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COMMITTEE: **PLANNING COMMITTEE**

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

DATE: **Wednesday, 5 July 2017 at 9.30 a.m.**

Members

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

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

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

AGENDA

Members of the Public and Press attending the meeting are asked to note the following approximate timing below:

Paper PL/17/6 – Consideration of the item in Paper PL/17/6 will not commence before 12 noon. Please arrive by 11.45am and wait in the Reception area.

ITEM	BUSINESS	Page(s)
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>PETITIONS</u> The Corporate Manager - Democratic Services to report, in accordance with Council Procedure Rules, the receipt of any petitions submitted to the Chief Executive.	

ITEM	BUSINESS	<u>Page(s)</u>
4	<u>QUESTIONS BY THE PUBLIC</u>	
	<p>To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.</p>	
5	<u>QUESTIONS BY COUNCILLORS</u>	
	<p>To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.</p>	
6	<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 application which requires a site inspection on Wednesday 12 July 2017, time to be confirmed:</p>	
	<p>B/15/01718 - Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works. Chilton Woods Mixed Use Development, Land North of Woodhall Business Park, Sudbury https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= B ABER DCAPR 113158</p>	
7	<u>PL/17/5 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	1 - 4
	<p>An Addendum to Paper PL/17/5 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.</p>	

ITEM	BUSINESS	<u>Page(s)</u>
a	<u>B/16/01365 - Land North and West of Capel Community Church, Days Green, Capel St Mary (Pages 5 - 52)</u>	
b	<u>B/16/01458 - 7 Little Tufts and land East of Longfield Road, Capel St Mary (Pages 53 - 90)</u>	
8	<u>PL/17/6 - PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE</u>	91 - 94
	An Addendum to Paper PL/17/6 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.	
a	<u>B/16/00777 - Land on the South side of Bull Lane, Long Melford (Pages 95 - 132)</u>	

Notes:

1. The next meeting is scheduled for Wednesday 19 July 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter for Public Speaking at Planning Committees, a link is provided below:

<http://babergmidsuffolk.moderngov.co.uk/documents/s3453/Public%20Speaking%20Arrangements%20at%20Planning%20Committee%20Adopted%2030%20November%202016.pdf>

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

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

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;

- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

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

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

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



PL/17/5

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

5 July 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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

1.	5-52	B/16/01365	CAPEL ST MARY – Land North and West of Capel Community Church, Days Green	GP	
2.	53-90	B/16/01458	CAPEL ST MARY – 7 Little Tufts and land east of Longfield 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 - Development Management, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

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

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

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

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

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

Agenda Item 7a

Committee Report

Committee Date: 5 July 2017

Item No: 1

Reference: B/16/01365

Case Officer: Gemma Pannell

Description of Development: Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links.

Location: Land North and West of Capel Community Church, Days Green, Capel St Mary

Parish: Capel St Mary

Ward: Mid Samford

Ward Members: Cllr. S. Carpendale and Cllr. F. Swan

Site Area: 5.69

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 10/10/2016

Expiry Date: 31/03/2017

Application Type: Full Planning Application

Development Type: Major Residential Dwellings

Environmental Impact Assessment: N/A

Applicant: Hopkins Homes Limited

Agent: Armstrong Rigg Planning

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

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

Officers recommend approval of this application. As explained in this report, the proposed development is considered not to be in accordance with development plan policies CS2, CS11 and CS15, and less than significant harm would arise to the adjacent heritage asset from the proposal. However, the harm to the heritage asset has been weighed against the public benefits brought about by the proposal, and it is considered that those benefits outweigh the harm. Furthermore, the Council does not now have a five year housing land supply and the adverse impacts of the development, including areas of non-conformity with the development plan policies referred to, are not considered to significantly and demonstrably outweigh the benefits of the development. The proposed development is considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and, as such, there is a presumption in favour of this proposal in accordance with the NPPF.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

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

History

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

B/17/00122	Residential development of 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links (duplicate to application B/16/01365)	Not yet determined.
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Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. Members undertook a visit of the site on Wednesday 5th April 2017, following a request by Cllr. Sue Carpendale.

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. The following responses have been received from consultees:

Capel St Mary Parish Council: Recommend Refusal – Need for strategic overview of how Capel is to be developed; review of village infrastructure is required before any development is approved; development should be limited to smaller groups of dwellings intergrated within existing village framework; need for starter homes and bungalows; Days Road is narrow and dangerous with a footpath on one side only; road improvements are required; greater traffic flows through the village; existing problems with parking will be exacerbated; health services unable to cope.

Wenham Magna Parish Meeting: Impact of the proposal on Great Wenham sewage works– the works are just about coping with the current flow with the aid of almost constant attention because of overflow. The proposed development would put almost intolerable strain on the current sewage arrangements.

Corporate Manager – Sustainable Environment (Heritage): The Heritage Team considers that the proposal would cause: Low level, less than substantial harm to the setting and significance of designated heritage assets in proximity to the site because whilst there will be some harm to the setting of a Grade II listed building, impact on the relationship to the Grade II* listed church and other non-designated heritage assets in the vicinity, the cumulative impact will not reach a high level of harm to the significance or setting due to a combination of the distance involved, and the existing topographical features being retained, which have informed the layout and green spaces of the development.

Corporate Manger – Sustainable Environment (Other Issues): Object: Capel Mushrooms, currently do not produce compost itself, but it is brought onto site ready-prepared. This has been the case for the last 2 years. The mixing of compost has previously been associated with significant odour emissions because it was manufactured from chicken manure and required precise controls in order to prevent the compost from becoming ‘anaerobic’, which is when significant foul odours can be generated. Although odour from the on-site production of compost material is currently not present, Capel Mushrooms the right to revert to produce their own compost again at any time in the future, depending on their business needs.

The current principal source of odour arises from the storage and movement of spent compost. Once the compost is spent, it is brought out of the growing sheds on a weekly basis (24 tonnes per week) and stockpiled. Depending on how long it is left in situ, significant odour can arise when the pile is opened and anaerobic compost is exposed to the air. Significant odour from the stockpile occurs whenever the heap is opened and loaded onto transport. Material would normally be extracted in spring/early summer and autumn in order to meet good practice for the utilisation of nutrients in growing crops. This is the time of year when local residents would be more likely to have their windows open for ventilation, or would wish to enjoy their gardens. The removal of spent compost is undertaken on a commercial basis - a JCB is used to load it onto HGVs. In addition, more frequent opening of the stockpile occurs from smaller-scale transport belonging to local landscapers and amateur gardeners.

The letter submitted by the Applicant states that the sniff-test carried out by their consultants (which took place on just one day), “*was undertaken during the composting period*”. I would point out that this statement is at odds with the advice from Capel Mushrooms, which is that they currently do not manufacture their own compost.

The Applicant’s letter also cites an appeal decision in which the Inspector considered that the use of a sniff-test was appropriate. The use of sniff-tests as an appropriate assessment tool is not disputed. The appeal case actually involved both a predictive element and sniff-tests. The sniff-tests were “*carried out in a variety of conditions with temperatures ranging from 1 degree C to 25 degrees C and with wind spread across all directions*”. This was not the case with the Applicant’s assessment, which took place on one day only, and when the wind was not passing towards the application site from the farm. In addition, the circumstance of the appeal decision was that the prevailing wind blows *away* from the appeal site. In Capel, the prevailing wind passes from Capel Mushrooms across part of the application site. It is therefore my opinion that the two cases are not comparable. The Council’s Environmental Protection team has produced substantial evidence of previous complaints which demonstrate that odours do arise from the site to a degree that residents have been compelled to report to the Council.

The proposed development would introduce properties within 50m of the boundary of the mushroom farm, closer than the majority of previous complainants. I do not dispute the appropriateness of sniff-tests in assessing odour from the site, however, I remain of the opinion that the current assessment is insufficient to robustly conclude that odour from the mushroom farm is not likely to lead to loss of amenity at the proposed development.

The Applicant’s odour assessment should have been undertaken in conjunction with Capel Mushrooms over a much longer period of time in order to take account of **all** sources of odour at the farm (particularly, but not exclusively the opening up of spent compost stockpiles), and varying wind direction. This would have informed the likelihood of loss of amenity on the application site. It would also inform the development layout if it were found that certain parts of the site are at higher risk, given proximity and the prevailing wind direction.

For the above reasons, I would recommend that planning permission should not be granted.

Even if it could be established that current operations at Capel Mushrooms would not give rise to a loss of amenity to future occupants of the proposed dwellings, I do not believe that the Council could reasonably prohibit the business from reverting back to producing their own compost on the site should they choose to do so. As previously advised, when Capel Mushrooms did manufacture compost they were employing all reasonably practicable measures to mitigate odour emissions – and this was the only reason that complaints to the Council reduced after 2011 i.e. because the Council repeatedly advised residents that there was no action that the Council could take to improve the situation for them. It is obviously the LPA’s decision whether or not to grant permission for this application, but if it does give approval, it should do so in the full knowledge that:

- (i) The approval could fetter the right of Capel Mushrooms to undertake their production operations in the manner they choose – particularly the option to revert back to producing their own compost, which they have until recently, done for many years;
- (ii) If Capel Mushrooms choose to revert back to producing their own compost, then the historical evidence indicates that future occupants of the application site (being closer to the farm than existing dwellings and directly in line with the prevailing wind from the farm) would be very likely to experience significant levels of odour; and

(iii) The Council would be unable to take action to abate any significant odours, provided that Capel Mushrooms employed all reasonably practicable measures to mitigate odour emissions – as they previously did when they produced their own compost.

Additional comments received following receipt of sniff test (24th April 2017)

SRL have undertaken sniff tests at the site which indicate that there is no significant odour from the mushroom farm on a daily basis (when large loads of compost are not being taken from the heap).

They have been in consultation with the mushroom farm and have provided further information about the likelihood of loss of amenity due to odour arising from large loads being taken from the heap. This happens on a weekly basis from Autumn – Spring, and approximately 3 very large loads are removed throughout the year (including in summer) – account is taken of wind direction and weather conditions when arranging for these loads to be taken. The farm currently buy in compost which is delivered in sealed bags which are not opened until they are inside the mushroom sheds. The farm have indicated that they are unlikely to expand and thus begin producing compost themselves again, which as you are aware from my previous memos was a particularly odourous process.

My view is that odour arising from large loads being removed during current operations at the farm is likely to result in some loss of amenity at the proposed dwellings, although this will be short-lived and therefore you may find this acceptable.

In terms of future operations and the mushroom farms desire to reserve the right to produce compost again in the future, as indicated to SRL as well as to me, I would refer you to my earlier comments of 08.03.17 and 22.03.17 as the weight which you give to this would be a planning matter.

Corporate Manager – Sustainable Environment (Land Contamination): No objection – it is concluded that the site poses a very low risk in terms of contamination receptors.

Corporate Manager – Sustainable Environment (Sustainability): No objection, subject to condition requiring implementation of the approved sustainability statement.

Corporate Manager – Public Realm (Arboricultural Officer): No objection in principle to this application subject to it being undertaken in accordance with the protection measures indicated in the accompanying arboricultural report. Whilst a small number of trees and hedging are proposed for removal these are generally of limited amenity value and/or poor condition and their loss will have a negligible impact on the appearance and character of the local area.

Professional Lead – Housing Enabling: I can advise I am content with the affordable housing mix, however I am in accordance with the Parish Council in that the open market mix has too many 4 and 5 bed roomed dwellings (29.3% of the total open market homes). The LHNS carried out in 2016 showed that there was a real need for entry level homes for sale in the village in the form of 2 bed flats and houses and additional homes suitable for older people to downsize to in the form of 2 and 3 bed roomed bungalows. I made the point before that the 4 bed bungalow included in the open market mix should be replaced with a 3 bed bungalow, this does not appear to have been amended. Policy CS11 does need to take account of local needs and the mix should demonstrate in my view how it will help to meet the needs highlighted in the LHNS.

Natural England: No comments to make on this application

Anglian Water: No objection – the foul drainage from this development

Highways England: No objection

Suffolk Wildlife Trust: No objection – subject to condition requiring mitigation for stag beetles.

Lead Flood Authority: No objection – subject to conditions

County Rights of Way Officer: No objection. As a result of anticipated increased use of public rights of way in the vicinity of the development, Suffolk County Council have submitted a contribution request (CIL) for improvements to the network.

County Archaeological Service: No objection – subject to conditions

County Fire and Rescue Service: No objection – condition requiring fire hydrants to be installed.

County Development Contributions Manager: Detailed comments in relation to the requirements for CIL. With regard to Education it is noted that SCC will have surplus places available at the catchment primary school and sixth form to accommodate all of the pupils arising from this scheme. However there will be no surplus places at secondary school level and a CIL contribution will be sought towards this.

County Highway Authority: Recommends conditions.

NHS England: No objection. Although based on planning formula Constable Country Rural Medical Practice shows a small level of capacity, due to limitations in terms of physical access to all floors of the premises, the practice is unable to reach its full capacity potential; therefore the practice is unable to accommodate proposed growth as a result of this development. The proposed development would give rise to a need for improved physical access at the practice to achieve greater space efficiency and thus increasing capacity; a proportion of the cost of which would need to be met by the developer. A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £36,271 and this sum should be secured through CIL.

Place Services (providing Landscape and Ecology Advice to BMSDC): Detailed comments reproduced in relevant assessment on landscape and ecology within report below.

Representations

6. Summary of neighbour and other representations

At the time of preparing this report, 86 letters of representation (including 18 duplicate letters) have been received in conjunction with the application making the following summarised objections:

- Design not in keeping with rural area
- Extra traffic
- Pressure on parking
- Increased pressure on surgery
- Other land in Capel more suitable

- Brownfield sites in Ipswich should be developed first
- Increased noise pollution
- Increased house prices locally therefore will not be affordable
- New build should only be in village envelope
- Development should be small scale
- Views of community are overruled, as in other villages nearby
- Needs of local people should come before profits
- 78 houses already under construction in Holbrook
- Dove Close was supposed to be a tranquil location
- Increased traffic in Pound Lane
- Junction with A12 is insufficient and not robust
- Increase traffic near to school
- Wrong location for development
- Existing parking problems in the vicinity of Dental Practice
- Excessive number of houses
- What additional funding will there be for schools, roads and health care
- A new village should be considered on land at Raydon airfield
- Loss of rural outlook
- Days Road is too narrow
- Baberghs Housing Strategy is uncoordinated and confused
- Development should be limited to 20
- Additional electricity wires should be underground
- Is there an overall housing plan for Capel
- Empty buildings and homes should be used before building new ones
- Overlooking
- Impact on wildlife
- Loss of agricultural land
- Sheltered housing residents will be disturbed by noise and dust
- Not compliant with policies CS11, CS15, CS19 or CS20
- Drainage concerns – soil has poor infiltration rates
- Increased surface water runoff
- Loss of privacy
- Proposal is a breach of human rights – We are entitled to peacefully enjoy our homes
- Increased HGV movements through the village

1 letter of representation has been received in conjunction with the application making the following comments in support:

- Without developments such as this – young people have to live in towns such as Ipswich where they don't ideally want to live.
- There is a need for more 2 bedroom first homes for young couples

The Site and Surroundings

7. The application site extends to just over 5 hectares of agricultural land located outside but abutting the built up area boundary of Capel St Mary, to the north west of the village. A public right of way bisects the site running in a north-south direction and there is a public footpath running along the southern boundary.
8. The site is bordered to the east by Days Road and the Capel Community Church, by existing residential development to the south and by extensive mature woodland and hedgerows to the north.

9. The site lies entirely within Flood Zone 1, classified as having a low probability of flooding. It is not within a Conservation Area and there are no Tree Preservation Orders within the site.

The Proposal

10. Full planning permission is sought for the provision of 100 dwellings including 35 no. affordable dwellings.
11. The size and tenure of the properties is set out in the table below:

PRIVATE – 65 units:

Number of units	Number of bedrooms	% of total
19	2 Bed	29%
27	3 Bed	42%
16	4 Bed	24%
3	5 Bed	5%

AFFORDABLE – 35 units

Number of units	Number of bedrooms	% of total
8	1 Bed	23%
20	2 Bed	57%
7	3 Bed	20%

12. The application also includes the provision of vehicular access of Days Road, with a series of footpaths linking to the existing public rights of way.
13. The existing woodland and boundary trees will be retained with additional planting across the site.
14. The provision of 1.8 hectares of public open space, including an ecological mitigation area and Local Area of Play (LAP).
15. Across the site will be 247 no. car parking spaces, including garages, car ports and off road spaces, including visitors spaces.

NATIONAL PLANNING POLICY FRAMEWORK

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

PLANNING POLICIES

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

BABERGH CORE STRATEGY 2014

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

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

SUPPLEMENTARY PLANNING DOCUMENTS

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

Main Considerations

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

The Principle Of Development

19. 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.
20. 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).

21. 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.

22. 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...'*

23. The Council adopted it's 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.

24. 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

25. The site is located outside the Settlement Boundary for Capel St Mary. Therefore, there is a policy presumption against development in such locations. Capel St Mary is identified as a Core village.

26. 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."

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

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

28. As detailed at paragraph 21 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.

29. 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.

