

# Public Document Pack



COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Rose Room, Endeavour House,  
8 Russell Road, Ipswich**

DATE: **Wednesday, 7 February 2018  
9.30 am**

## Members

Sue Ayres	Kathryn Grandon
Simon Barrett	John Hinton
Peter Beer	Michael Holt
David Busby	Adrian Osborne
Luke Cresswell	Stephen Plumb
Derek Davis	Nick Ridley
Alan Ferguson	Ray Smith

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## 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>PL/17/26 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2017</u>	1 - 6
4	<u>PL/17/27 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2017</u>	7 - 10
5	<u>PL/17/28 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 DECEMBER 2017</u>	11 - 16

ITEM	BUSINESS	<u>Page(s)</u>
6	<u>PL/17/29 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 DECEMBER 2017</u>	17 - 20
7	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>	
8	<u>SITE INSPECTIONS</u>	
	<p>In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on the following applications which require a site inspection on Wednesday 14 February 2018, times to be confirmed:</p>	
	<u>DC/17/06235</u>	
	<p>Erection of a high bay distribution unit (Use Class B8) with ancillary offices (Use Class B1) and gatehouse, together with associated landscape, drainage and parking, Former Sugar Beet Factory, Sproughton Road, Sproughton IP1 5AL.</p>	
	<u>DC/17/05687</u>	
	<p>Outline Planning Application - Development of an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5) together with an 80-bed hotel (C1); new and improved access from Sproughton Road; together with the provision of landscaping, infrastructure (including movement (highways, parking, cycle and pedestrian routes), utilities (including gas, electricity, water, sewerage, telecommunications) and sustainable drainage systems), and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works), Former Sugar Beet Factory, Sproughton Road, Sproughton IP1 5AL.</p>	
	<p>Officers would like to recommend that Members undertake a site inspection in respect of the above applications, so that Members can appreciate first-hand the potential impacts of the developments having regard for the surrounding environs and nearby sensitive receptors.</p>	

ITEM	BUSINESS	<u>Page(s)</u>
9	<u>PL/17/30 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	21 - 24
	An Addendum to Paper PL/17/30 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>DC/17/04049 The Paddocks, Lawshall Road, Hartest</u>	25 - 50
b	<u>DC/17/02111 Land Adjoining The Village Hall, Manningtree Road, Stutton</u>	51 - 76
10	<u>PL/17/31 REVIEW OF PLANNING CHARTER AND PUBLIC SPEAKING ARRANGEMENTS</u>	77 - 98
	Report by the Cabinet Member for Planning attached.	

Notes:

1. The next meeting is scheduled for Wednesday 21 February 2018 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 Public Speaking Arrangements at Planning Committees, a link is provided below:

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

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Public Speaking Arrangements (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.

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ITEM

BUSINESS

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Page(s)

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 Committee Services on 01473 296372 or via e-mail at [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk).

## **Introduction to Public Meetings**

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For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer on: 01473 296372 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

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# Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN ROSE ROOM, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 8 NOVEMBER 2017

PRESENT: Nick Ridley - Chairman

Sue Ayres  
Peter Beer  
Luke Cresswell  
Alan Ferguson  
John Hinton  
Adrian Osborne

Simon Barrett  
David Busby  
Derek Davis  
Kathryn Grandon  
Michael Holt  
Stephen Plumb

Ray Smith was unable to be present.

94 DECLARATION OF INTERESTS

None declared.

95 MINUTES

**RESOLVED**

**That the Minutes of the meeting held on 27 September 2017 be confirmed and signed as a correct record.**

96 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

97 QUESTIONS BY THE PUBLIC

None received.

98 QUESTIONS BY COUNCILLORS

None received.

99 PL/17/21 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/21 (circulated to Members prior to the day of the meeting) containing additional correspondence received since the publication of the Agenda, and before noon on the working day before the meeting together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to Paper PL/17/21 and the speakers responded to questions put to them as provided for under those arrangements:-

<u>Application No.</u>	<u>Representations from</u>
B/17/00091	Mathew Wooderson (Parish Councillor) Roger Loose (Objector) Leslie Short (Agent for the Applicant) Bryn Hurren (Ward Member)
DC/17/03100	David Barker (Agent for the Applicant)
B/16/01360	Jan Osborne (Ward Member)
B/17/01023	Rob Sharp (Objector) Jan Osborne (Ward Member)

## **RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/21 be made as follows:-**

### **a BOXFORD**

**Application No B/17/00091  
Paper PL/17/21 – Item 1**

**Outline Application – Erection of up to 24 dwellings (including up to 8 affordable dwellings) with access, land to the south of Daking Avenue.**

The Case Officer referred to the comments in the Addendum from the Agent and the SCC Flood and Water Team, together with corrections to Part 4 – Conclusion.

During the course of the debate, Members expressed serious concerns about the traffic implications of the proposed development, particularly in connection with the likely impact on Swan Street, which already experiences problems due to the narrowness of the road and pavements and has considerable on-street parking. Reference was also made to road safety issues arising from insufficient visibility in the vicinity of the junction in the centre of the village, and to the experience of those Members who attended the site visit at 8.30 a.m. on 1 November, in order to view the site in the context of the surrounding area and the road access.

Members in considering this application were aware of the Officer conclusion that the recommendation of approval was extremely finely balanced, and of the need for them to weigh all considerations very carefully before coming to a decision. In addition to the traffic issues identified, Members took particular note of the location of the site within an area of countryside and did not consider that there were



exceptional circumstances or justifiable need for the proposal. The development threshold for this site had been established to limit the effects of increased traffic on Swan Street, and the current proposal would exceed that threshold. Members did not accept that the mitigation measures included in the Officer recommendation, neither the sum of £10,000 to be paid to the Highway Authority by way of the Section 106 undertaking, nor the conditions required by the LHA, would resolve the situation.

As a result of its consideration of all the matters before it, and notwithstanding the Officer recommendation of approval, a motion to refuse permission was moved, and carried on being put to the vote.

## **RESOLVED**

**That outline planning permission be refused for the following reasons:-**

- **The proposal would give rise to additional traffic movements along Swan Street, which has already been identified in Policy HS21 as experiencing traffic issues, and would increase the risks to safety contrary to the NPPF in relation to achieving safe and suitable access and be contrary to HS21 in exceeding the development threshold specified for the site.**
- **The proposed location is in an area of countryside without demonstrating that any exceptional circumstances or proven need exist. The proposal is therefore contrary to Policy CS2 and the NPPF, which seek to locate housing in accordance with sustainable development principles, because it would result in adverse traffic impacts that would fail to enhance or maintain the vitality of the local community.**

### **b LAVENHAM**

**Application No DC/17/03100  
Paper PL/17/21 – Item 2**

**Outline Application (Means of Access to be considered only) – Erection of 25 dwellings with vehicular access onto Melford Road, land south of Howlett of Lavenham, Melford Road.**

The Case Officer referred to the response from SCC Strategic Development Resource Management, and comments by Lavenham Parish Council as part of the Joint Local Plan Consultation which had been included in the Addendum together with corrections to paras 4.21 and 11.2 and updates to the list of drawings.

## **RESOLVED**

**That authority be delegated to the Corporate Manager – Growth and Sustainable Planning to grant outline 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**

- (b) Affordable Housing**
- (c) Open Space**

and that such permission be subject to conditions including:

- 1) **Standard Time Limit Condition.**
- 2) **Submission of reserved matters**
- 3) **Approved Plans**
- 4) **Sustainability**
- 6) **Surface water drainage and construction surface water management plan**
- 7) **Ecological mitigation and enhancement measures**
- 8) **Lighting design to be submitted**
- 9) **Details of fire hydrants**
- 10) **Arboricultural method statement, tree protection plan with regards the final layout and a monitoring schedule**
- 11) **Details of Materials**
- 12) **Conditions as recommended by highways**
- 13) **Details of screen walls and fences**
- 14) **Construction Management Plan (Inc. construction hours, constructor parking, dust control and prohibition of burning)**
- 15) **Detailed landscaping plan**
- 16) **Foul Water Strategy**

**c SUDBURY**

**Application No B/16/01360  
Paper PL/17/21 – Item 3**

**Outline Application (with some matters reserved) for Residential Development of 20 1 and 2 bed apartments and 3 cart lodge apartments (23 in total) together with parking and external amenity area, former Crown Building, Newton Road.**

The Case Officer referred to the correct number of two bedroomed flats being 4, as shown in the Addendum.

**RESOLVED**

**That outline planning permission be refused for the following reasons:**

- **Footprint, massing and design unacceptable and contrary to design advice in the NPPF, saved policy CN01 and policy CS15.**
- **Access arrangement contrary to highways advice in the NPPF.**

**(d) SUDBURY**

**Application No B/17/01023  
Paper PL/17/21 – Item 4**

**Outline Application – Erection of up to 19 apartments along with associated parking, communal areas and construction of new vehicular access, Crown Building, Newton Road.**

The Case Officer referred Members to the further comments of the Town Council on the latest plans for the application.

During the course of their deliberations, Members asked how bin collections would be effected from properties on the proposed development, as a result of which it was accepted that if the Committee was minded to approve the application, this was referenced in the conditions recommended by Highways.

Overall, the debate focussed mainly on whether the differences in the current application sufficiently addressed the reasons for refusing the earlier application considered at (c) above, and a proposal to approve was carried by a narrow margin on being put to the vote.

## **RESOLVED**

**That outline planning permission be granted subject to the following conditions:**

- 1) Standard Outline Conditions.**
- 2) Approved Plans**
- 3) Elevational design details to be agreed**
- 4) Detailed landscaping plan and timetable**
- 5) Surface water drainage and construction surface water management plan**
- 6) Noise and insulation**
- 7) Lighting design**
- 8) Details of fire hydrants**
- 9) Tree Protection**
- 10) Details of Facing materials**
- 11) As recommended by Highways (including details of provision of refuse storage areas)**
- 12) Ground levels**
- 13) Details of screen walls and fences**
- 14) Construction Management Plan**

Note: The meeting adjourned for a short refreshment break after consideration of Item 1.

The business of the meeting was concluded at 12.55 p.m.

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Chairman

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# Agenda Item 4

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 22 NOVEMBER 2017

PRESENT: Nick Ridley - Chairman

Sue Ayres	Simon Barrett
Peter Beer	David Busby
Luke Cresswell	Derek Davis
Alan Ferguson	Kathryn Grandon
John Hinton	Michael Holt
Adrian Osborne	Stephen Plumb
Ray Smith	

100 DECLARATION OF INTERESTS

None received.

101 MINUTES

**RESOLVED**

**That the Minutes of the meeting held on 25 October 2017 be confirmed and signed as a correct record.**

102 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

103 QUESTIONS BY THE PUBLIC

None received.

104 QUESTIONS BY COUNCILLORS

None received.

105 SITE INSPECTIONS

David Busby requested a site inspection in respect of cross boundary Application No. B/15/00649 – land at Stafford Park, Clare Road, Long Melford (Paper PL/17/23 refers).

The request was proposed and seconded but it was agreed to defer consideration of the motion to allow the officer presentation of Paper PL/17/23 to proceed under Agenda Item 9 (Minute No 107 refers).

106 PL/17/22 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to Paper PL/17/22 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.

B/15/01196/FUL      John Hume (Parish Council)  
Iqbal Alam (Objector)  
Andrew Rogers (Supporter)  
Andrew Harding (Applicant)  
Phil Branton (Agent – to answer technical questions)  
Alan Ferguson (Ward Member)

**RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) a decision on the item referred to in Paper PL/17/22 be made as follows:-**

**a      KERSEY**

**Application No. B/15/01196/FUL      Full Application – Erection of 7 two storey dwellings, land to the rear of 1-6 The Street.  
Paper PL/17/22 – Item 1**

The Case Officer, Steven Stroud, referred to the date of the SCC Highways comments at the bottom of page 5 of Paper PL/17/22 which should read '10.12.15' (not 10.12.17).

Members in discussing the application were aware that the key issue was the need to balance the benefits to the village as a whole with the identified harm to heritage assets. The Case Officer referred to the independent highway advice set out in the letter and Appendices from civil and traffic engineering consultants GH Bullard & Associates LLP (as attached to the officer report) which had been sought in view of the conflicting advice received at different times from SCC Highways officers.

The officer recommendation for refusal for the reasons set out in the report was proposed and seconded, with the suggestion that a further reason for refusal relating to highway safety might be appropriate. However the officer advice that the consultants' view did not support a reason for refusal on highway grounds was accepted. The officer recommendation as set out in Paper PL/17/22 was lost on being put to the vote.

A proposal to grant permission was then moved on the basis that the benefits of the affordable housing substantially outweigh any harm which may be caused to a rear view of heritage assets. The proposed development was considered to accord with policies CA11, CS15 and CS19 of the Core Strategy and saved policies HS28 and CN06 of the Local Plan. The motion for the grant of permission took into account suggested conditions, together with the options put forward by the Legal Adviser, Ian De Prez, for securing the affordable housing element.

## **RESOLVED**

**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 (if not secured by condition):**

**and that such permission be subject to conditions including:-**

- **Standard time limit**
- **Details of materials**
- **As required by LHA**
- **As required by SCC Archaeology – scheme of investigation and assessment**
- **As recommended by the Arboricultural Officer**
- **Contamination – condition on ground gases**
- **To secure the provision of the affordable housing element as offered by the applicant (if not secured by a Section 106 or Undertaking)**

107 PL/17/23 - RESPONSE OF BABERGH DISTRICT COUNCIL TO THE CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND AT STAFFORD PARK CLARE ROAD LONG MELFORD FOLLOWING DEVOLUTION OF DECISION-TAKING POWERS TO BRAINTREE DISTRICT COUNCIL.

Ben Elvin, Strategic Projects and Delivery Manager presented Paper PL/17/23 and referred Members to the Addendum to the report which contained a letter from Lambert Smith Hampton on behalf of Liston Residents Association together with a Legal Opinion on the 'Polluter Pays' principle in relation to remediation.

Having listened to the presentation and commented on matters relating to the remediation aspects, traffic concerns and construction management arrangements, Members agreed that consideration of the Council's response to Braintree District Council should be deferred to allow them to visit the site.

## **RESOLVED**

- (1) **That a site inspection be held on Wednesday 29 November 2017 in respect of cross boundary Application No. B/15/00649, prior to the Committee's consideration of Paper PL/17/23.**

**(2) That a Panel comprising the following Members be appointed to inspect the site:**

**Sue Ayres  
Simon Barrett  
Peter Beer  
David Busby  
Luke Cresswell  
Derek Davis  
Alan Ferguson**

**Kathryn Grandon  
John Hinton  
Michael Holt  
Adrian Osborne  
Stephen Plumb  
Nick Ridley  
Ray Smith**

Note:

The meeting adjourned for refreshments between 11.20 a.m. and 11.40 a.m.

The business of the meeting was concluded at 12.15 p.m.

