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COMMITTEE: **PLANNING COMMITTEE**

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

DATE: **Wednesday, 16 August 2017
at 9.30 a.m.**

Members

Sue Ayres
Simon Barrett
Peter Beer
David Busby
Derek Davis
Alan Ferguson
Kathryn Grandon

John Hinton
Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
David Rose
Ray Smith

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 CONFIRM THE MINUTES OF THE MEETING HELD ON 5 JULY 2017 (TO FOLLOW)</u>	
4	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	

ITEM	BUSINESS	
5	<u>QUESTIONS BY THE PUBLIC</u>	<u>Page(s)</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>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.	
7	<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 Wednesday 23 August 2017.	
8	<u>PL/17/10 PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE</u>	1 - 4
	An Addendum to Paper PL/17/10 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.	
a	<u>B/15/01433 Land East of Artiss Close and Rotheram Road, Bildeston (Pages 5 - 40)</u>	

Notes:

1. The next meeting is scheduled for Wednesday 30 August 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 Committee, a link is provided below:

ITEM	BUSINESS
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Page(s)

<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 e-mail at Committees@baberghmidsuffolk.gov.uk.

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PL/17/10

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

16 August 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 - 40	B/15/01433	BILDESTON – Land East of Artiss Close and Rotheram Road	GP	
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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 8a

Committee Report

Committee Date: 16 August 2017

Item No: 1

Reference: B/15/01433/OUT
Case Officer: Gemma Pannell

Description of Development: Outline - Erection of 48 residential dwellings with detailed consideration of access **Location:** Land East of Artiss Close and Rotheram Road, Bildeston
Parish: Bildeston

Ward: Brett

Ward Member/s: Cllr. Michael Creffield

Site Area: 3.1ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 08.10.2015

Expiry Date: 07.01.2016

Application Type: Full Planning Application

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Tom Ryder Smith

Agent: Freeths

SUMMARY

The proposal has been assessed with regard to section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan policies, the National Planning Policy Framework and all other material considerations have therefore been fully considered.

Officers recommend approval of this application. As explained in this report, whilst the proposed development is considered not to be in strict accordance with development plan policies CS2, CS11 and CS15, the Council does not now have a five year housing land supply and the adverse impacts of the development, including areas of non-conformity with the development plan policies referred to, are not considered to significantly and demonstrably outweigh the benefits of the development. The proposed development is considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and there is a presumption in favour of this proposal in accordance with the NPPF.

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 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:

B/14/01435/OUT - Refused Outline - Erection of 49 residential dwellings with details of access, as amended by details received 23rd January 2015, 24th & 25 February 2015.

The application was considered by members of the Planning Committee on 7th May 2015, where a decision was taken to refuse the application for the following reason:

The proposed development would be contrary to Policy CS2 of the Babergh Core Strategy which states that in the countryside, outside the towns/urban areas, core and hinterland villages....development will only be permitted in exceptional circumstances subject to a proven justifiable need.

In this case, the site is located outside of the defined settlement boundary of the village and is therefore countryside as defined in Paragraph 2.1.5.1 of the Core Strategy.

Policy CS11 of the Core Strategy sets out the criteria against which the case for exceptional circumstance would be considered including, amongst other criteria, a locally identified need.

In this case, the applicant has failed to demonstrate that there is a proven locally identified need for the development, for the development at the scale and mix proposed or that this greenfield site should be developed. Furthermore, the application is unsupported by a local housing needs survey.

The application also fails to have an acceptable locational context as the development would not provide safe and suitable pedestrian access to the villages facilities in the absence of an acceptable footway.

The proposal is therefore harmful to the countryside and the spatial approach to development as set out in the Babergh Core Strategy (Policies CS2 and CS11), supporting SPD on Rural Development and the NPPF.

B/16/00859/ROC/GP - Application under Section 73 of the Town and Country Planning Act (1990) to vary condition 29 attached to Planning Permission - B/15/1433/OUT (Outline - Erection of 48 residential dwellings with detailed consideration of access) - Prior to occupation of the dwellings the replacement of those parts of the frontage boundary hedge that are to be removed will be undertaken in accordance with the details shown on Smeeden Foreman plan reference LL01 dated 13 June 2016. Members resolved to grant planning permission at planning committee on 21 September 2016 and decision notice was issued on 23 September 2016. That application sought to clarify the precise details of the relocation of the hedge. This application was also subject to judicial review and the local authority consented to the application being quashed.

Details of Previous Committee / Resolutions

2. Planning permission for this application was granted in April 2016, following a resolution from members of the planning committee on 24th February 2016.

This application was then subject to an application for judicial review and 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 the Local Planning Authority decided to consent to a quashing order and therefore the application is returned to committee for consideration again.

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.

Bildeston Parish Council – Objects

- There is no demonstrable need for a development of the size proposed in the village. The 10% increase is disproportionate and would be delivered over a short time period, especially when considered with other approvals which would result in the village expanding by 12%. The core strategy plans for growth over 20 years, 10% growth in one development is excessive;

- There has been no consideration of other more appropriate sites in the village, including a brown field site;
- There will be a lack of integration between the estate and the rest of the village. The poor connectivity would encourage more vehicular trips to the centre of the village;
- The community engagement by the developer was flawed. They only approached 5% of the local community;
- The ecological impact has not been properly considered;
- There is a lack of foul drainage capacity;
- The development would exacerbate surface water drainage problems for properties downstream in the centre of the village;
- The site would be prominent being set on rising ground. It would be visible from the church.

Local Highway Authority – No objections, the revised application with improved pedestrian links, is now acceptable in principle in highway terms and consequently highway conditions may now be recommended. The highway authority has noted some errors within the details submitted, however are satisfied that these matters can be resolved through the conditions suggested.

County Rights of Way Officer - No objection

Environment Agency – The application falls outside the applications we should be consulted on and therefore we have no comment to make.

BDC Contaminated Land Officer – No objection

Although originally objecting to the application given the absence of a full Phase 1 desk study and site walkover, it is concluded that this can be dealt with/secured by planning condition as per the previous application.

BDC Corporate Manager – Public Realm - This application is in outline form so my comments are necessarily limited. That said, there are two main components to the open space response which are the central green space and the boundary treatments.

