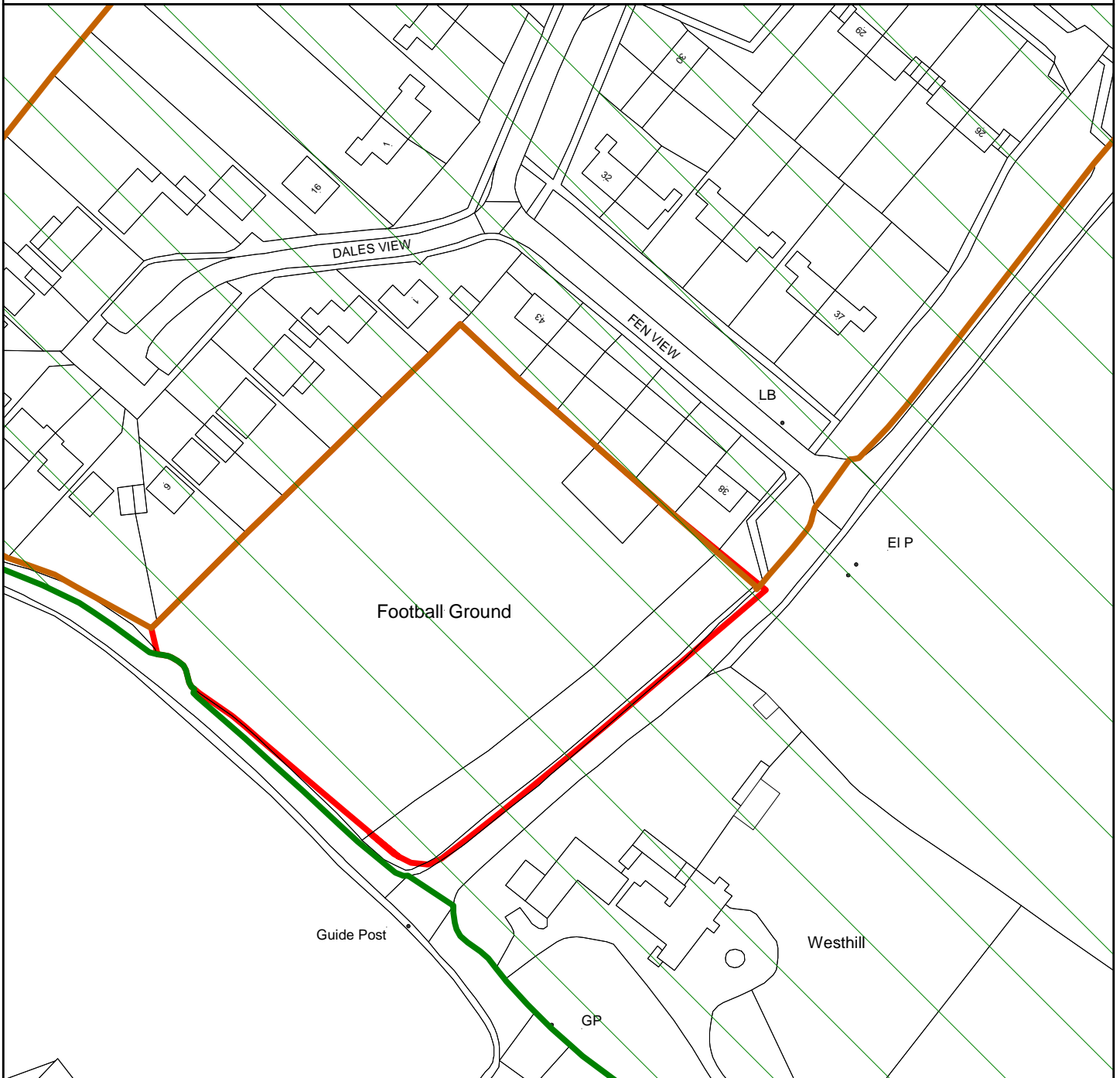
Grade 2 *



The Site



Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 7d

Committee Report

Committee Date: 30 June 2017

Item No: 4

Reference: B/16/00955/FUL

Case Officer: Ian Ward

Planning Application: B/16/00955: Additional report on revised proposals

Introduction and Background

The above application was considered by the Planning Committee on 1 March 2017 (report attached) at which a decision was deferred with the following resolution:-

RESOLVED That Committee is minded to approve Application No B/16/00955/FUL but in view of the need for further information concerning heritage and policy issues that the decision be deferred to allow a site visit on a date to be confirmed, and allow time for officers to engage in further consultation with Historic England, the Applicant and Agent to explore common ground and to comment upon policy related issues and report back to Committee with additional information in due course.

In accordance with the resolution, a meeting has been held between the applicant's agent and the Council's heritage consultants Historic England and Place Services. The meeting was held on 18 April and proceeded in a positive manner focussing on reducing the impact of the tower element of the development on the setting and appreciation of the designated Heritage Assets and the wider landscape.

Revisions to the Proposal Following the Meeting

As a result of the discussions at the meeting, the application has been revised as follows:-

- The Cor-Ten (corten) steel tower has been reduced in height by 1.26m.
- The floorplan has been adjusted to introduce a less vertical angle to sides of the tower when viewed from certain angles (although this has the effect of producing a more emphatic vertical from other angles).
- The directional emphasis of the cladding has been changed from vertical to horizontal (now essentially rectangular panels)
- The colour of the window frames has been changed to match the corten steel of the elevations.
- The fenestration pattern has been altered slightly – the most significant change being the removal of a window from the centre of the west elevation.

Consultee Responses

Lindsey Parish Council, Historic England and Place Services were consulted on the revised plans. Their responses are attached in full to this report but can be summarised as follows:-

- **Lindsey Parish Council** acknowledge the changes which appear to have been carried out to address the concerns of other consultees and confirm that they do nothing to dilute their support for the proposal. They refer to their previous supportive response to the original proposal.
- **Historic England** note that their response is to be read in conjunction with their previous advice.

They broadly welcome the changes and the applicant's willingness to address their concerns. They acknowledge that the changes, in conjunction with the enhanced landscaping have reduced the visual intrusion to, and therefore the impact on, the nearby designated Heritage Assets. However they have continuing reservations about the (albeit reduced) impact on Heritage assets and certain specific elements including; the increased verticality from some views caused by the adjustment to the floorplan, the impact on the landscape and the lack of any update to the submitted heritage statement.

They consider that there is still harm to the setting and appreciation of designated Heritage Assets and the landscape in general and remind the local planning authority that, in the case of the former, this must be balanced against any perceived public benefit.

They state that they 'will not be objecting to the development in principle' and suggest certain design changes including 'changes....to better reflect the traditional style, scale, form and materials of the surrounding built development' (but are not more specific about how this might be achieved). They are also clear that it is only the corten tower element of the scheme that they are objecting to – any harm caused by the lower part of the dwelling which seeks to integrate with the landform is considered acceptable.

This response is to be read in conjunction with their previous advice.

- **Place Services** also note that their previous advice remains relevant.

They acknowledge that the revisions will help to mitigate the level of harm to designated Heritage Assets. However, they still consider that the revised proposal both fails to satisfy the requirements of para. 55 of the National Planning Policy Framework (NPPF, the Framework) and continues to cause harm, albeit more limited than before, to the designated Heritage Assets. This harm derives from the visual impact on the setting of the Assets and is 'less than substantial' in the parlance of the NPPF. They note that it should then be balanced against public benefits.

Update to Report

It is clear that the contentious element of this proposal remains the corten steel tower. The lower part of the dwelling, whilst partly visible, is considered by the specialist consultees to be not significant in terms of harm to either the setting of designated Heritage Assets or the wider landscape.

Whilst the reduction in height and amendments to the cladding detail and fenestration are accepted as reducing the impact and mitigating the harm of the proposal, the alterations to the floorplan aimed principally at reducing its vertical emphasis have had less overall effect. The conclusion of the specialist consultees is that there is still harm to the setting and experience of designated Heritage Assets and the harm will need to be weighed against the public benefits. Historic England also point out that para. 137 of the NPPF seeks that proposals should better reveal or enhance the setting of Heritage Assets and they do not consider that to be the effect here.

As a private dwelling the public benefit to be offset against the harm is considered to be negligible.

Members will also be aware that since the meeting of 01 March, it has been established that Babergh District cannot demonstrate a deliverable five year supply of housing land. In such circumstances para. 49 of the NPPF states that 'Relevant policies for the supply of housing should not be considered up-to-date'.

In most circumstances that would have the effect of reducing the 'weight' which can be applied to policy CS2 of the adopted Core Strategy in reaching a decision. However, recent judgments suggest that local planning authorities retain the ability to allocate weight to their adopted policies where such policies remain consistent with the NPPF. Furthermore, para. 14 of the NPPF, which reinforces the presumption in favour of sustainable development and the principles of the Framework, is clear at footnote 9 that in the case of, *inter alia*, designated Heritage Assets, 'where specific policies of the Framework indicate development should be restricted' the presumption of permission where 'relevant policies are out of date' does not apply. It is therefore considered that any reduction in weight to be applied to policy CS2 is offset by the general application of footnote 9 to paras. 132 and 134 of the Framework, and saved Local Plan Policy CN06 which is consistent with the Framework.

The overall conclusion therefore must be that there is identified harm to designated Heritage Assets. The harm remains a material consideration in terms of the application of the NPPF as a whole and adopted local policy, and is not offset by the public benefit of the proposal.

Recommendation

That the application be REFUSED for the reasons set out in the original report (attached)

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Appendix 1

From: Lindsey PC [<mailto:lindseypc@outlook.com>]
Sent: 24 May 2017 07:35
To: Ian Ward
Cc: Bryn Hurren
Subject: Re: Re-consultation on B/16/00955

Dear Mr Ward,

the Parish Council, having considered further this matter via email, has the following comment to make: whilst the changes appear to have been carried out to address the concerns of other consultees (and yourselves as the planners), which we respect but do not share, they do nothing to dilute the support of the Parish Council for this application.