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Chairman



# Agenda Item 5

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN HADLEIGH TOWN HALL, MARKET PLACE, HADLEIGH ON WEDNESDAY, 6 DECEMBER 2017

PRESENT: Nick Ridley - Chairman

Sue Ayres	Simon Barrett
Peter Beer	David Busby
Luke Cresswell	Derek Davis
Alan Ferguson	Kathryn Grandon
John Hinton	Michael Holt
Adrian Osborne	Stephen Plumb
Ray Smith	

108 DECLARATION OF INTERESTS

Simon Barrett stated, for the avoidance of doubt, that when he was the Planning Portfolio Holder he had attended a meeting with the agent for the Stafford Park site and relevant officers (Minute No 113 refers) in his Portfolio capacity.

Peter Beer referred to a communication he had received from a local resident regarding the recent site visit to Stafford Park (Minute No 113 refers). He had taken legal advice which was that he had no declarable interest in respect of this item.

John Hinton referred to the letter of 4 December 2018 from Strutt & Parker, Agent for Application No DC/17/04326/RES – Land at Bulmer Road Sudbury which had been sent to all members of the Planning Committee (Minute No 112 refers).

109 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

110 QUESTIONS BY THE PUBLIC

None received.

111 QUESTIONS BY COUNCILLORS

None received.

112 PL/17/24 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/24 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to Paper PL/17/24 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.

DC/17/04326

James Firth (Agent for the Applicant)

DC/17/03982

Frances Self (Parish Council)

Leslie Cole (Objector)

Phil Branton (Agent for the Applicant)

**RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/24 be made as follows:-**

**a SADBURY**

**Application No. DC/17/04326/RES  
Paper PL/17/24 – Item 1**

**Submission of details under Outline Planning Permission B/13/00917- Reserved Matters - Appearance, Landscaping, Layout and Scale for up to 43no dwellings. As amended by revised plans received 10/11/17 numbered 664-200/03, 201/04, 202/02, 204/02, 210/01, 211/00 together with a Construction Method Statement and External Lighting Plan, land east of Bulmer Road.**

The Case Officer, John Davies, in presenting the application referred Members to the Addendum which contained the responses received as a result of re-consultation on the amended plans, as referred to in paragraph 2.15 of the report.

In response to queries raised by Members regarding the details of the water feature, it was noted that this would be the subject of further discussion with the applicant in relation to the landscaping conditions.

**RESOLVED**

**(1) That the submission of Reserved Matters be approved subject to conditions including**

- **Approved plans/documents standard condition**

**(2) That a note be added to the Decision Notice to advise the applicant that they are required to complete a Deed of Variation amending the affordable housing provision to the following:**

- **4 no. 2 bedroom (3 person) social rented dwellings**
- **2 no. 3 bedroom (4 person) social rented dwellings**

**b HINTLESHAM**

<b>Application No. DC/17/03982/OUT Paper PL/17/24 – Item 2</b>	<b>Outline Application (Access to be considered) - Erection of up to 11 Dwellings including 3 Affordable Houses, land to the east of Duke Street, and north of Red House Cottages.</b>
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The Case Officer, Gemma Pannell, in presenting the application, referred Members to a letter from Barry Gasper, one of the two Ward Members for Brook, which was attached in full to the Addendum. Members were offered reading time but indicated that this was not required. Nick Ridley, the other Ward Member, informed the Committee that he would not be voting on this application.

Following a thorough consideration of the planning considerations as set out in the report, and the matters covered in the public speaking session, Members voted by a majority of 7 to 6 in favour of the officer recommendation.

**RESOLVED**

**That authority be delegated to the Corporate Manager - Growth and Sustainable Planning 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**
- **Recreational Amenities Contribution (Stour and Orwell SPA)**

**and that such permission be subject to conditions including:**

- **Time Limit Condition**
- **Approved plans**
- **Submission of reserved matters**
- **Details of materials**
- **Site levels**
- **As required by highways**
- **As required by SCC Floods**
- **Details of fire hydrants**
- **Ecological mitigation and enhancement measures**

- **Detailed landscaping plan including all boundary treatment**
- **Archaeological work and monitoring**
- **Sustainability/Energy Reduction**

113 PL/17/23 - RESPONSE OF BABERGH DISTRICT COUNCIL TO THE CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND AT STAFFORD PARK, CLARE ROAD, LONG MELFORD FOLLOWING DEVOLUTION OF DECISION-TAKING POWERS TO BRAINTREE DISTRICT COUNCIL

The Case Officer, Ben Elvin in presenting his item gave a resumé of the key points as set out in Paper PL/17/23 (originally circulated with the agenda for the Planning Committee meeting on 22 November and re-circulated with the 6 December agenda) and following the recent Member site visit. His presentation included an additional slide to show the site in the context of the wider rural location and in relation to the County boundary.

With reference to the Legal Opinion attached to Lambert Smith Hampton's letter of 20 November 2017 (Appendices 2 and 1 respectively to Paper PL/17/23), the Case Officer advised that, bearing in mind that Babergh officers had not seen the brief given to LSH and had therefore been unable to test the legal advice given, his recommendation was that Braintree District Council be asked to take fully into account the 'Polluter Pays' principle and the weight to be given to it. He confirmed that the Section 106 Agreement would provide for the remediation measures to be brought forward in a phased programme.

The Case Officer also clarified the position regarding Essex County Council's highway requirements, which had still to be finalised, and confirmed that a developer contribution of £150k to ECC had been agreed.

Members were aware of their role as a consultee but considered that their input should be increased by having the Ward Members included in consultations on the conditions to be imposed on any consent to be granted.

## **RESOLVED**

**That Braintree District Council be advised as follows:-**

- **That had Babergh District Council been able to determine this application, the Council would, on balance, have been minded to approve the application subject to appropriate conditions and a Section 106 agreement.**
- **That should Braintree District Council approve the application, Babergh District Council wish to be party to the wording of conditions and the terms of the Section 106 agreement. Further, that conditions to be attached to any approval be agreed in consultation with the Ward Members for Glemsford and Long Melford.**

- **That all mitigation identified as necessary in this report to mitigate the impacts of development on the Babergh district, including those relative to education, highways, affordable housing and rights of way improvements, be secured through the Section 106 agreement.**
- **That the Section 106 Agreement include obligations that ensure the delivery of the decontamination of the landfill site within the Babergh District area, having regard to the polluter pays principle.**
- **That Babergh District Council requests Braintree District Council to ensure that a construction management plan is submitted which includes safety measures for the construction access and that conditions should be agreed in consultation with the Local Ward Members of Glemsford and Long Melford.**

The meeting adjourned for a short comfort break between 11 a.m. and 11.10 a.m.

The business of the meeting was concluded at 11:55 am.

Peter Beer referred to this being Ben Elvin's last day with the Council, and that he would be greatly missed. Members endorsed his remarks and wished Ben well in his future business venture. Ben expressed his thanks and commended the future arrangements for Steven Stroud and Gemma Pannell to support the Committee.

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Chairman

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# Agenda Item 6

BABERGH DISTRICT COUNCIL

BABERGH PLANNING COMMITTEE

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON WEDNESDAY, 20 DECEMBER 2017

PRESENT: Nick Ridley - Chairman

Melanie Barrett  
Peter Beer  
Luke Cresswell  
Alan Ferguson  
Michael Holt  
Jan Osborne  
Ray Smith

Simon Barrett  
David Busby  
Derek Davis  
John Hinton  
Adrian Osborne  
Stephen Plumb

Sue Ayres and Kathryn Grandon were unable to be present.

## 114 SUBSTITUTES

It was noted that, in accordance with Committee and Sub-Committee Procedure Rule No. 20, substitutes were in attendance as follows:-

Melanie Barrett (substituting for Kathryn Grandon)  
Jan Osborne (substituting for Sue Ayres)

## 115 DECLARATION OF INTERESTS

None received.

## 116 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

## 117 QUESTIONS BY THE PUBLIC

None received.

## 118 QUESTIONS BY COUNCILLORS

None received.

## 119 PL/17/25 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper PL/17/25 (circulated to Members prior to the day of the meeting) containing additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to Application No. DC/17/04024 in Paper PL/17/25 and the speakers responded to questions put to them as provided for under those arrangements:-

<u>Application No.</u>	<u>Representations from</u>
DC/17/04024	Andrew Searle (Parish Council) Karl Grimwade (Objector) James Firth (Agent for the Applicant)

## **RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 49(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/17/25 be made as follows:-**

### **a LAVENHAM**

<b>Application No. DC/17/04024/FUL Paper PL/17/25 – Item 1</b>	<b>Full Application – Erection of 24 dwellings with associated parking, landscaping and open space, land adjacent to Bear's Lane.</b>
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The Case Officer, Gemma Pannell, in presenting the application referred Members to the updates in the Addendum which included an amended recommendation to reflect the provision of a drainage scheme which was acceptable to the Local Lead Flood Authority. She also referred to the letter from the Ward Member, William Shropshire, which was appended in full to the Addendum. After the conclusion of the public speaking session and before the start of the debate, the Chairman offered Members reading time for Councillor Shropshire's letter which had been circulated with the Addendum the previous day, but Members confirmed that this was not needed.

Members were aware from the letter sent to them by the agent and as confirmed by the Case Officer that the applicant had explored options for the provision of an emergency access route which would allow emergency vehicles to bypass Bear's Lane if required. Further consideration of this aspect would be covered by a note on the Decision Notice if permission was granted.

During the course of the subsequent discussion, a question was raised about space standards for dwellings. Steven Stroud, Strategic Projects Manager, confirmed that Babergh and Mid Suffolk do not currently have a policy covering this specific aspect of design, but that he would take this up with the newly appointed Corporate Manager for Planning Policy.



## **RESOLVED**

**(1) 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**
- **Open Space**

**and that such permission be subject to conditions including:**

- 1) Standard Time Limit Condition.**
- 2) Approved Plans**
- 3) Sustainability**
- 4) Surface water drainage and construction surface water management plan**
- 5) Ecological mitigation and enhancement measures**
- 6) Lighting design to be submitted**
- 7) Details of fire hydrants**
- 8) Arboricultural method statement, tree protection plan with regards the final layout and a monitoring schedule**
- 9) Details of Materials**
- 10) Conditions as recommended by highways**
- 11) Details of screen walls and fences**
- 12) Construction Management Plan (Inc. construction hours, constructor parking, dust control and prohibition of burning)**
- 13) Landscaping**
- 14) Foul Water Strategy**
- 15) Contamination**

**(2) That a note be added to the Decision Notice to ensure that further discussions continue between the parties, with a view to securing an alternative emergency access route.**

### **b LINDSEY**

**Application No. DC/17/03751/FUL  
Paper PL/17/25 – Item 2**

**Full Application – Erection of 2 no. 3-bedroom dwellings with associated garages (following demolition of existing dwelling); application to include change of use from agricultural land to residential use, The Bungalow, The Street.**

The Case Officer, Steven Stroud, in presenting the application, referred Members to the letter from the Ward Member, Bryn Hurren, which was reproduced in full in the Addendum.

He also informed Members that the application site was outside the Stour and Orwell Estuaries Special Protection Area and therefore the financial contribution referenced in para 12.1 of the officer report is not required. However, the recommended condition for ecological mitigation is retained.

Councillor Hinton asked why the officer report did not reference Policy CS11 when the development was outside of the Lindsey settlement boundary. The officer responded that Policy CS11 did not apply because, viewed in its proper policy context, it should apply to Core and Hinterland villages. Lindsey does not have a settlement boundary and is designated as countryside for planning purposes. Councillor Hinton then referred to the relevant Supplementary Planning Document and said that the SPD states that the policy should apply. The Chairman supported the view taken by officers and said that Policy CS11 should not apply in respect of countryside settlements. The officer nevertheless advised that he would take Councillor Hinton's comments away for review.

## **RESOLVED**

**That planning permission be granted subject to conditions including:**

- **Standard time limit**
- **Approved plans and documents**
- **Ecological mitigation.**
- **Highways measures/improvements**
- **Materials details**
- **Levels details**
- **Hard and soft landscaping details (inc. boundary treatments and management)**
- **Archaeological investigation/assessment**

The business of the meeting was concluded at 10.45 am.

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Chairman



## PL/17/30

### BABERGH DISTRICT COUNCIL

#### PLANNING COMMITTEE

7 FEBRUARY 2018

#### SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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#### **APPLICATION REQUIRING REFERENCE TO PLANNING COMMITTEE**

1.	25-50	DC/17/004049	<b>HARTEST</b> – The Paddocks, Lawshall Road	JD	
2.	51-76	DC/17/02111	<b>STUTTON</b> – Land adjoining The Village Hall, Manningtree Road	GP	

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 – Growth and Sustainable Planning, 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 - GROWTH AND SUSTAINABLE PLANNING

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) 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.

### **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/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

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

## **LIST OF ABBREVIATIONS USED IN THIS SCHEDULE**

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



# Agenda Item 9a

## Committee Report

**Item No: 1**

**Reference:** DC/17/04049

**Case Officer:** John Davies

**Ward:** Chadacre.

**Ward Member/s:** Cllr James Long.

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## Description of Development

Full Planning Application - Erection of 6 no single storey dwellings associated out buildings, improvements to existing vehicular access & highway improvements. As amended by agents email dated 17/8/17 and amended drawings numbered 17/60/02A,03A and 12A showing changes to proposed footpath arrangement. Further amended drawings received 9/11/17 numbered 17/60/02B,03B,04A,05A,06A,07A,08A,09A,10A,11A,12B and 14B showing changes to layout and form of dwellings.

## Location

The Paddocks, Lawshall Road, Hartest, Bury St Edmunds Suffolk IP29 4DR

**Parish:** Hartest

**Site Area:** 0.38ha

**Conservation Area:** Hartest Conservation Area

**Listed Building:** n/a

**Received:** 04/08/2017

**Expiry Date:** 29/09/2017

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**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** n/a

**Applicant:** Lewis Morgan Ltd

**Agent:** Dean Jay Pearce - Architectural Design & Planning Ltd

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number received 09/11/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan - Received 09/11/2017

Topographic Survey 01(1) - Received 09/11/2017

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Topographic Survey 01(11) - Received 09/11/2017  
Landscaping Plan 17/60/02 Rev.B - Received 09/11/2017  
Proposed Site Plan 17/60/03 Rev.B - Received 09/11/2017  
17/60/04 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 1 17/60/05 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 2 17/60/06 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 3 17/60/07 A - Received 09/11/2017  
Proposed Plans and Elevations 17/60/08 A - Received 09/11/2017  
Proposed Plans and Elevations 17/60/09 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 6 17/60/10 A - Received 09/11/2017  
Highways Drawing 17/60/12 B - Received 09/11/2017  
Existing Sections 17/60/13 - Received 09/11/2017  
Proposed sections 17/60/14 B - Received 09/11/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

The application is referred to Planning Committee at the request of Councillor Nunn.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

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/16/00594	Outline- Erection of 6 no. dwellings (all matters reserved)..	Refused 27/07/2016
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This application was refused on the grounds of:

- harm to the open nature and transition character between the urban area of the village and the open countryside to the detriment of the Conservation area and Special Landscape Area.
- Unsuitability of Lawshall Lane for intensification of use and harm to pedestrian safety given narrowness, sharp bend and lack of footway.
- Unsustainable development the benefits of which outweighed by harm to :
  - Relationship to pattern of development in the settlement
  - Lack of respect to the landscape, street scape/townscape/heritage assets, important spaces and historic views
  - No positive contribution to local character of area
  - Development of an important visual feature in its undeveloped form
  - Detriment to highway safety



## **All Policies Identified As Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

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

#### **BABERGH CORE STRATEGY 2014**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS19 - Affordable Homes

#### **BABERGH LOCAL PLAN (ALTERATION NO.2) 2006**

CN01 - Design Standards  
CN06 - Listed Buildings - Alteration/Ext/COU  
CN08 - Development in/near conservation areas  
CR04 - Special Landscape Areas  
HS28 - Infilling/Groups of dwellings

#### **SUPPLEMENTARY PLANNING DOCUMENTS**

Suffolk Guidance for Parking (2014)

Rural Development & Core Strategy Policy CS11 (2014)

#### **List of other relevant legislation**

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

#### **Details of Previous Committee / Resolutions and any member site visit**

None

## **Details of any Pre Application Advice**

General advice provided.

## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

### **A: Summary of Consultations**

#### **Hartest Parish Council**

Original Scheme: Objection:

1 This land falls within open countryside and unlikely to qualify under Policy CS11. It's considered to be suitable only for affordable housing as a rural exception site (as per CS 20 of BDC's Core Strategy).

2 Policy HAR 3 permits up to 3 dwellings, where development outside the Built-up Area Boundary is considered to be acceptable. Furthermore, there is no accompanying CS11 checklist and no statement describing the significance of the heritage asset affected.

3 There is no mix of housing types. Policy HAR 4 seeks a commitment to meet Lifetime Homes re the single storey dwellings.

4 The consultations carried out for the emerging Neighbourhood Plan confirm the importance of maintaining the existing character of the village and its surrounding natural environment.

5 Policy HAR 12: This site lies within an identified visually important gap.

6 Policy HAR 11: This site lies within a key view from the village green.

7 Policy HAR 14: Despite being within a Conservation Area and close to listed buildings, no heritage assessment has been provided.

8 Policy HAR 15: The proposed development fails to meet the village's existing development pattern.

#### **SCC - Highways**

No objection subject to conditions relating to new access and bin/recycling storage on site.

#### **Heritage Team**

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1. The Heritage Team considers that the proposal would cause:

1. Less than substantial harm to a designated heritage asset because the development layout and elements of the form and detailed design of the proposal would diminish the character of the conservation area through a formal arrangement of dwellings which would not complement the historic pattern of development, intrinsic to the character of the area.

2. The Heritage Team recommends that amendments be sought fundamentally to the proposed layout of the development as well as a more cohesive approach to the dwelling/garage treatment which reflect the rural form of development within the village.

#### **Arboricultural Officer**

No response.

#### **Environmental Health - Land Contamination**

No objection.

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## **Environmental Health – Other**

No objection subject to:

- 
- Condition requiring the submission of a Construction Management Plan
  - No burning on site during clearance/construction phases
  - Flues to woodburning stoves to terminate 1 metre above ridge levels
  - Condition to require submission of external lighting scheme to prevent light pollution
- 

## **Environmental Health- Sustainability**

No objection and welcome sustainability features and request these are secured by condition.

## **SCC Archaeology Service**

Request condition requiring programme of archaeological work at the site.

## **Revised Plans:**

### **Heritage Team**

The Heritage Team considers that the proposal would cause:-

1. No harm to a designated heritage asset because the organic nature of the layout, disposition and range of properties with contemporary agricultural influence would preserve the character of the Conservation Area.
2. The Heritage Team recommends that conditions be imposed should permission be granted.

### **Hartest Parish Council**

Response to Revised Plans: Object for reasons as follows which replicates comments of Hartest Neighbourhood Plan Working Group.

- 
- Proposal is outside BUAB and not immediately adjacent to boundary. Contrary to emerging Hartest Neighbourhood Plan Policy HAR 6.
  - According to HAR3 only up to 4 houses allowed outside BUAB and no CS11 checklist submitted.
  - Housing mix satisfies HAR4 especially for first time buyers and residents seeking to downsize
  - Site lies within a Visually Important Gap as defined under HAR 12
  - Contrary to HAR11 as site within a Key view from Village Green and no Landscape Visual Impact Assessment (LVIA) submitted to assess its harm
  - Proposal does not demonstrate compliance with HAR8- impacts on biodiversity
  - Proposal does not offer adequate protection to setting of listed buildings in the vicinity
- 

## **B: Representations**

Original Submission: 8 responses raising objections on following grounds

- 
- Lawshall lane is narrow and has a blind bend - it is not safe for increased car use nor pedestrian access
  - Lane is narrowest where pedestrians join the road and has steep sides and overhanging trees which reduce safety
  - Road widening at the top does not improve the width at the bottom of the lane
  - Road is prone to flooding
  - Further development of Meadows is possible if this is allowed
-

- Should be refused for same reasons as previous application
  - Harmful impact on views into and out of the village
  - Harmful impact on views to and from listed buildings in the village green and those identified in the emerging Neighbourhood plan
  - Proposed design lacks design variety and is ill matched to the rich historical qualities of the conservation area
  - Adverse Impact on watercourses from foul drainage
  - References to draft Hartest neighbourhood plan are cherry picked
  - No landscape impact assessment has been prepared Harmful impact on two views identified as worthy of preservation in neighbourhood plan
  - Lawshall Road narrow section is just 3 metres wide
  - Potential harm to brick underground culvert beneath Lawshall Road
- 

5 submissions of support received.

Comments from Hartest Neighbourhood Plan Working Group- Object on grounds:

- 
- Site is in Countryside and development for private housing contrary to Core Strategy and emerging Hartest Neighbourhood Plan as it would only be acceptable if a Rural Exception development for affordable housing
  - Draft Policy HAR 3 allows only up to 3 dwellings outside BUAB and not supported by a CS11 checklist nor a heritage impact assessment
  - Welcome two beds dwellings as providing for dwelling mix needs of local people including first time buyers and residents looking to downsize . Meets HAR 4 (dwelling mix)
  - Site lies within an identified Visually Important Gap which should be maintained under Policy HAR 12 and is therefore contrary to this policy
  - Site lies within a Distinctive View identified and protected by HAR 11 and no Landscape Visual Impact Assessment submitted to allow assessment of its impact on views to/from the Village Green.
  - Proposal does not demonstrate compliance with Policy to retain existing features of biodiversity value.
  - Does not provide appropriate heritage assessment to comply with HAR 14.
  - Cul-de-sac layout with no through route to the village is not consistent with existing pattern of development contrary to HAR15.
- 

Amended Plans Re-consultation:

9 responses received all objecting to the revised proposals and making following comments:

- 
- Revised proposal does not address concerns about unsuitability of narrow lane for development
  - Will exacerbate flooding and safety problems with this section of highway
  - Increased risk of serious accident along the lane
  - Widened existing passing place is a cosmetic change only
  - Amended new footpath provision would mean longer walk along road to village and back
  - Housing will meet a specified need but not a proven need
  - Unlikely that priority for new housing will be given to local residents
  - Lack of demand for additional housing in village as confirmed in draft Neighbourhood Plan
  - Existing facilities within village likely to reduce in future due to closure
  - Fails to contribute positively to setting of several listed buildings and to preserve or enhance the character or appearance of the conservation area
  - 5 metre high anthracite grey roofs of proposed buildings would obscure views of listed buildings on Green except for their roofs
-

- Closer grouping of buildings in layout will create greater obstruction to views of listed buildings on the Green
  - Dwellings likely to look more like a small industrial estate
  - Benefits of development outweighed by harm to SLA/CA and increased accident risks
  - Once allowed will set precedent for further development in this area.
  - Lack of adequate justification /submissions regarding landscape impact assessment, heritage impact, impacts on views, cul-de-sac layout and number of dwellings
  - 'Farmyard' layout does not reinforce local distinctiveness nor provide permeability
  - Development on 'wedge' of countryside adjacent to Green and blocks views to/from village green
  - Proposals should have been referred to the Suffolk Design Review Panel
  - Proposals do not improve the character and quality of an area
  - No economic, social or environmental benefits to outweigh harm to heritage assets
  - No engagement by developer/agent with local community
  - Proposals are contrary to Paragraphs 60,61,62,64,65 and 66 of NPPF relating to good design.
- 

## **PART THREE – ASSESSMENT OF APPLICATION**

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

### **1. The Site and Surroundings**

- 1.1. The site comprises part of an agricultural field approximately 0.46Ha in area, currently used for grazing horses and belonging to The Paddocks. The field lies to the north-west of Lawshall Road, which is a narrow single track lane leading from Shimpling Road (Hartest Hill) at the south-eastern end of the village.
- 1.2. The site is raised approximately 0.5m above the road level and is enclosed along the road frontage by a raised bank and a hedgerow above it. On the opposite south-east side of the road there is a steep bank with a hedgerow/trees and behind which is an estate known as Greenview, which is a cul-de-sac of 11 dwellings built approximately in 1960. These properties are elevated some considerable distance above the road in places. Beyond the Greenview estate are a couple of further dwellings on the south-east side of Lawshall Road.
- 1.3. The site is situated to the north-east of a two storey late 20<sup>th</sup> Century farmhouse style property known as The Paddocks. This property is served by an access from Lawshall Road adjacent to the south-west corner of the application site. The site is separated from The Paddocks garden by a post and rail fence. There is a hedgerow to the northern boundary of the field.
- 1.4. The application site rises in height from west to east by up to 3 metres.
- 1.5. The site lies within the Hartest Conservation Area and within a Special Landscape Area. Both these designations cover the whole of the village and land surround it. The site lies outside but close to the Built Up Area Boundary of the Village as defined within the 2006 Local Plan. On the north-west side of Lawshall Road the boundary runs close to the rear of The Paddocks and is around 35 metres from the application site. On the south-east side of Lawshall Road the boundary extends eastwards up to the junction with the road to Cooks Farm and includes the Greenview estate and the houses beyond it.

## **2. The Proposal**

- 2.1 This full application seeks planning permission for the erection of 6.no. two/three bedroom single storey dwellings together with a new access onto Lawshall Road.
- 2.2 Access to the site for vehicles and pedestrians would be from a new opening created halfway along the frontage to Lawshall Road. This would be combined with a new footpath from the access leading to the existing access which serves The Paddocks.. As originally proposed a new segregated footpath was shown set back from the road and within the garden of The Paddocks and extending for a distance of 25 metres to where it joined the Lawshall Road. The proposals also include widening of the carriageway to 4.5 metres further along Lawshall Road.
- 2.3 Each dwelling would have 2/3 bedrooms and rear gardens provided to each unit would vary between 220 to 340 square metres in area. Each dwelling would be single storey with a consistent ridge height of 5.5 metres above ground level.
- 2.4 Each unit would have 3 parking spaces including a single garage.
- 2.5 Additional tree and shrub planting is proposed along the perimeter of the site and to the front of the site would be a retained open grassed area intended as a retained vista along Lawshall Road in between Plot 6 and the road.
- 2.6 Facing materials would be Anthracite grey profiled sheet roofing, Anthracite grey vertical profiled sheet wall panels and natural larch boarding with anthracite grey aluminium windows.
- 2.7 There are no development proposals for the remainder of the field and the Applicant indicates that it would remain as existing.
- 2.8 In August 2017 the proposals were amended by the deletion of the proposed segregated footpath following comments from the Highway Authority concerned over safety aspects.
- 2.9 In November 2017 the proposals were amended, and revised plans were received showing changes to the site layout of the dwellings. The effects of these changes were that the dwellings were brought closer together and in a more informal grouping with linked buildings or screen walling.

## **3. National Planning Policy Framework**

- 3.1 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.

## **4. Core Strategy**

- 4.1 Policy CS1 states that the Council will support sustainable development unless material considerations indicate otherwise.
- 4.2 Policy CS2 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.

- 4.3 Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. Most new housing during the plan period would be within the Sudbury and Great Cornard areas.
- 4.4 Policy CS11 deals with new development at Core and Hinterland villages and sets out criteria with which to assess such proposals.
- 4.4 Policy CS15 sets out a list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.

## **5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan**

- 5.1 Hartest Village is in the process of preparing a Neighbourhood Development Plan. A Pre-Submission Draft Plan was published in March 2017 for public consultation following which a Consultation Report will be prepared prior to formal submission of a revised draft Plan to the Council for further public consultation and external examination. The status of the current plan has therefore very limited weight as a material consideration in planning decisions.
- 5.2 The Hartest Conservation Area Appraisal (2007) .
- 5.3 Rural Development & Core Strategy Policy CS11 SPD (2014)

## **6. Saved Policies in the Local Plans**

- 6.1 Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.
- 6.2 Saved Policy CN06 sets out principles for the control of works to listed buildings or the setting of listed buildings.
- 6.3 Saved Policy CN08 deals with the protection and enhancement of the character and appearance of conservation areas.
- 6.4 Saved policy CR04 deals with proposed development within Special Landscape Areas and states that development should maintain or enhance special landscape qualities of the area and be designed and sited to harmonise with landscape setting.
- 6.5 Saved policy HS28 covers infill development and states that permission will be refused where the site should not be developed as an important visual or environmental feature; the proposal represents over-development to the detriment of the environment, the character of the locality, residential amenity or highway safety; the layout provides unsatisfactory standard of privacy, garden size or public open space or is of scale, density or form out of keeping with adjacent dwellings or other buildings.
- 6.6 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.

## **7. The Principle of Development**

- 7.1 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.
- 7.2 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).
- 7.3 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.
- 7.4 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-03020140306) 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...' The NPPF (Paragraph 49) 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. For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.5 Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker 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.



7.6 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-03020140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.

A summary of the [BDC] Council's 5 year land supply position is:

- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
- ii. SHMA based supply for 2017 to 2022 = 3.1 years

7.7 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.

7.8 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

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

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

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

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

7.10 As detailed 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. 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.

- 7.11 Hartest is defined as a hinterland village under policy CS2, a policy which suggests that most Hinterland Villages should accommodate some development to help meet the needs within their functional cluster. The proposal site is approximately 35 metres from the Built Up Area Boundary (BUAB) for Hartest and therefore policy CS11, which provides greater flexibility for appropriate development beyond the BUAB for identified core and hinterland villages, would apply. Hartest has a range of local services including a butchers, public house, primary school, garage, church, Institute and a doctors' surgery.
- 7.12 Paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside. The site is not considered to be physically 'isolated' within the meaning of this term as it is relatively close to the Built up Area Boundary of Hartest and in terms of distance is reasonably close to services provided within the village (as listed above). The proposal does not, therefore, lie spatially isolated from services. Paragraph 55 of the NPPF also states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."*
- 7.13 Development in hinterland villages will be approved where the criteria in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. As such, this report will move to consider the relevant provisions of those policies, set within the context of the actual service provision in the village.