- The boundaries show significant tree planting which could provide good screening of the development from surrounding countryside and footpaths. The area to the north of the site in particular appears to provide a screen planting to soften views from the footpath. This area would appear likely to take some time to establish though. A maintenance plan will need to be agreed for this area but this cannot be done at this stage as no details have been provided so this will need to be conditioned.
- The central green space is described as providing for informal recreation and equipped children's play areas. Again, as this application is in outline form no details have been provided so I am not able to make specific comments.
- The application should provide at least 3100m² of public open space but we will have to await further details as part of the reserved matters application. This will need to be conditioned and also provided for within the s106 agreement.
- This is not an application where the greenspace and other public realm facilities should be transferred to the Council, therefore future management details should be provided that confirm how these are to be managed, for example, a management company or similar arrangement.

Natural England - Standard comments referring the Council to standing advice.

Suffolk Fire and Rescue – No objection

- Fire hydrants need to be provided – should be secured by condition.

English Heritage – Do not wish to offer any comments on this occasion.

BDC Heritage Team – No objection

- The site is within the setting of Bildeston Church and the Conservation Area;
- The Church lies about 700m away from the core of the village in a prominent and isolated location;
- There are open views from the Church and the development would be visible in these;
- The spatial and visual relationship between the village and Church is an important part of its setting;
- The application site, however, makes little contribution to the setting of the Church. The effect on the setting of the church is likely to be very slight;
- The development is not considered to be within the setting of any other listed buildings;
- The Bildeston Conservation Area is linear, following the line of the High Street;
- Most buildings sit close to the road giving a sense of enclosure with few views of the site;
- The modern estate between the application site and conservation area provides a buffer;
- From most of the Conservation Area the application site will not be visible;
- The impact on the significance of the Conservation Areas is likely to be very slight.

Anglian Water – No objection. Confirm that they would adopt the SUDs.

SCC Infrastructure - No objection subject to the following mitigation being secured via a s106 Agreement

- Secondary education - £165,195;
- Highway works – TBC;
- Libraries - £10,368;
- Waste - £2,448.

BDC Strategic Housing – No objection subject to the following being secured via a s106 agreement (35% affordable housing):

The Housing Register had 29 applicants registered for housing in Bildeston and 19 of these have a confirmed local connection to Bildeston.

As Bildeston is a Core village the need of the associated hinterland villages has also been taken into account:

These villages include Brettenham, Chelsworth, Hitcham, Kersey, Kettlebaston, Lindsey, Milden, Monks Eleigh, Nedging with Naughton and Wattisham.

Including Bildeston there are 54 active applicants on the housing register indicating preference for:

- Need by Property Type:
- 1 bed property = 30
- 2 bed property = 23
- 3 bed property = 0
- 4 bed property = 0
- 5 bed property = 1
- Of this number there are 35 applications from people who have indicated they have a connection to these villages.

- Considering Bildeston alone there are 29 active applicants registered on the housing register indicating preference for:
- Need by Property Type:
 - 1 bed property = 13
 - 2 bed property = 8
 - 3 bed property = 0
 - 4 bed property = 0
 - 5 bed property = 1

Of this number there are 19 applications from people who have indicated they have a connection to Bildeston.

The affordable housing tenure mix and dwelling types and sizes recommended below take into account the Housing Register need detailed above, together with the need to create a balanced housing market and sustainable community within the locality of the proposed development.

Affordable Housing Requirement:

To meet planning policy 35% of 48 units = 17 affordable units

The required tenure mix should be 75% Rent and 25 % Shared Ownership equating to:

- Affordable Rent Tenancy = 13 units
- Shared Ownership = 4 units

Mix of Affordable Rent Tenancy units:

- 6 x 1-bedroom 2-person flats at 50 sqm min.
- 4 x 2-bedroom 4-person flats at 70 sqm min.
- 3 x 2-bedroom 4-person houses at 79 sqm min

Mix of Shared Ownership units:

- 4 x 2-bedroom 4 person houses at 79 sq. m. min

The proposed development provides an indicative scheme layout, showing a mix of terraced, semi-detached and detached houses and bungalows for open market sale, although there are no one or two bedroom flats or apartments included in this.

The mix may be acceptable to the Council once the full detail of the open market housing is available and provided there is an acceptable balance between one, two, three and four bedroom terraced, semi-detached and detached houses and bungalows and flat/apartment style accommodation.

Suffolk Police – No objection. The existing housing estate does not produce high demand for policing at present, and the layout and type of housing suggested for this new scheme should not warrant an increase in Police activity.

Suffolk Archaeology – No objection - subject to a condition requiring further investigation.

Suffolk Flood and Water Officer – The Local Planning Authority should be satisfied that Anglian Water will be prepared to adopt the proposed system, as the Lead Flood Authority will not be prepared to adopt a pumped system.

BDC Arboriculture Officer – No objection

- The arboricultural assessment submitted with the application is generally an accurate record of the trees and hedges found in and adjacent to the application site;
- The retention should be secured given the location on the perimeter of the application site;
- Tree Protection would be required during construction;
- The loss of the trees along the frontage should be mitigated by planting elsewhere.

Representations

6. One representation supporting/commenting on the application has been received stating that this site is the only site suitable for housing development, that is deliverable within a reasonable time frame. The alternative site currently occupied by 3 businesses and is in an area of considerable flood risk.

A number of representations objecting to the application have been received and the comments are summarised as follows:

- Infrastructure and services are unable to cope with the needs and pressures the development will bring.
- Overlooking and loss of privacy
- Land instability
- Access is unacceptable in highway safety terms
- Noise and disruption during construction
- 10% increase in housing is disproportionate for the infrastructure in Bildeston
- Proposed footpath is routed over a landowner's permissible right of way which could be withdrawn
- Concerns about drainage
- Increased traffic
- Health Centre is close to capacity as is the school
- There is an undeveloped brown field site in the village (Brook Farm, Chelsworth Road). This should be developed before green field sites are considered following a sequential approach;
- Outside of the village envelope
- Babergh have yet to prepare the site allocations document (but are in the process of), therefore this development is premature.
- Wildlife impacts have not been properly considered;
- Increased risk of flooding
- Lack of exceptional circumstances or justifiable local housing need for the proposed development
- Unwarranted scale of the proposed development
- Poor location, setting and connectivity of the proposed development
- Undevelopable principle of the outline planning application.
- Bildeston's Neighbourhood Plan is at an early stage of preparation and demonstrates key principles, such as development on brownfield sites

The following organisations/public representatives have made representations on the application. Their comments are summarised as follows:-

Keep Bildeston Beautiful

- The applicant has failed to address the reason for refusal in any substantive way and it has relied upon the same or similar material and completely failed to address local housing need in any meaningful way.