As such the Parish Council notes the changes and repeats its original views on the original application which to summarize was to support the application.

For the avoidance of doubt, I have attached a copy of our original submission and request that the letter in its entirety is used and not isolated sentences.

Regards

Vicky

Mrs V Waples
Clerk to Lindsey Parish Council
Roundstone House
Livermere Road
Great Barton
IP31 2SB

Tel: 01284 787178

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LINDSEY PARISH COUNCIL

CLERK TO THE COUNCIL
Tel. 01284 787178
Mobile: 07976 702246

Roundstone House
Livermere Road
Great Barton
Bury St Edmunds
IP31 2SB

Growth & Sustainable Planning
Babergh District Council
Council Offices
Corks Lane
Hadleigh IP7 6SJ
Attention: Mr P Isbell, Professional Lead

19.08.2016

****BY EMAIL****

Dear Mr Isbell

Re: Planning Application - B/16/00955 - erection of detached eco dwelling @ Lodge Farm, Kersey Road, Lindsey, IP7 6QA

The Parish Council, having been asked to consider the above planning application, have no objections to make and would like to recommend that the application be considered for approval by Babergh District Council.

The Parish Council also felt that the proposed dwelling would have no detrimental impact on the visual amenities enjoyed by neighbouring properties nor would it have a detrimental impact on the character and appearance of the area. The application showed that by mirroring the contours of the land it neither impinged or impacted on the landscape form, biodiversity or on the green infrastructure of the surrounding area and that the scale and development of the new development was appropriate to the adjacent existing development along Kersey Road.

The Parish Council further felt that the proposed development demonstrates that it is accordance with Policy CS12 - 15 of the Babergh Core Strategy in that there is a clear link to the adoption of a sustainable approach to energy use and that the innovative design and use of natural resources and minimal dependence on fossil fuels will help to mitigate and adapt to climate change. By supporting this interesting and futuristic concept the Parish Council felt that the applicants had designed a dwelling that would respect the environment and would make the best use of natural resources. It was further felt that the design standards to be adopted would be a significant development for the village and was fully supported by the Parish Council.

Whilst considering the planning application, the Parish Council was mindful of the current status of Lindsey within Babergh District Council's Core Strategy and the spatial strategy for all new housing. It is acknowledged that although Lindsey is considered as countryside it still plays a greater role in providing support to larger settlements within its vicinity. Within the 'functional cluster' as identified in the settlement hierarchy Lindsey forms part of the 'functional group' of villages that supports the future prosperity of not only Bildeston but also Boxford and Hadleigh. It was considered that the proposal is in accordance with Paragraph 55 of the National Planning Policy Framework which states that in order to allow sustainable development within rural areas "housing should be located where it will enhance or maintain the vitality of rural communities". In this case the proposal would help maintain the vitality of the local rural services not only in Lindsey, but also in neighbouring Hinterland Villages of Chelsworth, Kersey and Monks Eleigh and nearby Edwardstone and would support the principles in Babergh & Mid Suffolk's challenge to Building a Sustainable Future in which growth in rural areas has been highlighted as one of the ways in which Babergh's population growth can be accommodated.

The Parish Council has and continues to be supportive of incremental growth within Lindsey and welcomes the opportunity to provide further accommodation to enable a family to remain within the community in which they grew up. The Council is also aware of a recent precedent for new housing development in Lindsey with regards to the granting of planning permission for the erection of a new dwellings at The Old Rectory, Lindsey Tye, The Wrens, Lindsey Tye and more recently on land adjacent to Birdsfield and at Lodge Farm itself - all of which the Parish Council fully supported.

It is further agreed that the Parish Council supports this application with reference to Paragraph 55 of the NPPF which also states that local planning authorities "should avoid new isolated homes in the countryside unless there are special circumstances". In this case the new dwelling would not be in an isolated location. It is situated next to a working farm and the applicant has a 'real' link with that farm being a direct relative of the owners and will be supporting her relatives and the local community. As such the Parish Council does not feel that this development is one of 'special circumstances' but that the need is exceptional and justified.

Yours sincerely,

Vicky

so signed for email purposes

Victoria Waples, BA(Hons); CiLCA
Clerk to the Parish Council

Email: lindseypc@outlook.com



13th June 2017

Dear Sir or Madam,

RE: B/16/00955; Erection of detached Eco dwelling, Lodge Farm, Kersey Road, Lindsey, Ipswich.

Thank you for consulting the heritage, design and landscape specialists in the Place Services team at Essex County Council on revised proposals for the erection of a detached eco dwelling at Lodge Farm, Kersey Road, Lindsey.

The proposed development falls within the setting of a range of designated heritage assets, including St James' Chapel (Scheduled Monument), Lindsey Castle (Scheduled Monument) and Chapel Farmhouse (Grade II Listed Building) and need to be considered in line with Paragraph 55, and Paragraphs 129, 132 and 134 of the NPPF.

The revisions to the original proposals include: a reduction in the height of the tower by 1 m; change from vertical to horizontal emphasis of external cladding; reduction in the plan size of the tower; removal of the south window; south and west tower faces have been changed from tapering to vertical; change of colouring of tower window frames to match corten cladding.

This letter follows our previous advice (9/11/16), which remains relevant for the revised proposals, Whilst acknowledging the fact that the proposed revisions will help to mitigate the level of harm to the designated heritage assets, our conclusion remains that the application does not satisfy the prudent requirements of the NPPF para 55, and that the proposed development would still result in harm to the setting and significance of the heritage assets, albeit of a lower order than the original proposals. The 'landmark tower', will still be a dominant feature in the landscape intruding upon the way in which the heritage assets are experienced, and competing with them, in particular St James' Chapel. This harm would result from visual impacts and changes in the historic character of the assets surroundings. In accordance with NPPF, this harm would be 'less than substantial' (paragraph 134) and should be balanced against any resultant public benefit.

Yours sincerely

Adrian Gascoyne
Head of Place Services

telephone: 03330 136852 | mobile: 07557167892
email: adrian.gascoyne@essex.gov.uk

NOTE: *This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter*

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Mr Philip Isbell
Mid Suffolk District Council
131 high Street
Needham Market
Ipswich
Suffolk
IP6 8DL

Direct Dial: 01223 582751

Our ref: P00524468

2 June 2017

Dear Mr Isbell

**T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990
LODGE FARM, KERSEY ROAD, LINDSEY, IPSWICH, IP7 6QA
Application No. B/16/00955**

Thank you for your email of 17th May 2017 regarding the proposed amendments to the above planning application. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

The proposed development comprises the construction of a three bedroom detached 'eco-dwelling'. The majority of the structure would be single storey and terraced into the application site, however it would incorporate a corten steel clad 'landmark' tower structure in the centre of the building. The application site lies due north of three scheduled monuments, one of which (St James' Chapel) is also grade I listed. Historic England provided previous advice on this scheme dated the 9th September 2016, 31st October 2016 and 18th January 2017 (Our ref: P00524468). The advice below should be read in conjunction with our previous comments.

Historic England Advice

The application site lies to the north of three scheduled monuments - *St James' Chapel* (List Entry No. 1006066), *Manorial bank adjacent to Lindsey Chapel* (List Entry No. 1006027) and *Lindsey Castle* (List Entry No. 1006042). St James' Chapel is also grade I listed and there are several nearby grade II listed buildings.

Our advice on the last set of amendments (January 2017) re-emphasised our concerns over the proposed design of the eco-dwelling; specifically the tapering angular shape, sharp roofline and enhanced verticality of the landmark tower. We were concerned with the style of the cladding and the use of glazing, and how the tower would impose a notably modern structure, of unfamiliar form and design, on the historic landscape. It was our view that the development would distract and intrude



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upon the way the adjacent designated heritage assets (particularly St James' Chapel) are experienced, resulting in harm to their significance. The January 2017 amendments included a revised Landscape and Visual Assessment and Heritage Statement, and new landscaping proposals to better screen and reduce the visibility between the development and the scheduled monuments. Whilst we welcomed the new screening, we did note that it would not completely negate the visual impact. We also disagreed with some of the conclusions of the Heritage Statement, specifically that the proposed development would result in only a '*negligible harmful impact*'.

Following a meeting between Babergh District Council, Historic England, Essex Place Services and the applicant's architect on the 18th April 2017, amendments have been made to the proposed design. These comprise reducing the height of the tower by 1.26m and reducing some elements of its plan form, re-orientating the cladding on the tower, removing the south study window, re-colouring the window frames to match the corten steel, and adjusting the southern and western elevations to make the tower more vertical and less tapered.

We broadly welcome these changes and the applicant's willingness to address some of our concerns. The decrease in size and height and changes to fenestration would reduce the visibility of the tower, whilst re-orientating the cladding and having a less tapering effect also acts to reduce the 'verticality' which we had highlighted in our previous advice. These changes, coupled with the enhanced landscaping proposals, would decrease the visual intrusion of the development in shared views with St James Chapel, and in views looking out from the other scheduled monuments. To this end the impact upon the setting of the scheduled monuments would be reduced.