30. Policy CS2 (Settlement Pattern Policy) identifies Capel St Mary as a Core Village. 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 Core village and needs to satisfy these tests to comply with Policy CS2.

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

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

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

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

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

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

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

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

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

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

33. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
34. 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.
35. 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).
36. 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

37. In terms of the likely visual effect on the surrounding landscape, the proposals will inevitably have an impact, but this will be generally limited to the northwest boundary edge of Capel St Mary where the proposals border the existing settlement boundary. The character of the site will change significantly as part of this proposal; however the proposed landscape mitigations included as part of the application will provide some measures to help reduce these effects in the longer term.
38. The majority of the site falls within the Ancient Plateau Claylands character area which is dominated by arable farmland subdivided by an irregular sinuous field pattern, and scattered with woodland. Within this character area settlement is scattered widely throughout this landscape, with parishes tending to have multiple built clusters of various sizes: large groups often elongated; outlying groups often based on green side settlement; and wayside settlements and farmsteads. These historic patterns within parishes are easily lost to infill and ribbon development and should be used to inform any emerging development proposal.
39. The proposals utilise the existing screening planting belt to the North of the site, which helps to screen the majority of the site from the north. Views to the site from both Days Road and the existing residential development are restricted to short range views, mainly due to the topography of the landscape and the existing vegetation that surrounds the site.
40. The key areas where the proposals may impact on the existing landscape are focused on the spaces directly fronting Days Road and the residential areas directly abutting the site boundary. In these areas, the treatment of the existing landscape and planting needs to be carefully managed, especially the gateway entrance of the site.
41. The site is well enclosed visually by existing mature vegetation which includes an area of plantation woodland within the northern portion of the application site boundary. Views into the site are therefore broadly confined to a localised area around the immediate vicinity of the site with visibility from further afield limited to locations to the north east of the site and from slightly more distant locations to the west.
42. The strong visual containment of the site also indicates that potential impacts upon local landscape character will be limited and largely confined to the site area itself. The development framework aims to minimise the effect on the existing landscape features by retaining all existing hedgerows and mature trees.

Impact on Heritage

43. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications.
44. In addition Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.

45. The Government's planning policies for Conserving and enhancing the historic environment are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,
46. "The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral"
47. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues Historic England have produced good practice advice notes. Advice Note 3 - The Setting of Heritage Assets (2015) sets out a staged approach to assist decision-making.

Impact on Listed Buildings

48. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'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'*.
49. The Heritage considerations here relate to the potential impact on the setting of Grade II listed Ladysmead to the south east and Grade II* listed St Marys Church to the south, as well as two C19th cottages to the south west corner and a historic farmstead group to the north in the wider context as non-designated heritage assets.
50. Ladysmead stands to the south east of the proposed development site and is a Grade II listed C17th property with a C20th century cross wing addition. This is the closest heritage asset to the site, bordering the eastern boundary where the site narrows to a tapered point in the south eastern corner. Historic OS maps dating from 1882-1883 detail the distinction between the immediate curtilage of Ladysmead and the historic field pattern, illustrated in much the same way as today. Whilst the site provides a pleasant outlook from the listed building and certainly positively contributes to the setting in its wider sense, the overall impact of the development on this designated heritage asset would cause harm at the lower end of the range, of less than substantial harm. The encroachment of the proposed development on the currently open space would have some visual impact on the listed building, affecting the views and intervisibility from the site, in particular from the footpath running to the south of the listed building and the proposal site. However, the site layout has addressed this point by maintaining a green area to this south eastern point, mitigating direct impact on the setting of the listed building and on balance would not cause high level harm to the setting or significance of Ladysmead.
51. The Grade II* listed Church of St Mary to the south is the second designated heritage asset whose setting may potentially be impacted by the proposed development. Views of the church tower from the site are minimal, with an existing footpath extending south towards the church providing the only real direct tangible link. Views are obscured by the modern residential development to the south of the site. As such, there would be limited impact and no harm to the setting of the church by the additional proposed dwellings; already compromised by the development separating the church and the site.

52. To the south west corner but outside of the site are two attractive C19th cottages. Whilst not listed, they could be considered non-designated heritage assets as buildings of historic and architectural interest. The proposed residential development would have some impact on the setting of these cottages in terms of proximity and visual appreciation when approaching from the west, as the road rises up to the level plateau of the site and would therefore be viewed in the same space as the cottages. However, the development would cause no harm to their setting; the open space areas provided to the south west draws the line of development away from these cottages and reduces the impact to negligible.
53. Brook Farm complex to the north of Days Road and north west of the site is an additional group of buildings considered to be non-designated heritage assets. The site consists of a historic farmhouse and converted smithy buildings with interesting architectural details such as monk bond and some English garden wall bond detailing in the brickwork. The tiled roof of the farmhouse can be seen to the north west from within the development site. As the site gently slopes away to this corner, the roof appears low in the horizon but still evident. With this gradient and differing level of the topography bordering the site, there may be some potential impact on Brook Farm and its setting with the introduction of modern residential development appearing high in the landscape. However the ecological mitigation area and retained woodland screen will partially alleviate the visual impact and provide some softening of the development, causing no harm to significance and immediate setting of these buildings.
54. Considerations in the proposed layout of the development have broadly addressed these heritage issues, reducing the levels of harm to the lower range for any of the designated or non-designated heritage assets surrounding the site. The existing woodland area and mature hedgerows to the north contribute to the character of the site. The scheme intends to retain these areas and incorporate them into the layout with an additional "ecological mitigation area" and green spaces which provide a buffer around the extremities of the site and maintain a sense of the historic field boundaries. Additionally the proposed central north-south footpath further reflects the features of the existing pastoral fields, indicative of the field boundary and ditch drainage feature evident now and on the historic OS maps. The existing footpath between the church and the site, within the existing modern development, is an interesting designed feature which provides some glimpsed views of the church tower from the south boundary of the site but more specifically provides a physical connection to the proposal area.
55. In conclusion, the impact of the proposed development on the setting of various heritage assets in the vicinity will be at the lower end in the range of less than substantial harm, with most harm to the setting of Grade II listed Ladysmead in close proximity.

Impact on Archaeological Assets

56. The proposal affects an area of high archaeological potential recorded in the County Historic Environment Record. A roman villa site, also associated with Iron Age features, has been identified to the south east (CSM 002 and 041). Further Roman, prehistoric, Saxon and medieval occupation remains have also been located directly to the east of the proposed development site (CSM 030), with Iron Age and Roman activity also identified during archaeological investigations to the south (CSM 027). A number of Roman cremations have also been recorded to the south of the proposed development area (CSM 010 and 013).

57. Archaeological evaluation within the proposed development area has located a scatter of archaeological features of prehistoric and Roman date. As a result, there is potential to encounter further archaeological remains at this location and the proposed development will involve groundworks which will damage or destroy any surviving archaeology. However, the county archaeologist is satisfied that the impact can be adequately mitigated by the imposition of conditions.

Conclusion (Impact on Heritage)

58. 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. The balancing assessment is carried out in the 'Planning Balance' section of this report.

The locational context of the village and the proposed development

59. 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.
60. 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 exiting 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
61. The site abuts the BUAB and is well contained by both Days Road and the block of woodland to the north northeast of the site which provides a natural physical boundary to the edge of the development. The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development.
62. In this regard, the site is considered to be well related to the village. Therefore, the proposal complies with this part of policy CS11.

Site location and sequential approach to site selection

63. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Capel St Mary.
64. The proposal is well connected to existing facilities within walking distance. The site abuts the settlement boundary and is very well linked to the existing village centre with pedestrian access achievable via Days Road, where the footpath will be extended along the western side, north of the church. Pedestrian access also achieved via the retained Public Right of Way which traverses the site and to Mill Hill via the south western corner of the site.
65. There are no sequentially preferable allocated sites within Capel St Mary, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
66. 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. As such, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

67. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster¹ and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
68. 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.
69. 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.
70. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Capel St Mary and the functional cluster of smaller rural settlements which it serves.

71. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4).
72. 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.
73. 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.
74. 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 submitted a housing needs assessment.
75. 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.
76. The Council's Choice Based Lettings system currently has circa. 1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 17 applicants registered for affordable housing, who are seeking accommodation in Capel St Mary, and 51 across the cluster as a whole. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number.
77. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the parish council's housing need survey which was completed in July 2016.

78. The Capel St Mary Housing Survey Report and Summary (July 2016) identified a need for a total of 91 new households (56 within Capel St Mary, and 35 for those wishing to live or return to Capel St Mary). The applicant assumes that this need is in relation to market housing and notes that it only took into account a 46% return rate and therefore there will be further unmet need housing from both within Capel St Mary and the wider cluster.
79. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. The mix takes into account the research undertaken by both the applicant and the parish.
80. However, whilst the development has been subject to a housing needs survey prepared by the Parish Council, this identifies the need for 91 dwellings and other development has been approved in Capel St Mary since this document was prepared and there are two applications currently under consideration in Capel St Mary which total 250 dwellings. Therefore, it is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Capel St Mary. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

81. 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).
82. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.
83. During the applicants' public exhibition, prior to submission of the application, visitors were asked to comment on whether there were any community/local facilities missing or which could be approved in Capel St Mary. The applicant's have provided a list of these responses. However, have concluded that they will be providing a local area of play on the site and that 15% of their CIL liability will be directed to the Parish Council who can use it for local projects. They have no considered there would be a need for any other community facilities to be provided on site.
84. However, in the absence of a statement that analyses the community needs of the village, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

85. 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"*.
86. The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed. The Highway Authority have confirmed that they have looked at the cumulative impact of this proposal and the scheme for 150 dwellings at Longfield Road, Capel St Mary. Suffolk County Council have also confirmed that the school has capacity to accommodate the increased pupil numbers arising from both developments.
87. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years. The proposal therefore complies with this element of policy CS11.

Summary of Assessment Against Policy CS11

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

89. 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.
90. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.

91. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
92. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
93. 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.
94. As a Core Village, Capel St Mary is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village benefits from a Primary School, Doctors Surgery, Pharmacy, Village Hall, Pub, Convenience Store, bakery, Post Office and three churches.
95. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Capel St Mary is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between Colchester and Ipswich. Capel St Mary is only a short distance from Manningtree and Ipswich, both of which have a railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Capel St Mary 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.

96. It is acknowledged that there will be a high proportion of car travel from Capel St Mary, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Capel St Mary, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.
97. The socio-economic profile of Capel St Mary highlights the villages important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, the evidence provided in the applicant's sustainability assessment, is that there is a need to balance housing stock and growth in the future such that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
98. 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 Capel St Mary, underpinning social capacity, providing affordable housing and widening the housing mix overall.
99. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
100. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Site Access, Parking And Highway Safety Considerations

101. Access to the development is proposed off of Days Road. The existing carriageway width in Days Road is less than 5.0m, narrowing further north of the site.
102. A traffic count of the existing highway network was carried out the centre of Capel St Mary by the applicant, this established an average 214 two way just east of Thorney Road, during the AM peak mid week, with an average of 287 two way near the Post Office in the same period.

103. The development layout has been designed to accord with Manual for Streets and the SCC Design Guide. The highway network within the development layout will provide a footway to the main access road to both sides and a footway within the highway on shared surfaces roads. The detailed design of the roads will be offered to Suffolk County Council under S38 agreement of the Highways Act 1980.
104. The site access will be taken directly from Days Road. The access will provide a visibility splay of 70m on a 2.4m set back. As part of the application the highway access will be widened to 5.0m, with public footway provided to Days Green junction to provide a continuous path from Thorney Road.
105. The development will provide a total parking provision of 247 no. spaces in the form of garages, carports and parking spaces.
106. In conclusion, the highway network is operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed access is designed to meet the highway requirements of Suffolk County Council and there will be no detriment to safety and minimal effect on capacity on the highway network.
107. It is therefore considered that the scheme would be acceptable in highway safety terms and the proposal complies with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

Design And Layout and Impact on Residential Amenity.

108. The layout and design of the development has been informed by the sites constraints and opportunities taking account of its location at the edge of the settlement. The design includes a central load with a network of minor roads and footpaths leading off from this. The layout incorporates open space, including an area to the frontage of the site and a linear green corridor framing the retained public right of way which bisects the site. The layout also includes the retention of the northern woodland.
109. The layout provides a low density scheme with a mix of dwelling types and sizes. The dwellings are limited to two storey in height with single storey dwellings provided to the site boundaries to mitigate impact on the amenities of neighbouring properties.
110. The built forms face the road but is set back from the road a varying degrees and orientations, with a range spacing between them, which creates interest, legibility and local identity. Overlooking and overshadowing are limited by site levels, and window distances. For these reasons, the proposal is considered to comply with saved policy CN01 and criterion i) of policy CS15.

Environmental Impacts - Trees

111. The trees on the site comprise predominantly early mature to mature trees which are distributed around the peripheries of the site presenting low to moderate arboricultural value. The layout has allowed for the retention of most trees screening the site, resulting in the loss of one section of a tree group to facilitate the proposal and link the two parcels of land together. In addition, two groups of trees and two individual trees will be impacted by the installation of a footway and drainage along the southern boundary of the site.

112. The layout also includes for new structured tree planting, which will improve and strengthen the current tree stock. The Arboricultural Officer has no objection to the proposal and is satisfied that the development will not result in the loss of any significant trees.

Environmental Impacts - Land Contamination

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

Environmental Impacts - Odour

114. The Capel Organic Mushroom Farm (COMF) is located approximately 15m west of the Site. In the past the farm has processed compost on site for use in mushroom growing. Mushroom growing at COMF occurs in eight-week cycles on a rotational basis to ensure constant yield production. During the first three weeks of the cycle, compost is produced by mixing wet straw and chicken manure out in the open. Composting has the potential to cause odour nuisance due to the production of ammonia during the initial stages of the process. This compost production has not taken place for the last two years.
115. Sensitive receptors located downwind of an emission source are potentially at risk of odour nuisance. Depending on wind direction, odorous emissions have the potential to be carried from COMF towards the proposed development. The greatest potential for nuisance to occur within the site is when the wind is blowing from the west or north-west, across the mushroom farm towards the proposed development.
116. The processes at Capel Mushrooms are completely normal for this type of farm, and odour will be apparent on some occasions depending on a variety of factors. This can lead to significant loss of amenity at nearby properties.
117. Since 1999, the Environmental Protection team has received 120 complaints of odour from the mushroom farm. This resulted in an extensive report being carried out in 2003 by an independent environmental consultant which suggested improvements on-site which were carried out by the company.
118. Under the provisions of the Environmental Protection Act 1990, the Council is required to investigate complaints alleging an odour nuisance. If satisfied that the odour is causing a Statutory Nuisance (as defined in the law) the Council must serve an Abatement Notice on the business responsible for the problem. An Abatement Notice would formally require steps to be taken to ensure the nuisance is abated within a period of time and/or to prevent any further occurrence or recurrence.
119. Before taking action under the above legislation in respect of Statutory Nuisance, the Council have to be mindful that the recipient of such action would have a right of appeal if they could prove that the 'Best Practicable Means' have been used to prevent or counteract the effect of the nuisance. Even if a Statutory Nuisance is proven in a Court prosecution, a defendant would have the same legal defence if they could prove they used or are using the 'Best Practicable Means'. The consultant confirmed that Capel Mushrooms have been demonstrating best practicable means in controlling odours from the different sources on site.

120. Since the report was produced, the Secretary of State for the Department of the Environment, Food and Rural Affairs has published specific guidance relating to businesses involved in the manufacture of mushroom substrate. This guidance details the standards that such businesses are expected to achieve and the techniques/technology by which they should achieve them. Capel Mushrooms was inspected by Environmental Health in October 2011, at which time the business was found to be fully compliant with the Secretary of State's guidance and standards. The Council is unable to require more stringent odour abatement measures than those specified in the national guidance and therefore it would be unlikely that any remedial action could be taken in the event of complaint in order to safeguard residential amenity. Environmental Health are concerned that any complaints would have the potential to fetter the operation of the existing business.
121. The frequency of odour complaints being made in the local area have reduced considerably over the past 10 years from 12 complaints in 2006 to no complaints in 2012 and just one in 2013. The EA H4 Odour Guidance sets out the recommendation that an odour concentration should not be exceeded for more than 2% of the year at any sensitive receptor, equivalent to 175 hours per year, or seven days. The BDC complaints data provided indicate that the last time seven or more odour complaints were received was in 2007; in 2007, none of the addresses complained on seven separate occasions. This indicates that the odour experienced at existing properties is unlikely to constitute a nuisance (due to the infrequent nature of incidents).
122. The Council's Environmental Health Officer has expressed concern at the adequacy of the applicants assessment and advised that if planning permission is granted then this could fetter the right of Capel Mushrooms to undertake their production operations in the manner they choose – particularly the option to revert back to producing their own compost which they have, until recently, done for many years. The Local Planning Authority would be unable to prevent the farm undertaking their own production operations. This is a site with a lawful use and, therefore, the grant of planning permission would not affect this use.
123. If Capel Mushrooms revert back to producing their own compost, then the historical evidence indicates that future occupants of the application site (being closer to the farm than existing dwellings and directly in line with the prevailing wind from the farm) would be very likely to experience significant levels of odour; and the Council would be unable to take action to abate any significant odours, provided that Capel Mushrooms employed all reasonably practicable measures to mitigate odour emissions – as they previously did when they produced their own compost. Whilst this risk cannot be excluded your officers consider that it requires more detailed evaluation by the applicant in order for your officers to be content that the risk to the amenity of future occupiers has been sufficiently evaluated. This has now been provided in the form of additional sniff tests.
124. A good standard of amenity for all future occupants of land and buildings is one of the 12 planning principles in the NPPF. Moreover paragraph 109 of the National Planning Policy Framework states that the planning system will prevent new development from being put at unacceptable risk from being adversely affected by unacceptable levels of air pollution. Whilst the development will be in close proximity to Capel Mushroom Farm, it is considered that there are a number of existing dwellings in close proximity to the farm and the proposed development will result in development being closer than that which already exists.