- No local housing needs survey has been undertaken or some other approach agreed with the Council, prior to resubmission. The supposed need for the development has not been proven.
- The development will increase the risk of flooding in the Conservation Area contrary to the NPPF and Core Strategy. The water from the application site is to be routed to the brook to the north; this will create additional water volume. The water would discharge into an areas identified as being in Flood Zone 3.
- There are many other deliverable housing sites within Babergh. Babergh currently has a sufficient supply of deliverable housing sites, based upon the targets in the Core Strategy. Babergh currently has a five-year housing supply. The development is therefore unnecessary.
- There is a comparatively large brownfield site known as Taylor's Garage along the B1115; this has considerable potential both for residential and small workshop development.
- The approval of the application would undermine the Babergh Local Plan, which has Policies to address these provisions.

The Site and Surroundings

7. The site comprises 3.1ha of land to the east of Bildeston's settlement boundary. The site is currently farmland in arable cultivation; the land is Grade 3 (Good to Moderate) and therefore falls within the category of 'best and most versatile' agricultural land.
8. The site slopes from the south east corner of the site to the north/north west, down towards a stream to the north of the site ('Bildeston Brook'). The fall across the site is from 56m above ordnance datum (AOD) at the highest point in the southeast corner adjacent to B1078 to 44m AOD in the northwest corner of the site.
9. To the west of the site is Artiss Close, a recently constructed affordable housing scheme, and residential development in Rotherham Road. Both of these developments are cul-de-sac estate layouts with properties backing onto the application site. The affordable housing scheme, with Taylor Made Joinery across the road, marks the entrance to the village delineated by the 30mph speed limit.
10. When taken more generally, Bildeston's spatial character is one of an historic core of considerable interest, with Conservation Area status, with estate development predominately to the east. The historic core has however retained a visual affinity to the countryside and its landscape setting, particularly to the west.
11. To the east of the site is open countryside with views back into the village, which demonstrates Bildeston's situation within a shallow river valley. The site is enclosed by mature hedging of considerable landscape value to all sides.
12. There is a Public Right of Way running south to north through the field to the east, its orientation being parallel with the eastern boundary of the site. There is also a public footpath running along Bildeston Brook to the north of the site. Both afford views into the site.
13. The site is located in the countryside, is within the buffer zone of an area of high archaeological potential, is close to the Conservation Areas boundary (to the west) and is visible from a number of public vantage points.

The Proposal

14. The development proposes the erection of 48 homes with means of access for consideration. Layout, landscaping, scale and appearance are reserved for consideration at a later date. However, indicative details were provided in the form of an illustrative layout and street scene.
15. The mix of dwelling types and sizes have been provided and are set out below:
 - Affordable rent
 - 6 no. 1 bed
 - 4 no. 2 bed (70 sqm)
 - 3 no. 2 bed (79 sqm)
 - Shared Ownership
 - 4 no. 2 bed (79 sqm)
 - Market Housing:
 - 4 no. 2 bed
 - 4 no. 2 bed bungalow
 - 12 no. 3 bed
 - 8 no. 4 bed
 - 3 no. 5 bed
16. Parking would be in accordance with the Adopted Suffolk Parking Standards with the exact quantum and layout being resolved at the reserved matters stage.
17. Foul drainage would be to an existing public mains sewer in Ipswich Road (Anglian Water have confirmed there is capacity). Surface water drainage would be dealt with via a Sustainable Urban Drainage System (SUDS).
18. There would be a single vehicular access serving the site off the B1078, which would involve removing some of the frontage hedge. The proposal includes a 2m footway connection between the site access, along Ipswich Road, to Rotherham Road and connecting to the existing footways along Rotherham Road and along Ipswich Road (to the south west of Rotherham Road). This will require the existing hedge to be removed and replanted further from the road for a short section of the footway.
19. The proposal also includes a new connection for pedestrians with the existing Public Right of Way that crosses the stream to the north of the site, providing a further connection in context with the village facilities.
20. The application documents can be viewed on line via the planning pages on the District Council's website.
21. 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.

NATIONAL PLANNING POLICY FRAMEWORK

22. 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

23. 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

The 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006) adopted June 2006 should be regarded as a material consideration in planning decisions. The following policies are applicable to this proposal:

- HS31 Public Open Space
- CN01 Design Standards
- CR07 Landscaping Schemes
- CR08 Hedgerows
- CN08 Conservation Areas
- TP15 Parking Standards – New Development

SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLAN

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)
- Bildeston Conservation Area Appraisal (2010)

Main Considerations

24. 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

25. 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.
26. 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).
27. 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.
28. 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...'*
29. 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.

30. 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
31. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.
32. The NPPF requires that development should be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. This has been discussed above. 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."*
33. In the light of all of the above, this report will consider the proposal against the policies of the development plan to determine whether the proposal is in accordance with the development plan as a whole. If it is not, and there are policy conflicts, they will need to be weighed against other material considerations to see whether a decision which does not accord with the development plan is warranted, in the light of the presumption in favour of sustainable development, and 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)

34. As detailed at paragraph 26 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.

35. 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.
36. Policy CS2 (Settlement Pattern Policy) identifies Bildeston as a Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).
37. 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.*
38. 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 Village, as identified in the 2006 Local Plan Saved Policies.
39. 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.
40. 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).
41. The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

42. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
43. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.
44. The Planning Practice Guidance advises that *“The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape”*.
45. The site is a ‘Greenfield’ site on the edge of the village. It is inevitable that developing the field for housing would have some adverse impact on the openness and character of the site. However, Policy CS11 envisages that there will be some development in the countryside; the key question is whether the impact of the development is reasonably contained.
46. As part of the application a Landscape and Visual Impact Assessment (LVIA) was prepared. The main findings/conclusions of the LVIA are that with the mitigation proposed (planting, low density housing, central open space) the impacts would be:-
 - The development would have a moderate adverse impact on the site with a minor adverse impact on the wider landscape;
 - The expansion of the village to the east is not out of character as there is another development (to the north) that is both further east and at a higher level;
 - The site is well screened making it visually contained with the majority of views restricted to rights of way and the B1078 close to the sites boundary;
 - Only the tops of houses/roof scape would be visible from the public footpaths. The site would be more visible from the B1078;
 - Long term impacts, beyond 100m, are likely to be negligible.
47. As part of the previous application, officers commissioned an independent review of the LVIA by SCC’s Landscape Team. This assessment remains relevant to the consideration of this application and their comments can be summarised as follows:-
 - The LVIA is prepared to Landscape Institute guidance;
 - The nine viewpoints demonstrated that the site would be visible or part visible in all of them (some of these views are greater than 100m);
 - The impacts were considered to be greater than outlined in the LVIA;
 - The visual impact will be greater than described, but this will depend on the detailed layout and design;
 - Key elements of the design that would need careful consideration to reduce the impact is the roofscape, materials, boundary hedgerow management/protection, space for trees within the development, layout (to work with the contours with lower density houses on the highest land), lighting and the highway access.