However, we do still have a number of reservations with the development. In the first instance, we would note that although the tapering effect has been reduced on some parts of the tower, the internal angle of the slope of the southeast corner has actually been decreased - which gives the southern elevation a more dramatic and prominent appearance than the previous design. We also note that there have been no updates or addendums to the heritage statement, which was the subject of discussions during the meeting on 18th April 2017. Secondly, in terms of the overall impact of the development, we continue to have concerns with the impact from the proposals upon the historic character of the asset's settings and the resulting harm to significance. We would reiterate our previous comments that the single storey / terraced element of the proposals would have a low visual impact and, although we would consider it to result in some harm to the significance of the designated heritage, we accept that the level of harm would be low. However we remain of the view that the inclusion of the tower would place a notably modern structure, of unfamiliar form and design within the setting of the heritage assets, with a design that is unreflective of the traditional style, form or materials of the surrounding built development (historic or otherwise). To this end, and despite the amendments, the development would still change the character of the surroundings and would intrude into a landscape which, although not identical,



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reflects the heritage assets' contemporary surroundings and provides important historic context. There would remain a degree of visual intrusion, particularly with seasonal variations and whilst the screening establishes itself. It should also be highlighted that there would be an additional change in the way the heritage assets are experienced from a more impermeable vegetation screen, which further separates them from the landscape to the north.

NPPF paragraph 132 requires great weight to be given to the conservation of a heritage asset. The more important the asset, the greater the weight should be and scheduled monuments and grade I listed buildings are considered to be heritage assets of the highest significance. It is also relevant to note section 66(1) of the Planning (Listed Buildings and Conservation Areas), which provides special regard to the desirability of preserving the setting of listed buildings. The NPPF requires *any* harm to have clear and convincing justification and for that harm to be weighed against the public benefits of a proposal. NPPF paragraph 137 seeks for proposals with the setting of heritage assets to enhance or better reveal their significance.

The proposed development would impact upon the setting of the designated heritage assets, although the level of impact has been reduced (but not removed) by the proposed changes to the scale, height and design of the tower structure. There remains an adverse impact from the design and style of the proposed development and the inclusion of the tower. It is our view that the proposed development would still result in harm to the significance of the designated heritage assets (most notably St James' Chapel), in line with NPPF 132 and 134, and would not enhance or better reveal significance of the assets, in line with NPPF 137. We continue to have reservations over the application in its current form, in particular the level of public benefits against the level of harm, and the need for the tower.

Should the Council propose to approve the application, you should be fully satisfied that there is a clear and convincing justification for the harm, and crucially that it is outweighed by the public benefits of this single residential dwelling. We would emphasise the comments from our previous advice that a key consideration in any planning decision should be whether the benefits of the development could be achieved through a scheme resulting in less harm to the significance of the heritage assets. A focus of this would be whether the development could be provided without the tower, which is the most intrusive element of the current design.

Whilst we will not be objecting to the proposed development in principle, we would support additional design changes to further reduce the level of impact and harm, building upon the amendments already incorporated. For example, addressing the southeast angle highlighted above, changes in the long vertical window on the southern elevation, or changes in the overall design to better reflect the traditional



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style, scale, form and materials of the surrounding built development. Should the tower be removed completely, we would have no further concerns with the development. Addendums to the heritage statement to reflect the amendments and our previous comments (in regards to setting) would also be of benefit. Should the application be approved, we would recommend conditions are attached to secure the relevant elements of the amended design (as appropriate) and to require all landscape planting and enhancement to be in place before the commencement of any building works, thereby allowing the vegetation to establish and provide maximum screening between the proposed development and the heritage assets.

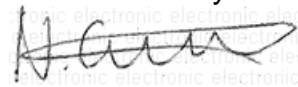
Recommendation

Historic England has concerns regarding the application on heritage grounds. We welcome the recent amendments; however continue to have reservations as to the overall level of impact and harm. Additional changes to the design of the development could further reduce this and ensure the application better meets the requirements of paragraphs 132, 134 and 137 of the NPPF. In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely



Nick Carter

Assistant Inspector of Ancient Monuments
E-mail: nick.carter@HistoricEngland.org.uk

Committee Date: 1 March 2017

Item No: 2

**Reference: B/16/00955/FUL
Case Officer: Philip Isbell**

Description of Development: Erection of 1 no. detached dwelling and construction of new vehicular access

Location: Lodge Farm, Kersey Road

Parish: Lindsey

Ward: Lindsey

Ward Member/s: Cllr Bryn Hurren

Site Area: 0.73ha

Conservation Area: N/A

Listed Building: N/A

Received: 14/07/2016

Expiry Date: 24/10/2016

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr Stroud and Ms Sturgeon

Agent: Beech Architects Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application is supported by a full suite of documents and plans, including;

- Traffic Survey
- Planning Statement
- Landscape and Visual Impact Assessment
- Design and Access Statement
- Ecological Assessment
- Land Contamination Report
- Heritage Impact Assessment

The application, plans and documents submitted by the Applicant can be viewed online at [\(Please insert link\)](#). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend refusal of this application. The proposed development is not considered to demonstrate exceptional circumstances such that would meet the test provided by policy CS2 for development in the countryside, and gives rise to harm to adjacent heritage assets such as is not outweighed by the public benefits.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to Committee for the following reason:

- **The applicant is an employee of Babergh District Council.**

The Deputy Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and correctly.

PART TWO – APPLICATION BACKGROUND

History

1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

REF:	PROPOSAL:	DECISION:	DATE:
B/15/01520/FUL	Change of use of residential outbuilding and part residential garden area (C3) to mixed use residential and wedding ceremony venue (Sui generis).	Granted	23/12/2015
B/16/00386/AGDW	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a & b) Change of use from agricultural building to 2 No. dwellings and for operational development (C3).	Granted	03/06/2016

All Policies Identified As Relevant

2. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific issues highlighted in this case will be carried out within the assessment:

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

Paragraph 55 is particularly relevant to the determination of this proposal. It states:-

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:-

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:-

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.”

PLANNING POLICIES

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

Babergh Core Strategy 2014

- **CS1** - Presumption in favour of sustainable development
- **CS2** – Settlement Pattern
- **CS15** – Implementing Sustainable Development

Babergh Local Plan (Alteration No.2) 2006

- **CN01** - Design Standards
- **CN06** - Listed Buildings and Their Settings
- **CR04** - Special Landscape Areas

- **CR07** - Landscaping
- **HS28** - Infill Housing Development
- **TP15** - Parking Standards – New Development

The relevant policies can be viewed on line. Please see the notes attached to the schedule.

Details of Previous Committee / Resolutions

3. None

Details of member site visit

4. None

Details of any Pre Application Advice

5. None

List of other relevant legislation

6. Below are details of other legislation relevant to the proposed development.

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

PART THREE – ASSESSMENT OF APPLICATION

Summary of Consultations

7. **Initial Round of Consultation:**

Lindsey Parish Council: Detailed comments – attached at Appendix A

Corporate Manager - Sustainable Environment: Sustainability: No objection to this proposal, the applicant has clearly demonstrated intention to address sustainability issues. To ensure these intentions are adhered to through the build we suggest conditions are imposed where by the development is built in accordance with the design and access statement and that prior to occupation evidence is submitted to demonstrate the development has been constructed in accordance with the submitted statement.

Corporate Manager - Sustainable Environment: Land Contamination: No objection

Natural England: No comment

County Archaeological Service: Initial comments - In order to establish the full archaeological implications of this area and to confirm the design layout, the application should provide further archaeological assessment of the site. Following receipt of Geophysical Survey – further comments received requiring trial trenched archaeological evaluation, prior to determination.

County Highway Authority: The current proposal would not have any severe impact on the highway network

Historic England: Recommend refusal – insufficient information to fully assess the impact of the development upon three scheduled monuments or the resulting harm to their significance.

Suffolk Wildlife Trust: Recommendations within the ecological survey report are required to be implemented in full, via a planning condition.

Suffolk Floods – No comment.

Suffolk Fire and Rescue – No objection.

8. **Following the receipt of detailed landscape proposals and landscape and visual assessment, a second round of consultation was carried out which resulted in the following comments:**

Suffolk County Council (Landscape Officer): The proposed tower which forms part of this dwelling appears to be a significant issue in terms of landscape and visual effects. Given the scale and massing of the proposal in conjunction with the innovative materials and design, in the absence of appropriate mitigation there may be significant adverse impacts.

This is in direct contrast to much of the proposal, which is very unobtrusive and therefore appropriate to this sensitive location. However, the proposal has sought to minimise harm with detailed planting proposals to ameliorate the visual impacts of the tower on the surrounding landscape and visual receptors.

Other matters Although it appears that the applicant is proposing the dwelling as an exception by virtue of innovative design it is not entirely clear how the design proposed, for example in terms of use of materials, takes its cue from, or is rooted in the local characteristics of the environment. For example an exceptional proposal in this location might choose to echo the use of local material, such as the flint of the chapel, but in an entirely new way.

The proposed mitigation is sufficient to reasonably mitigate the impacts of the proposal in terms of landscape and visual effects. It appears likely however, that there will be residual effects on the setting of the monument and that views of the proposal may be available from within the chapel and particularly for visitors when they are leaving the chapel.

The design issues and the significance of impacts on the setting of the SAM are, however, a matter for the relevant external consultees and LPA officers.

Recommendations - In the event that the LPA is minded to make an exception to policy in terms of development in the countryside in this instance, and notwithstanding issues relating to the setting of historic assets or the quality of the design, I suggest that the proposal could be made acceptable in terms of landscape and visual impacts, subject to conditions relating to soft landscaping, external lighting and tree protection.

Historic England: It is our view that the proposed development would result in harm. We would recommend the application is withdrawn or decision deferred to allow design scheme changes to be incorporated that would reduce the impact of the development upon the setting of the scheduled monuments and minimise the harm to its significance.

If the Council proposes to determine the scheme in its current form, we would recommend the application is refused unless the Council is fully satisfied that there is clear and convincing justification for the level of harm, that the harm is outweighed by public benefits of the proposal, and that the same benefits could not be delivered through a less harmful scheme.