125. The applicants consultant has, however, suggested some means of mitigating the harm and this could include provision of sealed glazing and advising potential buyers of the potential for odour emissions. The mitigation measures proposed, namely informing potential residents of the proximity to a working farm, will ensure that there is an awareness of future odours at certain times of the year.
126. There is clear public benefit in securing new homes, and the evident reduction in complaint level and the change in operating practice are credible factors in favour of granting permission in all the circumstances. Taken in the round there is a measure of risk from the potential reversion to past operating practice but this is sufficiently low that your Officers are, on balance, content to recommend a delegated authority to reasonably address this single issue matter.

Biodiversity And Protected Species

127. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, is 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.
128. The majority of the site is of low biodiversity value, however some of the field boundary habitats on site have the potential to be of value to protected species as well as being of general biodiversity value themselves. The development is likely to result in impacts on important ecological features including Protected and Priority species however it can be made acceptable with mitigation secured to minimise the impacts will be minimised. The applicant's ecologist states that the development is unlikely to have any impacts on the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site.
129. As the development lies outside the trigger distance of 8km driving distance from the European Site, it is not necessary for the LPA to prepare a Habitats Regulations Assessment screening report. However it should be noted that the emerging Recreational Avoidance and Mitigation Strategy (RAMS) being prepared for Babergh DC, Ipswich BC and Suffolk Coastal DC, will be using zones of influence for new residential development. This will result in the need for developer contributions to the RAMS once adopted to offset in-combination impacts for this type of development in this location.
130. The ecology report considers that there is no habitat suitable for stag beetles (a UK and Suffolk Priority species), this is since arable land does not provide a suitable habitat, however where hedgerow will be lost to create the site access on the eastern side this may provide a suitable habitat and therefore a planning condition is required to ensure appropriate mitigation for this species. Criterion (vii) of policy CS15 is therefore complied with.

Surface Water Drainage

131. 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. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

Summary of Assessment Against Policy CS15

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

Planning Obligations / CIL

133. The development is likely to contribute in the region of £815,000 through CIL contributions, of which 15% would be payable to Capel St Mary Parish Council.
134. 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. Affordable housing will be secured by Section 106, as will the travel plan requirements set out by the County Highway Authority.
135. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

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

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

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance and Assessment

137. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.
138. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. 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'.

139. Babergh District Council does not have this housing land supply at this time and as such the relevant policies set out above for the supply of housing are not considered to be up to date. Whilst it is identified that there is not compliance with these policies, it is considered that policies CS2 and CS11 are relevant policies for the supply of housing and therefore limited weight should be attached to these policies.
140. Indeed Paragraph 14 of the NPPF states in this respect:
- "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"*
141. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal.
142. However, 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.
143. 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.
144. 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.' Whilst the harm identified to heritage assets is towards the lower end of the spectrum of 'less than substantial harm', it is apparent that there is harm caused to heritage assets and, therefore, the balancing exercise required by paragraph 134 needs to be undertaken.
135. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic and infrastructure benefits which arise from the development, it is considered that these material considerations would none the less outweigh the less than significant harm to the heritage asset.

136. 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, having given considerable importance and weight to the harm identified.
137. 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 this 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. In the absence of specific policies in the Framework that indicate that development should be restricted, paragraph 14 can be engaged.
138. 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 and CS11. Whilst it is considered that the proposal does not 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 evidence of sequential preference, locally identifiable need or community needs) should be afforded limited weight.
139. 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, including the sustainability of the proposal. 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.
140. 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.

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

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

Identification of any Legal Implications of the decision

142. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2010

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

RECOMMENDATION

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

- Affordable Housing
- Travel Plan Requirements
- Public Open Space, including an ecological mitigation area and Local Area of Play (LAP)

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

- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) Sustainability
- 4) Archaeological work and monitoring
- 5) Surface water drainage and construction surface water management plan
- 6) Ecological mitigation and enhancement measures
- 7) Lighting design (ecology) to be submitted
- 8) Details of fire hydrants
- 9) Tree Protection
- 10) Details of Materials
- 11) As recommended by highways – with improvements to Days Road/Brook Lane.
- 12) Odour mitigation
- 13) Details of screen walls and fences
- 14) Construction Management Plan
- 15) Detailed landscaping plan

B/16/01365 Hopkins Homes Development

Land North and West of Capel Community Church, Days Green, Capel St Mary

Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links.

Capel St Mary Parish Council Recommendation to Babergh District Council

Following an Extraordinary Meeting on 15th November 2016 the Capel St. Mary Parish Council recommended **REFUSAL** of this application. This follows extensive local consultation with residents. The principal reasons for this decision are as follows and where appropriate we have highlighted in bold relevant sections of **Babergh Local Plan 2011-2031**.

- 1. LOCATION. Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 9** states that *'In considering the suitability of sites for development under CS11 the Council will have regard to the sequential approach. In the context of CS11 this means: In the first instance considering whether there are other available, suitable and deliverable sites within the built-up area of the village. If no suitable sites are available within the built-up area then the next preferred location is sites which adjoin the built-up area of the village'*. The Strategic Housing Land Allocation identifies several sites around Capel St. Mary which are currently being considered for development and these should be considered as part of this sequential process, but we are not aware that this has been done. The Hopkins Homes rating of the various other sites is overly simplistic and gives a false impression. In our view it is not helpful to consider these potential developments on a piecemeal basis. There is a real need for a strategic overview of how Capel is to be developed, in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv)**.
- 2. INFRASTRUCTURE.** The Parish Council had envisaged a fair share of 1050 homes along with other Core and Hinterland villages (**Babergh Local Plan 2011-2031 CS3 Strategy for Growth and Development**). It seems that this no longer applies. **Rural Housing Policy CS11 Para. 10** states that *'Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it. Where enhancements to facilities and services are required the impact that this will have on the viability of the proposal will be taken into account'*. We believe that there is a need for a complete review of the village infrastructure – roads, services, schools, open spaces and recreation – before any developments like this are approved. This review should also encompass the A12 which is already congested and dangerous, and will become more so. In general terms, we believe that this development has many positive points but has to be considered against the background of inadequate infrastructure. Should the Planning Committee be minded to give this development approval it is imperative that, in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv)** a full infrastructure survey is completed, and appropriate action taken or agreed, before erection of properties is commenced.
- 3. PROPOSED DEVELOPMENT.** Following consultations held with our residents we have published our Parish Plan (February 2014), the results of a Drop-in Event co-hosted by BABERGH DISTRICT COUNCIL Planning Dept. (October 2015) and a Housing Needs Survey (July 2016) conducted jointly with BABERGH DISTRICT COUNCIL Planning Dept. These have consistently reinforced the

fact that, whilst development is expected, it should be limited to smaller groups of well-designed houses integrated within the existing village framework. The underlying need is for Starter homes and houses or bungalows suitable for the elderly. **Policy CS20 Rural Exception Sites** requires that *'the type of dwellings to be provided are consistent with the needs identified by the Housing Need Survey'*. Whilst the development of 100 homes proposed by Hopkins Homes goes some way to meet these needs it does not in our view comply with the requirements of **CS20** or of **Policy CS15 Implementing Sustainable Development in Babergh Para vi)**. The number of four/five bedroom properties should be reduced and the number of bungalows increased. Should the Planning Committee be minded to give this development approval it is imperative that, in accordance with **Policy CS19 Affordable Homes** there is no deviation allowed from the proposed provision of 35% affordable housing. Regarding sustainability, **Policy CS15 Implementing Sustainable Development in Babergh Para viii)** requires that the development must *'address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low – carbon energy'*. We do not believe that the plans submitted adequately address this requirement. One further concern relates to the lack of provision for street lighting throughout this development. Other areas of Capel St Mary are adequately lit and this is instrumental in maintaining the village as a low crime rate area.

4. **SITE ACCESS.** Days Road is, at the point of access to this development, narrow and dangerous with a footpath on one side only. The proposed road widening to 5m is in our view inadequate and it is difficult to see how this can be achieved. When nearby Dove Close was built, it was a condition that the road was widened – this was never enforced. The proposed footpath is too narrow at 1.5m bearing in mind some elderly residents of nearby Dove Close sheltered accommodation use mobility vehicles. They would need to cross the road to access the narrow footpaths, and cross back again where Days Road meets The Street. Two crossings within a short distance at dangerous junctions. The proposals do not comply with **Policy CS15 Implementing Sustainable Development in Babergh xvi)** *'promote healthy living and be accessible to people of all abilities including those with mobility impairments'*. Should the Planning Committee be minded to give this development approval it is imperative that road improvements are made before erection of properties is commenced, and that appropriate safety measures are incorporated into the design.
5. **TRAFFIC FLOW THROUGH VILLAGE.** Hopkins Homes have been unwilling to provide us with their detailed traffic flow data. To reach the A12 most traffic must drive past the Primary School and through the village centre. The existing traffic flow causes concerns, especially as it passes the drop-off and collection point for the Primary School. There are already problems with parking at this point of The Street, and the police carry out occasional checks. Increased traffic will exacerbate this problem and put our children at risk. The Parish Council in conjunction with County Councillor Jones have also previously looked at improving safety adjacent to the shops in the village centre with Highways Department. Again, greater traffic flow will cause greater problems. To avoid using The Street we envisage that Rembrow Road and Thorney Road will become *'rat runs'* with speeding vehicles, and there is evidence that this is already happening. It also seems probable that Pound Lane and Brook Lane, both narrow country lanes, will be used by vehicles returning from Colchester or Hadleigh to the proposed development and this would be very hazardous. We understand that SUFFOLK COUNTY COUNCIL are currently modelling traffic flows through Capel St. Mary, based on mobile phone data. Should the Planning

Committee be minded to give this development approval it is imperative that the impact of increased traffic flows should be modelled to give accurate and up to date data, and any necessary road improvements carried out prior to commencement in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv**).

6. **HEALTH SERVICES.** There is considerable recent history of problems experienced by residents with the Constable Country Medical Practice in Capel. At one stage it was placed in Special Measures by the CQC. Getting an appointment remains difficult. Hopkins Homes state that there is capacity to deal with new patients. This is disputed by the NHS who has stated that the capacity of the existing premises will need to be increased and have asked for a CIL contribution. The Practice Manager has confirmed to the Parish Council that it is not possible to increase the capacity of the existing premises and that any increase in patient numbers will result in more Capel residents having to travel to East Bergholt for appointments. This would not be appropriate for an ageing population. The proposed development will not comply with the requirements of **Policy CS15 Implementing Sustainable Development in Babergh Para iv** *'ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development'*. Should the Planning Committee be minded to give this development approval it is imperative that any CIL grant awarded to the NHS contributes to the provision of a *'fit for purpose'* GP Surgery in Capel St. Mary.
7. **PARKING.** There is already congestion in the village shopping precinct, a problem that will be exacerbated by any new homes built. Parking is inadequate as the car park services the shops, village hall, library and doctors' surgery. Road side parking near the entrance to the car park, and road narrowing, make this a difficult area for both drivers and pedestrians. Regarding the development site itself, there is no provision for visitor parking and several of the drives have 'in line' rather than 'side by side' driveway parking. The Council is concerned about the developers' extensive use of un-adopted roads. These un-adopted roads will be inadequate for roadside parking and cause potential problems for emergency services access. We envisage that visitors to the development will park in Days Road itself, thus making this too narrow road even more dangerous. Should the Planning Committee be minded to give this development approval it is imperative that adequate parking is incorporated for visitors and that emergency services are happy with access issues.

In conclusion, whilst there is much to like about this development, Capel St. Mary Parish Council recommends **REFUSAL** of this application, as it does not fully comply with various requirements set out in **Babergh Local Plan 2011-2031** and **Supplementary Planning Document July 2014**.

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Objection Statement:

B/16/01458/OUT - Persimmon Homes Development, Land East of Longfield Road, Capel St Mary

B/16/016365 and B/17/00122 - Hopkins Homes Development, Land North and West of Capel Community Church, Capel St Mary

21st April 2017

**Andrew Cann B.A. MCILT
Planning Direct**

Objection Statement:	1
<i>Instructions</i>	3
<i>The application(s):</i>	3
<i>5 year housing supply</i>	5
<i>Local Policy does not support the applications.</i>	8
<i>I address below a selection of these matters, directly or indirectly related, in further detail.</i>	8
<i>Sequential Approach</i>	9
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<i>Accident rates on the A12</i>	12

Instructions

Planning Direct has been instructed by Capel St Mary Parish Council to prepare an objection to two recent planning applications. This objection statement has been written in response to both applications due to their proximity within the parish of Capel St Mary and due to the common factors betwixt both.

The application(s):

B/16/01458/OUT - Persimmon Homes Development.

The Persimmon Homes application is for 150 homes at a 5.4 ha greenfield site to the north east of Capel St Mary via access from 'Little Tufts'.

B/17/00122/OUT Hopkins Homes Development

The Hopkins homes proposal is for 100 homes at land to the north west of the village with access from Days Road.

Capel St Mary Parish Council has objected to both applications. This objection should be read in conjunction with the objections already made by the Parish Council.

5 year housing supply

At the core of both applications Baberghs lack of 5 year housing supply is key. However the issue is not a clear cut as the developers make out.

An email between the council and one of the developers puts the situation succinctly regarding Baberghs's five year housing situation:

Email of 27th March 2017

Dear Helen,

I am able to advise that the 5 year supply of land for housing(5YSLH) in Babergh has now fallen below 5 years. This means that the requirements of paragraph 49 of the National Planning Policy Framework (NPPF), now apply to applications for housing development. Para 49 states "Housing applications should be considered in the context of the presumption in favour of sustainable development. 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."

Our position on supply has fallen because of a number of factors acting in concert. These include the declining annual rate of housing delivery (the numbers built) in the District since 2013. Moreover, since the adoption of the District's Core Strategy in 2014, delivery in the rural area has been managed, amongst other things, through policy CS11. However, following the recent High Court challenge, the interpretation and implementation of the application of this policy is subject to review. In consequence the Council has now received a number of challenges to the Council's stated position on the 5 year supply. Therefore, a draft interim position is now being prepared which will indicate that the supply position has dropped to 3-4 years (depending on whether an estimated new OAN number is used or that stated in the current Local Plan). This interim assessment of land supply will also be informed by the our emerging evidence for the new local plan and the need to respond to the implementation challenges which the District is facing, alongside the increasing emphasis on delivery as set out in the Government White Paper 'Fixing Our Broken Housing Market'.

Subsequent to this email the council reviewed their 5 year housing supply position, 'Babergh District Council: Interim 5 year housing land supply statement' (April 2017). In this document the council states that there is a three year housing supply based upon the emerging OAN and a formal challenge to the published 5 year supply position.

However the council makes plain in the introduction to this report that they intend to adopt as quickly as possible the Governments White Paper 'Fixing Our Broken Housing Market when regulating the OAN in the future.

The upshot of the 3 years supply position is that Babergh must take into account (**but not exclusively**) the National Planning Policy Frameworks 'presumption in favour of sustainable development'. The council, indirectly, has indicated it will still take into account 'relevant Local Plan policies and other material considerations'.

Many developers are currently seeking to rely on the uncertainty regarding the application of local plan (and other material considerations policies) that prevent development to promote speculative schemes. The argument goes that as a council does not have a 5 year housing supply it cannot rely on it's Local Plan Policies and must let the NPPF *presumption* take precedent. However this is not the case and the Planning Inspectorate have allowed and disallowed planning applications made on this basis. Hopkins make much of the number of appeals won on this basis. They fail to mention that equally a large number of appeals **have not** been upheld despite a lack of a 5 year housing supply.

The matter is now at the Supreme Court:

Suffolk Coastal District Council rejected planning permission for 26 houses in Yoxford in Suffolk, and the refusal was upheld by a planning inspector. The applicant, Hopkins Homes, overturned the decision at the High Court, because the Council had failed to provide certainty about the provision of housing land, and the planning inspector had erred in law when making his decision.

The High Court said that the lack of sufficient housing supply for the next five years left the Council's Local Plan policies relating to the supply of housing being out of date for planning purposes, which meant weight should only be given to them in accordance with the degree of consistency with the National Planning Policy Framework.

The Court of Appeal confirmed that this included policies which restricted the supply of housing as well as policies that provided for extra housing, even if the proposed development was in the Green Belt. The Court of Appeal was asked to look at the case, because a planning inspector had allowed an appeal for 146 homes in Willaston, near Nantwich in Cheshire. Cheshire East Council had refused permission and then asked the High Court to overturn the planning inspector's decision.