48. The LVIA is generally considered to be a robust assessment of the impacts although the categorisation of the impact appears to have been underplayed to some extent. The assessment shows that Bildeston, as a settlement, predominantly sits within the river valley so most long-distance views are of the valley sides rather than the settlement. Furthermore, where the settlement is seen, the views are of roofs amongst trees. The main exception to this rule is the mid 20th Century estate to the north of the site, Brookfield, which stands out in the landscape.
49. Housing within the site would not break the skyline (due to topography and a woodland backdrop created by the mature hedge) and could be designed in a way which incorporates the recommendations from SCC in that conditions can be added to control the quantum of development thereby keeping the density low (allowing space for mature trees to break up the roof scape). Conditions could also be added keeping the housing at 2 storeys and not exceeding 9m.
50. Conditions are also recommended to secure management of the boundary hedge. It is recommended that this is not placed in the ownership of individual houses as management would be sporadic, the boundary hedged should be retained with the management company which takes on the public open space and a condition requiring a management plan is recommended. Discussions can also take place at the reserved matters stage to ensure a sensitive layout with appropriate materials including dark roof materials such as slate.
51. A significant impact of the scheme is that much of the hedge to the front (south) of the site along the B1078 would need to be removed to establish the visibility splays required by the LHA. This would be contrary to Policy CR08 which seeks to safeguard and protect hedgerows. The visibility splays need to be greater than normally required as there is clear evidence of speeding and visibility is needed past the 30mph zone. A condition would therefore need to be attached that the hedge is replanted behind the visibility splays. The hedge would take time to mature resulting in a significant short term impact, but this would diminish over time subject to the design of the planting.
52. Although a short term adverse impact, there is an opportunity for long term improvements with a new hedge incorporating different species, to the benefit of ecology and landscape character.
53. The potential for street lighting has also been identified as a significant impact given the elevated location of the site. Conventional street lighting would be inappropriate in this location. A condition is therefore recommended that all street lighting must be approved by BDC.
54. In summary, whilst the application is in outline form it is possible to envisage the impacts that would arise from developing this site. Policy CS11 activity encourages rural growth and the consequence of this is some impact on the countryside. However, the impacts should be minimised. In this case, the development would have an adverse impact on the undeveloped character of the field and the development would be visible in the wider landscape, it would not, however, be prominent with visual containment achieved due to the retention of landscaping. The design and layout at the reserved matters stage would also be very important as this would further mitigate the impacts in the way described above. Consequently, on balance, and subject to the mitigation identified, the development is considered to have an acceptable impact on the countryside/landscape.

Impact on Heritage Assets

55. By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.
56. Section 72(1) of the Listed Building Act imposes a duty upon the local planning authority to give *"special attention ... to the desirability of preserving or enhancing the character or appearance"* of conservation areas.
57. In *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137, the Court of Appeal treated *"the nature of the duty"* as *"the same under both enactments"* and that *"preserving" in both [sections] means doing no harm."*
58. In *Barnwell Manor* the Court of Appeal also held that: *"decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise"* in cases which involve heritage issues.² By implication, the same approach would apply in relation to s. 72(1) such that *"considerable importance and weight"* should be given also to the desirability of preserving *or enhancing* the character or appearance of conservation areas.
59. Historic England have declined to comment on this application and recommend that the application be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice. The Council's Heritage Team agree that the site is within the setting of Bildeston Church, which is consistent with the comments received from Historic England, as part of the earlier application. Bildeston Church's significance lays in the quality of its architecture and also its relationship with the landscape. It was designed to be seen in the landscape. It also sits in an isolated location away from the settlement and this rural isolation needs to be safeguarded. The development would not interrupt views of the Church. Whilst it may just be visible in views from the Church, the impact on significance is not considered to be harmful having regard to the distance from the development site to the Church. Likewise, no harm has been identified to the significance of any other listed buildings, or other heritage assets.
60. The Council's Heritage Team comment that the visual containment of the site relative to the Conservation Area is such that there would be no harm. The modern estates to the west of the site act as a buffer with the Conservation Area and when considered spatially, most of the villages growth is to the east rather than then west so the development would read as a natural extension of the village. In terms of traffic and parking, the centre of the village is a comfortable walk/cycle from the proposed development so there are alternatives to driving. The level of activity is not considered to be harmful to the character of the Conservation Area, which already has traffic passing through it.
61. In term of undesignated heritage assets, the County Archaeologists have not recommended refusal but have requested an archaeological investigation condition is attached as the site is close to the medieval core where early occupation is a high probability. Any undesignated archaeology/heritage would need to be recorded.
62. In light of the considerations set out above, it is also considered that the proposal would comply with this element of policy CS11.

Impact on Environment

The applicant has submitted a 'site check' report which has considered the historic use of the site. The report has not identified any historic land uses on or near the site that could result in contamination. A site-walk over has shown that the site is an agricultural field without any identifiable sources of contamination on the surface (e.g. oil tanks etc...). The risk from land contamination is therefore considered low. Whilst the Councils Land Contamination Officer originally requested a full Phase 1 assessment, in this instance they are content to secure this by a planning condition.

63. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

The locational context of the village and the proposed development

64. 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.

65. 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"*

66. In terms of spatial connection, the application site can be read as a natural extension to Bildeston village, abutting the village envelope with a modern housing estate to the west – it would not project into open countryside in an incongruous way given that it is contained by hedgerows and by virtue of the topography of the valley side.
67. Connectivity to the village is discussed in more detail in the 'connectivity' section of this report. The conclusion reached is that the proposal is reasonably connected to facilities being within an 800m walk of most everyday facilities.
68. Concerns have been raised that Bildeston provides insufficient employment opportunities for the level of growth proposed. This may be correct as Babergh has a high level of commuting given the rural character of the District. However, there is no requirement in Policy CS11 for new development to be mixed-use (including employment and housing). Bildeston does, however, provide everyday services and is reasonably well located and connected by road to larger service centres such as Hadleigh, Ipswich, Needham Market and Stowmarket for employment. Some employment opportunities are also available within Bildeston village itself, such as Taylor Made Joinery, service businesses (e.g., public houses/hotels) and at other facilities such as the school and doctors surgery.

It is therefore a more 'sustainable' settlement for development than others in the District and the functional cluster it serves. In any event, these concerns must be considered in the context of the development plan policies that identify Bildeston as core village, to which most new development should be directed.