Following the above comments, a third round of consultation was undertaken following the receipt of an additional planning statement, heritage statement, updated summary, and revised landscaping scheme, and the following comments were received:

Historic England: Detailed advice was provided which is attached as Appendix B)

REPRESENTATIONS

9. One letter of representation received during first round of consultation which makes the following points:

Not opposed completely to the idea of an eco-dwelling, just the design and position, which is in the direct line of sight from my kitchen window. Even though the plans show much planting of trees, in the winter there will be nothing to shield the awful carbuncle of rusted metal tower-like construction that will be on the mound, from our view. I feel that this part of the design should be removed/changed/lowered so as not to impact on the view from our home.

Site and Surroundings

10. The application site comprises agricultural land to the east of Lodge Farm and lies to the north of The Chapel (Grade I Listed Scheduled Ancient Monument).

The Proposal

11. Planning permission is sought for the erection of a detached dwelling and construction of new vehicular access.

The proposed new dwelling is sat on the north-east of the site with open meadow and native tree planting between the site and the chapel.

The proposed dwelling is partially built into the landscape with a two storey tower above ground, which the architect describes as reflective of an historical siege tower. The tower measures between 6.9m – 10.2m above ground depending on where the ground level is taken from. However, from the natural ground level, it would be about 8.1m above ground.

The dwelling utilises a mix of materials including flint, wood, carbon blockwork, wildflower roof, Chestnut PV glass, Corten and oak cladding.

The application documents can be viewed on line via the planning pages on the District Council's website.

Main Considerations

12. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

The following are identified as the main considerations in assessing this application

- Planning Policy Framework & Context
- Sustainability of the Development
- Impacts upon Visual Amenity and the Character and Appearance of the Area
- Impact on Heritage Assets
- Residential Amenity
- Highway Safety
- Biodiversity
- Crime & Disorder
- Planning Obligations

Planning Policy Framework & Context

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and its intrinsic value as detailed above.

Paragraph 55 of the NPPF (set out earlier in the report) sets out criteria for assessing new dwellings in the countryside. It states that, in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Although the proposal site relates to a small group of existing buildings, Officers do not consider the proposal site relates to an existing settlement and the site is considered to occupy an isolated location in the countryside, remote from established settlements and local services and facilities.

Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, Core and Hinterland villages. Para 2.8.6 states (inter alia) that while small groups of dwellings and hamlets will fall within functional clusters, their remoteness and lack of services or facilities mean that such groups are classified as countryside. Furthermore, Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.

Policy CS15 of the Core Strategy sets out a range of criteria related to the elements of sustainable development and the principles of good design and which are to be applied to all developments, as appropriate, dependant on the scale and nature of the proposal. It requires that new development should ensure that an appropriate level of services, facilities and infrastructure are available to serve the proposed development (Part (v) and that development should seek to minimise the need to travel by car (Part xviii).

Paragraph 197 of the NPPF states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development, which should be seen as a golden thread that runs through the planning system (see Para. 14). The NPPF and the Core Strategy (Policy CS1) present a presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development.

Paragraph 55 of the NPPF and Policy CS2

The applicants' initial submission in support of their application concluded that the site was not in an isolated location and, therefore, the proposal did not need to meet any of the special circumstances in paragraph 55 of the NPPF. It also provided commentary around consideration of policy CS2 in the context of the wider thrust of the development plan, and the need to consider the presumption in favour of sustainable development as offering support for the proposal.

Subsequent to this submission, the applicants' updated supporting statement identifies that the tests of exceptional circumstances and proven justifiable need set out in policy CS2 are met. These points shall now be considered in more detail here.

The interpretation of policy CS2, and exceptions to that policy, were carefully considered in the judgement in the recent East Bergholt Case and discussed by Mitting J in his judgement. The judgement is therefore a material consideration to the interpretation by the planning authority of both policies CS2 **and** CS11 and is therefore highly relevant in this case insofar as it relates to policy CS2.

Judge Mitting found that for developments outside the built up area boundary, applicants must demonstrate both proven local need and exceptional circumstances if there is to be compliance with Policy CS2.

It is considered that the applicant has not demonstrated a robust case to set out that the application constitutes either exceptional circumstances or that there is a proven justifiable need under the provisions of Policy CS2 and the provisions of paragraph 55 of the NPPF, for the following reasons.

Turning first to the exceptional circumstances test, the applicants have put forward a case that relates to matters of design and sustainability. The NPPF (para 55) sets out that exceptional quality should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting: and [added emphasis]
- Be sensitive to the defining characteristics of the area.

The NPPF list of criteria is inclusive. By their very nature, exceptions to policy are unlikely to be commonplace. It would be reasonable to consider that exceptions would not be regularly repeated and the facts and evidence readily distinguishable from day to day cases. It would thus be reasonable to expect exceptions to policy CS2 to clearly stand out on their planning merits from most applications.

This underpins the notion that the development plan provides public confidence and certainty that the decisions of the Local Planning Authority will generally be objective, impartial and consistent in line with policy. Compliance with the development plan therefore acts as a safeguard against arbitrary decision making.

Officers note that in the Parish of Lindsey since 2014 there have been 4 dwellings granted planning permission against Officer recommendation of refusal after Committee consideration. It is understood that these were considered to be exceptions under policy CS2. Clearly they predate the East Bergholt case and the clear interpretation of policy CS2 set out by Mitting J above. Officers consider that the number of permissions granted in the Parish is relevant to the principle that exceptions by their very nature are unlikely to be commonplace.

The applicants identify that the proposed dwelling and associated landscaping and other works are *“clearly out-of-the-ordinary, being both unusual and special given the inherent energy/sustainability, landscape and ecological benefits posed. Furthermore, the form and detailed design of this dwelling, presented by an award-winning RIBA/ARB/AECB-accredited architectural practice, is totally unique”*.

Furthermore, they identify that the proposal would operate to an almost off-grid status, could move to be wholly self-sufficient in terms of energy need, would support the vitality of local services and would utilise glazing that has not been used in any residential development elsewhere. To this end, the applicants contend that the proposal is truly unique and exceptional.

Officers do not consider that these measures are such that warrant exceptional circumstances. It is noted that the applicants have proposed various lifestyle and travel choices to mitigate issues of the remoteness of the site location. Whilst it is beneficial that the individuals living in the house might support services in Lindsey and the surrounding settlements, given that the site is remote from the village [which has limited service provision], it is likely that anyone living in the house would be heavily reliant upon car journeys to access these services. This would be contrary to Paragraph 17 of the NPPF which supports the transition to a low carbon future; seeks to reduce pollution; and says that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (as identified in recent Appeal Decision APP/D3505/W/16/3152019 and Appeal Decision APP/D3505/W/16/3151571). A further recent appeal decision sets out that whilst a site may not be isolated from other established built development, if there is a limited opportunity for travel by sustainable modes, as in this case, the opportunities for supporting local services would be limited.

It would also not be appropriate or reasonable to overcome the issues concerning the sustainability of the location by utilising the planning system to impose lifestyle and personal transportation choices, such as the installation and use of electric charging vehicles. The inappropriateness of imposing such choices is acknowledged in the planning application submission and such mitigation options are not material to the consideration of the application.

To this end, whilst the environmental credentials of the proposal are acknowledged and recognised, they do not warrant exceptional circumstances that would justify support for the proposal in line with the requirements of policy CS2.

As noted above Policy CS2 also requires an exception to be backed by a “proven justifiable need” even if the foregoing exception exists. Your Officers consider that this element of the CS2 requirement should be considered on three limbs:

[i] There must be evidence which proves there is a need which the making an exception to policy CS2 will address. In your Officers view anecdotal information or unverified opinion would not normally be sufficient to constitute proof so as to make an exception to development plan policy.

[ii] An exception should be within the range of justifiable planning exceptions to countryside protection policy. Normally a justifiable exception would be one which is reasonable and consistent with well-established planning principles. These typically would include dwellings for agriculture or forestry workers or to meet the essential need of a rural worker. Other justifiable exceptions are described within paragraphs 54 and 55 of the NPPF where development would secure the future of heritage assets, re-use redundant or disused buildings and lead to an enhancement of the immediate setting or the exceptional or innovative nature of the design of the dwelling in question.

[iii] The question of “need” has been well rehearsed elsewhere. Need is distinct from “demand” or personal preference and the latter would not satisfy this element of the requirement for an exception to policy CS2

In terms of meeting a ‘proven justifiable need’ the applicant’s case, as set out in the Planning Statement, is one of individual circumstances and personal preference which are not, in these circumstances, material planning considerations of sufficient weight to amount to a justifiable need. The evidence behind them is also considered to be subjective and limited.

To conclude it is the consideration of policy CS2 in this case which requires greatest attention. In particular the circumstances in which an exception may be considered to accord with the development plan obliges the planning authority to consider carefully the exceptional circumstance **and** the proven justifiable need which exists to allow for the delivery of new development in the countryside which would otherwise be controlled.

In short, the application site is located in the countryside and it is not considered that the proposal demonstrates exceptional circumstances or proven justifiable need to warrant granting permission here. On that basis the proposal is considered to be unacceptable in principle, contrary to paragraphs 17 and 55 the NPPF, and contrary to Core Strategy Policy CS2.

Impact on environmental & sustainability of project characteristics

The proposal includes a variety of environmental and sustainability measures. These include various recycled materials, a green roof, photo-voltaic glass and natural insulation products. These materials combine to provide building materials that are natural, in some cases local, and which contribute to reducing the impact of the proposal. The use of recycled flint and carbon blockwork have positive sustainability impacts, as does the use of wildflower roof, reducing the need for the use of other materials. The use of Chestnut PV glass again offers good benefits.

The use of Corten is energy intensive initially, although it has a long life span. Wood cladding would be more environmentally sensitive, however the use of this material is not considered to result in harm to warrant refusal in this regard.