The Court of Appeal considered both cases together, because the High Court had come to two different conclusions on two very similar cases relating to the same points of law. Last year the Court of Appeal concluded that Paragraph 49 of the National Planning Policy

Framework should be interpreted very widely, and therefore applies to all policies which have the effect of restricting where housing development should go, including the open countryside and Green Belt policies.

In rejecting the Councils' claims that Paragraph 49 only applies to policies relating to the distribution and numbers of houses to be built, the Court of Appeal found that when read in the context of the Government's stated ambition to "boost significantly the supply of housing" then Paragraph 49 clearly should apply to all policies which have the effect of restricting housing development.

The outcome of the case is still awaited and Babergh District Council would be unwise to allow the *presumption* to override legitimate local policy concerns and grant planning permission when the situation regarding applicability of Local Plan Policies, when a 5 year housing supply cannot be demonstrated, has not been determined by the highest court in the land. The Supreme Court could, in effect, issue a judgement supporting the developers here or indeed one that does not and that judgement is due.

Local Policy does not support the applications.

Babergh District Council adopted the Core Strategy in 2014. That Strategy includes policy CS11 which sets out how development in the Core and Hinterland Villages must be approached.

The Core Strategy provides for 1050 additional dwellings to be located in Core and Hinterland Villages between 2011 and 2031 via Site Allocations. The Site Allocations have not yet been adopted and therefore the councils position is to follow the policy without the allocations at present.

Capel St Mary is a Core Village and as such the criteria for assessment of a planning application includes:

- The landscape, environmental and heritage characteristics of the village
- The locational context of the village and the proposed development (particularly the AONBs, conservation areas and heritage assets)
- Site location and sequential approach to site selection
- Locally identified need – housing and employment, and specific local needs such as affordable housing
- Locally identified community needs
- Cumulative impact of development in the area in respect of social, physical and environmental impacts

I address below a selection of these matters, directly or indirectly related, in further detail.

Sequential Approach

Both applications state that they satisfy the sequential site selection requirements of policy CS11.

The applications take very different approaches to demonstrating this however.

Persimmon

Persimmon provide no evidence at all that they have conducted a sequential exercise. They claim (excerpt from Persimmon Planning Statement below) that a draft (i.e. not adopted) SHLAA published by Babergh and Mid Suffolk shows that there are no other

Sequential approach to site selection

6.2.8 The Babergh and Mid Suffolk Joint SHLAA published as a draft version in May 2016 shows that there are no other available, suitable and deliverable sites in the built up area of Capel St Mary.

6.2.9 The application site adjoins the built up area of the village and is, therefore, in the 'next preferred location' for development identified within the Rural Development and Core Strategy Policy CS11 SPD.

available, suitable and deliverable sites in the built up area of the village. As the Persimmon Site adjoins the built up area (and there are no built up area sites available) it is therefore the next preferred location.

This is not so. There are a number of potential sites available immediately adjoining Capel St Mary and these all need assessing. A site is not sequentially preferable by dint of it being adjoining.

Firstly there are a number of adjoining sites and secondly sites further afield may still be sequentially preferable to the Persimmon site.

Persimmon offers no evidence on this matter and therefore they have not passed the CS11 test and the application should be refused on the sequential grounds alone.

Hopkins

Hopkins Homes at least have done a sequential exercise. Their conclusion? Their site is not only the best one available but scores full marks - 5/5! Hopkins claim their site receives full marks despite it not being ideal. The site is over 1km from local services which, whilst Hopkins may believe is 'acceptable' is not. The site, which will generate a lot of traffic to and from the A12, is also at the western edge of the village meaning that all A12 traffic will travel throughout the village adversely affecting traffic issues and the character of the village. Hopkins site may well score well but it does not score 5/5.

The council should take Hopkins assertions regarding the sequential test with a heavy pinch of salt and examine this matter in detail.

Hopkins cannot demonstrate (believably) that they have passed the sequential test and therefore the application should be refused under policy CS11.

Housing mix

The Hopkins application makes much of the various consultations and reports regarding housing mix. This are all carefully noted in the Design and Access statement. The outcome of this is very clear. The priority for housing mix is two and 3 bed homes with a significant number of bungalows. This is the need. Hopkins have recorded this and then ignored it.

Damming themselves with their own report they point out that 29% of the proposed housing mix will be 4 and 5 bedroom homes. Hopkins have therefore demonstrated that they are not meeting the demand and their housing mix is inappropriate. It is of course not surprising that Hopkins seeks to include as many 4 and 5 bedroom houses in their development as possible for commercial reasons but they cannot claim as well to be reflecting the identified need and therefore cannot claim to be complying with policy CS11.

The application should be refused on these grounds.

Accident rates on the A12

Whilst a considerable amount of work has been done looking at the impact on the local road network the effect on accident rates on the A12 has received only perfunctory attention.

In the last 5 years there have been 20 accidents in the immediate vicinity of the Capel St Mary junction(s) on the A12. The Highways England I believe have been remiss on not looking at accident rates here.

Clearly there is a high risk of additional accidents which has not been assessed. It is this author's view that the council must require a detailed assessment of accident risk on the A12 in the immediate area before making any decision on this application. It is clear from the evidence given, which is not disputed, that a large proportion of the additional traffic generated by both proposals will use the A12 (there is little other choice) and therefore the effects of this must be assessed.

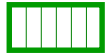
The application should at minimum be deferred on the grounds pending further investigation.

Application No: B/16/01365/FUL & B/17/00122/FUL

Parish: Capel St Mary

Location: Land North and West of Capel Community Church, Days Green

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



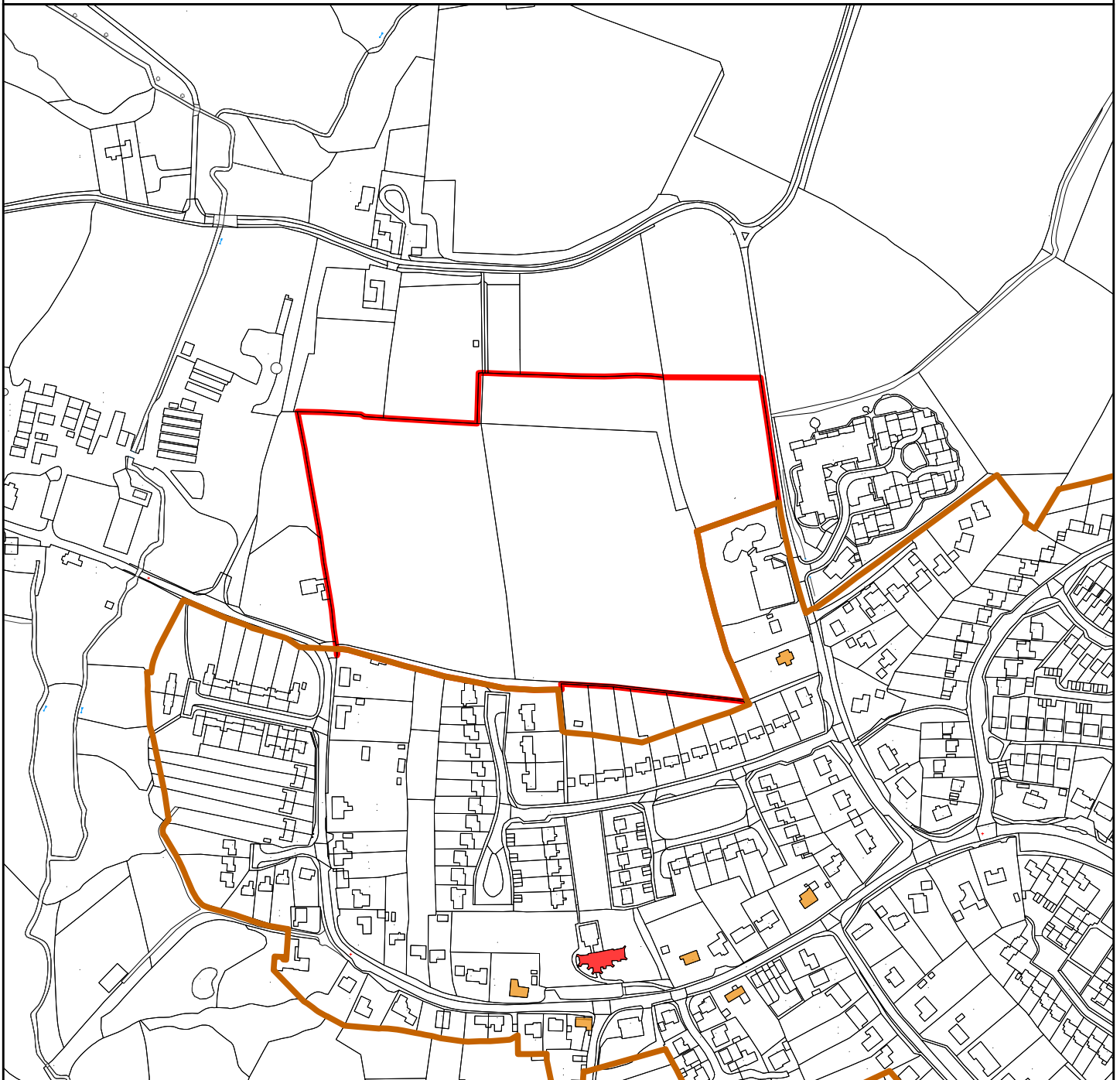
Grade 2 *



The Site



Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 7b

Committee Report

Committee Date: 5 July 2017

Item No: 2

Reference: B/16/01458

Case Officer: Gemma Pannell

Description of Development: Outline (means of access to be considered) - Residential development for up to 150 no. dwellings with highway access off Little Tufts (following demolition of existing garage).

Location: 7 Little Tufts and land east of Longfield Road, Capel St Mary

Parish: Capel St Mary

Ward: Mid Samford

Ward Member/s: Cllr. Sue Carpendale and Cllr. Fenella Swan

Site Area: 5.4

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 28/10/2016

Expiry Date: 28/01/2017

Application Type: Outline Planning Permission

Development Type: Major Residential Dwellings

Environmental Impact Assessment: N/A

Applicant: Persimmon Homes Limited + Donald Edward Baker + Carol Dorothy Lingard + Jill Kat

Agent: Persimmon Homes Anglia Ltd

SUMMARY

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

PART TWO – APPLICATION BACKGROUND

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

History

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

B/16/01458	Outline (means of access to be considered) - Residential development for up to 150 no. dwellings with highway access off Little Tufts (following demolition of existing garage)	
B/88/00733	OUTLINE - RESIDENTIAL DEVELOPMENT (DUPLICATE APPLICATION)	Refused 19/07/1988
B/88/00584	OUTLINE - RESIDENTIAL DEVELOPMENT	Refused 27/05/1988
B/77/00863	Outline - residential development and construction of vehicular access	Refused 29/12/1977
W/10646	Outline - residential development	Refused 10/01/1974
W/10646/1	Outline - residential development	Refused 10/01/1974

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

- Members undertook a visit of the site on Wednesday 5th April 2017, following a request by Cllr. Sue Carpendale.

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

- The following responses have been received from consultees.

Capel St Mary Parish Council: Recommend refusal (letter dated 14th December 2016 – attached at appendix A and further comments in April 2017 at appendix B)

County Development Contributions Manager: Detailed comments in relation to the requirements for CIL. With regard to Education it is noted that SCC will have surplus places available at the catchment primary school and sixth form to accommodate all of the pupils arising from this scheme. However there will be no surplus places at secondary school level and a CIL contribution will be sought towards this.

County Archaeological Service: No objection – subject to conditions

County Fire and Rescue Service: No objection – condition requiring fire hydrants to be installed.

County Highway Authority: No objection subject to conditions. There is no reason to refuse this application on transport grounds further to paragraph 32 of the National Planning Policy Framework subject to appropriate mitigation and restrictions that may be secured by conditions and planning obligations listed herein. The Transport Assessment demonstrates that the proposal meets the relevant policy notably being sustainable in transport terms.

An acceptable transport assessment has been submitted. It does not specifically include other recently submitted applications as “committed” developments” but the highest ratio of flow to capacity including for other vehicular trip growth shows that there is considerable capacity remaining even if the limited committed development was added.

Lead Flood Authority: Suffolk County Council, Flood and Water Management have reviewed the submitted documents and we recommend approval, subject to conditions.

Corporate Manager – Sustainable Environment (Land Contamination): No objection – there is sufficient information contained within the submitted report. The report does conclude with the recommendation that a Phase II report is completed prior to any development commencing, however given the balance of evidence provided in the report I feel that this is not required.

Corporate Manager – Sustainable Environment (Sustainability): No objection – subject to condition requiring the development to be in accordance with the approved Sustainability Statement.

Corporate Manger – Sustainable Environment (Other Issues): No objection – Following further assessment of the likely noise impact of traffic associated with development on existing dwellings on Little Tufts and also the impact of noise from the A12 on the proposed dwellings. Condition required to enable dwellings identified on the noise contour plan to be subject to a condition requiring enhanced levels of glazing.

County Rights of Way Officer: No objection. As a result of anticipated increased use of public rights of way in the vicinity of the development, Suffolk County Council have submitted a contribution request (CIL) for improvements to the network. The upgrading of Public Footpath 61 (along Butchers Lane) will be required to be upgraded to bridleway status, the surface of which to be an all weather surface. There is also a requirement to provide a bridleway around the edge of the site and this requirement will still be sought, in order to secure a bridleway around the norther perimeter of the development, to secure an off road recreational cycle link.

NHS England: No objection - There is 1 main GP practice including its branch surgery within a 2km catchment (or closest) to the proposed development. The practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a development contribution (via CIL) towards the capital funding to increase capacity within the GP catchment Area would be sought to mitigate the impact.

Highway England: No objection

Suffolk Wildlife Trust: No objections – the recommendations made within the ecological reports are implemented in full, via a condition of planning consent, should be granted.

Corporate Manager – Public Realm (Arboricultural Officer): No objection in principle to this application as there appears to be little conflict between the layout, based upon the sketch block plan, and trees on or adjacent to the site. A detailed arboricultural method statement and tree protection plan will need to accompany a full application or be submitted as part of reserved matters.

Place Services (providing Landscape and Ecology Advice to BMSDC): Detailed comments reproduced in relevant assessment on landscape and ecology within report below.

Suffolk Constabulary (Design out Crime): This is an initial outline planning application and further details will be forwarded by the developers at the Reserved Matters stage. As a result there is insufficient information to make specific individual comments in relation to ‘designing out crime’ for this outline application.

Representations

7. Summary of neighbour and other representations

At the time of preparing this report, 51 letters of representation have been received in conjunction with the application making the following summarised objections:

- Risk to health from living close to polluted areas
- Concern about provision of landscaping (trees) in close proximity to existing dwellings
- Previous applications have been refused
- Existing traffic issues will be exacerbated
- Adverse impact on visual amenity
- Loss of agricultural land
- Increased congestion
- Road is unacceptable to serve this development
- Impact on wildlife

- Increased pressure on surgery
- Site currently suffers from flooding
- A12 can not cope
- Problems with A12 junction
- Village infrastructure can not cope
- Brownfields should be used
- Existing problem with parking and congestion in the roads adjacent to Little Tufts
- Lack of viable drainage plan
- Council is unduly influenced by New Homes Bonus
- Schools will be unable to cope
- Capel has reached its limit of development
- Increased risk of accidents at the junction with Thorney Road
- Capel should not become a town
- Development should not be considered until the Local Plan is in place
- Lack of employment opportunities in Capel St Mary
- Lack of public transport (bus)
- Insufficient bungalows being provided
- Proposal should include starter homes
- Existing residents in Little Tufts will have difficulties accessing their drives
- Mix and type of housing is unacceptable
- The total number of houses that can be accommodated in Capel should be determined prior to any application can be considered.
- The village can not become a suburb of Ipswich
- The development will result in 425+ cars
- Provision of lagoons is unacceptable – risk of drowning and will become stagnant
- Alternative locations should be considered

The Site and Surroundings

8. The application site comprises 5.4ha of agricultural land and is located to the east of Capel St Mary between London Road and Longfield Road. It directly adjoins the existing built up area of the village.
9. To the east, south and west of the application site are established residential areas primarily accessed from Longfield Road and London Road. To the north there is agricultural land.
10. The site is in within walking distance (10mins) of the village hall which includes a library, local shops including a Co-op with a post office facility, doctors surgery, dentists surgery and Methodist Church. Within 15 mins walk is the primary school and the playing fields.

The Proposal

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

11. The outline planning application is for up to 150 dwellings with associated infrastructure, public open space and details of highways access. All matters (with the exception of access) are reserved for further consideration at detailed stage.
12. An indicative layout is shown on the illustrative drawings with 150 dwellings shown which represents a density of approximately 28 dwellings per hectare.
13. The proposal would also provide 35% affordable housing with 53 units being affordable and 97 being market dwellings.