69. Furthermore, the site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development. It is therefore considered to comply with the aims of this part of policy CS11.

Site Location and Sequential Approach to Site Selection

70. The application site abuts the housing settlement boundary and is considered a logical extension to the village.

71. Whether or not any sequentially preferable sites exist that could accommodate this form of development involves the exercise of planning judgement. The considerations relevant to that judgement include whether those sites are developable and deliverable. The terms "*developable*" and "*deliverable*" should be considered in the context of the NPPF, specifically, the policy within Section 6 'Delivering a wide choice of high quality homes'

72. The meaning of the term "*developable*" is provided by in footnote 12 to paragraph 47 of the NPPF, which states:

"12. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."

73. Footnote 11 addresses the meaning of "*deliverable*" to paragraph 47 states that,

"11. To be considered deliverable, sites should be available now offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires."

74. The Council is aware of a brownfield site within Bildeston village, Brook Farm Garage (also known as Taylors Garage), High Street, Bildeston, that was the subject of pre-application discussions in 2014, concerning residential development. At the previous committee meeting members were advised that a pre-application meeting took place in October 2014. The agent representing the owner of the BIL02 site submitted representations in response to the original application (B/15/01433/OUT) dated November 2015, which states that "*the landowner is now at an advanced stage in securing a developer to bring forward the Taylor's Garage site and there is considerable interest in bringing the site forward quickly in a manner that is consistent with the aims and objectives of the emerging neighbourhood plan ... It is important to note that the Taylor's Garage site would be developed on land entirely within flood zone 1*".

Since that time a further pre-application meeting took place on 29th November, 2016 to discuss proposed residential development at Taylor's Garage, Bildeston Road, for 49 residential units, associated open space, a wildlife corridor, and a bus/car drop-off and pick-up point to serve Bildeston Primary School. The applicant advised that they were proceeding towards submission of a planning application in Spring 2017, however no further contact has been received since late 2016 whereby confirmation of the meeting notes took place.

An indicative proposal was presented at that meeting and the applicant advised that they had undertaken extensive consultation with Bildeston Parish Council, Bildeston Primary School, and Keep Bildeston Beautiful, and that there was support among the local community for redeveloping the Taylor's Garage, which is a brownfield site, largely within the settlement boundary. To the north of Taylor's Garage is a greenfield site outside the settlement boundary but bounded on three sides by development and well screened by the River Brett and a thick line of trees on its western boundary. The site presented measured approximately 2.17 hectares albeit the western part of the site is located within Flood Zones 2 and 3 and it is envisaged that there would be no residential development in those areas of the site at risk of flooding.

The LPA has advised that there will be a need to consider a range of issues associated with the site and these included: loss of employment land; impact on heritage assets; Flood risk and housing need/affordable housing;

Since that time there has been no further contact with the LPA regarding the submission of a planning application to develop the Brook Farm/Taylor's Garage site, nor has any further request for pre-application discussions been made.

Considerable uncertainty exists, therefore, as to whether a proposal to develop the Brook Farm/Taylor's Garage site for housing will come forward in the foreseeable future. Consequently, the LPA could not reasonably conclude that this site is deliverable within the meaning of paragraph 47 of the NPPF.

75. The Brook Farm/Taylor's Garage site is also wholly within the Bildeston Conservation Area, in close proximity to a number of Grade II listed buildings and partially within the flood zone. This site is currently in employment use and any development of this site is likely to be costly in terms of remediation. In those circumstances, it may not be possible for this site to deliver affordable housing at 35% (in accordance with the development plan) and, as such, cannot be relied upon to meet the locally identified need for social housing. In addition, the access into the site is a limiting factor to the scale of development possible on the site as identified in pre-application discussions with the LHA. In 2014, the LPA indicated via their pre-application consultation that a small number of properties may be supported but only if local improvements can be made to address highway and sustainability issues.
76. The Brook Farm/Taylor's Garage site is also allocated in Policy EM23 (and Para 4.56) of the Local Plan 2006 for 'workshop scale' employment uses with some small scale residential enabling development, if considered necessary. Therefore, the principle of some form of redevelopment has been established. This allocation, however, has not come to fruition and the NPPF states in Paragraph 22 that employment allocations should be regularly reviewed and not retained if there is no reasonable prospect of the site being used for its allocated purpose.
77. As such whilst, preference should be given to the development of brownfield sites, the site at Brook Farm/Taylor's Garage is not considered available due to its current use for employment and that alternative sites within the village would still be required to deliver the affordable housing required in Bildeston even if that site came forward for development and, as such, its re-development would not be precluded by the current application. On balance, therefore, the proposal is considered to be acceptable in terms of this element of policy CS11 and given the lack of five year housing land supply or otherwise the approval of this application would not preclude Taylor's Garage coming forward at a later date.

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

78. 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.
79. 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.
80. 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.
81. 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 Bildeston and its wider functional cluster.
82. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "rural growth", including the development needs of the "functional cluster" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4).
83. 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.
84. 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.

85. 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 above, 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.
86. 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.
87. The local housing need for affordable dwellings is set out in detail in the comments provided by the Council's Strategic Housing Team (see above), which demonstrate that, when considered as a Core Village serving the functional cluster of Hinterland Villages identified, there are 54 active applications, with 35 having a connection to the cluster. In Bildeston alone there are 29 active applications and 19 with a connection to Bildeston. The development proposed will enable the provision of 17 affordable units which will go some way to meeting the local need.
88. The 'Balancing Housing Markets – Housing Stock Analysis' (2008) identified a shortfall of 130 1-bedroom market houses in the Babergh East Area. The Bildeston Parish Profile (January 2016) indicates that there is a higher number than average of 1-bedroom dwellings (10.1% against the Babergh average of 6.3%) and the number of 2-bedroom dwellings are in line with the Babergh average, with a 2% lower than average stock of 3-bedroom dwellings. Bildeston also has a 4% lower than average stock of 4+ bedrooms. Of the 455 occupied households in Bildeston, 332 of are under-occupied.
89. The Suffolk Housing Survey (2014) shows that, across the District, 12% of all existing households contain someone looking for their own property over the next three years who are interested in flats, apartments and smaller terraced properties, or semi-detached houses. The Survey shows that 2- and 3-bedroom properties are most sought after by existing households looking to move.
90. Having regard to the fact that in addition to the affordable units, the mix proposed includes 8 x 2 bed and 12 x 3 bed dwellings for general market housing. However, without the submission of a local needs assessment the extent to which the applicant has demonstrated that the development meets local needs in the terms understood to be required by policy CS11 is not considered to be met.
91. As such, it cannot be concluded that the proposal meets locally identified need and, therefore, the proposal does not comply with this element of policy CS11.