The use of sheepswool and wood fibre insulation offer a natural product which is considered to offer further sustainability benefits.

The high performance windows proposed offer excellent performance insulation with a U value cited as 0.6, compared to double glazing at 1.4.

In the light of the benefits offered by the materials as a method to off-set harm as a result of the development these are considered to offer some benefits and a condition to ensure that the materials are those used would be considered reasonable and necessary.

Various other energy efficiency and sustainability measures form part of this proposal, including a wastewater heat recovery system, reed bed foul water management, low water appliances and fittings. These all contribute towards a proposal which would have a reduced dependence on fossil fuels and contribute to the mitigation of climate change with a sustainable approach, which is not only in respect of energy but to water and resource efficiency, as to be considered to comply with core Strategy Policy CS13 and CS15. The use of these materials and systems could be reasonably controlled by condition to ensure that the benefits proposed are delivered by the development.

The proposal also includes a scheme for rainwater harvesting to provide water for the property, again reducing the impact of the proposal with regards to the environment. The use of rainwater from the site not only reduces the consumption of water from the property but reduces the run-off of water from the site and associated risk of flooding. The hard surfacing on the site is also designed to limit water run-off, such that the proposal is not considered to risk harm by reason of off-site flooding and would comply with Core Strategy Policy CS15 in this regard.

The wider site is also designed to provide opportunities for wildlife, with the green roof, wildlife pond and planting of trees and hedging, with native species as well as various habitat enhancements such as bat and bird boxes. As the existing site is agricultural land the proposal would introduce a variety of habitats that are not currently available to support the biodiversity of the site. As such the proposal would comply with Core Strategy Policy CS14, having particular regards to the preamble in respect of habitat connectivity and creation. This could be appropriately secured by condition.

As part of the measures of sustainability proposed the applicant states that they would be agreeable to a condition to only operate low-emission vehicles, however this is not considered to be enforceable to be a realistic means of providing carbon or sustainability benefits. It could only relate to the property, not to traffic generated by visitors or deliveries or cars registered to other properties and used to access the site, and would not be considered reasonable or directly related to the development. In addition, the practicality of enforcing this would be extremely difficult as to render it un-enforceable. Furthermore, the sustainability (or otherwise) of the site is much wider than the limited benefits this may offer, were it to be an enforceable option. Notwithstanding this the overall package of measures put forward with regards to environmental and sustainability is considered to help minimise dependence on fossil fuels to comply with Core Strategy Policy CS13.

A relatively comprehensive package of sustainability measures is proposed for the site. Some of the measures, such as FSC certified wood and use of low water appliances are normal and measures of air-tightness common to meet building regulations. It is hard to conclude that there are features which make this project truly outstanding or innovative in this regard. However, subject to conditions to ensure the implementation of the materials and proposed measures of water, energy and resource efficiency the proposal would be considered to support the environmental role of sustainable development and have regards to moving towards a low carbon future as required by the NPPF as well as Core Strategy Policy CS13, requiring that all new development minimise dependence on fossil fuels and make the fullest contribution to mitigation of climate change though adopting a sustainable approach to energy use.

Foul and Surface Water Drainage

Surface water drainage is dealt with by means of the proposed permeable hard surfaces and the collection of rainwater, including from the green roof and tower. It is then proposed to be used in the wildlife pond and rainwater tank. The water can then be used for WC's, washing machine and outside tap.

This system for collecting and holding water on the site is such that this site, outside flood zones, is not considered to demonstrably increase the risk of surface water or fluvial flooding elsewhere as to consider refusal in this respect.

With regards to foul water drainage the proposal includes a reed bed system, making use of the natural fall of the site from West to East. This system utilises a sediment tank and filters before water enters the reed bed for natural filtering, following which water will flow back into the site water system. This would be subject to Environment Agency permit or exemption as appropriate and is not considered to be unacceptable to warrant refusal in this respect.

Impacts upon Visual Amenity and the Character and Appearance of the Area

Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with regard to the scale, form and nature of adjacent development and the local environment.

In addition, Policy CS15 of the Core Strategy requires, inter alia, that new development should respect the landscape, heritage assets and historic views and make a positive contribution to the local character, shape and scale of the area

Whilst the lower part of the dwelling is generally well integrated into the landscape, the proposed tower section, through its scale and use of materials, is a prominent and incongruous feature. This view is shared by the specialist consultees on both design and heritage matters, with the latter to the extent that the upper part of the building has an adverse impact on the setting of the nearby heritage assets (see below).

Delivering quality design is also a core aim of the NPPF which states (at paragraph 56) that good design is a key aspect of sustainable development and is indivisible from good planning.

The design of the proposals appears to have been developed around a major paradox; a building which responds to (and respects) the surrounding landscape, ecology and landform, but also includes a 'landmark tower' which has been purposely designed to stand out in what is a sensitive setting in both landscape and heritage terms. The justification for the elevated section of the dwelling is stated as "mimicking windmills and water towers", which again in such a sensitive setting creates a major conflict within the immediate site and surroundings. NPPF para. 55 states that proposals should "be sensitive to the defining characteristics of the local area", the proposals by their own admission seek to create new landmark.

Furthermore, the Design and Access Statement suggest that the proposals will become, "a new generation of Suffolk landscape mini tower", suggesting that this new typology is appropriate to the Suffolk countryside. However, there is no tradition of tower houses in East Anglia and It is therefore difficult to accept this unfounded concept as justification for the proposal. The reference to concrete 20th Century water towers, (as human intervention within the landscape) to a building design which emulates the form of an historical siege tower is, at best, extremely tenuous.

The proposed use of corten cladding is also alien to the Suffolk landscape and has not been justified enough in terms of its 'truly innovative or outstanding' qualities (NPPF para.55) for the use in such a sensitive setting. Furthermore, as set out earlier, the use of glazing that has not been used in residential builds previously, whilst having positive sustainability/efficiency effects, is also not considered to be so innovative or outstanding so as to warrant being treated as meeting the definition of special circumstances set out in paragraph 55 of the NPPF.

Whilst the case made by the applicants is understood, in that it is a combination of the specific elements of this project which make it exceptional, for reasons already set out this is not a view shared by your officers.

The orientation section of the Design and Access Statement (page 12) suggests that the 'tower is more of a statement and provides a more outward looking intent'. From this it seems clear that the proposed building has been designed to create a 'landmark', but in the conclusion of the Landscape Visual Assessment (para 6.1.6) the report indicates that: "Implementation of the proposed landscape scheme will strengthen and reinforce the existing vegetation to further restrict views of the proposal. The section of hedge opposite Chapel House will be planted with a mix of native species including a proportion of holly to provide a greater degree of screening to the tower throughout the year; reducing the visual effects of the scheme to negligible over time."

It therefore remains unclear whether it is the intention to visually screen the proposals using landscape or celebrate the development as part of the 'land of mini towers' concept. Overall then, the application lacks clear reasons for the design choices it has made in regards to form, massing and materials; principally the consideration to design a dwelling that is harmonious with the landscape which is subsequently topped with a large landmark metal clad tower. Furthermore, notwithstanding the aspirations of the designer and client, the design does not display sufficient excellence to satisfy the prudent requirements of NPPF para 55.

In summary, the 'tower' section of the dwelling is considered to be an incongruous and alien feature which fails to preserve the landscape setting or reinforce local distinctiveness, and for these reasons the application should be refused.

Impact on Heritage Assets

With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities towards the setting of designated heritage assets; notably Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposed development falls within the setting of three designated heritage assets, St James' Chapel (Scheduled Monument), Lindsey Castle (Scheduled Monument) and Chapel Farmhouse (Grade II Listed Building). Scheduled Monuments are designated heritage assets of national significance as per para 132 of the NPPF.

Following recent legal judgments and related *obiter dicta* it is understood that whilst the assessment of likely harm to designated heritage assets is a matter for its own planning judgement, the Local Planning Authority is required to give any such harm considerable importance and weight.

The National Planning Policy Framework (NPPF thereafter, 2012) sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. Paragraphs 132-134 state *inter alia* that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm.

Saved Policy CN06 of Babergh Local Plan Alteration No. 2 (2006) requires *inter alia* that alterations or new work within the setting of a listed building is, *inter alia*, justified in terms of preserving the special character of the building, would make use of appropriate materials and would cause the minimum possible impact to the heritage asset.

In accordance with the NPPF due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. Policy CN06 of the Local Plan is considered to be consistent with the NPPF and so is afforded significant weight.

The applicant has submitted a 'Setting Analysis' with the application, and the conclusion of that report (paragraph 5.4) advises that the settings of these designated heritage assets are: *'significant and multi-faceted and in any scheme of development within their setting great care must be taken to ensure the importance of these assets is preserved'*.

However, the report also states (paragraph 4.31) that: *'The proposed development will be sensitive, subtle and quite unobtrusive in the landscape, which has to a great degree informed the scope of this report, and the depth of its analysis'*.

As noted earlier in this report, the proposed scheme, which includes a 'landmark tower' cannot be considered subtle and unobtrusive in the landscape. Indeed, the advice received from both Historic England and the Council's heritage advisor disagree with the conclusions of both reports submitted by the applicant. It is clear that the proposed development would have an impact on the setting of the three designated heritage assets, and that this impact would result in harm to the significance of the heritage assets in line with Paragraph 132. This harm would be **'less than substantial'** (paragraph 134 of the NPPF) and would result from visual impacts, changes in the historic character of the assets surroundings and other effects such as 'light spill'. The 'landmark tower', with its metal cladding and glazing, will become a dominant feature in the landscape intruding upon the way in which the heritage assets are experienced, and competing with them.