#### The landscape, environmental and heritage characteristics of the village

##### *Impact on Landscape*

- 7.14 The site lies within the SLA where saved policy CR04 of the Local Plan identifies that proposals will only be permitted where they maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal and are designed and sited so as to harmonise with the landscape setting.
- 7.15 The site, at present, is part of an open field enclosed on all its boundaries by established trees and hedgerows. The development site would be severed from the rest of the field and enclosed by a post and rail fence and new hedgerow planting. In terms of topography there is a rise in levels from the western corner of the site to the east side of around 3 metres.
- 7.16 Hartest sits within a valley with the land rising steeply to the north and east. The majority of development in the village is characterised by a layout that is one plot deep with farmland to the rear.
- 7.17 Currently the street scene along Lawshall Road has a green and verdant character. Upon leaving the village, the use of the site for horse grazing offers a graduation between the residential and agrarian uses beyond and a soft transition into the SLA countryside. The narrow, sunken character of Lawshall Road contributes positively to the experience of these surroundings and contributes to the sense that you are leaving the built settlement and entering a more diffuse road network. The concern is that the creation of the new access, road widening and development of the field would result in the loss of the open field character and have an unduly urbanising impact on the site to the detriment of these surroundings.

- 7.18 The SLA character type is identified as 'undulating ancient farmland' and The Joint Landscape Guidance for this character type states that "The setting of Hartest village compliments the landscape with high banked lanes cutting a path to the village centre that then open up to an area with houses framing small pockets of green open spaces with mature trees". It is clear that the current enclosed character of the lane is a valuable quality of the countryside in this location. Development of the site could significantly alter its open character to the detriment of the surrounding countryside.
- 7.19 Presently the site offers unrestricted views from the Lawshall Road into the village and these views show the village buildings nestling into the surrounding countryside between the trees. These views contribute to its general appreciation and the significance of the SLA and can be positively or negatively affected by development of this site. Moreover, these views and open gaps between development within and outside the village centre are identified as significant in the Draft Neighbourhood Plan. Draft Policy HAR 11 identifies this as one of the key views to/from the village and Policy HAR 12 designates this part of Lawshall Road as part of a Visually Important Gap. EWhilst these policies have no statutory force they are nevertheless a recognition of the significance of the site to the village.
- 7.20 The previous scheme in 2016 was refused on grounds, among others, that the proposals would develop an open, un-built on site which contributes to the character of the Conservation Area and the SLA. In particular, the form of the development indicated as 6 no. two storey houses arranged in a radial inward-looking layout was deemed inappropriate for the site being considered to be too 'suburban' in character.
- 7.21 The current proposals, in comparison to the 2016 scheme, are for a single storey development and in a contemporary 'farmyard' style form which seeks to create a justification for and establish a sense of place for the development. Some respect is also shown for the open gap and key views identified in the draft neighbourhood Plan by the inclusion of an un-built viewing cone along Lawshall Road within which no development will take place. This is welcomed, however, it represents a modest and artificial division which does not address the wider landscape impact.
- 7.22 On balance it is considered that the proposed development would not maintain the special landscape qualities of the area and the development as a whole would not harmonise with the landscape setting. The proposal would, therefore, not comply with policy CR04 and this part of policy CS11.

#### *Impact on Heritage Assets*

- 7.23 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".
- 7.25 Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).

- 7.26 The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). Good design is a key part of sustainable development, and the Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm and that proposals which make a positive contribution to the asset should be treated favourably (paragraph 137). In making this assessment the decision maker should not apply the 'tilted balance' of paragraph 14 of the NPPF (even if it is otherwise applicable) but should place the priority on conserving the heritage asset free from harm, by refusing harmful proposals, unless there is sufficient public benefit to outweigh that harm.
- Saved policy CN06 of Babergh Local Plan Alteration No. 2 (2006) requires inter alia that alterations to any part of a listed building, or development affecting their setting, are: justified in terms of preserving the special character of the building; would make use of appropriate materials; and would cause the minimum possible impact to the heritage asset.
- 7.27 In response to the original submission the Heritage Team commented on the significance of the site in heritage terms to the village. They commented that there is clear evident heritage interest throughout Hartest, in particular the historic core and high number of listed buildings surrounding the green. The village core has its own inherent character and the surrounding wider context further contributes to the character of the area, reinforcing the rural location. The conservation area appraisal notes that the conservation area boundary is drawn widely including a number of outlying hamlets and the land between them and the main settlement. It therefore includes extensive areas in agricultural use, characteristic of the rural location.
- 7.28 Whilst acknowledging that any form of development on the current undeveloped land would have an impact through loss of the current pasture which forms a gentle approach into the central core of the village and sense of enclosure, they did not consider that development in principle was unacceptable and commented that differing approaches to development would inform the type of impact on character and level of harm if evident.
- 7.29 The Heritage Team concluded the proposal to cause less than substantial harm in its current form as the development would not harmonise with the character of the conservation area. This was due to the formal arrangement of the dwellings and the (flat roofed) form of the garage elements in particular. The layout was considered formulaic with strong influence from hard-standings for vehicular movement. They suggested a more organic approach to the supposed 'agricultural farmstead' group should be explored in order to reflect the settlement morphology of Hartest and complement the rural character of the location. The outbuildings should have a better relationship to one another than being clearly independent units as proposed. They advised that better association to one another, more interest in layout arrangement with less formality could reduce the level of harm to the character of the area, addressing the rural location and context of historic development with better relationship to the countryside. The flat roof form/massing of the garage elements was also highlighted as needing modification.
- 7.30 In response to the revised plans the Heritage Team advise that the amended scheme with changes to layout and building form following their suggestions would give rise to some impact through development of currently open land, however the pattern of development would be sustained by the amended scheme and would not detrimentally affect the character of the place.

The layout of the development is now considered more organic in approach, with pinch points creating interest within the site, as well as subtle variations in the proposed building types but with a coherence of agricultural influence and material palette. The Team also confirmed that the impact on the setting of the listed buildings to the west surrounding the historic green is considered negligible.

- 7.31 In that regard, the proposal is considered acceptable in terms of the heritage impact requirements of policy CN06, the NPPF and this part of policy CS11.

Site location and sequential approach to site selection

- 7.32 To be acceptable under Policy CS11 proposals should adjoin and be well related to the built up area boundary of the village. The SDP acknowledges that 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:

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

- 7.33 The site is close to but not strictly speaking adjacent to the BUAB boundary as there is a gap of around 35 metres comprising the rear garden of The Paddocks. The proposed development is not infill as it would extend the built up area of the village along the north side of Lawshall Road in a form which could be described as ribbon development. The Applicant states that development would not extend further along Lawshall Road than it already does along the south side and this is true because housing continues beyond Green View up to the junction with the road leading to Cooks Farm. However, upon leaving the village on the Lawshall Road the overwhelming impression is of open land beyond The Paddocks due mainly to the elevated embankment which hides the Green View estate. Therefore, it is Officer's view that the development would constitute ribbon development as far as the north side of Lawshall Road is concerned. Having regard to the other indicators of how well related the site is to the village it is not considered that the site is a logical extension for reasons that it would be separated from The Paddocks and in a relatively open setting on the north-west side of the road and taking up a part of a much larger field. It requires new planting and enclosure to its lateral boundaries to satisfactorily separate it from The Paddocks and the rest of the field.

- 7.34 With regard to connectivity particularly for pedestrians between the site and the village would be along a narrow (minimum 3 metre wide) lane for a distance of 105 metres to the junction with Hartest Hill. The road is on a hill and also bends round to the right with overhanging vegetation and therefore has limited forward visibility of oncoming vehicles. There is no footpath nor lighting. The residents of Greenview have the benefit of a set of steps leading from the estate down onto Lawshall Road approximately 45 metres from Hartest Hill which for many residents is a short-cut to the village compared to the road access.

- 7.35 The lane is however lightly trafficked and subject to a 30 mph speed limit. Nevertheless pedestrian access from the site to the village centre is not safe given the width of the lane, the bend in the road and lack of suitable verge to step onto for safe refuge. This was part of the reason for refusal of the 2016 scheme.

It was assessed that whilst this may not be sufficient to refuse the proposal on highways grounds, it was considered indicative of the site's poor pedestrian connectivity to local services within the village and the existing pattern of development within the settlement having regard to the locational criteria to be assessed under Policy CS11.

On the basis of the foregoing the proposal is not considered to comply with the locational and relational criteria of policy CS11.

- 7.36 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB. There are no sequentially preferable allocated sites within Hartest, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
- 7.37 The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
- 7.38 In this regard, there is not considered to be any direct conflict with this element of policy CS11 for reasons given above, and it can therefore be concluded that this element of policy CS11 has been met.

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

- 7.39 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.
- 7.40 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.
- 7.41 The 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.
- 7.42 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 Hartest and the functional cluster which it sits within.
- 7.43 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves. In this case the Applicant has indicated in the Design and Action Statement that the proposal is for modest sized 2/3 bedroom units (94 sqm internal area) which are identified as being in demand in the draft Neighbourhood Plan.

Draft Policy HAR 4 (Housing Mix) states that proposals will be supported where they provide a mix of types and sizes that reflect the needs of local people, particularly where they include 2 and 3 bedroom houses for first time buyers or residents wishing to downsize.

The Application has not provided a housing need statement and whilst the proposal would provide housing unit sizes expressed in the draft Neighbourhood Plan as being preferred, it is not demonstrated that they would meet a need in the village. Given the above the proposal would only part comply with this element of policy CS11.

#### Locally Identified Community Needs

- 7.44 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).
- 7.45 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 submits that the site is close to and within walking distance of existing services within the village but also states that the proposed dwellings, being a relatively modest sized scheme) cannot be expected to make a tangible material impact on their long term viability. However, given their accessibility to the village it is likely that they will make some contribution. Moreover, the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

- 7.46 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*".
- 7.47 Policy CS11 requires the cumulative impact of development, both within the Village, and its functional cluster, to be a material consideration. Given the responses from statutory consultees and the small scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts as a result of the development in combination with others completed/committed to in the cluster. CIL provides a mechanism for GP surgeries and schools to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be significantly adversely impacted by the development.
- 7.48 It is therefore considered that the evidence suggests this development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

## **Additional CS11 Criteria for Hinterland Villages**

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

- 7.49 The site is located outside the BUAB and on open land used as a paddock that can be considered to be transitional between the urban character of the village centre and the open countryside beyond to which the road leads. It is identified in the draft NP as both forming part of an important view (HAR11) and a visually important gap (HAR12), which the relevant policies for these designations seek to protect. The site is also part of the SLA and saved Policy CR04 seeks to control development so as not to harm its qualities.

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

- 7.50 These issues have already been assessed earlier in the report.

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

- 7.51 Hartest has produced a draft Neighbourhood Plan and it has identified a need for smaller 2-3 bedroom housing to meet local starter home or downsizer needs. The development would contribute to meeting those needs as discussed earlier in the report.

Supports local services and/or creates or expands employment opportunities

- 7.52 The proposal would provide new dwellings and would make a contribution to supporting the existing facilities in the wider area. The village lies close to Glemsford, which can provide more of the day to day facilities, and there is no reason to discourage this application on the basis that it would support services in another nearby village. As such, the proposal satisfies this element of policy CS11 and the wider objectives of the NPPF.

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

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

### Overall Summary of Assessment Against Policy CS11

- 7.54 Following the assessment of various criteria under Policy CS11 it is considered that the development would satisfy all the criteria with the exception of local need, landscape impact and locational relationship to the settlement and for these reasons the proposal cannot be said to fully comply with policy CS11 in terms of these important considerations.

### Consideration against other development plan policies.

- 7.55 The Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided.



This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.

- 7.56 Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
- 7.57 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.
- 7.58 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Hartest is around 4 miles from the nearest Core Village (Glemsford) and on the Green there is a stop for the 374 bus which runs from Clare via Glemsford through to Bury St Edmunds and back at regular intervals, and utilises this stop. There is also a bus service running from this stop but only once every Thursday to Sudbury and back. Whilst the site is within a reasonable commute (by car) of Sudbury, and thereby has access on that basis to train services to a wider area, there is only a limited bus service and no real opportunity for local employment.
- 7.59 There would be some economic and social benefits arising from the delivery of housing, and this would support local facilities and services and those within the settlement cluster notably Glemsford and regular bus access to Bury St Edmunds. Therefore the proposals should be judged positively in supporting the services in the settlement cluster and demonstrate that this would be a sustainable development in this way.
- 7.60 This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
  - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
  - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
  - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)

Furthermore, the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

## **8. Site Access, Parking And Highway Safety Considerations**

- 8.1 The scheme includes the provision of a new vehicular access onto Lawshall Road halfway along the frontage adjacent to the existing access which would be stopped up. Further along the road the road would be widened to 4.5 metres along a 20 metres length in between the existing access to Greenview and the new access. A separate 1.5 metre pedestrian path is also proposed set back from the road but extending only as far as the existing access into The Paddocks.
- 8.2 The Highway Authority had objected to the outline scheme in 2016 but have raised no objection to the latest plans subject to compliance with conditions for the new access and bin/recycling storage on site.
- 8.3 With regard to pedestrian access to the village this has already been assessed earlier in the report at Paragraphs 7.34 and 7.35.

## **9. Design And Layout**

- 9.1 The design rationale behind the scheme as originally submitted and later modified comprises a form of development based on a grouping of former farm buildings associated with the farmhouse (The Paddocks) and forming as a whole an edge of village farmstead. This theme is exemplified by the ad hoc arrangement of modest sized farm buildings around a 'farmyard'. Each building is designed with dark grey walls and roofs giving a utilitarian, neutral appearance. Their scale is lower than the farmhouse by at least two metres and boundaries are defined by simple fences and hedges. The plans, as revised following Heritage Officer comments, have developed the 'farmstead' theme to create a more cohesive and joined-up layout compared to the original scheme which was too regimented with the 6 dwellings arranged around an 'H' plan road layout. The garages which were detached in the original scheme have been attached to the dwellings and therefore more integrated within the overall layout. The Heritage Team comments on the revised proposals state that they are satisfied that the 'farmstead' theme of the development has been satisfactorily demonstrated and they raise no objection to the proposal on heritage grounds.
- 9.2 All of the units would have satisfactory parking provision and external amenity space.
- 9.3 The units include various sustainable design features including air source heat pumps, wood burning stoves and an electric vehicle charging point. There is also potential for solar panels and the dwellings would benefit from high levels of internal insulation. These elements are supported by the Environmental Health (Sustainability) Officer. If approved, a condition would be recommended requiring the implementation of these energy efficiency measures.

## **10. Environmental Impacts - Trees, Ecology And Land Contamination**

- 10.1 Whilst concerns have been raised regards surface water flooding on land surrounding the site it is considered that development could ensure, through controls such as a surface water management plan, that the development does not pose any additional risk to flooding. In many cases, through SUDs and permeable drainage mechanisms surface water run off can be delayed and arrested within the site and this may have the effect of approving the current situation rather than worsening it.
- 10.2 The site is identified as having archaeological potential, however, these issues could be addressed via a condition should other matters be acceptable.

- 10.3 There is no evidence to suggest the land is contaminated. The Environmental Health (Contamination) Officer raises no objection.
- 10.4 There are no protected TPO trees on the site, but trees and hedgerows are protected by virtue of being within the Conservation Area. No trees on the site are required to be felled to carry out the development and the proposals include a landscape plan for substantial new tree and hedgerow planting along the site boundaries.