NATIONAL PLANNING POLICY FRAMEWORK

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

PLANNING POLICIES

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

BABERGH CORE STRATEGY 2014

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

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development
-

SUPPLEMENTARY PLANNING DOCUMENTS

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

Main Considerations

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

The Principle Of Development

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

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

Core Strategy based supply for 2017 to 2022 = 4.1 years
SHMA based supply for 2017 to 2022 = 3.1 years
23. The site is located outside the Settlement Boundary for Capel St Mary. Therefore, there is a policy presumption against development in such locations. Capel St Mary is identified as a Core village.

24. 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."

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

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

24. As detailed at paragraph 19 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

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

26. Policy CS2 (Settlement Pattern Policy) identifies Capel St Mary as a Core Village. 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 Core village and needs to satisfy these tests to comply with Policy CS2.

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

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

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

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

.....

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

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

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

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

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

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

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

30. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.

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

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

38. In terms of the likely visual impact into the surrounding landscape, the proposals will have a minor effect. The scale of the proposals combined with the location of the site adjacent to the existing settlement restricts the potential visual impact to short views to the west and east of the site. Limiting any wider adverse effects the development will have on the surrounding countryside.
39. The proposed landscape strategy misses a number of opportunities to create a connected and integrated green infrastructure within the layout. The landscape strategy includes a series of small isolated areas public open space, each with its separate drainage lagoon; the success of the development in this location relies on how the proposals create a positive interface between the existing residential dwellings and the open country edge to the north. As the indicative proposals develop through reserved matters, a layout which establishes a suitably connected and appropriately detailed green infrastructure will be required as part of the reserved matters submission.
40. According to the Suffolk Landscape Character Assessment (Suffolk County Council 2011) the site is located within the Landscape Character Type indicated as Ancient Estate Claylands (regional: Wooded Plateau Claylands LCT). The release of this type of land for development should both reflect the local settlement pattern and contain proposals which fit the vernacular style and detailing of the immediate locality.
41. The landscape strategy includes an illustrative layout for the site which contains a series of key design principles including boundary landscaping, areas highlighted for public open and space and lagoons. The strategy reinforces the existing field boundary hedge pattern and suggests the locations of the public open space, lagoons and main site access route. The proposed landscape strategy misses a number of opportunities to create a connected and integrated green infrastructure within the layout.
42. Long views to the site are restricted to the northern boundary, where the site borders the gently sloping open countryside. Long views into the site from the east, west and north are restricted, mainly due to the existing surrounding residential areas. Views from the site to the existing residential areas will have a greater impact. This should be mitigated through appropriate levels of additional screening and boundary planting.
43. Visibility in and out of the proposal site is generally restricted due to surrounding natural topography and existing foliage which both contains and limits views. To further minimise any visual impact brought about through the proposal site's development, it is envisaged that key aspects such as trees and hedgerows would be retained and further enhanced with additional strategic tree planting along boundaries and within new open spaces to soften the transition between spaces, particularly along the northern boundary.

Impact on Archaeological Assets

44. The proposal affects an area of high archaeological potential recorded in the County Historic Environment Record. It is situated west of a Roman road, which followed the current line of London Road (CSM 14). Recent archaeological investigations immediately adjacent to this site have also identified a Roman oven and ditches (CSM 045). A first phase of archaeological evaluation within the site itself has located a scatter of archaeological features of prehistoric and Roman date. As a result there is high potential for the discovery of further below ground heritage assets of archaeological importance within this area. However, the county archaeologist is satisfied that the impact can be adequately mitigated by the imposition of conditions.
45. The proposal complies with policy CS11 in terms of the impact of the proposal on the landscape, environmental and heritage characteristics of the village.

The locational context of the village and the proposed development

46. 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.
47. 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
48. The site abuts the BUAB and well linked to existing facilities and services in Capel St Mary through a network of public footpaths. The proposed development will connect with these through Little Tufts and Butchers Lane. The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development.
49. In this regard, the site is considered to be well related to the village. Therefore, the proposal also complies with this part of policy CS11.

Site location and sequential approach to site selection

50. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Capel St Mary.
51. There are no sequentially preferable allocated sites within Capel St Mary, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.

52. 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.
53. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

54. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster¹ and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
55. 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.
56. 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.
57. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Capel St Mary and the functional cluster of smaller rural settlements which it serves.
58. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
59. 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.

60. 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.
61. 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 submitted a housing needs assessment.
62. 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.
63. The Council's Choice Based Lettings system currently has circa. 1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 17 applicants registered for affordable housing, who are seeking accommodation in Capel St Mary, and 51 across the cluster as a whole. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number.
64. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the parish council's housing need survey which was completed in July 2016.
65. The Capel St Mary Housing Survey Report and Summary (July 2016) identified a need for a total of 91 new households (56 within Capel St Mary, and 35 for those wishing to live or return to Capel St Mary).
66. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. The mix takes into account the research undertaken by both the applicant and the parish.
67. However, whilst the development has been subject to a housing needs survey prepared by the Parish Council, this identifies the need for 91 dwellings and other development has been approved in Capel St Mary since this document was prepared. There are two applications currently under consideration in Capel St Mary which total 250 dwellings. Therefore, it is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Capel St Mary. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

68. 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).
68. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.
69. In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

70. 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"*.
71. The technical advice received from highways and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed. The Highway Authority have confirmed that they have looked at the cumulative impact of this proposal and the scheme for 100 dwellings at Days Road, Capel St Mary. Suffolk County Council have also confirmed that the school has capacity to accommodate the increased pupil numbers arising from both developments.
72. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

Summary of Assessment Against Policy CS11

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

74. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider 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.
75. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
76. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
77. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
78. 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.

79. As a Core Village, Capel St Mary is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village benefits from a Primary School, Doctors Surgery, Pharmacy, Village Hall, Pub, Convenience Store, bakery, Post Office and three churches.
80. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Capel St Mary is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between Colchester and Ipswich. Capel St Mary is only a short distance from Manningtree and Ipswich, both of which have a railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Capel St Mary 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.
81. It is acknowledged that there will be a high proportion of car travel from Capel St Mary, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Capel St Mary, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.
82. The socio-economic profile of Capel St Mary highlights the villages important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, the evidence provided in the applicant's sustainability assessment, is that there is a need to balance housing stock and growth in the future such that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
83. 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 Capel St Mary, underpinning social capacity, providing affordable housing and widening the housing mix overall.
84. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)

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

Site Access, Parking And Highway Safety Considerations

86. The sites nearest bus stops are located on Thorney Road within 400m of the development and within 120m of the site access on Little Tufts. Services are operated by Carter Coach Services and run regularly on Mondays to Fridays between Ipswich, Capel St Mary, East Bergholt and Colchester.
87. The proposed site access from Little Tufts will comprise a minimum 5.5m carriageway with 2.0m footway on both sides; visibility splays in accordance with Manual for Streets for 30mph speed limit. Junction capacity analysis demonstrates that the proposed development can be accommodated on the local highway network with the junctions operation below the maximum ratio to flow capacity.
88. In conclusion, the highway network is operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed access is designed to meet the highway requirements of Suffolk County Council and there will be no detriment to safety and minimal effect on capacity on the highway network.
89. It is therefore considered that the scheme would be acceptable in highway safety terms and the proposal complies with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

Environmental Impacts - Land Contamination

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

Impact On Residential Amenity

91. Consideration has been given to the impact of the proposal on the residents of Little Tufts, as a result of increased traffic movement along Little Tufts, which is currently a small cul-de-sac and will become the single point of access for the new development.
92. The noise assessment submitted at the request of Environmental Health has considered the impact of increased traffic noise on existing properties in Little Tufts and concluded that the ambient noise climate at the existing dwellings is dominated by traffic noise from the A12 which varies with time of day. The impact of increased traffic passing along Little Tufts has been calculated at each dwelling and are based on the worse case scenario of the new development (80 movements per house as estimated during peak times) compared to an average ambient level. The change is calculated as an increase in 2.5dB. A change of 3dB is likely to be just perceptible and thus is ranked as resulting in a minor short term impact and a negligible long term impact. Outside of peak times the impact will be lower. Therefore the view is that noise from the impact of traffic travelling along Little Tufts is unlikely to result in a significant loss of residential amenity.

Biodiversity and Protected Species

93. 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.
94. The site predominately consists of an arable field, with mature hedgerows and standards at some of the boundaries and an area of woodland to the east. A wet ditch is present at the northern field boundary, beyond the site. The woodland and boundary hedgerows and trees provided potential habitat for badgers, bats, dormice and birds.
95. Further surveys for breeding birds may be required once a final layout is determined, however it was considered that the development could proceed with minimal impact on the local consideration status of any protected, principally important or rare species within the area. As such, criterion vii of CS15 is considered to be complied with.

Surface Water Drainage

96. 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. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

Summary of Assessment Against Policy CS15

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

Planning Obligations / CIL (delete if not applicable)

98. 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.
99. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
100. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

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

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

These are not material to the planning decision

PART FOUR – CONCLUSION

Planning Balance

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

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

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

Identification of any Legal Implications of the decision

107. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)

- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

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

- Affordable Housing
- Travel Plan Requirements

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

- 1) Standard Time Limit Condition.
- 2) Reserved Matters to be submitted and agreed
- 3) Approved Plans
- 4) Sustainability
- 5) Archaeological work and monitoring
- 6) Surface water drainage
- 7) Details of fire hydrants to be submitted
- 8) As recommend by Highways
- 9) The recommendations of the ecological report to be adhered to
- 10) Properties identified as being within the Noise Contour Plan shall have enhanced glazing- details to be submitted.
- 11) Details of screen walls and fences to be submitted
- 12) Construction management plan
- 13) Detailed hard/soft landscaping to be submitted with reserved matters

Capel St Mary

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Wednesday 14th December 2016

B/16/01458/OUT Persimmon Homes Development Land East of Longfield Road, Capel St Mary

Application for outline planning permission for a residential development for up to 150 no. dwellings with highway access off Little Tufts

Capel St Mary Parish Council Recommendation to Babergh District Council

Following an Extraordinary Meeting on 13th December 2016 the Capel St. Mary Parish Council recommended **REFUSAL** of this application. This follows extensive local consultation with residents.

The principal reasons for this decision are as follows and where appropriate we have highlighted in bold relevant sections of **Babergh Local Plan 2011-2031**.

LOCATION. Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 9 states that *'In considering the suitability of sites for development under CS11 the Council will have regard to the sequential approach. In the context of CS11 this means: In the first instance considering whether there are other available, suitable and deliverable sites within the built-up area of the village. If no suitable sites are available within the built-up area, then the next preferred location is sites which adjoin the built-up area of the village'*. The Strategic Housing Land Allocation identifies several sites around Capel St. Mary which are currently being considered for development and these should be considered as part of this sequential process, but we are not aware that this has been done. In our view it is not helpful to consider these potential developments on a piecemeal basis. **Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 11** states that *'The cumulative impact (of developments) 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'*. There is a real need for a strategic overview of how Capel is to be developed, in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv)**.

INFRASTRUCTURE. The Parish Council had envisaged a fair share of 1050 homes along with other Core and Hinterland villages (**Babergh Local Plan 2011-2031 CS3 Strategy for Growth and Development**). It seems that this no longer applies. Whilst we accept that we must bear a proportionate amount of new housing the developments planned, if approved, would be disproportionate. **Rural Housing and Core Strategy**

Policy CS11 Supplementary Planning Document July 2014 Para. 12 states that ‘A key part of CS11 is that proposal should meet locally identified need’. In April 2016 Capel St Mary Parish Council completed a Housing Needs Survey in conjunction with Babergh District Council Planning Dept. the conclusion of which was that Capel needed about 100 new homes. Other development proposals, including this one, could total some 400 homes or more and if the cumulative impact of developments in local villages e.g. East Bergholt are taken into account the situation is far worse. **Rural Housing and Core Strategy Policy CS11 Para. 10** states that ‘Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it. Where enhancements to facilities and services are required the impact that this will have on the viability of the proposal will be taken into account’. We believe that the scale of development currently envisaged contravenes this in that the character of the village will be adversely affected and a range of local services will be unable to cope. Provision of CIL funding at the levels envisaged will not be adequate to address the problems. We believe that there is a need for a complete review of the village infrastructure – roads, services, schools, open spaces and recreation – before any developments like this are approved. This review should also encompass the A12 which is already congested and dangerous, and will become more so.

PUBLIC CONSULTATION

Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 18 states that ‘The Council will require developers and landowners to carry out local consultation on their proposals before an application is submitted. In this respect developers and site promoters should engage with local communities before proposals are formulated in any detail using recognised community engagement techniques’. The Parish Council feel that public consultation was totally inadequate, in fact a complete shambles. An open drop-in event was Planned by Persimmon Homes for Wednesday 13th July 2016 and the Parish Council placed details on its notice boards, web site and Facebook pages. Persimmon planned a leaflet drop to all homes in the village on Friday 1st July. When it became evident to the Parish Council on Friday 8th July that leaflets had not been delivered the Parish Council Chair spoke to Grant Heal at Persimmon, and was informed that the distributor had advised that a delivery had been made. Following further representations, the Parish Council were advised that the leaflet drop would take place on the morning of 12th July. However, the map provided by Persimmon showed that only part of the village would be included and this was queried by the Parish Council. A letter was sent electronically on 12th July (the day before the consultation) to Grant Heal at Persimmon stating that based on local knowledge not one household in the village has received a leaflet informing residents of this event. Grant Heal of Persimmon emailed the Parish Council on 13th July confirming that the leaflet drop had been completed on the afternoon of 12th July and listed the streets involved. This did not include Longfield Road, Little Tufts or The Pightle! **The map provided to the delivery company did not include those roads or properties nearest the development in the blue lined area!** As some residents of Little Tufts were incensed that they were not consulted they asked Persimmon for a further meeting and this was held on 17th August. This was attended by other nearby residents who had been missed from the leaflet drop. **Overall public consultation was a total shambles!**

SUITABILITY OF SITE

Summary of Sites 2011: The Parish Council do not consider this site to be suitable for development. It should be noted that in 2011 Babergh District Council’s *Summary of Sites for Development* stated, after detailed analysis, that the site was not suitable for

residential development because 'Suffolk County Council identified significant access constraints The site is not considered potentially suitable for residential development as a result of access constraints The site is not included (in yield calculations) as the site is not considered potentially suitable for residential development. Since 2011 nothing has changed and in fact the situation has deteriorated due to the increasing use of cars since that time.

Site Access: The proposed two-way access to this site is via an existing Close, Little Tufts. It is totally unacceptable for a small cul-de-sac to be opened to the number of vehicle movements anticipated from a 150 homes development. Use of this Close for access would cause considerable parking and access problems for local residents. The junction of Little Tufts with Longfield Road is very close to the junction of Longfield Road with Thorney Road (a bus route through the village). This area is unable to deal with the likely traffic congestion and create dangerous traffic build up. The road near junction has itself been the subject of investigations by Highways Department due to parking problems caused by the local dental surgery. Little attempt seems to have been made by Persimmon Homes to investigate or develop alternative access to this development. An existing farm track and public footpath (Butchers Lane) have been suggested as providing emergency access, possibly with locking posts to prevent public access. This too is totally unacceptable.

Agricultural Access:

The Agricultural land that remains, not forming part of this proposed development, will cease to be viable. This land will be accessed by the farmer via Butchers Lane and through the residential estate roads, and thence into the fields via gated exits at the end of two roads. It is in our view totally unacceptable to allow large agricultural machinery to pass through Butchers Lane, an existing PROW that will provide greater pedestrian access should this development go ahead. It is clear from the plans that the two roads that end at gated exits are likely to be extended into the fields to form Phase 2 of this development at a later stage, creating even more access and traffic flow problems. Persimmon Homes have not denied this possibility.

Surface Water Flooding: Capel St. Mary Parish Council shares the concerns both of local residents and Suffolk County Council Flood and Water Management Planning Dept. about the risk of flooding posed by inadequate proposed measures and that the applicant needs to do more to demonstrate how they have arrived at their proposed solutions.

SUMMARY: In conclusion Capel St. Mary Parish Council recommends **REFUSAL** of this application for outline planning permission, as the site and access arrangements are totally unsuitable. The proposed development does not in our view fully comply with various requirements set out in **Babergh Local Plan 2011-2031** and **Supplementary Planning Document July 2014**.

Yours sincerely

J. Lawes

Mrs J Lawes
Clerk to Capel St Mary Parish Council

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Objection Statement:

B/16/01458/OUT - Persimmon Homes Development, Land East of Longfield Road, Capel St Mary

B/16/016365 and B/17/00122 - Hopkins Homes Development, Land North and West of Capel Community Church, Capel St Mary

21st April 2017

**Andrew Cann B.A. MCILT
Planning Direct**

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Instructions

Planning Direct has been instructed by Capel St Mary Parish Council to prepare an objection to two recent planning applications. This objection statement has been written in response to both applications due to their proximity within the parish of Capel St Mary and due to the common factors betwixt both.

The application(s):

B/16/01458/OUT - Persimmon Homes Development.

The Persimmon Homes application is for 150 homes at a 5.4 ha greenfield site to the north east of Capel St Mary via access from 'Little Tufts'.

B/17/00122/OUT Hopkins Homes Development

The Hopkins homes proposal is for 100 homes at land to the north west of the village with access from Days Road.