Locally Identified Community Need

92. 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).

93. 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 indicated that they engaged in a comprehensive public consultations including presentations/meetings with the parish council and a public exhibition. No requirements or requests were made, partly because of the modern well used community hall – Chamberlin Hall. In this respect, whilst the community needs cannot be considered to have been robustly considered, the proposal is not considered to accord with this element of policy CS11.

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

94. 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"*.
95. In terms of existing commitments and other proposals in the relevant cluster of Bildeston, 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.
96. The table shows that 57 dwellings were approved in the cluster over the last 3 years, of which 13 were in Bildeston itself. 14 were within Nedging and Naughton, 6 were in Lindsey, 5 were within Brettenham and 4 in each of the villages of Milden and Monks Eleigh. The other villages within the cluster where 1, 2 or 3 dwellings were approved were Felsham (1), Wattisham (1), Chelsworth (2), Hitcham (3), Kersey (3). It is therefore not considered that additional development in Bildeston itself would be detrimental taking into account cumulative impacts as the level of growth has been low, and a number of the villages within the cluster would also look to Boxford for many of its services (Kersey, Milden and Lindsey).
97. Concerns have been raised that Bildeston would suffer cumulative impacts – on the school, traffic congestion and the character of the settlement overall from too much rapid growth. As discussed later in the report the impact on the school is not considered a problem if mitigation, as set out in the responses from SCC, is provided. The LHA has raised no objection in terms of congestion and traffic generated from the development is not considered to have an adverse cumulative impact.
98. The character of the village being changed by extensive incremental growth is an important issue. The historic level of growth is higher than in other Core Villages (e.g. Boxford) but the Strategic Planning Team have concluded that the growth is not disproportionate given the villages status as a Core Village. There would be no adverse cumulative impacts from the existing community being 'over powered', unsettling community cohesion with a sudden influx of people. The development could increase the population of the village by approximately 100 people (based on an average of 2 people per home) – the current population is c. 960 people.
99. As it relates to proposals *"for development for Core Villages"*, the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11.

Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located.

100. Therefore, whilst, concerns have also been raised that there has already been a high level of development in the village with 10% growth in the village since 2001. There is no specified cap on the size of development that can come forward under Policy CS11, especially in Core Villages such as Bildeston, which are to act as a focus for development in the functional cluster. Therefore, the scale of development in itself cannot be objectionable per se; it is only whether the scale proposed has any adverse impacts.
101. 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. The proposal therefore complies with this element of policy CS11.
102. As such, the cumulative impacts of the proposal are considered to be in accordance with the requirements of policy CS11.

Summary of Assessment Against Policy CS11

103. For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11, with the exception of locally identified need and locally community needs 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

104. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
105. Development in core 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 the provisions 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.
106. Policy CS2 requires that sites outside of a Core Village (or other 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 Core Village and so needs to satisfy these tests to comply with Policy CS2.

107. 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.
108. 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 the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.
109. 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's objective of promoting 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 a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
110. 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.
111. As a Core Village, Bildeston is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. These facilities include a primary school, playing fields, a village hall, a GP practice, churches, public houses, a pharmacy, a village shop, a post office, and a tea room.
112. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Bildeston 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 Ipswich and Stowmarket. Therefore, residents in Bildeston 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.

113. It is acknowledged, however, that there will be a high proportion of car travel from Bildeston, as people travel out of the village to work, however it is also important to take into consideration both the provision of and accessibility of public transport in Bildeston as discussed, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation (criterion xviii of CS15).
114. The socio-economic profile of Bildeston highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people, and plays an important role in the tourism and heritage of the local area. However, there is a need to balance 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.
115. It is considered that the development proposed will enhance the vitality of the community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Bildeston, underpinning social capacity, providing affordable housing and widening the housing mix overall.
116. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services (criteria xviii and iv 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).
 - The proposal will deliver a mix of dwelling sizes, including those suitable for older people (criterion vi of CS15)
 - The development will meet the relevant sustainable design and construction standards (criterion viii of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The development will seek to minimise external paving and provide water butts. Surface water run-off from the development will be conveyed to above ground storage features (criterion xii 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)
117. Furthermore, the associated highway issues (criterion xix of CS15), environmental aspects related to sustainable drainage (criteria x and xii of CS15), renewable energy and reduction of carbon (criteria viii and xv of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Site Access, Parking and Highway Safety Considerations

118. The access arrangements are for detailed consideration and the design of the new access from the site on to Ipswich Road is included. The vehicular access to the site will be provided through a new priority junction with the B1048 Ipswich Road on the site's southern boundary.
119. The visibility splays would be 4.5m x 105m to the east i.e. cars exiting the site will be able to see for 105m giving sufficient time for them to see approaching cars, which may be speeding. The presence of dwellings would also change the character of the area and drivers may therefore slow down.
120. The implication of the enlarged viability splays is that the hedge along the front would have to be shortened; much of it would need to be removed and replanted behind the splay. Subject to a planning condition securing precise details of the compensatory hedge, on balance, this aspect is considered acceptable.
121. With regards to parking, there would be sufficient space at the quantum and density of development proposed to achieve off road parking in accordance with the parking standards. Likewise, there is no reason why a safe internal layout could not be achieved. The detailed layout and design would be dealt with at the reserved matters stage. A condition has been recommended that parking is in accordance with the County Councils parking standards.
122. A footpath is to be provided as part of the proposal to link the site with the village – via Rotherham Road - and that to meet Manual for Street guidance, this footpath should be 2m wide (allowing wheelchairs to pass). Following a site meeting, the LHA has confirmed that the footpath could be accommodated within the public highway at the width specified and that they would not object to the application on this basis.
123. The applicant has, therefore, designed a layout which incorporates the footpath link (which would be secured by planning condition) and this will include the replacement of the existing hedge behind the new footpath.
124. In addition, the applicant has undertaken a useful analysis that demonstrates that the development is part of a 'walkable neighbourhood' as defined in Manual for Streets:-
125. *"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas, which residents may access comfortably on foot."*
126. Whilst the only 'facility' within a 400m walk of the site is Taylor Made Joinery (employment opportunity) when the 800m route (actual walking route not a buffer) is applied then most of the village facilities are within walking distance including pubs, the school, retail and bus stop. The village hall is just outside this at 1000m. It must also be acknowledged, however, that the site is 200m deep so those properties further into the site will be further from facilities. Subject to the footpath being provided, the site is considered to be well connected to facilities and therefore in this respect, is a sustainable form of development.
127. In conclusion, it is considered that the highway network is operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed access is designed to meet the highway requirements of Suffolk County Council and the indicative parking is considered acceptable.

128. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of saved policy TP15.
129. The Local Highway Authority are satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

Impact on Residential Amenity

130. One of the core principles as set out in Paragraph 17 of the NPPF is that planning should always seek to secure high quality design and good standards of amenity for all existing occupants of land and building.
131. As this application is an outline application with all matters reserved, it is not possible to fully assess the impact of the proposal on the residents of adjacent dwellings. However, indicative layouts have been provided as part of the submission. At this stage, due to the size of the site and the proposed indicative layout, it is clear that the development could be designed to ensure that the residential amenity of the neighbouring properties is protected.
132. When full plans and elevations are submitted as part of the reserved matters application the full impacts on the amenity of the neighbouring properties will be assessed. This would include a full assessment of separation distances between habitable room windows, impacts on light and overbearing impacts and an assessment of the potential for the loss of privacy.

Loss of Agricultural Land

133. 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. The Core Strategy has no direct reference to the loss of agricultural land so the application is primarily assessed against the test in the NPPF. Within this context, the development is not considered to be 'significant'¹ so the test is not enacted. Notwithstanding this, Bildeston is surrounded by best and most versatile agricultural land so any development would erode this natural resource. The benefits of delivering housing in this instance outweigh the harm that would be caused from permanently developing best and most versatile agricultural land.
134. The meaning of the term "significant" in this context 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 3ha of land and therefore para 112 does not engage.

Design and Layout

135. Delivering quality urban design is a core aim of the NPPF stating, in Paragraph 56, that good design is a key aspect of sustainable development and indivisible from good planning and in Paragraph 64 it states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions. The NPPF also encourages the use of local Design Review.
136. The application is submitted in outline with the layout and building design as reserved matters. However, it is good practice for an applicant to demonstrate that the site can be developed in an acceptable way. The indicative layout, supported by images, shows a simple layout with housing facing onto the road to create a sense of enclosure and natural surveillance. The buildings would also form/create the street and echo the pattern and orientation of development in the centre of the village with a strong north - south alignment. The properties at the front of the site would face onto the B1078 so the development has a 'public face' whereby dwellings would not turn their back on the public realm at this point.
137. The low density of the development at c. 16 dwellings per hectare (dph) is considered appropriate for this edge of village location and will be secured by a planning condition (which will limit the number of homes to be constructed to 48). This low density allows space for landscaping and an open space; it also ensures that the development will not have a cramped appearance but a spacious roof scape broken up by trees. This allows 'garden suburb' principles to be followed, as encouraged in Paragraph 52 of the NPPF and considered appropriate in this edge of village location. The density/quantum of development also enables the proposals to be of a size which can assimilate into the settlement.
138. In this regard, whilst the detailed design of the proposal will need careful consideration, the principles of the design and layout are considered to be in accordance with policy CN01, and to accord with criterion ii) of policy CS15.

Biodiversity and Protected Species

139. 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.
140. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15 in particular requires new development to safeguard ecology. To that end, the applicant was requested to undertake a phase 1 ecology survey as part of the earlier application and at that time was reviewed by SCC's Ecology Team and the findings validated. The site has a low level of ecology value being mainly semi improved grassland. The hedgerows are of importance and will be retained on the eastern, northern and western boundaries. Some of the hedge to the south would also be retained (those elements lost would be replanted). It is recommended that an ecological enhancement plan is secured by condition so that enhancements are maximised e.g. wildflower planting, bird and bat boxes, planting of trees than can mature.

Summary of Assessment Against Policy CS15

141. 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.

Flooding and Drainage

142. The dwellings proposed would be served by a Sustainable Urban Drainage System (SUDS), which has been subject to detailed discussions with Environment Agency (previous application), County Flood Officer (current application) and Anglian Water in order to determine the suitability of the scheme and its impact on surface water drainage. The scheme proposed will need to incorporate a pumped system as the land within the applicant's control does not give sufficient fall to enable a gravity fed system to be achieved.
143. Suffolk County Council's Local Surface Water Drainage (SUDs) Guidance, Standards and information regarding designing for maintenance considerations states on p.165 that pumping stations should be the last resort and only allowable in situations where guaranteed maintenance of the pumps can be ensured. In addition, S12 of the DEFRA Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems states that pumping should only be used where it is not reasonably practicable to drain water by gravity.
144. Whilst the site is located adjacent to a field to the north west in which Bildeston Brook, the landowner here will not permit a gravity connection to the watercourse and therefore agreement has been reached to the northeast to a point of discharge into Bildeston Brook. The topography of the land would require a pumped solution and whilst this is not a preferred means of discharge, the applicant has no reasonable prospect of being able to achieve an alternative. The ground conditions are also unsuitable for surface water disposal. Anglian Water have also confirmed that the existing Artiss Close system does not have capacity to accept additional surface water from this system. Therefore, the matter for consideration is whether or not the proposed solution (i.e. the pumped system) provides an acceptable drainage solution.
145. The site attenuation has been agreed with Suffolk County Council to accommodate up to a 1 in 100 year return period with an additional 30% allowance for anticipated climate change. In addition there is additional onsite attenuation to accommodate a 6-hour pump failure. The attenuation would be a mixture of open detention basin and swales which will be adopted as part of the public open space by Suffolk County Council and underground attenuation will be adopted by Anglian Water.
146. Therefore, the County Flood Officer has advised that the system would need to be adopted by Anglian Water under a S104 agreement. Confirmation has been sought as to whether this would be acceptable to Anglian Water and they have confirmed that they would be willing to adopt system. Suffolk County Council have also suggested a condition that would prevent occupation beyond 51% until either; an adoption agreement is in place with Anglian Water for any pumped system (with normal operational output restricted to current greenfield run-off rates) or a gravity based system is put in place. Therefore, it is considered that this matter has been satisfactorily addressed.

Crime and Disorder

147. 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. The detailed design would be checked at reserved matters stage to ensure there are no issues with the design and layout which would unduly increase the risk of crime. Suffolk Police have raised no concerns.

Planning Obligations / CIL

148. The application is liable for CIL and therefore Suffolk County Council have outlined that they would be making a bid for CIL money to mitigate the impact of the development on education and libraries.
149. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings.
150. 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 (S155 Housing and Planning Act 2016)

151. 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

152. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
153. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
154. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites.

Paragraph 49 of the NPPF states 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*'.

155. Paragraph 14 of the NPPF states;

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted".