## **11. Heritage Issues**

- 11.1 The heritage implications have already been considered earlier in the report.

## **12. Impact On Residential Amenity**

- 12.1 There are no neighbours living adjacent to the site and the nearest dwelling is The Paddocks within which the Applicant lives. This property is well separated from the site and it is therefore not considered that any neighbour amenity issues would arise.

## **13. Biodiversity And Protected Species**

- 13.1 The Applicant has not submitted an ecological survey report with the application as it is considered that no significant wildlife habitats would be affected by the development given in particular the use of land for horse grazing and proposed protection of existing boundary vegetation. The proposals are likely to lead to enhanced ecological status by provision of additional planting and provision of wildlife corridor with permeable fences through the site and provision of bat and bird boxes to promote local bio-diversity.

## **14. Planning Obligations / CIL**

- 14.1 The application is liable for contributions under CIL.
- 14.2 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.

## **15. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

- 15.1 Granting this development would result in the following financial benefits:
- o New Homes Bonus
  - o Council Tax
  - o CIL

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## **PART FOUR – CONCLUSION**

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

- 16.1 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.

16.2 In this case Officers liaised with the developer with regard to the layout and design of the development, which resulted in the submission of amended plans.

## **17. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)**

17.1 The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:

- o Human Rights Act 1998
- o The Equalities Act 2010
- o Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- o Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- o The Conservation of Habitats and Species Regulations 2010
- o Localism Act
- o 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.

## **18. Planning Balance**

18.1 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.

18.2 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.

18.3 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'.

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”.*

- 18.4 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
- 18.5 As set out 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.
- 18.6 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. This report has not found that there is harm to heritage assets based on the comments of the Heritage Team.
- 18.7 In terms of benefits in accordance with the three dimensions of sustainable development set out in the NPPF, the proposal would give rise to social and economic benefits. There would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the local and wider economy. The economic benefits from construction would be temporary. It is also considered that residents would be largely reliant on the car to access services both within and beyond the village remote from the village with poor pedestrian connectivity to local services. It is likely, therefore, that many economic benefits would be received outside of Hartest. With regard to environmental impact the scheme is judged not to harm the Conservation Area but there would be an adverse impact on landscape character within the countryside through the development of an open site on the edge of the village. Furthermore, allowing development on part of the existing field as proposed could generate a precedent for further future development which the LPA may find difficult to resist.
- 18.9 Balancing these considerations it is judged that the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits of the development when considered against the Framework as a whole. Therefore, the application is recommended for refusal.

## **RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to REFUSE permission for the following reasons:

1. Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will only be permitted in the Countryside in exceptional circumstances subject to proven justifiable need. Furthermore, policy CS11 of the Core Strategy requires, inter alia, that development must be in or adjacent to Hinterland Villages, and well related to the existing settlement. Policy CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy.

The proposed development of six dwellings on this site in the countryside would result in a remote development that is not well related to facilities and services in the village of Hartest, where future occupants of the development would be likely to be dependent on the private motor car to access the services and facilities they require. The proposed development does not demonstrate any of the special circumstances set out in paragraph 55 of the NPPF or exceptional circumstances required by policy CS2 to be located in a countryside location. Furthermore, allowing development on part of the existing field would be likely to generate a precedent for further future development which the LPA may find difficult to resist.

Therefore, whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, in considering 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; the proposal is not considered to constitute sustainable development for this reason and for those which follow elsewhere in the refusal of this application.

2. The proposed development would not maintain or enhance the character of the landscape, being sited within a Special Landscape Area. The LPA considers that the openness of the site, the longer views available into it and its recognised amenity value to the streetscene would be likely to be harmed by the proposed development through the introduction of dwellings into this open landscape. As such, the proposal would fail to comply with saved policy CR04.




For all of these reasons, the proposal does not comply with the development plan or the NPPF and, notwithstanding that the Council does not have a five year housing land supply, it is considered that the proposal would not represent sustainable development as the resultant harm would significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole, and where there are specific policies in the Framework which would direct that development be restricted.

**Application No: DC/17/04049**




**Parish: Hartest**



**Location: The Paddocks, Lawshall 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

 **Conservation Area and Special Landscape Area**



**BABERGH DISTRICT COUNCIL**

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# Agenda Item 9b

## Committee Report

**Item No: 2**

**Reference:** DC/17/02111

**Case Officer:** Gemma Pannell

**Ward:** Alton.

**Ward Member/s:** Cllr Alastair McCraw. Cllr Harriet Steer.

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## Description of Development

Outline application for 14 dwellings, children's play area and public open space (Access, Layout and Scale to be considered)

## Location

Land Adjoining The Village Hall, Manningtree Road, Stutton, Suffolk

**Parish:** Stutton

**Site Area:** 1.19 hectares

**Conservation Area:** N/A

**Listed Building:** N/A

**Received:** 17/05/2017

**Expiry Date:** 31/12/2017

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**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Environmental Impact Assessment:** Not Required

**Applicant:** Trustees of Holly Farm Trust & Stutton Hall Estate

**Agent:** Peter Wells Architects

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 003 received 01/12/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 003 - Received 01/12/2017

Design and Access Statement - Received 17/05/2017

Ecological Survey/Report PRELIMINARY ECOLOGICAL APPRAISAL - Received 17/05/2017

Land Contamination Assessment PHASE 1 CONTAMINATED LAND ASSESS - Received 17/05/2017

Flood Risk Assessment - Received 05/09/2017

General Details Q-10019-B3Y8-C - Received 17/05/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee at the request of Cllr. McCraw

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

There is no planning history relevant to the application site.

### **All Policies Identified As Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

NPPF - National Planning Policy Framework  
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS03 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
CS21 - Infrastructure Provision  
HS28 - Infilling/Groups of dwellings  
CN01 - Design Standards  
CN06 - Listed Buildings - Alteration/Ext/COU  
CR07 - Landscaping Schemes  
CR02 - AONB Landscape

### **Supplementary Planning Documents/Area Action Plan**

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

### **List of other relevant legislation**

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act

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

### **Details of Previous Committee / Resolutions and any member site visit**

None

### **Details of any Pre Application Advice**

Pre-application advice sought on general principles.

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Anglian Water**

No comments

##### **Environmental Health - Noise/Odour/Light/Smoke**

No objection- suggests conditions.

##### **Strategic Housing (Affordable/Major Dwell/G+T)**

Affordable Tenure: Preferred AH mix - 5 out of 15 (35%)

Rented - 5 homes required: -

- o 3 x 2 bed 4-person houses @ 79 sqm
- o 2 x 3 bed 5-person houses @ 93 sqm

##### **Ecology - Place Services**

No objection subject to conditions to secure:

A) A proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA/Ramsar.

B) Ecological mitigation and enhancements

HRA completed which concludes that this project can be screened out from any requirement for further HRA assessment.

##### **Stutton Parish Council**

Recommend Refusal.

Plans are outside the village boundary line (including Joint Local Plan)

Loss of open space

**Policy CS14** states that existing green infrastructure will be protected and enhanced.

##### **Paragraph 74 of the NPPF**

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Council is concerned that plot 1 will cause access problems and has doubts that the access road joining the B1080 Manningtree Road can be installed completely in accordance to SCC Highways requirements, on visibility etc. The entrance is also next to a very narrow part of Manningtree Road.

The Council would like to ask that a visual impact assessment is conducted on the listed building (Chapel Cottage) as this view will be lost from the existing playing field if the development goes ahead.

### **SCC - Highways**

Following an amendment to the layout of the development the following comments were received: The new layout for Plots 3 and 4 are now considered appropriate however, the access and parking for Plot 1 still needs to be amended as there is insufficient visibility at this location - we feel this property is best served off the development rather than Manningtree Road.- suggests conditions

### **Environmental Health - Land Contamination**

No objection.

### **Environmental Health - Sustainability Issues**

Concerns about how the development would comply with Policies CS12, 13 and 15. Recommends a condition regarding a sustainability strategy.

### **SCC - Rights Of Way Department**

The applicant is advised to check the legal alignment of the public footpath 1 in relation to the outline plan. Informatives are suggested.

### **Heritage Team**

The Heritage Team considers that the proposal would cause:

Less than substantial harm to a designated heritage asset because the dwelling shown in plot 1 would be cramped and contrived, in a plot too small for a 2 storey dwelling. This would be located opposite the GII listed Chapel Cottage, a thatched dwelling with low eaves, and adjacent to 1.5 storey dwellings. The proposed dwelling at plot 1 would thus be of an inappropriate scale to sit comfortably with existing development on Manningtree Road.

The Heritage Team recommends that the dwelling proposed at plot 1 is omitted from the proposal to allow an appropriate landscaping buffer and avoid forming a cramped and contrived development.

### **SCC - Fire & Rescue**

No objection- require fire hydrants

### **SCC - Flood & Water Management**

No objection- suggests conditions.

### **SCC - Corporate S106 And Education**

Confirm that requirements resulting from the development would be sought through CIL.

### **Natural England**

Requests financial mitigation as the site is located within a 13km zone of influence for the Stour and Orwell Estuaries Special Protection Area (SPA).

## **SCC - Archaeological Service**

No objection- conditions suggested.

### **B: Representations**

One representation received making the following comments:

Concerns about the visibility splay of the new access

The road is not wide enough and vehicles are often having to cross the central line

Increased traffic movements in the village

Concerns about the siting of plot one and the impact on a well established tree and hedge

Concealed parking could increase crime in the area

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## **PART THREE – ASSESSMENT OF APPLICATION**

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1. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.
2. The application site comprises an irregularly shaped parcel of land measuring 1.19 ha in area. Part of the site is located within the defined settlement boundary of the village of Stutton, which is identified as a Hinterland village within the Holbrook functional cluster. The remainder of the site is located to the north of the BUAB, and wraps partly around the village hall and shop. The application site sits adjacent to the Dedham Vale area of Outstanding Natural Beauty (AONB) and is located to the north of a Grade II listed building.
3. The application site is currently well screened with trees and hedges to the north, west and south boundaries, but little other landscaped features within the body of the land. Where the site abuts Manningtree Road, there are existing residential properties. The eastern boundary is open to the large crop field.
4. The site itself is currently vacant open grassland used as informal amenity space by the village in agreement with the landowner.

### **The Proposal**

5. The application seeks outline planning permission for the erection of 14 homes, including 5 affordable and comprises single storey dwellings and two storey houses, with full details submitted of the vehicular and pedestrian accesses into the site, layout and scale. Landscaping and appearance are reserved matters and will be considered in a subsequent planning application. A single vehicular access point is proposed from Manningtree Road.
6. The affordable housing provision is sited at Plots 2 – 7 and offers 3 no. two bed units and 2 no. three bed units. The market housing comprises 3 no. three bed, 2 no. two bed bungalows, 3 no. four bed units and 2 no. five bed units.
7. The application also includes details of the proposed children's play area and area of land to be used as public open space.

## **The Principle Of Development**

8. 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.
9. 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).
10. 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.
11. 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...'
12. The Council adopted the 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.
13. 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

14. 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.
15. 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."
16. 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)**

17. As detailed 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.
18. 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 the location 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.

19. Policy CS2 (Settlement Pattern Policy) identifies Stutton as a Hinterland Village within the Holbrook functional cluster. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.
20. Policy CS3 sets out the Council's Strategy for Growth and Development. The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required.
21. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. 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.
22. 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.
23. 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).
24. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

#### The landscape, environmental and heritage characteristics of the village

##### *Impact on Landscape*

25. 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. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. In addition, the NPPF provides (para 187) that "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.*"



26. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district. Also of relevance to this proposed development is the AONB Management Plan 2013-18 and the Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015). The former document refers to development responding to local character and history, and reflecting the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. The latter document also seeks to improve the quality of development coming forward ensuring that it fits with its surroundings, but also helps to retain and enhance the distinctive character of the area.
27. 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”.
28. The site lies adjacent to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and is considered to be within the setting of this nationally designated landscape.
29. Following guidance from the AONB unit in relation to the original siting of plot 1, this was removed from the development which reduced the dwelling numbers to 14. Following its removal it is considered that the access, now devoid of built form, is far more appropriate in the existing streetscene, and that the detailed landscaping scheme secured at reserved matters stage should aim to contribute to the existing landscape character. It is therefore considered that the revised layout would not harm the setting of the nationally designated landscape.

### **Impact on Heritage Assets**

30. With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general 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".
31. Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. However, where special regard to the desirability of preserving heritage assets has been paid and no harm is considered to be posed, the 'balancing' of harm (which should be given considerable weight as above) against public benefits as required by the NPPF, is not engaged.
32. The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). Good design is a key part of sustainable development, and the Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification.

Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm and that proposals which make a positive contribution to the asset should be treated favourably (paragraph 137). In making this assessment the decision maker should not apply the 'tilted balance' of paragraph 14 of the NPPF (even if it is otherwise applicable) but should place the priority on conserving the heritage asset free from harm, by refusing harmful proposals, unless there is sufficient public benefit to outweigh that harm.

33. Saved policy CN06 of the Babergh Local Plan Alteration No. 2 (2006) requires new work within the curtilage or setting of a listed building to, inter alia, respect those features that contribute positively to the setting of that listed building. In accordance with the NPPF, due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. Policy CN06 of the Local Plan is considered to be consistent with the NPPF and so should be accorded full weight in the determination of the application.
34. As noted, the assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA's own planning judgement. This application involves the proposed development of 14 dwellings.
35. The application site is adjacent to a historic 1.5 storey dwelling (1-3 Manningtree Road), and more modern C20th development. The application site is opposite a C19th red brick chapel, and the GII listed Chapel Cottage, a C16th timber framed, thatched dwelling.
36. The proposed access would be linear in layout, although would be of axial orientation to the highway. Stutton is a multi-nodal settlement and has featured recent development whereby the historic settlement morphology has been disrupted. The proposed orientation of the development would therefore not be out of character for the area.
37. Following guidance from the Heritage team in relation to the original siting of plot 1, this was removed from the development which reduced the dwelling numbers to 14. Following its removal it is considered that the access, now devoid of built form, is far more appropriate in the existing street scene, and that the detailed landscaping scheme secured at reserved matters stage should aim to contribute to the existing landscape character. It is therefore considered that the revised layout would cause less than substantial harm to a designated heritage asset.
38. The NPPF, at paragraph 134, says that, where proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Decision-takers should now make this balancing assessment of harm against public benefits. Unless the public benefits of the scheme are considered to be substantial, they will not outweigh the harm to heritage interests. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, taking all of these factors into account, it is necessary to consider the specific benefits of this proposal against the harm to heritage assets that has been identified. The balancing assessment is carried out in the 'Planning Balance' section of this report.

### **Impact on Environment**

39. The application has been reviewed by the Environmental Protection Team and it is confirmed that the applicant has submitted all of the required land contamination information. The information submitted confirms that the risks posed at the site are sufficiently low/negligible to warrant no objection.

40. 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**

41. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.

42. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as;

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

43. The site abuts the built up area boundary, which wraps around the bottom portion of the site. The development is therefore considered to be well related to existing development. The scale, character and density of the proposal is well related to surrounding development, following the removal of the original plot 1.