Capel St Mary Parish Council has objected to both applications. This objection should be read in conjunction with the objections already made by the Parish Council.

5 year housing supply

At the core of both applications Baberghs lack of 5 year housing supply is key. However the issue is not a clear cut as the developers make out.

An email between the council and one of the developers puts the situation succinctly regarding Baberghs's five year housing situation:

Email of 27th March 2017

Dear Helen,

I am able to advise that the 5 year supply of land for housing(5YSLH) in Babergh has now fallen below 5 years. This means that the requirements of paragraph 49 of the National Planning Policy Framework (NPPF), now apply to applications for housing development. Para 49 states "Housing applications should be considered in the context of the presumption in favour of sustainable development. 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."

Our position on supply has fallen because of a number of factors acting in concert. These include the declining annual rate of housing delivery (the numbers built) in the District since 2013. Moreover, since the adoption of the District's Core Strategy in 2014, delivery in the rural area has been managed, amongst other things, through policy CS11. However, following the recent High Court challenge, the interpretation and implementation of the application of this policy is subject to review. In consequence the Council has now received a number of challenges to the Council's stated position on the 5 year supply. Therefore, a draft interim position is now being prepared which will indicate that the supply position has dropped to 3-4 years (depending on whether an estimated new OAN number is used or that stated in the current Local Plan). This interim assessment of land supply will also be informed by the our emerging evidence for the new local plan and the need to respond to the implementation challenges which the District is facing, alongside the increasing emphasis on delivery as set out in the Government White Paper 'Fixing Our Broken Housing Market'.

Subsequent to this email the council reviewed their 5 year housing supply position, 'Babergh District Council: Interim 5 year housing land supply statement' (April 2017). In this document the council states that there is a three year housing supply based upon the emerging OAN and a formal challenge to the published 5 year supply position.

However the council makes plain in the introduction to this report that they intend to adopt as quickly as possible the Governments White Paper ‘Fixing Our Broken Housing Market when regulating the OAN in the future.

The upshot of the 3 years supply position is that Babergh must take into account (**but not exclusively**) the National Planning Policy Frameworks ‘presumption in favour of sustainable development’. The council, indirectly, has indicated it will still take into account ‘relevant Local Plan policies and other material considerations’.

Many developers are currently seeking to rely on the uncertainty regarding the application of local plan (and other material considerations policies) that prevent development to promote speculative schemes. The argument goes that as a council does not have a 5 year housing supply it cannot rely on it’s Local Plan Policies and must let the NPPF *presumption* take precedent. However this is not the case and the Planning Inspectorate have allowed and disallowed planning applications made on this basis. Hopkins make much of the number of appeals won on this basis. They fail to mention that equally a large number of appeals **have not** been upheld despite a lack of a 5 year housing supply.

The matter is now at the Supreme Court:

Suffolk Coastal District Council rejected planning permission for 26 houses in Yoxford in Suffolk, and the refusal was upheld by a planning inspector. The applicant, Hopkins Homes, overturned the decision at the High Court, because the Council had failed to provide certainty about the provision of housing land, and the planning inspector had erred in law when making his decision.

The High Court said that the lack of sufficient housing supply for the next five years left the Council’s Local Plan policies relating to the supply of housing being out of date for planning purposes, which meant weight should only be given to them in accordance with the degree of consistency with the National Planning Policy Framework.

The Court of Appeal confirmed that this included policies which restricted the supply of housing as well as policies that provided for extra housing, even if the proposed development was in the Green Belt. The Court of Appeal was asked to look at the case, because a planning inspector had allowed an appeal for 146 homes in Willaston, near Nantwich in Cheshire. Cheshire East Council had refused permission and then asked the High Court to overturn the planning inspector’s decision.

The Court of Appeal considered both cases together, because the High Court had come to two different conclusions on two very similar cases relating to the same points of law. Last year the Court of Appeal concluded that Paragraph 49 of the National Planning Policy

Framework should be interpreted very widely, and therefore applies to all policies which have the effect of restricting where housing development should go, including the open countryside and Green Belt policies.

In rejecting the Councils' claims that Paragraph 49 only applies to policies relating to the distribution and numbers of houses to be built, the Court of Appeal found that when read in the context of the Government's stated ambition to "boost significantly the supply of housing" then Paragraph 49 clearly should apply to all policies which have the effect of restricting housing development.

The outcome of the case is still awaited and Babergh District Council would be unwise to allow the *presumption* to override legitimate local policy concerns and grant planning permission when the situation regarding applicability of Local Plan Policies, when a 5 year housing supply cannot be demonstrated, has not been determined by the highest court in the land. The Supreme Court could, in effect, issue a judgement supporting the developers here or indeed one that does not and that judgement is due.

Local Policy does not support the applications.

Babergh District Council adopted the Core Strategy in 2014. That Strategy includes policy CS11 which sets out how development in the Core and Hinterland Villages must be approached.

The Core Strategy provides for 1050 additional dwellings to be located in Core and Hinterland Villages between 2011 and 2031 via Site Allocations. The Site Allocations have not yet been adopted and therefore the councils position is to follow the policy without the allocations at present.

Capel St Mary is a Core Village and as such the criteria for assessment of a planning application includes:

- The landscape, environmental and heritage characteristics of the village
- The locational context of the village and the proposed development (particularly the AONBs, conservation areas and heritage assets)
- Site location and sequential approach to site selection
- Locally identified need – housing and employment, and specific local needs such as affordable housing
- Locally identified community needs
- Cumulative impact of development in the area in respect of social, physical and environmental impacts

I address below a selection of these matters, directly or indirectly related, in further detail.

Sequential Approach

Both applications state that they satisfy the sequential site selection requirements of policy CS11.

The applications take very different approaches to demonstrating this however.

Persimmon

Persimmon provide no evidence at all that they have conducted a sequential exercise. They claim (excerpt from Persimmon Planning Statement below) that a draft (i.e. not adopted) SHLAA published by Babergh and Mid Suffolk shows that there are no other

Sequential approach to site selection

6.2.8 The Babergh and Mid Suffolk Joint SHLAA published as a draft version in May 2016 shows that there are no other available, suitable and deliverable sites in the built up area of Capel St Mary.

6.2.9 The application site adjoins the built up area of the village and is, therefore, in the 'next preferred location' for development identified within the Rural Development and Core Strategy Policy CS11 SPD.

available, suitable and deliverable sites in the built up area of the village. As the Persimmon Site adjoins the built up area (and there are no built up area sites available) it is therefore the next preferred location.

This is not so. There are a number of potential sites available immediately adjoining Capel St Mary and these all need assessing. A site is not sequentially preferable by dint of it being adjoining.

Firstly there are a number of adjoining sites and secondly sites further afield may still be sequentially preferable to the Persimmon site.

Persimmon offers no evidence on this matter and therefore they have not passed the CS11 test and the application should be refused on the sequential grounds alone.

Hopkins

Hopkins Homes at least have done a sequential exercise. Their conclusion? Their site is not only the best one available but scores full marks - 5/5! Hopkins claim their site receives full marks despite it not being ideal. The site is over 1km from local services which, whilst Hopkins may believe is 'acceptable' is not. The site, which will generate a lot of traffic to and from the A12, is also at the western edge of the village meaning that all A12 traffic will travel throughout the village adversely affecting traffic issues and the character of the village. Hopkins site may well score well but it does not score 5/5.

The council should take Hopkins assertions regarding the sequential test with a heavy pinch of salt and examine this matter in detail.

Hopkins cannot demonstrate (believably) that they have passed the sequential test and therefore the application should be refused under policy CS11.

Housing mix

The Hopkins application makes much of the various consultations and reports regarding housing mix. This are all carefully noted in the Design and Access statement. The outcome of this is very clear. The priority for housing mix is two and 3 bed homes with a significant number of bungalows. This is the need. Hopkins have recorded this and then ignored it.

Damming themselves with their own report they point out that 29% of the proposed housing mix will be 4 and 5 bedroom homes. Hopkins have therefore demonstrated that they are not meeting the demand and their housing mix is inappropriate. It is of course not surprising that Hopkins seeks to include as many 4 and 5 bedroom houses in their development as possible for commercial reasons but they cannot claim as well to be reflecting the identified need and therefore cannot claim to be complying with policy CS11.

The application should be refused on these grounds.

Accident rates on the A12

Whilst a considerable amount of work has been done looking at the impact on the local road network the effect on accident rates on the A12 has received only perfunctory attention.

In the last 5 years there have been 20 accidents in the immediate vicinity of the Capel St Mary junction(s) on the A12. The Highways England I believe have been remiss on not looking at accident rates here.

Clearly there is a high risk of additional accidents which has not been assessed. It is this author's view that the council must require a detailed assessment of accident risk on the A12 in the immediate area before making any decision on this application. It is clear from the evidence given, which is not disputed, that a large proportion of the additional traffic generated by both proposals will use the A12 (there is little other choice) and therefore the effects of this must be assessed.

The application should at minimum be deferred on the grounds pending further investigation.

Application No: B/16/01458/OUT




Parish: Capel St Mary



Location: 7 Little Tufts and land east of Longfield Road

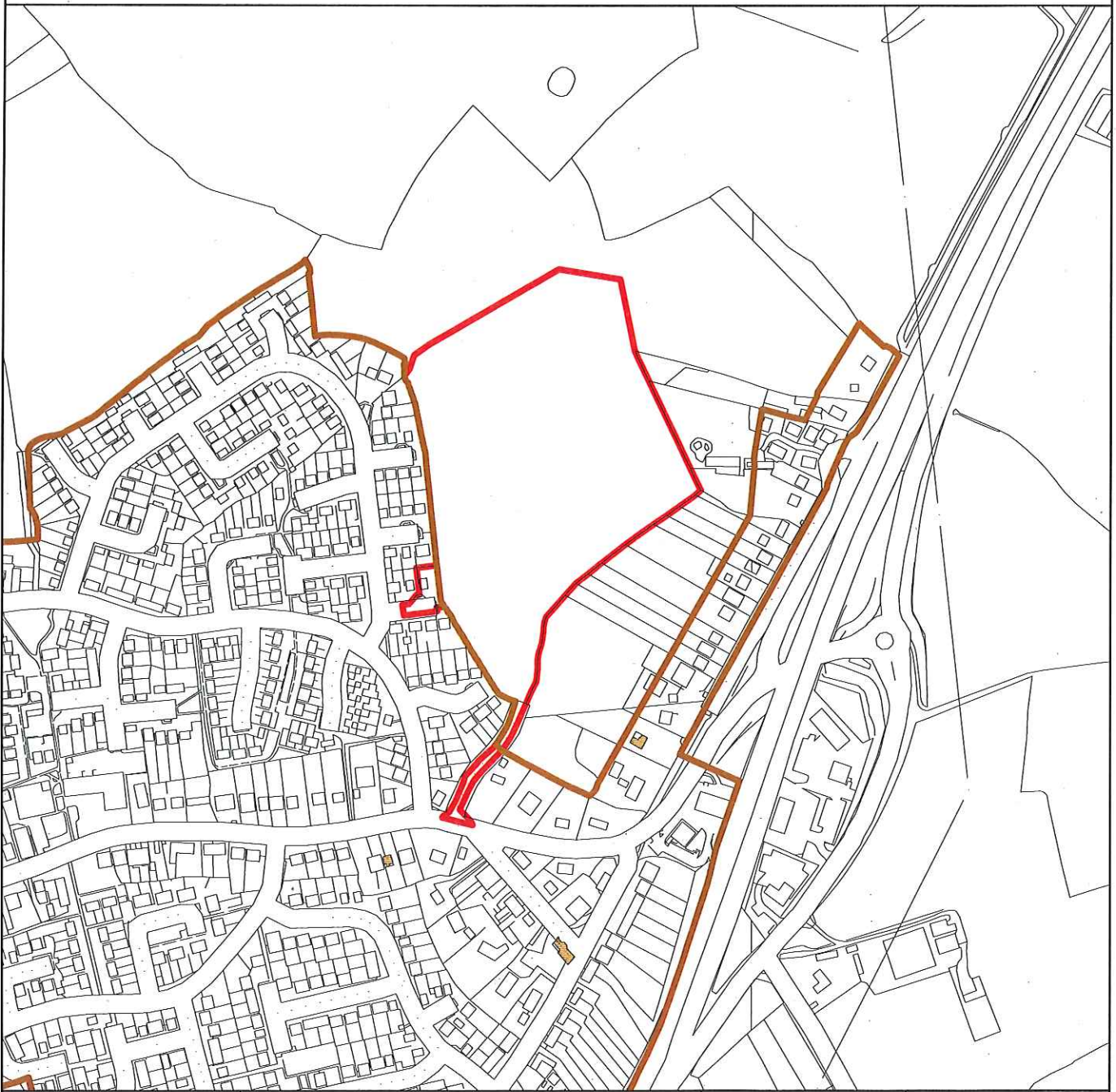
Legend

-  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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PL/17/6

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

5 July 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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

1.	95-132	B/16/00777	LONG MELFORD – Land on the south side of Bull Lane	GP	
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Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

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

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

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

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

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

Agenda Item 8a

Committee Report

Item No: 1

Reference: B/16/00777
Case Officer: Gemma Pannell

Description of Development: Erection of 71 residential dwellings (including market and affordable homes), garages, parking, vehicular access (with Bull Lane), estate roads, public open space, play areas, landscaping, drainage and other infrastructure works.

Location: Land on the south side of, Bull Lane, Long Melford

Parish: Long Melford

Ward: Long Melford

Ward Member/s: Cllr. R. Kemp & Cllr. J. Nunn

Site Area: 3.1

Conservation Area: Not in Conservation Area

Listed Buildings: Within the vicinity of the site:

- Melford Hall (Grade I)
- Melford Hall Registered Park and Garden (Grade II*)
- Bull Lane Farm (Grade II Listed)
- Barn and Outbuildings to Bull Lane Farmhouse (Grade II Listed)
- 24 Bull Lane (Grade II Listed)
- The Old Cottage (Grade II)

Received: 07/06/2016

Expiry Date: 16/02/2017

Application Type: Full Planning Application

Development Type: Smallscale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Hopkins Homes Limited

Agent: Bidwells LLP

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the applicant can be viewed online at <https://planning.babergh.gov.uk/online-applications/search.do?action=simple&searchType=Application> under the application reference noted above. This includes a full copy of all of the statutory and third party consultation responses.

SUMMARY

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

Officers recommend approval of this application. As explained in this report, the proposed development is considered not to be in accordance with development plan policies CS2, CS11 and CS15, and less than significant harm would arise to the adjacent heritage asset from the proposal. However, the harm to the heritage asset has been weighed against the public benefits brought about by the proposal, and it is considered that those benefits outweigh the harm. Furthermore, the Council does not now have a five year housing land supply and the adverse impacts of the development, including areas of non-conformity with the development plan policies referred to, are not considered to significantly and demonstrably outweigh the benefits of the development. The proposed development is considered to be sustainable development within all three identified strands (economic, environmental and social) of the NPPF and, as such, there is a presumption in favour of this proposal in accordance with the NPPF.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- It is a “Major” application for: -
 - a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

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

History

1. There is no planning history relevant to the application site.

Details of Previous Committee

2. The application was due to be considered by committee on 14th December, but was withdrawn from the agenda prior to consideration to enable the Council to consider its position following the outcome of the judicial review in East Bergholt.
3. The application was due to be considered by committee on 26th April 2017, but was withdrawn from the agenda prior to consideration for the reasons set out below:

Long Melford Parish Council have made further detailed submissions as to the treatment of relevant planning policy and considerations within the report including the proper interpretation of the NPPF and matters of 5 year housing land supply. It is considered appropriate to take legal technical advice as to the interpretation and weight to be attached to a number of those policy and consideration issues. It is considered that these matters constitute significant new information arising between the preparation of the report and its discussion by the Planning Committee. On this basis the Chairman of the Committee in consultation with the Corporate Manager - Growth and Sustainable Planning has decided in advance of the meeting to remove this item from the Committee agenda for further investigation and evaluation.

Details of Member Site Visit

4. Members inspected the site on 26th October 2016, following a request from Cllr. Kemp and Nunn.

PART THREE – ASSESSMENT OF APPLICATION

CONSULTATIONS

5. The application has been subject to a number of consultations and therefore the comments summarised below are those received in connection with the latest plans received except where consultees have made no further comments in relation to the revised plans:

Long Melford Parish Council – During the course of the application the Parish Council have made the following representations:

Letter dated 16th October 2016: Object for the following summarised reasons :-

- The development does not comply with BDC Core Strategy policies (Policy CS11 and CS15)
- The development is not necessary to meet the Babergh Core Strategy overall housing requirements
- Some of the applicant's submitted documents are seriously flawed and should not be relied upon. Housing Needs Study misleading; Transport Assessment is incomplete with basic mistakes

Detailed Representation dated 21.10.16: Objection: - Summary – Proposals are too large and in the wrong location; proposals fail too many sustainability tests. The parish recommend the following reasons for refusal:

- Proposal is too large and not needed, large volume of housing already built or committed in Long Melford. The applicant's housing needs assessment is flawed and lead to the doubling of the size of Long Melford by the end of the Plan Period.
- The Council has identified a five-year housing land supply to meet the objectively assessed need.
- The applicant's housing needs study is flawed and provides no justification for the development proposed.
- Locally the pace of housing development has more than fulfilled its share of the housing required to meet the Council's assessment of need; more will be built in the rest of the Plan period and welcomed but not in this location.
- The failings of the applicant's Housing Needs Study mean that the proposals cannot meet the requirements in terms of housing mix set out in the Core Strategy.
- It is poorly location in terms of distance from the main village facilities and the uncongenial/unsafe pedestrian route from the proposed development to the village. The development would be 350m long eastwards extension of the built up area, beyond the village boundary.
- Effect on an important route of rural and heritage character in to the village; the character of Long Melford is not just a nice view; it is an important asset.
- Character is eroded by suburban development such as that proposed, and then visitors will be lost.
- The only way out of the site is via Bull Lane, a rural lane, is unsuitable for additional traffic which ends in two dangerous junctions, both with a significant accident record.
- The proposal fails to meet important policy criteria (especially CS15).