156. As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date

157. As set out at paragraph 26 above, the Supreme Court in May 2017 has clarified the position with regards to 'policies for the supply of housing' and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the 'tilted balance' required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

158. Officers acknowledge that applying the requirements of paragraphs 14 and 49 of the NPPF is likely to cause tension with regards to the recently made Neighbourhood Plan. In this respect, the Planning Practice Guidance, which provides up-to-date direction on the proper interpretation and application of national planning policy, provides clarification around this point. In relation to the weighting to be applied to policies within a neighbourhood plan relevant to the supply of housing where a Council cannot demonstrate that it has a 5-year land supply, para. 83 states the following:

“In such instances paragraph 49 of the Framework is clear that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

.....

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”.

159. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
160. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.
161. This report has not found that there is harm to heritage assets. Having assessed the proposal against the specific policies in the Framework, it is not considered that there are specific policies that indicate development should be restricted. As such, paragraph 14 is engaged.
162. 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 affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a significant contribution to the Council’s housing land supply.
163. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. It is not considered that the adverse impacts identified, which are commented upon below in terms of conflict with development plan policies, are such that would outweigh the benefits delivered by this development.
164. In any event, as the Council does not have a five year housing land supply, it is considered therefore that limited weight should be attached to policies CS2, CS11 and CS15. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving “exceptional circumstances” or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.

165. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report.
166. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

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

167. 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

168. The application has been considered in respect of the current development plan policies and relevant planning legalisation. 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 to be subject to conditions as set out below:

- Submission of reserved matters;
- Commencement within 3 years;
- Development to be implemented in accordance with submitted details;
- Foul drainage to public sewer;
- Surface water to be a SuDS system, with details and management to be approved;
- Adoption of pumping station prior to 51% occupation of the site
- Submission of details of those parts of the frontage boundary hedge to be replaced;
- A pavement connecting the site to Rotherham Road prior to occupation;

- 10% reduction in predicted carbon to be achieved with details to be approved;
- Fire hydrants to be provided;
- Tree and hedgerow protection fencing to be installed with details to be approved;
- As recommended by SCC Archaeology;
- Parking to be in accordance with the Suffolk Parking Standards;
- All external lighting, including any street lighting, to be approved;
- Tree planting plan to be submitted and approved along with reserved matters relating to landscaping (with space identified for feature trees to mature);
- Boundary hedge management plan;
- Scale of houses to be two storeys with the height limited to 9m;
- Ecological enhancement strategy to be approved;
- Land contamination assessment and remediation if required;
- Provision and management of public open space including boundary hedge to the east and south; As recommended by the LHA.

Application No:B/15/01433/OUT

Parish:Bildeston

Location:Land East of Artiss Close and, Rotheram Road

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



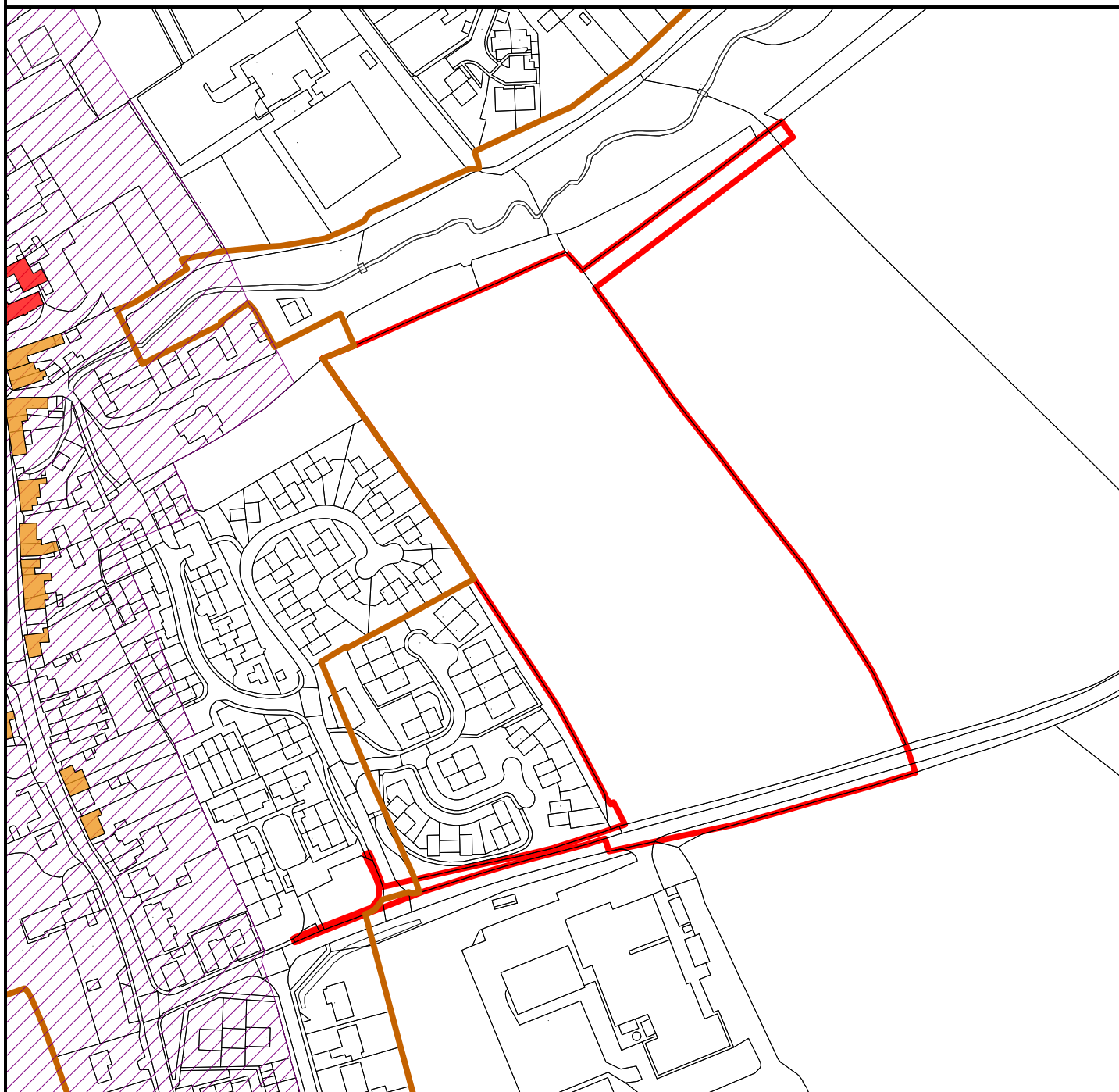
Grade 2 *



The Site



Built up Area Boundary



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