Where it is considered that the proposal would pose less than substantial harm to the setting and wider appreciation of the listed building, the NPPF requires that such harm be balanced against the **public benefits** of the proposal.

The proposal as submitted, for a single private dwelling, is not considered to provide any substantive public benefits that would outweigh the less than substantial harm that has been identified. It is incumbent on the Council to apply the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the heritage assets as required by s66 of the Listed Buildings Act.

Given the harm that has been identified, and the strict expectation that material public benefits be identified which outweigh that harm, the proposal is considered to be unacceptable and for this reason the application cannot be supported. .

Residential Amenity

One of the core planning principles within paragraph 17 of the NPPF is that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by saved policy CN01 of the Local Plan.

As such, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbours by reason of impacts including loss of light, privacy, or outlook, or other potential impacts associated with the proposed development.

In this instance, given the siting and orientation of the dwelling and the relationship between that dwelling and neighbouring properties, it is not considered that the proposal would pose any unacceptable impacts with regard to residential amenity.

The proposal is therefore considered acceptable in this respect.

Highway Safety

The application is supported by a Design and Access Statement which sets out details of traffic surveys carried out in respect of flows along the road outside the site.

These surveys identify that, despite the road being a 60mph limit, eastbound flows for the whole week do not exceed 40mph per day. The road is identified as having 'low flows' and 'characteristics of a residential street' and the access to the development is to be via an existing vehicular access that will be improved in layout and visibility terms.

There is sufficient parking available on the site to meet current adopted parking standards and the Local Highway Authority has raised no objection to the proposal, identifying that the proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety.

For the above reasons, the proposal is considered to be in accordance with the provisions of paragraph 32 of the NPPF which seeks to ensure that all developments maintain acceptable levels of highway safety for the benefit of highway users.

Loss of Agricultural Land

Paragraph 112 of the NPPF refers to the development of agricultural land, stating that where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should use areas of lower quality land.

According to Natural England's Agricultural Land Classification map, the agricultural land within the application site is classified as Grade 2 "Very Good" and therefore constitutes 'best and most versatile agricultural land' as defined in the NPPF.

The Core Strategy has no direct reference to the loss of agricultural land, so the application must be primarily assessed against the test in the NPPF. In the context of the test set out within the NPPF, the development is not considered to be 'significant'¹ so the test is not enacted.

As such, this issue does not weigh against the development.

Crime and Disorder

Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

¹ The definition of 'significant' was considered at the Tattingstone solar farm public inquiry. 'Significant' is not defined; it is down to the decision maker to consider what is significant. The Inspector in this appeal considered the development would need to be 'large scale' to be 'significant'. Large scale in this context being more than 5MW. The NPPF test is therefore not enacted for the loss of all agricultural land, just where the development/loss would be significant/large scale. As a matter of fact and degree, the loss is not considered significant/large scale in this case being 8.46ha of land.

Biodiversity and Protected Species

In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

The application is supported by an Ecological Assessment which identifies a number of enhancements that can be secured through the development of the site to support biodiversity and habitat. There do not appear to be any particular issues that arise from the development in terms of loss of habitat which would give rise to harm to biodiversity and, subject to securing the enhancements proposed, the application is acceptable in biodiversity terms.

Planning Obligations

In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

With regard to the requirements under CIL, the applicant has applied for a "Self-Build" exemption as the dwelling is to be built for them to occupy and they have confirmed they will reside in the property for at least 3 years following its completion. Therefore there will be no payment required under the CIL regulations.

PART FOUR – CONCLUSION

Planning Balance

The local planning authority is required to determine applications in accordance with the development plan unless material considerations indicate otherwise. Normally, only if the Local Planning Authority are satisfied that both requirements in CS2 are met, and other development plan policies complied with, should planning permission be granted for a development outside the built up area boundary of a village. This position has been qualified by the judgement made in the East Bergholt case, as referenced elsewhere in this report.

In these circumstances your Officers consider that the policy principle behind CS2, that development in the countryside be strictly controlled, is a significant development plan objective and that the potential for an exception to develop a further dwelling in the countryside in this locality requires very careful evaluation.

In that context, Officers consider that the proposal is unacceptable in principle, being contrary to paragraphs 17 and 55 of the NPPF and Core Strategy Policy CS2, being located in the countryside and failing to demonstrate both exceptional circumstances and proven justifiable need.

Notwithstanding that the proposal does not comply with the requirements of policy CS2, the proposal also gives rise to harm to the setting of heritage assets. Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm. The level of harm from the proposed development would be considered 'less than substantial' in the terminology of the NPPF; however it would be at the high end of that scale. The Local Planning Authority is not satisfied that there is a clear and convincing justification for this harm, or that it is outweighed by public benefits, the proposal only providing a single residential dwelling. The proposal is therefore contrary to saved Policy CN06 and paragraphs 132-134 of the NPPF.

Officers have considered whether there are material planning considerations which would direct that the development should be approved contrary to the development plan, but have not identified material considerations of such weight that would justify such a departure. As such, it is considered that there are no grounds to consider a "departure" from the development plan in the circumstances of this case, and to do so would raise the potential question of future consistency of decision making.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

In this case the applicant has sought to address a number of comments made by statutory consultees which have resulted in amendments to the proposal and/or the submission of additional information. However, the LPA consider that the proposal is unacceptable in principle given the policy conflict which exists and has not, therefore, sought to enter into negotiations to resolve any further matters.

Identification of any Legal Implications

13. None

Identification of any Equality Implications (The Equalities Act 2012)

14. None

RECOMMENDATION

Refuse Planning Permission for the following reasons:

1. The proposed development, including the erection of a detached dwelling and construction of new vehicular access, would be contrary to policy CS2 of the Babergh Local Plan Core Strategy, which states that in the countryside, outside of the towns/urban areas and core and hinterland villages, development will only be permitted in exceptional circumstances subject to proven justifiable need. In this instance the application site is located in the countryside and the applicant has failed to demonstrate exceptional circumstances with a proven justifiable need. The reasons set out in the supporting planning statement to the application do not qualify as material considerations, namely the reasons given relate to the individual's life- style choices, individual circumstances and personal preferences.

In addition, Paragraph 55 of the National Planning Policy Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. In promoting sustainable development in rural areas, the Framework therefore seeks to ensure that new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel. The proposed development would not accord with paragraphs 17 and 55 of the Framework due to its isolated location in respect of accessibility and sustainable transport.

2. The proposed development would be contrary to Paragraph 55 of the National Planning Policy Framework which states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, including the exceptional quality or innovative nature of the design of the dwelling. The proposal is not considered to be truly outstanding or innovative. The use of corten cladding has not been demonstrated to be sufficient to achieve the required outstanding or innovative standards and nor would it significantly enhance its setting, and the use of a glazing material which has not been used in a residential scenario previously does not, in its own right, bring about such innovation or exceptional quality that would meet the tests of paragraph 55. Furthermore the proposed tower fails to be sensitive to the defining characteristics of the area, rather seeking to create a landmark in the locality.
3. The National Planning Policy Framework sets out the Government's national planning policy for the conservation of the historic environment. Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm. The level of harm from the proposed development would be considered 'less than substantial' in the terminology of the NPPF; however it would be at the high end of that scale. The Local Planning Authority is not satisfied that there is a clear and convincing justification for this harm, or that it is outweighed by public benefits, the proposal only providing a single residential dwelling. The proposal is therefore contrary to saved Policy CN06 and paragraphs 132-134 of the NPPF.

LINDSEY PARISH COUNCIL

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Attention: Mr P Isbell, Professional Lead

19.08.2016

****BY EMAIL****

Dear Mr Isbell

Re: Planning Application - B/16/00955 - erection of detached eco dwelling @ Lodge Farm, Kersey Road, Lindsey, IP7 6QA

The Parish Council, having been asked to consider the above planning application, have no objections to make and would like to recommend that the application be considered for approval by Babergh District Council.

The Parish Council also felt that the proposed dwelling would have no detrimental impact on the visual amenities enjoyed by neighbouring properties nor would it have a detrimental impact on the character and appearance of the area. The application showed that by mirroring the contours of the land it neither impinged or impacted on the landscape form, biodiversity or on the green infrastructure of the surrounding area and that the scale and development of the new development was appropriate to the adjacent existing development along Kersey Road.

The Parish Council further felt that the proposed development demonstrates that it is accordance with Policy CS12 - 15 of the Babergh Core Strategy in that there is a clear link to the adoption of a sustainable approach to energy use and that the innovative design and use of natural resources and minimal dependence on fossil fuels will help to mitigate and adapt to climate change. By supporting this interesting and futuristic concept the Parish Council felt that the applicants had designed a dwelling that would respect the environment and would make the best use of natural resources. It was further felt that the design standards to be adopted would be a significant development for the village and was fully supported by the Parish Council.

Whilst considering the planning application, the Parish Council was mindful of the current status of Lindsey within Babergh District Council's Core Strategy and the spatial strategy for all new housing. It is acknowledged that although Lindsey is considered as countryside it still plays a greater role in providing support to larger settlements within its vicinity. Within the 'functional cluster' as identified in the settlement hierarchy Lindsey forms part of the 'functional group' of villages that supports the future prosperity of not only Bildeston but also Boxford and Hadleigh. It was considered that the proposal is in accordance with Paragraph 55 of the National Planning Policy Framework which states that in order to allow sustainable development within rural areas "housing should be located where it will enhance or maintain the vitality of rural communities". In this case the proposal would help maintain the vitality of the local rural services not only in Lindsey, but also in neighbouring Hinterland Villages of Chelsworth, Kersey and Monks Eleigh and nearby Edwardstone and would support the principles in Babergh & Mid Suffolk's challenge to Building a Sustainable Future in which growth in rural areas has been highlighted as one of the ways in which Babergh's population growth can be accommodated.