Objection received on behalf of LMPC including appendices titled "Housing Mix by Size and Tenure" and "Financial Gains to the Planning Authority and Mitigation of Impacts" (10th December 2016) – We recommend that the application be refused for the following reasons (in addition to the heritage reason outlined in the report withdrawn from committee on 14th December):

- Cumulative impact of the proposal would be seriously damaging to the character and vitality of Long Melford
- Development fails eighteen of the tests of sustainability set out in Policies CS11 and CS15
- Applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure in conflict with CS11
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated, whether by the expected financial contributions or by other means.
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective. Ground conditions, which are not suitable for sustainable drainage, also disqualify the site for residential development, in conflict with policy CS11.

Parish Response (9th April 2017): Suggest the following reasons for refusal:-

- The Housing Needs Survey does not represent a valid justification for the scale of development proposed on Bull Lane. Contrary to Policy CS11
- The applicant has failed to demonstrate evidence of local need
- The applicant has failed to provide requested evidence of the sequential preference of the site in Bull Lane.
- Value of timely delivery is minimal and not exceptional
- Affordable housing, whilst useful, is not exceptional circumstances
- Economics of the construction workforce cannot be considered exceptional circumstances
- CIL payments and the S106 commitments do not go beyond anything other than standard requirements
- The applicant has failed to demonstrate exceptional circumstances Cumulative impact of the proposal would be seriously damaging to the character and vitality of Long Melford
- Development fails eighteen of the tests of sustainability set out in Policies CS11 and CS15
- Applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure in conflict with CS11
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated, whether by the expected financial contributions or by other means.
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective. Ground conditions, which are not suitable for sustainable drainage, also disqualify the site for residential development, in conflict with policy CS11.
- The adverse impacts of the proposed development demonstrably outweigh the benefits, such that the application should be refused.
- Seriously detrimental impact on the character of the village and omits economic and social viability. This runs counter to not only NPPF para 17 but also para 28, para 129 and para 131.
- The council would not want to go down in history are the people who presided over the suburbanisation of Long Melford.
- The applicant has not shown how safe and suitable access to the site can be achieved for all people. We consider this to be a significant adverse impact in NPPF terms.

Comments submitted by SKETCH on behalf of Long Melford Parish Council 14.4.2017

- Design does not relate to its landscape setting and does not follow Suffolk Design Guide
- The site can be considered large, twice the size of the existing adjacent development – out of scale with Long Melford
- The layout looks awkward and does not resemble any existing road pattern in the village. The proposed development in the existing shape is not suitable for this site.
- The proposed internal road, including pavements on both sides, is wider than Bull Lane and does not reflect the existing road hierarchy

- The proposed open space including public space and space between the buildings will both be sufficient to retain the dominant landscape character of the site. Neither will it be able to support the growth of substantial planting.
- The new development proposes to locate a dense cluster of mock- Georgian houses on the outskirts of the village, where the existing buildings are more modest and agricultural in character. The approach is dishonest and detrimental to the historic centre.
- Size of development is out of scale in relation to the village
- The proposed density is not appropriate in its landscape setting
- The proposed development does not follow existing building and road patterns
- The proposed design does not respect the road hierarchy
- There is not sufficient open green space for the landscape setting.
- The proposed style of building is out of keeping with the location and would detract rather than add to the character of the village.

Further submission by Long Melford Parish Council – 24th April 2017

- The officers report is a misinterpretation of NPPF, which in para 14 clarifies that proposals need to be assessed against the policies in this Framework taken as a whole. Para 6 of NPPF explains what the Government meant by this phrase.
- The proposals need to be assessed against a range of environmental, heritage and other policies.
- Housing is a benefit if it meets a demonstrable need. This has not been adequately evidenced by the applicant.
- Adverse impacts need to significantly and demonstrably outweigh the benefits. The adverse impacts are serious for the future character and wellbeing of the village.
- Suburbanisation of a very prominent site.
- Cumulative impact of the proposal would be seriously damaging to the character and vitality of Long Melford in conflict with NPPF paras 28, 58, and 64, 129, 131, Policy CS11, CS15 and CS17.
- Applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure, thus delivering little or no benefit in the terms of para 14 NPPF and in conflict with policy CS11
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated, whether by the expected financial contributions or by other means in conflict with para 72 NPPF, policies CS11 and CS15.
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development, in conflict with para 32 of the NPPF and policies CS11 and CS15.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective, in conflict with para 32 and policies CS11 and CS15.
- Ground conditions, which are not suitable for sustainable drainage, also disqualify the site for residential development, in conflict with policy CS11, CS15 and para 99 of the NPPF.
- The adverse impacts, when correctly assessed, heavily outweigh the lightweight benefit that might be provided.

Further submission by Long Melford Parish Council - 19th May 2017

The application should be refused on the following grounds, when considered against NPPF policies for sustainable development:

- the cumulative impact of the proposal would be seriously damaging to the character, economy and vitality of Long Melford in conflict with NPPF at paras 28, 58, 64, 129, 131.
- The applicant has failed to provide satisfactory justification for the proposed housing, both the total numbers and the mix by size and tenure, thus delivering little or no benefit in the terms of para. 14
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated either by the expected financial contributions or by other means in conflict with par 72.

- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development in conflict with NPPF para 32.
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective in conflict with para 32.
- Ground conditions, which are not suitable for sustainable drainage disqualify the site for residential development in conflict with para 99.
- The application should be refused on the following grounds when considered against the non housing supply policies of the Core Strategy:
- the cumulative impact of the proposal would be seriously damaging to the character, economy and vitality of Long Melford in conflict with policy CS11 matters 1 and 2, CS15, matter(ii) and CS17.
- The proposed development does not score positively on eighteen of the tests of sustainability set out in Policies CS11 and CS15.
- The applicant has failed to provide satisfactory justification for the proposed housing, both the total number of numbers and the mix by size an tenure in conflict with CS11 matter (iv).
- There is no assurance that the impacts of the proposed development on health, education and libraries will be mitigated either by the expected financial contributions or by other means in conflict with CS11, matter (v) and CS15 matters (iv) and (v).
- The applicant has failed to provide an adequate traffic assessment or to address the impacts that may be caused by the proposed development, in conflict with CS11, matter (ii) and CS15, matters (xviii) and (xix).
- The site is unsuitable for residential development because of the inadequate access to it by car or on foot, the transport assessment being defective.
- Ground conditions, which are not suitable for sustainable drainage also disqualify the site for residential development in conflict with CS11, first paragraph and matter (ii) and CS15, matters (xii), (xviii) and (xix).

Local Highway Authority – No objection subject to conditions.

SCC Archaeological Service – No objection subject to conditions.

Historic England – The additional analysis helps to clarify the impact of the proposed development on Melford Park and the conservation area. This would cause a low level of harm to both of these designated heritage assets. Your authority should weight this harm against the public benefits of the proposal in line with paragraph 134 of the National Planning Policy Framework. If your authority is minded to grant consent, we recommend this is conditional upon the implementation and maintenance of an appropriate landscaping scheme approved by your authority and designed to minimise the impact of the development on the Park and conservation area.

Anglian Water – The foul drainage from this development is in the catchment of Long Melford Water Recycling Centre that will have available capacity for waste water flows. The sewerage system at present has available capacity for these flows. Anglian Water suggests a condition to deal with surface water disposal.

Suffolk Fire and Rescue – Recommend the installation of a fire hydrant (to be dealt with by condition).

Suffolk Wildlife Trust-

Original Comments: The revised layout fails to buffer the adjacent Long Melford Disused Railway Line County Wildlife Site (CWS) and the Railway Walks Local Nature Reserve (LNR). With the absence of a suitable buffer between the new dwellings and the CWS and LNR it cannot be concluded that the proposal will not result in adverse impacts on sites designated for their nature conservation value or the species that they support. It also remains unclear what form the garden boundaries will take and whether these will be compatible with maintaining the ecological value of the CWS/LNR. If some development at this location is acceptable in principle, the layout should be revised to include a significant buffer to the CWS/LNR. The application should not be approved in its current form.

Further Comments: We have received additional information from the applicant's ecological consultant (Southern Ecological Solutions) following our comments of 12/07/2016 and 18/10/2016, and understand that comments on this additional information may be useful to you.

We note that the letter from Southern Ecological Solutions (dated 28/10/2016) includes mitigation measures proposed to address our comments. As currently presented, the proposed development has residential gardens adjoining the CWS/LNR. In our opinion the designated site should be buffered by public open space or additional landscaping. However, it is understood from the ecological consultant that this does not fit with the wider design proposals for the development and therefore the measures in the letter from Southern Ecological Solutions have been put forward to mitigate impacts on the CWS/LNR.

With regard to the measures described, we have the following comments:

- It is noted that the gardens are considered to be adequate to mitigate light spill from the development on to the CWS/LNR, to ensure this there should be no south facing lighting installed on any of the proposed buildings. Nor should there be any street lighting spilling on to the CWS/LNR.
- We note that additional planting is proposed to reinforce the southern boundary. Any planting proposed on the southern boundary, which falls outside the development site, must be agreed with the site owner/manager in advance of anything being conditioned.

Whilst it is noted that the natural boundary line at the base of the embankment is proposed to form the edge of the development, it remains unclear what boundary treatment will be applied here and whether it is appropriate to secure the detail of this by condition (should consent be granted). It must be ensured that any boundary treatment proposed is compatible with the CWS/LNR (such as preventing direct access from gardens), including any further management requirements for the designated site.

Suffolk County Council – (Landscape) – The proposal will create a significant change in land cover and clearly therefore in the character of the site. It will also change the outlook of users of the right of way that runs along the railway line (LNR). The proposal will also change the outlook of adjacent dwellings. Subject to effective implementation of a robust scheme of the detailed planting and landscaping as well as control of the proposed materials finishes and lighting by condition the proposal will not have significant adverse impact on the wider landscape. The proposal is acceptable in landscape terms subject to conditions requiring soft landscaping, hard landscaping, tree protection and external lighting details all to be submitted.

County Rights of Way Officer – No objection.

Suffolk County Council – Development Contributions Manager:

Education: The local catchment schools are Long Melford CEVCP and Ormiston Sudbury Academy. Based on existing capacities of these schools SCC will require contributions towards providing additional school places for the 18 primary age pupils arising, at a total cost of £219,258. There is existing capacity at Ormiston Sudbury Academy so we would not be seeking secondary school contributions.

Pre-school Provision: We would anticipate up to 7 pre-school pupils arising at a cost of £6,091 per place and there are no surplus places to accommodate children arising from this development. Therefore an early years contribution of £42,637 is sought.

Libraries: The capital contribution towards libraries arising from this scheme is £15,336 and will be spent on enhancing library services at Long Melford Library.

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

Police Design Out Crime - Suffolk Constabulary – No objection or comments.

NHS England – The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 163 residents and subsequently increase demand upon existing constrained services. The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

The proposed development must therefore, in order to be considered under the 'presumption of sustainable development' advocated in the NPPF provide appropriate levels of mitigation.

A development contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £22,360. NHS England therefore requests that this sum be secured through Community Infrastructure Levy.

Suffolk County Council Flood & Water Team (inc Drainage) – Suffolk County Council, can recommend approval of the application subject to conditions.

Corporate Manager – Sustainable Development (Heritage) - The Heritage Team considers that the proposal would cause harm to the significance of a number of designated heritage assets, with the greatest harm being to the setting and significance of 24 Bull Lane. Whilst the level of harm to all assets is less than substantial, and in some cases is assessed as being at a low or moderate level, in the specific case of 24 Bull Lane it is assessed as being less than substantial but greater than a low or moderate level.

The Heritage Team recommends that decision-takers should now make the balancing assessment of harm against public benefits, as required by NPPF 134. Unless the public benefits of the scheme are considered to be substantial, however, they will not outweigh the harm to heritage interests and the scheme should be refused as failing to meet the requirements of Babergh saved Local Plan policies CN06 and CN08 and national policy guidance contained in NPPF 131, 132 and 134. 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.

Arboricultural Officer – No objection to this proposal subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Only a small section of remnant hedgerow is proposed for removal but this is of low quality and should not be considered a constraint. Appropriate new planting can be dealt with as a condition.

Strategic Housing – Provides detailed comments on the affordable and open market requirements. *These have been incorporated into the housing needs assessment of this report.*

25 of the dwellings on the proposed development should be for affordable housing. 18 of these dwellings should be for Affordable Rent Tenancy and 7 for Shared Ownership.

Public Realm/Open Space – No comments received.

Corporate Manager – Sustainable Environment (Land Contamination Issues) – No objection.

Corporate Manager – Sustainable Environment (Sustainability Issues) – No objection – subject to conditions.

Corporate Manager – Sustainable Environment (Other Issues) – I have no objections in principle to this application. This is a large development and therefore there is a risk of loss of amenity at existing premises during the demolition and construction phases of the development. I would therefore suggest a construction and environmental management plan should be submitted and hours of work should be limited to 0800-1800 Mon – Fri and 0900 – 1300 on Saturdays.

I understand that a children's play area is planned for the public open space area to the rear of the existing dwellings 20 – 24 Bull Lane. No detail is given in the Landscape Strategy as to what this play area will contain. I do have some concerns about the siting of play equipment at this location, given its proximity to the existing dwellings, and would recommend that any equipment installed should only appeal to very young children and not contain any noisy equipment (e.g. skate ramp, pitches/equipment for ball games etc.). I would strongly advise that a condition be attached to any permission to the effect that no equipment shall be installed until full details have been submitted to, and approved by the LPA.

I would also suggest that further acoustic detail be obtained about the proposed substation which is in relatively close proximity to plot 14, and existing dwellings. Substations can be associated with noise, particularly low frequency noise which can result in loss of amenity.

Finally I would suggest that a condition be attached to any permission to the effect that prior to the commencement of the permitted development, a written scheme of the proposed lighting, including siting, height, design and position of luminaires, shall be submitted to and approved in writing by the local planning authority. Each luminaire must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The lighting shall be implemented in accordance with the approved scheme and permanently maintained for the life of the approved development. No other form of lighting shall be implemented on the application site without the prior written approval of the local planning authority.

National Trust – The National Trust holds restrictive covenants over the entire site. The Trust considers that the original objection has not been overcome. There have been changes to the materials and some small changes to the landscaping, the fundamental concerns relating to the layout remain unaltered and the Trust remains of the view that the suburban form is inappropriate for the context. The Trust is of the view that this is a sensitive edge of settlement location and that the transition from open countryside into the village should be carefully treated, the current appearance is of a typical suburban layout and is inappropriate for this context. The Local Planning Authority should satisfy themselves that the settings of the nearby listed buildings is not compromised and also that the loss of the existing agricultural land is acceptable.

The applicant has provided a further letter from The National Trust, which states they support the scheme and it meets the requirements of the 1997 covenant on this site. However, no response has been submitted directly to Babergh District Council.