44. In terms of spatial connection, the application site is amongst existing development which has access to the village primary school, shop, public house, church, dentist and bus stop. Stutton, being a Hinterland village, is supported by the Core village of Holbrook, which provides everyday services and facilities including post office, doctor's surgery, high school, pubs and shops.

45. Stutton is therefore a more 'sustainable' settlement for development and must be considered in the context of the development plan policies that identify Stutton as a hinterland village, where some development will be accommodated to help meet the needs within the villages. It is therefore considered to comply with the aims of this part of policy CS11.

### **Site Location and Sequential Approach to Site Selection**

46. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to services and facilities within the village.

47. There are no sequentially preferable allocated sites within Stutton, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.

48. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
49. 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.

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

50. 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<sup>1</sup> 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.
51. 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.
52. 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.
53. 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 Stutton and its wider functional cluster.
54. 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.
55. 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.
56. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.

57. 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.
58. 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 confirms that the Council's Choice Based Lettings system currently has circa 916 applicants registered for Babergh with 10 applicants stating a local connection to Stutton itself. The development proposed will enable the provision of 11 affordable units which will help address the local need of this Hinterland village and the wider cluster. There is also a strong need for open market homes more suited to the over 55 age bracket within the district and supply of single storey dwellings or 1.5 storeys has been very limited over the last 10 years in the locality. Similarly, open market homes for first time buyers are also in demand and the proposal will provide a range of 1, 2 and 3 bed additional market and affordable housing to satisfy a local housing need.
59. 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.
60. As such, the proposal cannot be considered to accord with this element of policy CS11.

#### Locally Identified Community Needs

61. 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).
62. 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 principles of these proposals have been discussed in detail between the land owner, his representatives and local bodies including the Stutton Parish Council, Stutton Community Council and Village Shop Committee over at least a two year period, which resulted in amendments to the proposals including reinforcing pedestrian routes through the new housing to the play area and open space.
63. The proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, the proposal delivers benefits through CIL that are also considered to satisfy this element of policy CS11.

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

64. 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".
65. Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
66. Technical responses received from consultees demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure (including improved provision through CIL) have the capacity to accommodate the level of development proposed. The development will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster and the proposal therefore complies with this element of CS11. It should also be noted that whilst the development would help support the future viability of the school, the ultimate decision on the future of the school rests with the County Council.

Additional CS11 Criteria for Hinterland Villages

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

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

68. The size and scale of the development should be proportionate to the settlement in which it is located. According to the Council's Housing and Population Data Profile (2015) for Stutton, the village has approximately 407 houses and the proposal for 14 additional dwellings would represent an increase of 3.4% which is considered an acceptable scale of development for the village.
69. The submitted layout demonstrates that the site could accommodate this level of development and that it will relate to neighbouring properties. Therefore the development is considered to be in accordance with policy CS11 on the basis that it addresses to the satisfaction of the local planning authority that the development is well designed and appropriate in size/scale, layout and character to its setting and to the village.

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

70. In addition, the proposal is well related to the existing pattern of development for the settlement and there are no other sequentially preferable sites which the Local Planning Authority considers is in a more favourable location, in terms of its relationship to the main part of the village and the services upon which it relies and therefore complies with this element of CS11.

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

71. Stutton does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered elsewhere in this report. The conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.
72. The proposal is to develop 14 new dwellings which would not only add to the supply of housing in the district but includes the required element of affordable housing which would provide additional housing in that respect as well, such that the proposal can be considered to fall within the social dimension of sustainable development.

Supports local services and/or creates or expands employment opportunities

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

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

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

Summary of Assessment Against Policy CS11

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

Consideration Against Other Development Plan Policies

76. 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.
77. Development in Core and Hinterland villages will be approved where the related criteria in CS11 is 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.
78. Policy CS2 requires that sites outside of Core and Hinterland 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.

79. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 23 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.
80. 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.
81. 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.
82. 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.
83. As a Hinterland Village, Stutton is recognised as providing limited service and facilities for its own residents and is dependent on the nearby Core village of Holbrook to meet many of its everyday needs. However, Stutton is served by a range of facilities including a primary school, a community hall, church, public house, and village shop.
84. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Stutton benefits from a regular (hourly) bus service between Ipswich and Manningtree/East Bergholt. Therefore, residents 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.
85. It is acknowledged, however, that there will be a high proportion of car travel from Stutton, 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 Stutton 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).



86. The socio-economic profile of Stutton 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.
87. 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 Stutton, underpinning social capacity, providing affordable housing and widening choice and the housing mix overall.

#### Design and Layout and Impact on Residential Amenity

88. 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. Saved policy CN01 of the Babergh Local Plan requires that "All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location" and sets out criteria as to how this should be achieved.
89. 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. Saved policy HS28 of the Babergh Local Plan states that applications for infilling or groups of dwellings will be refused where 'the site should remain undeveloped as an important feature in visual or environmental terms and seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
90. The proposal has been designed to incorporate a range of house types across the site. The reserved matters application would look to secure materials that reflect the local palette, including clay roof tiles, natural slate, soft red brick, render, timber boarding and painted timber joinery. The scheme includes a mix of single storey properties, one and a half and two storey detached, semi-detached and terrace dwellings. The dwellings are shown to be laid out in a linear form where the heights and types of dwelling are mixed.
91. The properties each have reasonably sized private amenity space and off street parking is provided in accordance with SCC Guidance for Parking. The scheme also provides structural landscaping and new additional planting along the new access from Manningtree Road. To the west of the site and the rear of the village hall, the play area and the open space are shown, with links into the new housing.
92. It is considered the following the removal of the original plot 1, the proposed layout of the dwellings would not acceptable in terms of the existing amenity enjoyed by neighbouring properties.
93. It is considered the overall design and layout of the scheme is acceptable and complies with policy CN01.

#### Site Access, Parking and Highway Safety Considerations

94. Following amendments to a number of the plots and the removal of the separate access from Manningtree Road for plot one, which has been removed all together from the development, the Local Highway Authority is satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of saved policy TP15.

95. 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.

96. Loss of Open Space

97. Paragraph 74 of the NPP states the following:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss*

98. It is noted that there would be a loss of some of the informal open space that the landowner allows the Parish to use. However a parcel of land to be used a formal public open space and a formal play area are being secured by this proposal, which is considered to outweigh the harm caused by the loss of the informal open space, and therefore comply with the guidance outlined above. These elements are being secured using a s106 agreement.

#### Biodiversity and Protected Species

99. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The 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 application site is within the zone of influence for the Stour Estuary SSSI and the Stour and Orwell SPA to the south, but the site is not part of the designated areas. The application submission is supported by a reptile survey and ecological survey.

100. A Preliminary Ecological Appraisal (formerly known as an Extended Phase 1 Habitat Survey) was carried out on 10th April 2017. The site (central grid reference TM143348) was found to comprise a large, open area of amenity grassland set within a larger grass playing field.

101. The survey was undertaken in order to identify the habitats present on site, and the potential for these habitats to support legally protected species. With the exception of nesting birds, which are addressed by appropriate timing of works, the site is unlikely to support any protected species, and no further surveys are recommended.

102. There are significant opportunities to enhance the site and the immediate surroundings for local wildlife, and a number of ecological enhancement measures are recommended within the submitted report.

103. On 21 November 2017, the Council issued a Habitats Regulations Assessment (HRA) Screening Report in relation to the potential impacts resulting from the development on the Stour and Orwell Estuaries Ramsar Site and SPA. The range of potential impacts on the Stour and Orwell Estuaries Special Protection Area (SPA) /Ramsar and various mitigation measures have been considered and assessed.

The Recreation Avoidance and Mitigation Strategy (RAMS) package includes a proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA, secured by a s106, to ensure that implementation of the package of mitigation measures avoids a likely significant effect on the Stour and Orwell Estuaries SPA/Ramsar. This therefore demonstrates Babergh DC's compliance with the Conservation of Habitats and Species Regulations 2010.

104. It is concluded that, provided the mitigation proposals are implemented in their entirety, this project will have no likely significant effect on the designation features of the Stour and Orwell Estuaries SPA/Ramsar, either alone or in combination. An Appropriate Assessment is therefore not necessary.

#### Land Contamination

105. The applicant has submitted an assessment of the potential contamination risks on this site, which has been assessed by the Council's Contaminated Land Officer. It is considered that the assessment made is sufficient to identify that there would be no unacceptable risks from contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

#### Surface Water Drainage

106. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
107. The application is accompanied by the drainage strategy for the site, which demonstrates that surface water run-off from the dwellings can be accommodated via soakaways and follows latest SuDS guidance. The surface water will drain at source through a combination of infiltration systems, such as an infiltration basin, soakways, swales and permeable paving. The use of SuDS techniques as proposed will control the quantity of surface water run-off, manage the quality of the run-off to prevent pollution, create amenities with the ponds and create areas that will offer the opportunity for Biodiversity in line with the current SuDS objectives. The detailed drainage strategy has been reviewed by the County Flood Officer. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

#### Crime and Disorder

108. 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 in relation to the design and layout which would unduly increase the risk of crime. Suffolk Police have however, expressed a concern in Traffic Management terms only, in relation to the site access and the narrow width of Church Road. This issue has been assessed by the Suffolk County Council as the Local Highway Authority.

#### Planning Obligations / CIL

109. 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.
110. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, public open space, play area and the contribution towards the Recreation Avoidance and Mitigation Strategy (RAMS) identified in the HRA.

111. 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.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

112. 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.
113. 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.
114. 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'.
115. 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”.

116. 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.
117. As set out 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.
118. 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.
119. 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 heritage assets, as being those which may indicate development should be refused.
120. In consequence of the Council’s heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
121. As set out in the judgement on *Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited* (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
122. The NPPF (para. 134) states that ‘where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use’.
123. In this instance, the public benefits of the proposal are summarised by the applicant as including the following:-
- The development of homes on this site will also encourage sustained local economic benefits relating to additional local expenditure, with additional expenditure on goods and services by future occupiers of the site on first occupation of their new homes and on an ongoing basis in local shops and services in the local area.
  - The provision of affordable dwellings helping to meet local need.
  - The proposed development would also make a Community Infrastructure Levy (CIL) contribution.
  - At a District level, the CIL monies received will be spent on infrastructure projects such as:
    - Public transport facilities;
    - Libraries;
    - Education;
    - Healthcare facilities;
    - Leisure and community facilities;

- Open site open space and other strategic green infrastructure;
- Flooding infrastructure; and
- Waste infrastructure.
- Other social benefits including the creation of public accessible green spaces within the site

124. These public benefits are sufficient to outweigh the less than substantial harm to heritage assets identified, even when considerable importance and weight is given to the desirability of preserving those assets.
125. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act, and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight.
126. 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. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134.
127. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged. Further, and in any event, the Council does not have a five year housing land supply and considers therefore that limited weight should be attached to policies CS2, CS11, CS15, and H1. 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.
128. 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. Furthermore, whilst the restrictions in footnote 9 of the NPPF include impacts on heritage assets, for the reasons explained above none of these policies indicate that development should be restricted.
129. 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.**

130. 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.

## **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
- RAMS Contribution
- Public open space

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

- Time limit for reserved matters application:
- Approval of reserved matters
- Approved plans & documents
- Concurrent with reserved matters: Compliance with recommendations of the ecological report
- Prior to occupation: lighting design scheme
- Materials
- Action required prior to occupation: use of fire hydrants
- Construction management plan to be agreed
- Lighting scheme
- As recommended by Highways
- Suds water drainage details
- Archaeological works

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**Application No: DC/17/02111**




**Parish: Stutton**



**Location: Land Adjoining The Village Hall, Manningtree Road**

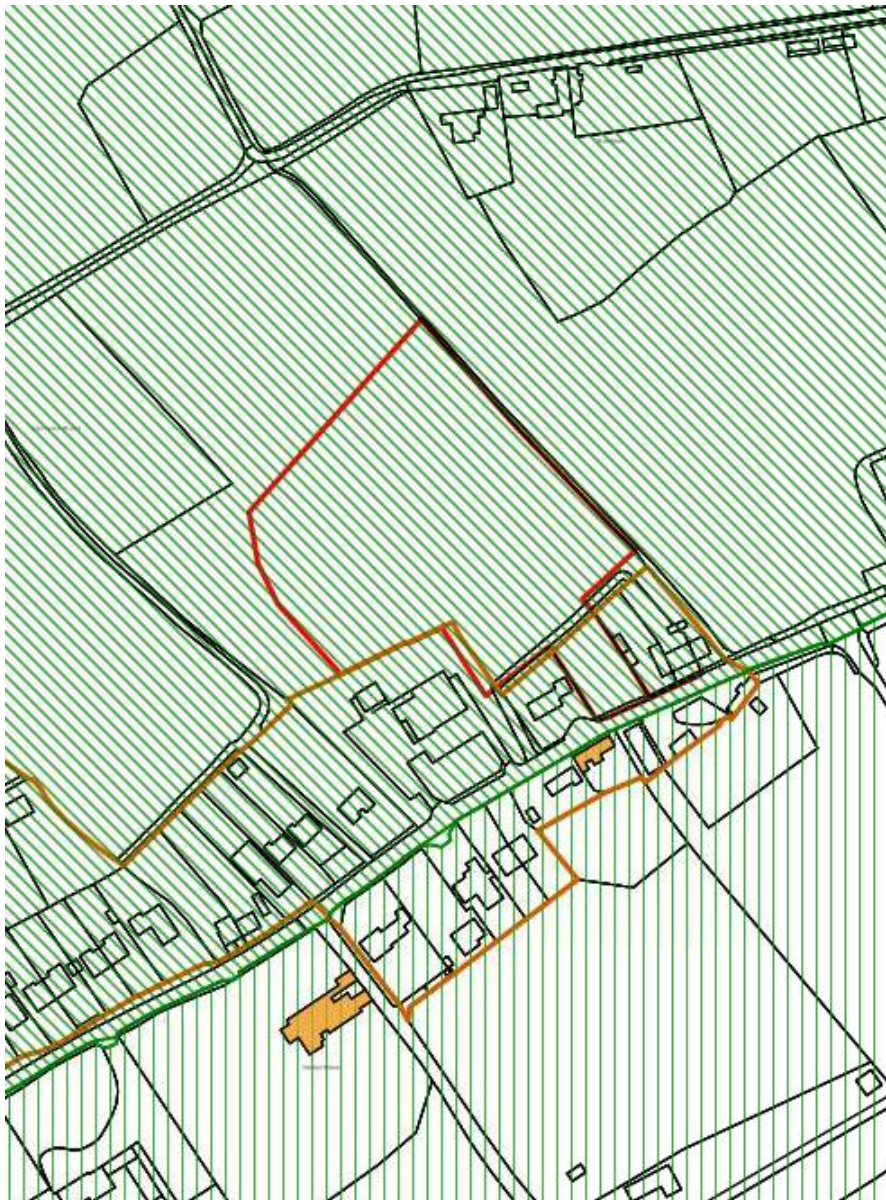
**Legend**

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

**Listed Buildings**

-  Grade 1
-  Grade 2
-  Grade 2 \*

-  The Site
-  Built up Area Boundary



**BABERGH DISTRICT COUNCIL**  
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# Agenda Item 10

## BABERGH DISTRICT COUNCIL

<b>From: Cabinet Member for Planning</b>	<b>Report Number: PL/17/31</b>
<b>To: Planning Committee</b>	<b>Date of meeting: 7 February 2018</b>

### REVIEW OF PLANNING CHARTER AND PUBLIC SPEAKING ARRANGEMENTS

#### 1. Purpose of Report

- 1.1 To review and consider a revised Planning Charter and the arrangements for Public Speaking at Planning Committee and to approve the recommendations set out below.