The Parish Council has and continues to be supportive of incremental growth within Lindsey and welcomes the opportunity to provide further accommodation to enable a family to remain within the community in which they grew up. The Council is also aware of a recent precedent for new housing development in Lindsey with regards to the granting of planning permission for the erection of a new dwellings at The Old Rectory, Lindsey Tye, The Wrens, Lindsey Tye and more recently on land adjacent to Birdsfield and at Lodge Farm itself - all of which the Parish Council fully supported.

It is further agreed that the Parish Council supports this application with reference to Paragraph 55 of the NPPF which also states that local planning authorities "should avoid new isolated homes in the countryside unless there are special circumstances". In this case the new dwelling would not be in an isolated location. It is situated next to a working farm and the applicant has a 'real' link with that farm being a direct relative of the owners and will be supporting her relatives and the local community. As such the Parish Council does not feel that this development is one of 'special circumstances' but that the need is exceptional and justified.

Yours sincerely,

Vicky

so signed for email purposes

Victoria Waples, BA(Hons); CiLCA
Clerk to the Parish Council



Mr Philip Isbell
Mid Suffolk District Council
131 high Street
Needham Market
Ipswich
Suffolk
IP6 8DL

Direct Dial: 01223 582751

Our ref: P00524468

18 January 2017

Dear Mr Isbell

**T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990
LODGE FARM, KERSEY ROAD, LINDSEY, IPSWICH, IP7 6QA
Application No. B/16/00955**

Thank you for your letter of 4 January 2017 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

The proposed development comprises the construction of a three bedroom detached 'eco-dwelling'. The application site rises from southeast to northwest and the majority of the proposed building would be single storey and terraced into northeast corner of the application site. The structure would be topped by a green roof, sowed with wildflowers. The proposals incorporate an angular 'landmark' tower structure in the centre of the building, tapering up to a flat roof at a height of c. 8 to 9m above the adjacent ground level. The tower would include a mixture of window sizes and would be clad in corten steel.

The application site lies due north of three scheduled monuments - *St James' Chapel* (List Entry No. 1006066), *Manorial bank adjacent to Lindsey Chapel* (List Entry No. 1006027) and *Lindsey Castle* (List Entry No. 1006042). St James' Chapel is also grade I listed and there are several nearby grade II listed buildings

Historic England provided previous advice on this scheme dated the 9th September 2016 and 31st October 2016 (Our ref: P00524468). The advice below should be read in conjunction with our previous comments. We highlighted concerns over the information provided in the application and its assessment of the impact upon the setting of nearby designated heritage assets. We also expressed strong concerns over the proposed design of the eco-dwelling; specifically the landmark tower structure. It was our view that the application would adversely impact upon the setting of several highly graded designated heritage assets - most notably St James' Chapel - and it is



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our view that this would result in harm to their significance. We recommended that the application was withdrawn to allow design scheme changes to be incorporated that would reduce the level of impact and harm.

Historic England Advice

The amended application has included an updated landscaping plan, a revised Landscape and Visual Assessment (James Blake Associates, December 2016) and a new Heritage Statement (Heritage Matters, December 2016). We welcome this information, which includes an improved assessment of the significance of the historic environment and additional clarification on the proposed screening within the application site.

We note the information in the LVIA and Heritage Statement concerning views to the proposed development, in particular those from in-front of St James' Chapel and when approaching the application site from the west. The LVIA demonstrates the importance of the hedgerows along Kersey Road in screening the site, although it does highlight that views of the application site are possible through gaps in this screening and that this does increase seasonally in the winter months when the vegetation is not in leaf. It acknowledges that 'glimpses' of the proposed development would be possible from the area of Chapel House (grade II) and from the road side in-front of the chapel, as well as the roof in long views from the north and across the valley.

The landscaping proposals have taken on board our previous comments and amendments have been incorporated to better screen the proposed development. This includes retaining and enhancing existing vegetation along the southern and eastern boundaries. The southern boundary (between the application site and the designated heritage assets) would have the gaps planted up to strengthen and reinforce the existing vegetation, including a proportion of evergreen holly to provide enhanced screening throughout the year - although the LVIA also notes that the enhancement would maintain '*open views across the grassland to the north*'. Existing hedgerow trees will be kept and two new hedgerow oaks would be added. This would require the existing hedgerow to be reduced in height to 3m in the first instance to encourage thickening. In addition to the boundary planting, the landscaping would include a 'woodland copse' to the south the proposed dwelling and garden. This would vary in width from 6 to 12m, with the widest section used to increase the screening between St. James Chapel and proposed building. This area would use the three 6-8m high alder trees (relocated from elsewhere on the application site) together with other 3.5-4m high advanced stock trees. The LVIA states that the ultimate height of the planting would be between 10-18m. The new Heritage Statement includes the updated landscaping plan and concludes that '*...whilst there will be a change of land use and glimpses of the rooftop from the roadside and adjacent properties, it is judged that the development would not to have any undue harmful impacts and any such impacts could be said to be negligible on the heritage assets and settings of these assets in this location*'.



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We acknowledge that the visual intrusion of the majority of the eco-lodge is minimised by its single storey and terraced design, and the green roof which helps blend it in with its surroundings. Although we would consider it to result in some harm to the significance of the designated heritage, we accept that the level of harm would be low and would be further curtailed by the improved screening proposed in the latest iteration of the landscaping plan. We would therefore have no objection to the single storey element of the proposal on heritage grounds; however we continue to have strong concerns over the proposed tower.

Whilst we welcome the new screening and agree that it would help reduce the visibility between the scheduled monument and the proposed development, it would not negate the visual impact completely. There would still be seasonal variations which would increase visibility, as well as views during the enhancement works (when the height of the hedgerow would be reduced) and whilst the screening establishes. We note the comments in the LVIA regarding the height of the tower (stated to be '*lower than a two storey building*') and the colouring of the corten steel (helping to merge the tower into the background of '*local and longer distance views*'), however the tower would still be glimpsed, viewed and experienced as part of the settings of the designated heritage assets. We disagree the Heritage Statement's conclusion that the proposed development would result in only a 'negligible harmful impact'.

It remains our view that the angular shape, sharp roofline and enhanced verticality of the design would impose the tower on the landscape and distract and intrude upon the way the designated heritage assets (particularly St James' Chapel) are experienced. Its tapering design, the elongated style of the cladding, the use of glazing and the effects of internal lighting must also be considered. The tower would place a notably modern structure, of unfamiliar form and design within the setting of the heritage assets. Its design would be unreflective of the traditional style, form or materials of the surrounding built development (historic or otherwise). The development would change the character of the surroundings and would intrude into a landscape which, although not identical, reflects the heritage assets' contemporary surroundings and provides important historic context.

It should also be noted that although improved and increased screening would help reduce the visual impact of the development, it would in itself change the way the assets are experienced, creating a more impermeable screen and further separating them from the landscape to the north.

We acknowledge that the amended scheme has sought to minimise the conflict between the assets' conservation and the proposal, in line with The National Planning Policy Framework (NPPF) paragraph 129. However, although the screening would reduce the visibility of the proposed development to some extent, views of the tower would remain and there would continue to be an impact upon the setting of the



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heritage assets from the intrusion and loss of historic character, as discussed above. The proposals would also not enhance or better reveal significance of the assets, in line with NPPF paragraph 137. We would consider the adverse impact from the proposed development to result in harm to the significance of the nearby designated heritage assets, in particular St James Chapel which is grade I listed and a scheduled monument. NPPF paragraph 132 requires great weight to be given to the conservation of a heritage asset. The more important the asset, the greater the weight should be and scheduled monuments and grade I listed buildings are considered to be heritage assets of the highest significance. It is also relevant to note section 66(1) of the Planning (Listed Buildings and Conservation Areas), which provides special regard to the desirability of preserving the setting of listed buildings.

In line with NPPF paragraph 132, **any** harm requires clear and convincing justification and NPPF paragraph 134 requires that harm to be weighed against the public benefits of a proposal. The level of harm from the proposed development would be considered '*less than substantial*' in the terminology of the NPPF; however it would be at the high end of that scale and we continue to have strong concerns over the application in its current form. Should the Council propose to approve the application, you should be fully satisfied that there is a clear and convincing justification for this harm, and that it is outweighed by the public benefits of this single residential dwelling. The Council is best placed to weigh up the ecological and environmental benefits of the proposal and its compliance with NPPF paragraph 55 and local plan or cores strategy polices.

A key consideration should be whether the public benefits could be achieved through a scheme resulting in less harm to the significance of the heritage assets. It is our view that further design changes could be incorporated, in line with NPPF paragraph 129, in particular the removal of the tower or its substantial redesign to better reflect the traditional style, scale, form and materials of the surrounding built development. Additional improvements in the screening of the development - specifically the density of the 'woodland copse' south of the dwelling and garden - are also recommended. Should the application be approved, we would recommend conditions are attached which would require all landscape planting and enhancement to be in place before the commencement of any building works. This would ensure there is opportunity for the vegetation to establish and provide maximum screening between the proposed development and the heritage assets.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 129, 132, 134 and 137 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have



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special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Nick Carter

Assistant Inspector of Ancient Monuments
E-mail: nick.carter@HistoricEngland.org.uk



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Dear Sir or Madam,

RE: B/16/00955; Erection of detached Eco dwelling, Lodge Farm, Kersey Road, Lindsey, Ipswich.

Thank you for consulting the heritage, design and landscape specialists in the Place Services team at Essex County Council on the proposals for the erection of detached eco dwelling at Lodge Farm, Kersey Road, Lindsey.

This letter summarises our response to the submitted proposals for a single dwelling house, which falls within the setting of a range of designated heritage assets, in line with Paragraph 55, and Paragraphs 129, 132 and 134 of the NPPF.