#### 2. Recommendations

- 2.1 That the revised Planning Charter (attached as Appendix A) be adopted.
- 2.2 That the arrangements for public speaking at Planning Committee be maintained in their current form.

#### 3. Financial Implications

- 3.1 None.

#### 4. Legal Implications

- 4.1 There is a risk of legal challenge to decisions made by the Planning Committee if robust and consistent procedures are not in place in line with current national guidance.
- 4.2 There is also a greater risk of a Local Government Ombudsman complaint being upheld if the Council does not provide clear, consistent and up to date advice to Members in carrying out their duties and responsibilities when determining planning applications and considering other planning matters.

#### 5. Risk Management

Risk Description	Likelihood	Impact	Mitigation Measures
It is a high risk not to regularly review the Planning Charter to ensure that it reflects current practice and legislation.	Unlikely	Bad	As a core tenet of good governance, the Council keeps the Planning Charter under regular review and amends it.

#### 6. Equality Analysis

- 6.1 There are no immediate equality issues.

## **7. Shared Service / Partnership Implications**

- 7.1 None. The Planning Charter at Mid Suffolk District Council is currently under separate review and further work to consider opportunities to harmonise the two Charters will be undertaken.

## **8. Links to Joint Strategic Plan**

- 8.1 The core of an Enabled and Efficient organisation is Good Governance. The Planning Charter and Public Speaking Arrangements are part of the governance arrangements for the Council.

## **9. Background and Key Information**

- 9.1 The Council's current Planning Charter was adopted in November 2016 and is expected to be reviewed annually (Section 15). The Charter made arrangements for Member Referrals to Committee in Section 7. The operation of these Member referral arrangements in particular have been reviewed at the request of the Chairman of the Committee. Paragraph 7.6 of the November 2016 Charter sets out that upon receipt of a referral request the Professional Lead – Planning and Growth was required to assess whether the request had been made in accordance with this Charter. In the event that he did not so consider, he would refer the request to the Chairman of the Committee (or the Vice-Chairman in the absence of the Chairman) for further review. The Chairman would then make a final determination as to whether or not the referral should be accepted.
- 9.2 It is now proposed that a Delegation Panel be established to review Member referral requests. No other changes, save for consequential changes to officer post titles, are proposed to the Charter at this time. The Delegation Panel is proposed to comprise the Chairman and Vice-Chairman of the Planning Committee and the Corporate Manager – Growth & Sustainable Planning. The Member making the referral request would be invited to attend the Panel to clarify the reasoning set out in their Referral Request form.
- 9.3 The function of the Panel would not be planning decision making but simply to decide whether the application proceeds to determination at Planning Committee or under delegation. If the Panel decide that the application does involve significant policy, consistency or other material considerations and a decision on the application is of more than local significance then the application will be reported to committee once publicity and consultations are complete and the application has been evaluated by officers. If the Panel decide that the application does not involve significant policy, consistency or other material considerations and a decision on the application is not of more than local significance then the application will proceed to be determined under officer delegation.
- 9.4 Consequential amendments to reflect changes in job titles are also proposed to reflect current roles.
- 9.5 At the same time, the opportunity has been taken to review the arrangements for public speaking at the Committee. It was intended that the arrangements for public speaking adopted in November 2016 would be reviewed annually alongside the Planning Charter.

The operation of public speaking arrangements at the Committee are considered to be effective and to afford balanced and reasonable opportunity for public and stakeholder speaking on items at Planning Committee. No changes are therefore proposed to the currently adopted arrangements.

## 10. Appendices

Title	Location
A - <b>Draft</b> Planning Charter Revision February 2018	Attached

## 11. Background Documents

11.1 None.

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and Monitoring Officer

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# Appendix A

## PLANNING CHARTER

Draft revisions January 2018 Planning Committee Minute Reference [TO BE INSERTED]

**This Planning Charter supplements the Council's Code of Conduct and where appropriate Members should refer to the Code of Conduct as well as this Charter.**

**The advice of the Monitoring Officer may be sought on the interpretation of either this Charter or the Code of Conduct.**

## **1. INTRODUCTION**

- 1.1. Planning affects land and property interests. It is not an exact science and is sometimes contentious because decisions affect the daily lives and private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. It is important to remember however, that the key purpose of the planning system is to regulate the development and use of land in the public interest.
- 1.2. The aim of the Planning Charter is to ensure that planning decisions are made openly, impartially, with sound judgment and for justifiable reasons. Elected Members are democratically accountable decision-makers who have been elected to provide and pursue policies for the local area. Members are entitled to be pre-disposed to make planning decisions in accordance with their views, taking account of relevant policies, provided that they have considered all material considerations and have given fair consideration to relevant points raised.
- 1.3. If Members do not abide by this Charter, they may put:
  - The Council at risk from complaints of maladministration or challenges about the legality of the planning decision; and
  - Themselves at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- 1.4. This Charter applies to all elected Members and is relevant to all elements of the planning process. However, certain elements of the Charter will only apply to formal decision-making by Members.

## **2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS**

- 2.1. Members and Officers have complementary but different roles. Both serve the public, but Members are responsible to the electorate while Officers are responsible to the Council as a whole. The role of a member of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 2.2. Whilst all Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent for Planning Committee Members, as the key role of the planning system is the consideration of development proposals in the wider public interest.
- 2.3. Members' decisions should not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, Members alone have the



responsibility to decide what view to take. When dealing with planning issues and decisions, Members must therefore, consider all material planning issues in the light of Development Plan policies, Government advice and their own individual judgement before making a decision in the interests of the area as a whole.

- 2.4. Whilst Members should take account of all views expressed, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.5. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that Code may be subject to disciplinary action by the Institute.
- 2.6. Officers in their role of advising Members shall provide:
  - 2.6.1. impartial and professional advice;
  - 2.6.2. consistency in the interpretation of planning policy; and
  - 2.6.3. written reports covering all necessary information for a decision to be made [see section 8].
- 2.7. The Council endorses the statement in the Royal Town Planning Institute ("RTPI") code that, '*RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions*', and extends it to apply to all Officers in the authority advising on planning matters.
- 2.8. That Members may not always follow the advice of their Planning Officers is perfectly proper providing they have sound planning reasons for so doing. The Planning Officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because the Council, its Members or other Officers, have prevailed upon the Planning Officer to put forward his or her professional view as something other than it really is.

### **3. DEVELOPMENT PROPOSALS AND INTERESTS**

- 3.1. Section 25 of the Localism Act 2011 states that a Member is not to be taken to have had, or to appear to have had, a closed mind when making a decision just because the Member had previously done anything that directly or indirectly indicated what view they took, or would or might take, on any matter relevant to the decision. This means that councillors are freer to speak about planning applications and other matters and express their views about them than has traditionally been the case.
- 3.2. Members may have other interests which may influence their decision, but which will not amount to Interests within the meaning of the Code of Conduct. In order to maintain the integrity of the planning system, Members should however be careful to ensure that such interests do not unduly influence their decisions. Examples of such interests are:-
  - 3.2.1. from ward concerns;
  - 3.2.2. from membership of other Committees of the Council;

- 3.2.3. from membership of Suffolk County Council;
- 3.2.4. from membership of Parish or Town Councils;
- 3.2.5. from membership of other public or community bodies;
- 3.2.6. from membership of voluntary associations and trusts (including where appointed by the Council);
- 3.2.7. from a connection with a particular policy initiative of the Council;
- 3.2.8. from membership of clubs, societies and groups; and
- 3.2.9. from hobbies and other leisure interests

Such interests may mean that a Member is involved with a planning application before the matter comes before the Planning Committee. Such involvement will not on its own debar a Member of Planning Committee from participating in decision-making **providing that** the Member has not already decided how they will vote on the matter before the Planning Committee and has publicly indicated in that alternative forum that they have not decided how they will vote.

- 3.3. If your interest is a **disclosable pecuniary interest** or an **interest leading to bias**, for example in cases where applications are made by you, your close associates or family or by a body of which you are a member, or on land which you own, you must notify the Monitoring Officer in writing as soon as you are aware of the matter and must not:
  - 3.3.1. participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority, except by using your rights to address the Planning Committee where you disclose the nature of your interest and leave the meeting after you have exercised any such right;
  - 3.3.2. sit in the public gallery when the matter is discussed by the Planning Committee;
  - 3.3.3. try to represent Ward views – you should get another Ward Member to do so instead;
  - 3.3.4. seek to influence whether the application will be determined under delegated powers or by the Planning Committee;
  - 3.3.5. seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Member. This would include using your position to discuss that proposal with officers or Members in circumstances where other members of the public would not have the same opportunity to do so or seeking to unduly influence their decision on the matter.

#### **4. THE ROLE OF DISTRICT WARD AND COUNTY COUNCIL DIVISION MEMBERS**

- 4.1. When determining planning matters the duty of a Ward Member (which for the purposes of this Charter shall mean a District Ward Member or County Council Division Member) is to the whole community not just to the people in your Ward area. You must ensure that decisions are impartial and you should not improperly favour, or appear to improperly favour, any person, company, group or locality, including the residents of your Ward.
- 4.2. Ward Members (both District and County Council) who are not members of the Planning Committee may exercise separate speaking rights as a Ward Member in accordance with the Public Speaking Arrangements for the Planning Committee. However, if you have a disclosable pecuniary interest or an interest leading to bias you will not be able to do this. If you do exercise speaking rights:
- advise Committee Services that you wish to speak in this capacity at least two clear working days before the meeting;
  - you should seat yourself in the place allocated to Ward Members at the Planning Committee; and
  - at, or immediately prior, to the meeting you should not circulate written information to the Committee.

#### **5. PRE AND POST APPLICATION AND OTHER DISCUSSIONS**

- 5.1. Discussions between an applicant and the Council prior to the submission of a planning application can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between the Council and an applicant after the submission of proposals, is commonplace and an important part of the planning process. However, discussions should take place within clear guidelines.
- 5.2. It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, are provisional, and cannot prejudice any formal planning decision made by the Council subsequently.
- 5.3. Officer advice should be consistent and based upon the Development Plan and any other material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 5.4. A written note should be made by the Officer of all potentially contentious meetings, or from the point at which it becomes obvious that a meeting has become contentious. Two or more Officers should attend potentially contentious meetings. Where only one Officer is present and it becomes apparent that the meeting is becoming contentious, the Officer may choose to defer further discussion and re-arrange the meeting or organise a further meeting to enable another one or more Officers to attend the remainder of discussion. A note should also be taken of potentially contentious telephone discussions.
- 5.5. Members need to preserve their role as impartial decision makers and should not take part in pre or post submission discussions and negotiations with applicants regarding development proposals without officers being present. Where Members wish to be

involved in pre or post submission discussions, it should only be as part of a structured arrangement agreed with Officers. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants or at any time prior to the decision being made.

- 5.6. Members may be provided with information from pre-application discussions at the discretion of the Professional Lead – Growth and Sustainable Planning. Such information shall only be provided where the applicant has given his consent and on the strict understanding that it is treated in confidence by the relevant Members.
- 5.7. Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they must maintain a clear distinction between receiving information and negotiating. Any significant information received by Members which may be relevant to the planning merits should be brought to the attention of the Officer dealing with the application. Members who are approached for planning, procedural or technical advice should refer the applicant to the relevant Officer.

## **6. LOBBYING**

- 6.1. Lobbying is a normal and proper part of the political process. The applicant, supporters or those who object to a proposal will often seek to influence the decision by an approach to their local member or members of a Planning Committee. However, reacting to lobbying can lead to the impartiality of a Member being called into question and require that Member to declare an interest.
- 6.2. The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the Planning Officer all need to be considered before a Member is in a position to make a balanced judgement on the merits of the case. Members should provide the case officer with copies of any lobbying material they may have received
- 6.3. The time for individual Members of the Planning Committee to make a decision on a proposal is at the Planning Committee meeting when all available information is to hand and has been duly considered.
- 6.4. A Planning Committee Member is free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to Officers). Even though they may agree with a particular view, Members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if Members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members who are lobbied should:
  - 6.4.1. make clear that they reserve their final decision on a proposal until the committee meeting;
  - 6.4.2. only give procedural advice;
  - 6.4.3. consider referring those lobbying to the relevant Officer who can provide further advice; and

- 6.4.4. not seek to meet an applicant or potential applicant alone.
- 6.5. Members of the Planning Committee must not organise support or opposition for a proposal or lobby other Members. Equally important, Members must not put improper pressure on Officers for a particular recommendation.
- 6.6. Members of a Planning Committee must be free to vote as they consider appropriate, having regard to all relevant planning matters. A Member cannot be instructed how to exercise their vote on a planning matter.
- 6.7. Members should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn provide appropriate advice.

## **7. MEMBER REFERRALS TO COMMITTEE**

- 7.1. Officers agree not to determine planning applications using their delegated authority where a Member of the Council requests that the application is determined by the Planning Committee and the request is made in accordance with this Charter.
- 7.2. Members should discuss any potential referral with the case officer in the first instance. Members should not request a referral unless the application involves significant policy, consistency or other material considerations and a decision on the application is of more than local significance. It is the responsibility of Members to make up their own mind whether there are significant issues which warrant a referral to the Committee, the fact that members of the public or other interested parties have asked for the application to be referred to Committee is not sufficient on its own to warrant a referral.
- 7.3. Where a Member makes a referral request, this should be done using the form appearing in Appendix 1. It is important that the form is completed in full, setting out the planning reasons for their request. A referral may be made on a conditional basis, for example if the Member only wishes the Committee to consider the application if the Officer decision was going to be a certain way (either approval or refusal).
- 7.4. Members should make any referral request as soon as it can be reasonably concluded that a referral is required and no later than 28 days after the application has been publicised. Where possible a referral request should not be made before the expiration of the statutory date for responses from consultees as this may affect the reasons for any referral. The case officer will be able to clarify when this date is.
- 7.5. To facilitate the operation of the Member referral arrangements, Officers will:-
- electronically circulate a list every week to all Members containing details of applications registered. The list will identify the date of registration of each application;
  - support Members in the use of the planning services web pages and registration as a user to ensure appropriate notifications on applications
  - use reasonable judgement to keep the Ward Member(s) informed of significant objections received in respect of applications within their ward; and

- brief Members on relevant planning policies and make them available through the Council's website.

7.6. Upon receipt of a referral request the Corporate Manager – Growth & Sustainable Planning will report the call in request to the Delegation Panel as soon as reasonably practicable. The Delegation Panel will comprise the Chairman and Vice Chairman of Planning Committee together with the Corporate Manager – Growth & Sustainable Planning. The Corporate Manager will support the Panel and record its conclusion. The Member making the request will be invited by the Corporate Manager to attend for the purposes of clarification. The case officer will brief the Panel as to the facts and key planning issues of the application.

7.7. The function of the Panel is not planning decision making but simply to decide whether the application proceeds to determination at Planning Committee or under delegation. If the Panel decide that the application does involve significant policy, consistency or other material considerations and a decision on the application is of more than local significance then the application will be reported to committee once publicity and consultations are complete and the application has been evaluated by officers. If the Panel decide that the application does not involve significant policy, consistency or other material considerations and a decision on the application is not of more than local significance then the application will proceed to be determined under delegation.

7.8. The reasons for a Member referral and the identity of the Member making the referral will be summarised in the officer's report to the Committee

## 8. APPLICATIONS IN WHICH MEMBERS OR OFFICERS ARE DIRECTLY CONCERNED

8.1. It is vital to ensure that development proposals or representations submitted by Members or Officers or by their close family are handled in a way that does not give any grounds for accusations of favouritism or suspicions of impropriety.

8.2. Where a Member or Officer (or a close family member or such persons) submits an application which shall include permitted development notifications and other planning related consents then, if objections are received from statutory consultees or other persons notified of the application, the application will be reported to the Planning Committee for a decision. If no objections are received then the application may, subject to the file being reviewed by the Assistant Director – Planning for Growth, be determined in accordance with the Scheme of Delegation and the Protocol for the Use of Planning Officer Delegations. The relevant time for determining whether the application needs to be reported to the Planning Committee is the date of registration of the application.

8.3. The same requirement for the application to be reported to the Planning Committee applies to former Members or Officers for a period of **one year** from the date on which they term of office or employment ceases.

8.4. The fact that the application is from a Member or Officer (or their close family) or former Member or Officer will be highlighted in the committee report.

8.5. A Member or Officer who has an interest in an application either by reason of it being (i) their application (ii) an application by a close family member or (iii) an application on which they have made representations shall take no part in the processing or

deciding of the application.

- 8.6. Where a Ward Member makes representations on an application which go beyond pre-disposition, then they will not be permitted to speak at the Planning Committee.

## 9. OFFICER REPORTS

- 9.1. Planning Officers will submit written reports to the Planning Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material planning considerations. Where a planning application requires an environmental impact assessment the Planning Officer shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Planning Officer in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 9.2. Members are expected to have read all of the reports on the agenda for a Planning Committee meeting in advance of the meeting. It should be borne in mind that, following *R (Lee Valley Regional Park Authority) v Epping Forest District Council*<sup>1</sup>, an officer report is not to be read in an unduly critical way, but fairly and as a whole and in light of the fact that Members of the Planning Committee can be expected to be reasonably familiar with local circumstances and with relevant policies at national and local level and to understand what the law requires of them when determining a planning application. At the meeting, Officers will summarise the contents of the report and highlight any updates which have arisen since the agenda was published.
- 9.3. The Planning Officer will have available for Members' inspection the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.
- 9.4. Any relevant planning information received after the written report has been prepared will be summarised in a written supplementary update paper where possible. The supplementary update paper will be circulated to Committee Members in advance of the meeting. Where it is not possible to summarise that information in a written supplement (for example because it is information received the day before the Committee meeting) the information will be the subject of a verbal summary at the meeting itself. In the event of significant new information being received, the Professional Lead - Growth and Sustainable Planning, or in their absence, the most senior Planning Officer present may recommend that the meeting be adjourned to allow time for the new material to be read or that consideration of the application be deferred.
- 9.5. In the event that an application is altered or there is significant new information arising between the preparation of the report and its discussion by the Planning Committee, the Chairman of the Committee in consultation with the Professional Lead - Growth and Sustainable Planning may decide in advance of the meeting to remove an item from the Committee agenda. Once the meeting has been opened, any proposal to

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<sup>1</sup> [2016] EWCA Civ 404

defer consideration of an application will only be approved by consent of the Committee.

## **10. SITE INSPECTIONS**

- 10.1. A site inspection may be held if the Planning Committee considers it will assist members in reaching their decision.
- 10.2. Members should not request that a site inspection be held unless it is strictly necessary. A site inspection may be necessary where:
  - 10.2.1. particular site factors are so significant in terms of the weight attached to them relative to other factors and/or the difficulty of their assessment in the absence of a site inspection; or
  - 10.2.2. there are exceptional site factors which need to be carefully addressed.
- 10.3. Members should not request a site inspection where the Planning Committee has previously undertaken such an inspection unless there has been any material change in circumstances – for example, a new development which changes the character of the locality.
- 10.4. When a site inspection is held prior to the meeting of the Planning Committee it is desirable that all Members attending the Planning Committee should have attended the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to Committee so that all members have the same information.
- 10.5. Planning Committee Members should not enter a site which is subject to a formal application other than as part of an official site inspection, even in response to an invitation, as this may give the impression of bias. If a Member feels it is essential to visit the site other than through attending the official site inspection, the Member should firstly have spoken to the Planning Officer about their intention to do so and if appropriate, the Planning Officer will normally suggest that they accompany the Member on their site visit. A note of the discussion between the Member and Officer will be placed on the planning file. If such a visit takes place the Member should explain the circumstances relating to the visit at the discussion of the application at the Planning Committee. This does not preclude a Member from viewing a site from any public vantage point.
- 10.6. The procedure to be adopted at site inspections is detailed in Appendix 2 to this Charter.

## **11. DECISION-MAKING AT PLANNING COMMITTEE**

- 11.1. The process to be followed for any planning application to be determined by the Planning Committee is as follows:



- 11.1.1. Officer presentation of the application outlining the form of development, the locality of the application site and the relevant planning issues;
  - 11.1.2. Public speaking. The adopted public speaking arrangements can be viewed on the Council's website; these arrangements are reviewed annually in line with this Charter. During public speaking, Members may ask questions of the speakers if the Member requires clarification on points that they have raised as part of their speech. Members may ask questions on issues that the speaker. However, Members should not use questions as a means to extend any speaker's allocated time;
  - 11.1.3. Debate on the item. Following public speaking, the item will be opened up for debate by the committee members. Members should where possible avoid putting forward any motion (whether in accordance with the Officer recommendation or otherwise) until after the debate has concluded. This will ensure (a) Members have heard all views on the application which will avoid a perception of having come to the meeting with a closed mind; and (b) that the debate is not stifled generally. If necessary, Officers will provide advice during the course of the debate on any planning issues or points of law;
  - 11.1.4. Vote. Upon the proposal and seconding of a motion, the vote will then be taken. If no seconder is found then an alternative motion will be sought by the Chairman.
- 11.2. When considering planning applications Members should:
- 11.2.1. make decisions in accordance with the Development Plan unless material considerations indicate otherwise;
  - 11.2.2. come to a decision only after due consideration of all of the information before you. If there is insufficient time to digest new information defer making a decision to a later meeting or if there is insufficient information before you, request the additional information;
  - 11.2.3. ensure that if moving, seconding, or supporting a proposal contrary to officer recommendations or the Development Plan that the planning reasons for doing so are clearly justified before any vote is taken. Be aware that Members may have to justify the resulting decision by giving evidence in the event of any appeal or other challenge;
  - 11.2.4. only vote or take part in the meeting's discussion on a proposal if they have been present to hear the entire debate, including the officers' introduction and any public speaking;
  - 11.2.5. ensure that reasons for rejecting a report's recommendations are clearly stated at the meeting and subsequently recorded in the minutes
- 11.3. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission. All planning decisions must be founded upon valid planning reasons which can be substantiated.
- 11.4. It will be inevitable that for some applications all the relevant material planning considerations may not point unequivocally to whether to grant or refuse. Having identified all the material planning considerations and put to one side all the immaterial considerations, Members must come to a decision which can be substantiated.

- 11.5. Members or members of the public must **not** communicate (whether orally or in writing) with Members of the Planning Committee during the committee proceedings, which includes any adjournment, other than through the scheme for public speaking or through the Chairman as this may give the appearance of bias. If a Member or member of the public attempts to communicate with a Member of the Planning Committee, that Member should immediately report this to the Chairman and the legal adviser present. If that communication is in a written or electronic format then the Member should not read it and, having reported the communication, give the document or provide a copy of it (in the case of something in electronic format) to the legal adviser.

## **12. APPLICATIONS BY THE COUNCIL OR APPLICATIONS AFFECTING COUNCIL OWNED LAND**

- 12.1. Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. It is also entirely proper for development proposals to be put forward for land owned by the Council, whether or not the Council is the applicant.
- 12.2. Proposals submitted by the Council or involving Council owned land shall be considered in the same way as those by private developers.
- 12.3. Any such applications shall be reported to the Planning Committee for determination. The Officer's report should clearly identify the Council's interest in the application.
- 12.4. Decisions on applications in which the Council is the applicant or landowner must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council. It is important that the Council is seen to be treating all such applications in the same way as any other application as well as actually doing so.
- 12.5. Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

## **13. REVIEW OF DECISIONS**

- 13.1. The Local Government Association recommends that Members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 13.2. In accordance with this recommendation, arrangements will be made for Members of the Planning Committee to visit a sample of implemented planning permissions throughout the District every year.

## **14. TRAINING**

- 14.1. Mandatory training for members of Planning Committee is held for all Members new to the Committee, and also as refresher training for existing Committee members. **Members must not participate in decision-making at meetings dealing with**

**planning matters if they have not attended the mandatory planning training prescribed by the Council.**

- 14.2. Other topical planning sessions are organised from time to time. Members should endeavour to attend such sessions, particularly if these are designed to extend Members' knowledge of planning law, procedures, Codes of Practice and the Development Plan and thus assist Members in carrying out their role properly and effectively.

## **15. REVIEW OF THE CHARTER**

- 15.1. This Charter is a living document and it is the responsibility of the Assistant Director – Law & Governance and Monitoring Officer to ensure that it is kept up to date to reflect current legislation and guidance, the Council's structure and any other relevant considerations. The Charter will be reviewed annually.
- 15.2. The Assistant Director – Law & Governance and Monitoring Officer will advise Members when any substantive amendments are made to the Planning Charter and will provide Members with an electronic copy of it.
- 15.3. A copy of the Charter will be maintained on the Council's website.

**MEMBER REFERRAL TO COMMITTEE**

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	
Parish	
Member making request	
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	
Please detail the clear and substantial planning reasons for requesting a referral	
Please detail the wider District and public interest in the application	
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	
Please confirm what steps you have taken to discuss a referral to committee with the case officer	

## PROCEDURES AND CONDUCT AT SITE INSPECTIONS

### Who may attend

1. Access to premises to conduct a site inspection is with the consent of the landowner (or other person entitled to give consent). The landowner is therefore entitled to be present at the site inspection. The applicant and / or their professional representative are also entitled to be present. Unless invited by the Chairman to answer specific questions, the landowner, agent and professional representative may not otherwise contribute to the proceedings at the site inspection. Landowners, applicants and professional agents are expected to act in the spirit of co-operation to enable the site inspection to be undertaken in the presence of those invited.
2. Subject to any conflict of interest, all Members and substitutes of the relevant Committee are entitled to attend. The Ward Member is also permitted to attend. Other Members may attend with the prior consent of the Chairman of the Committee.
3. Subject to any conflict of interest, 1 representative of the Parish / Town Council is also permitted to attend.
4. The role of the Ward Member and parish / town council representative will be to provide any relevant factual local information concerning the site or the surrounding area which is not readily apparent. The Chairman of the site inspection will invite such submissions after the Officer's presentation and once Members have had opportunity to ask questions.
5. The Case Officer for the application which has prompted the site inspection will attend along with such other supporting Officers or specialist advisers (e.g. local highway authority) as the Corporate Manager - Growth and Sustainable Planning considers appropriate.
6. The inspection is not a meeting which is open to the public, nor a formal meeting of the Committee, and so no other persons shall be permitted to attend unless the Chairman considers there are exceptional circumstances and exercises his / her discretion to allow other persons to be present. Normally, it will be unnecessary for any other persons to contribute to the inspection. Verbal representations are facilitated through the public speaking session at the Committee meeting itself.
7. It is essential that Members and Officers ensure that those attending are not led to believe that a decision has been made at the site inspection.

### Procedure to be followed

8. The Chairman (or in his / her absence, the Vice-Chairman or in the absence of both the Chairman and Vice-Chairman such other person as may be agreed by those Members in attendance to lead the site inspection) will have conduct of the site inspection and will adopt such procedure as he / she considers appropriate having regard to Council procedures and charters.

9. Unless the Chairman indicates otherwise, the usual procedure to be followed in respect of planning applications will be as set out below:
- (1) The site inspection will be 'opened'. The Chairman will explain the purpose of the inspection and that no representations on the merits of the application will be heard, nor will any decision be made before the application is reported to the Planning Committee.
  - (2) The Chairman will make introductions and ascertain the identities of those present, who as set out above, will be limited to:
    - Members of the Committee and substitutes
    - Landowner
    - Applicant
    - Applicant's professional representative
    - 1 Parish / Town Council representative
    - Ward Member/s
    - Case Officer, supporting officers and/or specialist advisers
  - (3) The Case Officer will be invited to briefly explain:
    - (a) why the Committee has been invited to inspect the site
    - (b) the facts of the application, and
    - (c) any views received from consultees which are relevant to the inspection.
  - (4) The Case Officer will point out key features.
  - (5) Any specialist adviser will explain relevant issues
  - (6) The applicant / professional representative may be questioned on any factual aspect of the proposal
  - (7) The Parish / Town Council representative will be invited to provide any relevant factual local information concerning the site or the surrounding area which is not readily apparent
  - (8) The Ward Member will be invited to point out any factual features of the site or surrounding area or to ask questions about the proposal
  - (9) Members of the Committee and substitutes will be invited to ask questions. No discussion on the merits of the application will take place.
  - (10) The Case Officer will be invited to ask any questions to seek clarification of any issues
  - (11) Members will be given opportunity to inspect the site / area in more detail

- (12) The Chairman closes the site inspection.
10. If there is interruption, lobbying or other conduct which may affect the impartiality of the site inspection, then the Chairman may at any time bring the site inspection to a close. If that happens, there may not be opportunity to reconvene the inspection at a future date.

### **Conduct at site inspections**

11. Members attend site inspections in their official capacity and the Code of Conduct for Members and this Charter applies throughout. A Member with a Disclosable Pecuniary Interest in the item must not attend the site inspection.
12. In addition to the Code, both Members and Officers should adhere to the general principles of good governance set out below:-
- There should be no discussion of the application or matter that prompted the site inspection. Care is needed to ensure that Members and Officers do not have private discussions which could be perceived as a discussion of the merits of the application or engage in conversations that could be misconstrued.
  - No views on the application or matter should be expressed. Members must not give any indication as to how they may vote.
  - Members and Officers should stay together as a group at all times to ensure that all Members receive equal information.
  - Members and Officers arriving early at the site must not commence any part of the inspection before the inspection has been opened by the Chairman.
  - The purpose of the site inspection is not to secure views on the application and there must accordingly be no discussions with Members of the public or other persons present who may seek to influence the Member's views.

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