Summary

Our conclusion is that this application lacks clear reasons for design choices it has made in regards to form, massing and materials; principally the consideration to design a dwelling that is harmonious with the landscape which is subsequently topped with a large landmark metal clad tower. Notwithstanding the aspirations of the designer and client, the design does not display sufficient excellence to satisfy the prudent requirements of NPPF para 55. The proposed development would result in 'less than substantial' harm to the setting and significance of three designated heritage assets in line with NPPF para 132 and 134. We recommend that the application is withdrawn or a planning decision deferred to allow design scheme changes to be made that would reduce the proposed developments impact on the setting and significance of the designated heritage assets. If the local planning authority intends to determine the application in its present form, then we would recommend refusal unless the local planning authority is satisfied that the harm to the designated heritage assets is outweighed by the public benefits of the proposal.

The following comments are based on the layout, design and supporting information submitted as part of this application.

National Policy Context

Paragraph 55 of the NPPF states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*





- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

Paragraph 129 of the NPPF states:

Local Planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 134 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Design Response

The design of the proposals has been developed around a major paradox; a building which responds to (and respects) the surrounding landscape, ecology and landform, but also includes a 'landmark tower' which purposely has been designed to stand out in what is a sensitive setting of the site.

It is clear that the application has developed a clear rationale to provide a connection between the proposed dwelling and nature. Being an agriculturally classified landscape, any landscape enhancement of this site will create a net increase in biodiversity and habitat creation.



The justification in height for the proposals has been aimed to “mimicking windmills and water towers”, which again in such a sensitive landscape and heritage setting creates a major conflict within the immediate site and surroundings. NPPF para55 states that proposals should “be sensitive to the defining characteristics of the local area”, the proposals by their own admission seek to create new landmark.

The ‘land of mini towers’ rationale (as highlighted within the supporting Design and Access Statement) is an unfounded concept and a poor justification for the proposals. The reference of concrete 20th Century water towers, (as human intervention within the landscape) to a building design which emulates the form of an historical siege tower demonstrates a very haphazard historical rationale to inform the proposals.

The Design and Access Statement suggest that the proposals will become, “a new generation of Suffolk landscape mini tower”, suggesting that this new typology is appropriate to the Suffolk countryside. It is difficult to find any appropriate historical evidence, reference or precedent in which siege towers are a suitable form within a countryside setting.

The proposed use of corten cladding has not been justified enough for the use in such a sensitive landscape setting. The design rationale for this material does not carry sufficient purpose for a building which is truly outstanding or innovative or significantly enhance its immediate setting.

Landscape Visual Appraisal

The proposals do not convince us that the design contributes to the local community in terms of enhancing the environment. The orientation section of the Design and Access Statement (page 12) suggests that the ‘tower is more of a statement and provides a more outward looking intent’.

It is clear that the proposed building has been designed to create a ‘landmark’, but in the conclusion of the Landscape Visual Assessment (para 6.1.6) the report indicates that:

“Implementation of the proposed landscape scheme will strengthen and reinforce the existing vegetation to further restrict views of the proposals. The section of hedge opposite Chapel House will be planted with a mix of native species including a proportion of holly to provide a greater degree of screening to the tower throughout the year; reducing the visual effects of the scheme to negligible over time.”

In this regard it remains unclear whether it is the intention to visually screen the proposals using landscape or celebrate the development as part of the ‘land of mini towers’ concept.

The application lacks clear reasons for design choices it has made in regards to form, massing and materials; principally the consideration to design a dwelling that is harmonious with the landscape which is subsequently topped with a large landmark metal clad tower. Notwithstanding the aspirations of the designer and client, the design does not display sufficient excellence to satisfy the prudent requirements of NPPF para 55.

Heritage Response

The proposed development falls within the setting of three designated heritage assets, including St James’ Chapel (Scheduled Monument), Lindsey Castle (Scheduled Monument) and Chapel Farmhouse (Grade II



Listed Building. Scheduled Monuments are designated heritage assets of national significance as per para 132 of the NPPF.

The applicant has submitted a 'Setting Analysis' with the application, and we would agree with the conclusion of the report (paragraph 5.4) that the settings of these designated heritage assets are: *'significant and multi-faceted and in any scheme of development within their setting great care must be taken to ensure the importance of these assets is preserved'*.

However, the report also states (paragraph 4.31) that: *'The proposed development will be sensitive, subtle and quite unobtrusive in the landscape, which has to a great degree informed the scope of this report, and the depth of its analysis'*.

The applicant has also submitted a 'Heritage Impact Assessment' with the application, which is limited to a consideration of views and which concludes that the development will have a 'neutral impact' on the significance of the designated heritage assets.

The proposed scheme, which includes a 'landmark tower' cannot be considered subtle and unobtrusive in the landscape and we strongly disagree with the conclusions of both reports submitted by the applicant. It is clear that the proposed development would have an impact on the setting of the three designated heritage assets, and that this impact would result in harm to the significance of the heritage assets in line with Paragraph 132. This harm would be 'less than substantial' (paragraph 134 of the NPPF) and would result from visual impacts, changes in the historic character of the assets surroundings and other effects such as 'light spill'. The 'landmark tower', with its metal cladding and glazing, will become a dominant feature in the landscape intruding upon the way in which the heritage assets are experienced, and competing with them.

We recommend that the application is withdrawn or a planning decision deferred to allow changes to be made to the design of the scheme that would reduce the proposed developments impact on the setting and significance of the designated heritage assets. If the local planning authority intends to determine the application in its present form, then we would recommend refusal unless the local planning authority is satisfied that the harm to the designated heritage assets is clearly justified and outweighed by the public benefits of the scheme.

Yours sincerely

Adrian Gascoyne
Head of Place Services

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NOTE: *This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter*



Application No: B/16/00955

Parish: LINDSEY

Location:

Lodge Farm Kersey Road

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



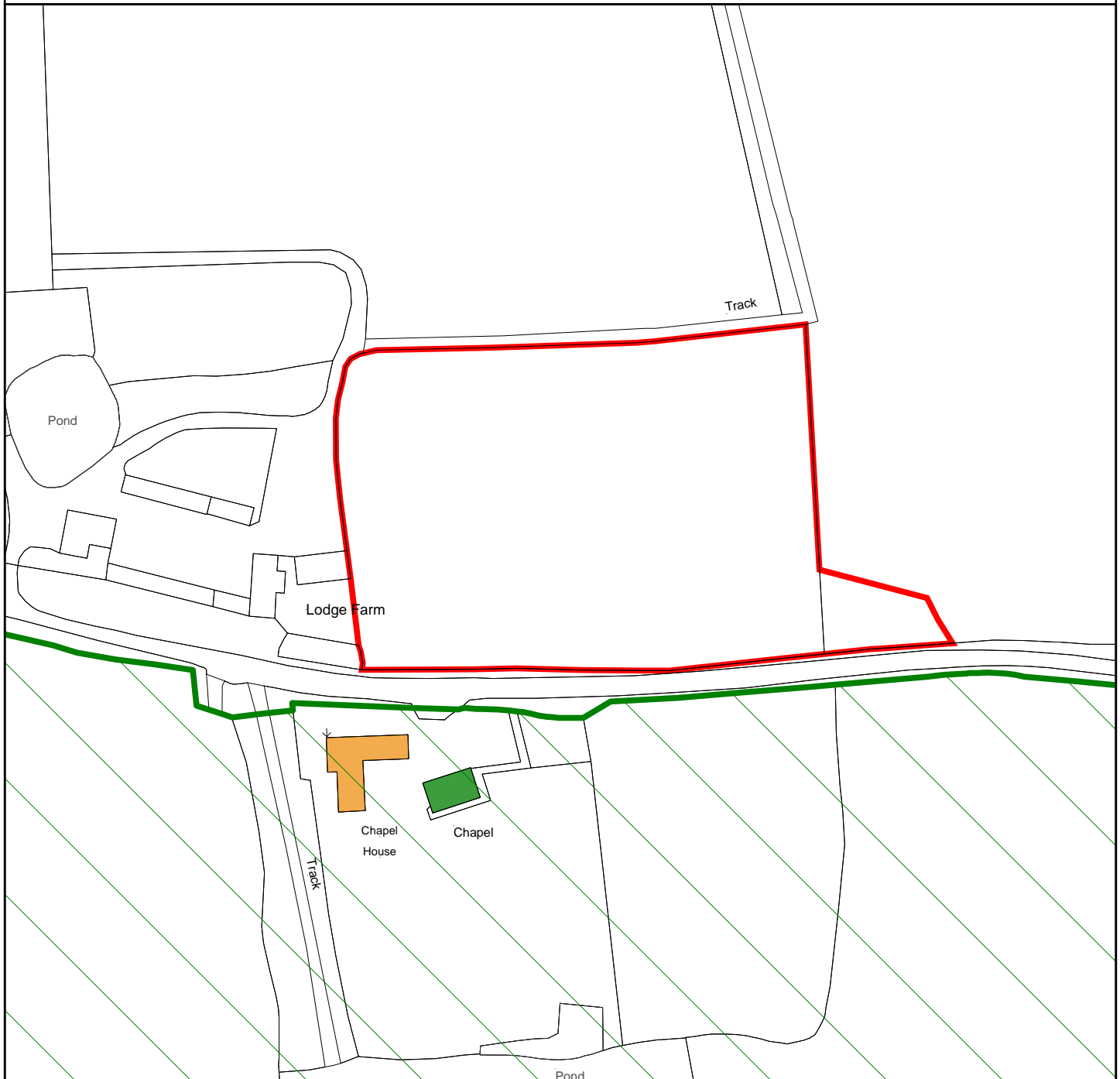
Grade 2 *



The Site



Built up Area Boundary



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