REPRESENTATIONS

6. In relation to the original application 23 representation(s) objecting to the application have been received and the comments are summarised as follows:
 - Impact on traffic
 - No need for further development
 - Impact on existing infrastructure
 - Loss of wildlife
 - Impact on privacy
 - Development on greenfield land
 - Loss of property values
 - Impact on character of Long Melford
 - Overlooking
 - Flooding
 - Impact on tourism
 - Highway safety
 - Not consistent with the orientation and layout of neighbouring development
 - Need for a roundabout onto the bypass
 - Overdevelopment
 - Agricultural land should be retained

7. Following the receipt of revised plans on 27th September 2016 (and a further period of consultation for 21 days) 157 representations objecting to the application have been received and the comments are summarised as follows:
 - Traffic
 - Overdevelopment
 - Lack of employment opportunities
 - Impact on infrastructure
 - Impact on tourism
 - Overlooking
 - Impact on privacy

- Flooding
 - Emergency Services won't be able to get through
 - Impact on wildlife/local nature reserve
 - Impact in character of area
 - Lack of parking
 - Loss of rural outlook
 - Existing problems with sewage/drainage
 - Visual impact
 - Impact on existing services (Doctors)
 - Brownfield sites should be a priority
8. Following the receipt of revised plans on 27th September 2016 (and a further period of consultation for 21 days) 4 representations supporting the application have been received and the comments are summarised as follows:
- There is a need for cheaper housing
 - The market needs more houses.
 - Currently a limited choice of new housing
 - Measures to reduce speed of traffic along Bull Lane should be considered. The existing traffic is not a reason to prevent much needed housing
 - Flooding of Bull Lane is only experienced during exceptionally heavy rainfall – there is no risk of new homes being subject to flooding
 - Provision of further employment opportunities as more residents therefore more businesses may be attracted to Hall Street
 - This is a modest extension to Sampson Drive development
 - Long Melford must take its share of development
9. Following the receipt of revised plans on 15th November 2016 (and a further period of consultation for 21 days, expiring on 8th December was undertaken) 28 representations objecting to the application have been received which raise issues similar to those previously outlined.
10. Following the receipt of further revised plans a further period of consultation was undertaken on 24th March 2017 and 33 representations objecting to the application were received which raise issues similar to those previously outlined.
11. The following organisations and public representatives have made representations on the application and their comments are summarised as follows:

County Councillor Richard Kemp

- Objects on a number of grounds.
- The site is in the wrong area of the village. The road is already overloaded by traffic from the 600 plus houses that feed onto Bull Lane. What is needed is a new approach to all developments in Babergh, upgrade of the basic infrastructure.
- The site will cause an urban spread to the village and will reduce the historic value of this medieval village.
- The site will impact upon the small cluster of listed buildings in the Bull Lane Farm area.
- The needs survey conducted by the Developer is not consistent with the normal process, and is therefore flawed.
- Bull Lane bungalows have been flooded at least three times in the past ten years. I have personally been and visited properties at the time of flooding. Sorry all the experts in the world do not overcome plain factual evidence. This development would without doubt exacerbate these problems.
- Road dangers at both ends of Bull Lane. Nothing has been included to overcome the dangers of increased traffic to pedestrians (in particular) next to the Bull Hotel or the Bull Lane to Melford bypass junction, where there have been at least two fatal accidents in the past few years. Just to remind the experts if Chilton Woods is ever built it is estimated by "experts" that 40% of the traffic will use the Melford bypass.

- I know from being a resident in Long Melford, there are pressures on the local surgery and local school pupil numbers, no further pressure is required.
- In critical terms it is the wrong site, in the wrong place, with a totally inadequate infrastructure, and should be REFUSED.

Suffolk Preservation Society -

Comments on original scheme - Objects to the application which it considers will cause harm to the significance of heritage assets of national importance and will erode the rural context of this historic village and makes the following summarised comments:

- The 2016 SHLAA is not a development plan document or a supplementary planning document and therefore, particularly in this case, should be given limited weight in the assessment of planning applications.
- Disagrees with the assessment of harm to identified heritage assets
- Impact on edge of village landscape – suburbanisation of the countryside, eroding the historic setting of village.
- Local Policy – the Bull Lane site is an unsustainable location and contrary to Local policies CS11 and CS15.
- Development of this site will cause harm to the significance of listed buildings and strongly urge that the application in its current form is refused. However, if the LPA is minded to approve some development of this site we would urge that a reduced site is considered which would allow development of the western parcel of the site up to the Bull Lane cottages. A reduced scheme which omits the land behind the Bull Lane Cottages, including the listed number 24, and the land to the south of the Bull Lane Farmhouse could successfully minimise the impact on heritage and maintain a degree of rural context to the village.

Comments on amendments of 27th September 2016 – Following a discussion of the additional information received and the comments made by Historic England, SPS continue to object to the proposal and urge the local authority to seek a substantially reduced scheme as previously outlined.

Comments following re-consultation carried out 24th March 2017 -

- Welcome the increase in small dwellings with fewer executive style homes.
- No attempt has been made to reduce the impact on listed buildings or to limit the extension of the suburban edge of the village into the countryside.
- Continues to raise strong objections to the scheme.
- Draws attention to the comments of the Council's Heritage team, that there is less than substantial harm but that the harm is at a level greater than slight or moderate.
- The applicant's rebuttal that the erosion of the rural setting of 24 Bull Lane by the creation of the new development to the west should be taken in the context of the Planning Practice Guidance which provides that the cumulative change to the setting of listed buildings should be taken into account and that a negative cumulative change could include severing the last link between an asset and its original setting.
- Urge that the application is resisted and a reduced scheme is sought.

Comments received on 26th April 2017 -

- The report omits the footnote of para 14 which states that policies in the NPPF relating to restricting development where it would be harmful to designated heritage assets apply. This includes para 132 which requires any harm to be clear and convincing justification.
- The lack of assessment of the environmental sustainability of the proposal is a significant omission. They conclude that the harm to the setting of 24 Bull Lane would be so great that it outweighs the public benefit and warrants refusal of the application.
- The development is not environmentally sustainable as it fails to protect and enhance the built and historic environment.

- Further the provisions of the NPPF allow significant weight to be applied to heritage harm in cases such as this one where a 5 year supply of housing land is not in place.
- Significant public benefits could be achieved through developing a western portion of the site whilst retaining the rural setting of 24 Bull Lane.

The Site and Surroundings

12. The site comprises approximately 3 hectares of arable land to the east of the village of Long Melford, to the south of Bull Lane. The northern boundary of the site is defined by Bull Lane and six existing properties on Bull Lane that back on to the site. To the west are existing residential properties, where the site meets the current village settlement boundary and the disused railway line, now a Local Nature Reserve, forms the southern edge of the proposed site.
13. The site is outside of the defined Conservation Area, but there are a number of Listed Buildings within the vicinity of the site.

The Proposal

14. The application seeks full permission for the construction of 71 dwellings (including 46 market and 25 affordable homes) garages and parking. The vehicular access is to be constructed off of Bull Lane to serve the development.
15. The original mix of houses is as set out in the table below:

Affordable	
Size	Number
1 bed	4 (16%)
2 bed	15 (60%)
3 bed	5 (20%)
4 bed	1 (4%)
Total	25 (35%)

Private	
Size	Number
2 bed	7 (15%)
3 bed	26 (57%)
4 bed	13 (28%)
Total	46 (65%)

16. This was amended in March 2017 and the scheme now provides the following mix:

Affordable	
Size	Number
1 bed	4 (16%)
2 bed	16 (64%)
3 bed	5 (20%)
Total	25 (35%)

Private	
Size	Number
1 bed	2 (4%)
2 bed	17 (37%)
3 bed	16 (35%)
4 bed	11 (24%)
Total	46 (65%)

17. The development incorporates a mix and range of house types, varied street scenes and roofscape with a mix of single storey, 1.5 storeys and 2 storeys units to reflect the character and topography of the site and its surroundings.

18. Parking provision will be provided through a combination of 41 garage, 16 car ports and 120 allocated parking spaces.
19. The proposals include plans for additional planting along the western boundary with Sampson Drive to reinforce the existing screening that is provided by hedgerows and trees. Areas of landscaping and planting to the rear of the cottages on Bull Lane will also provide screening to Grade II Listed Farmhouse.
20. There are three open spaces within the site, a large open space at the centre of the site which creates a buffer to existing residential properties adjacent the site; a focal open space positioned at the end of the north-south entrance road in to the site from Bull Lane; a large open space to the eastern end of the development at the culmination of the spine/access road.

NATIONAL PLANNING POLICY FRAMEWORK

21. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law, and the NPPF, 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.
22. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

PLANNING POLICIES

23. The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. Whilst the Parish of Long Melford has been designated as a Neighbourhood Area, no neighbourhood plan is in place. The following policies are applicable to the proposal:

Babergh Core Strategy 2014

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

Babergh Local Plan (Alteration No.2) 2006

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN04 Design and Crime Prevention
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CN08 Development in or near conservation areas
- CN14 Historic Parks and Gardens of Special Historic Interest
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

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

Main Considerations

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

The Principle Of Development

25. The [National Planning Policy Framework \(NPPF\)](#) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
26. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
27. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
28. In accordance with [National Planning Policy Guidance paragraph 030 \(Reference ID: 3-030-20140306\)](#) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *'...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'*
29. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the [Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment \(SHMA\)](#) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.

30. A summary of the Babergh 5 year land supply position is:
- Core Strategy based supply for 2017 to 2022 = 4.1 years
 - SHMA based supply for 2017 to 2022 = 3.1 years
31. The site is located outside the Settlement Boundary for Long Melford. Therefore, there is a policy presumption against development in such locations. Long Melford is identified as a Core village in Policy CS2.
32. 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."*
33. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

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

34. As detailed at paragraph 18 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
35. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.
36. Policy CS2 (Settlement Pattern Policy) identifies Long Melford as Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).
37. Policy CS3 sets out the Council's Strategy for Growth and Development. It states that;
- "Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:*

- i) Existing commitments as identified in the trajectory;
- ii) Allowing for a windfall figure of 1,640 dwellings;

iii) *Making provision for 2,500 new dwellings to be built in the following locations:*

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

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

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

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

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

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

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

39. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
40. 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.
41. 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).

42. The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

43. The site is a narrow arable field on the edge of Long Melford to the north of the disused railway line on the edge of the valley of the Chad Brook. The site is on land that is within the Rolling Valley Farmlands landscape type. River valleys of this type are typically found across Suffolk to the South of the Gipping. (Suffolk LCA 2008/2011).
44. The applicant has provided a Landscape Appraisal sufficient to demonstrate the likely impacts of the proposal on the character of the landscape and local visual amenity.
45. The proposal will create a significant change in land cover and clearly therefore in the character of the site. It will also change the outlook of users of the right of way that runs along the railway Line Local Nature Reserve (LNR). The proposal will also change the outlook of adjacent dwellings. Subject to effective implementation of a robust scheme of the detailed planting and landscaping, as well as control of the proposed materials finishes and lighting by condition, the proposal will not have a significant adverse impact on the wider landscape.
46. The applicant has also provided an outline scheme of planting and landscaping with a palate of species which is broadly acceptable. It is considered that the planting details and species choices can be provided and refined as part of the discharge of condition stage.
47. The application site is not located within a designated area of landscape or ecological importance. To inform consideration of the impact of the proposal on the landscape the Council has sought specialist advice from Place Services (14.11.2016) which, whilst making specific recommendations, concluded that: ‘...for a development of this size which abuts the existing village boundary, the proposals have sort [...sought...] to mitigate its impact both through the layout, design approach and landscaping...Notwithstanding some other issues highlighted in terms of transport and heritage impact [...see below for further comments...], the proposals establish a layout which references the built context of Long Melford while seeking to mitigate its impact at the country edge and important gateway into the village.’
48. It is considered that subject to detailed conditions relating to the landscaping of the site, there is the opportunity to reasonably minimise the adverse impacts of the development on the character of the landscape and local visual amenity having particular regard for Policy CS15.

Impact on Heritage

49. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications.
50. In addition, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.
51. The Government’s planning policies for Conserving and enhancing the historic environment are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,

“The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral”.

52. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues, Historic England have produced good practice advice notes. Advice Note 3 - The Setting of Heritage Assets (2015) sets out a staged approach to assist decision-making.
53. The key policies to consider in respect of heritage assets are policies CN06, CN08 and CN14.

Impact on Listed Buildings

54. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'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'*.
55. 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).
56. 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).
57. 'Saved' Policy CN06 of Babergh Local Plan Alteration No. 2 (2006) requires inter alia that alterations to any part of a listed building 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.
58. 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.
59. The following built heritage assets have been identified within the vicinity of the site and which may experience a level of impact as a result of the proposed development;
 - Melford Hall (Grade I)
 - Melford Hall Registered Park and Garden (Grade II*)
 - Bull Lane Farm (Grade II Listed)
 - Barn and Outbuildings to Bull Lane Farmhouse (Grade II Listed)

- 24 Bull Lane (Grade II Listed)
- The Old Cottage (Grade II)

60. Historic England have assessed the impact of development on the Grade I and Grade II* listed building and undertaking an assessment of the impact of the proposed development on Melford Park and Melford Hall. It is considered that there would be no perception of the development from the upper floors of Melford Hall and, whilst there would be a perception of the development from certain viewpoints from within the park, these would be glimpsed views and, whilst there is some impact on the southern part of the park, this would only result in a low level of harm.
61. The Old Cottage lies to the north of Bull Lane and about 50m north-east of the north-east corner of the development site. It lies in a well-defined plot with open land around it. Its roadside position and the land to the side and behind it to the north are important parts of its setting. The land to the south of Bull Lane and west of Kings Lane makes a lesser contribution, however. The Old Cottage is not immediately opposite the development site, and the specific configuration of the landscape here suggests that, although the development site may be within its distant setting, this is not a part of the setting that makes any particular contribution to significance. It is considered therefore, that there is unlikely to be any harm to the significance of this particular asset.
62. Bull Lane Farm and the separately-listed barn to the west form a coherent historic farmstead group, in a prominent roadside position immediately to the north of Bull Lane, opposite the easternmost portion of the development site. The well-defined farmstead gives a sense of enclosure and separateness to both assets, but there is no doubt that the open land to either side, and especially that behind, which merges to the north with Melford Park and the eastern extension of the conservation area, also makes a very important contribution. However, as with other local assets, Bull Lane itself marks a division in the setting: the land to the south of it is a much lesser contributor to setting and significance. Given this, whilst there will be some harm to the significance of these two assets from the development, this will be at a low to moderate level.
63. The greatest impact of the development is likely to be on the setting of 24 Bull Lane. At present, this has a completely rural setting, one that belies its true location relatively close to Long Melford. Its roadside position is an important feature of its setting, but of similar importance is the isolated location of this house and its immediate (unlisted) neighbour: they form a distinctive group, in well-defined individual plots, but with a strong physical and visual relationship to the open countryside around them. The open land to the east of 24 Bull Lane, and particularly that behind it and its neighbour, provides a tranquil rural backdrop to the asset, which greatly enhances the appreciation and understanding of its significance as an isolated rural dwelling.
64. The proposed development seeks to embed this isolated group of buildings in a new suburban extension to Long Melford, and this disrupts the existing tranquil, open and rural setting of the asset. Of particular concern is the plan to develop immediately behind 24 Bull Lane, including the construction of a new access road running behind the existing plots and a number of new, two-storey dwellings. The visual intrusiveness and disruptive effect of this will be exacerbated by the slight rise in the existing ground level from north to south and the end result is likely to completely sever 24 Bull Lane from its existing rural context. In addition, development along the roadside to the east of 24 Bull Lane will further erode the open, rural character of the setting, leaving the listed building appearing as one amongst many roadside buildings, now completely absorbed into the built-up area of Long Melford.
65. For the reasons set out above, this proposal would cause harm to the significance of 24 Bull Lane as a designated heritage asset, the level of harm is assessed as less than substantial, but close to that level and certainly greater than a slight or moderate level of harm.

Impact on Conservation Areas

66. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.
67. Long Melford Conservation Area is a heritage asset of high significance, with the significance deriving principally from the historic character of its medieval linear planform and the architectural value of the historic buildings contained within it. The Conservation Area derives significance from the spatial relationships of the elements contained within it, in terms of the sense of place these elements convey, and the provision of setting they provide for assets within the designated area. The site is located adjacent to the south eastern boundary of the Conservation Area which provides a small degree of rural character to the wider setting of the asset.
68. The Long Melford Conservation Area has a large eastward extension which includes Melford Park and the southern boundary of the conservation area lies immediately north of Bull Lane, along the line of the Chad Brook. At its closest, the Conservation Area is within about 70 m of the northern boundary of the development site and is therefore considered to be within the setting of this part of the Conservation Area. The existing undeveloped agricultural land north of Bull Lane is a significant feature of the conservation area's setting and makes an important contribution to significance; this lessens as one moves away south, however, and particularly as one crosses Bull Lane.
69. The land to the south of Bull Lane, including the development site, is considered to make only a minor contribution. Because of this the level of harm the proposal causes to the conservation area's significance as a designated heritage asset is considered relatively minor.

Impact on Archaeological Assets

70. The site lies in an area of archaeological potential, south of Melford Park, which is a registered parkland and to the west of Acton place, another former parkland. Multi period finds scatters have been located within the vicinity of the site, whose situation within the Stour Valley is topographically favourable location for occupation of all periods. Archaeological evaluation at this site has revealed a series of medieval features. As a result there is high potential for the discovery of further below ground heritage assets of archaeological importance within this area, and groundworks, associated with the development have the potential to damage or destroy any archaeological remains which exist. However, the county archaeologist is satisfied that the impact can be adequately mitigated by the imposition of conditions.

Conclusion (Impact on Heritage)

71. 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.

The locational context of the village and the proposed development

72. 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.

73. 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 exiting 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
74. The site abuts the BUAB and the adjoining railway walk which provides a natural physical boundary to the edge of the development. The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with the neighbouring development of Sampson Drive. Therefore, the proposal also complies with this part of policy CS11.

Site location and sequential approach to site selection

75. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Long Melford.
76. The applicant has not undertaken an assessment to identify if there are any sequentially preferable sites. There are no sequentially preferable allocated sites within Long Melford.
77. The proposal is well connected to existing facilities within walking distance. The site abuts the settlement boundary and is one of the dew remaining sites which are not designated by a Special Landscape Area or constrained by the historic Melford Walk, which abuts the south east boundary of the settlement.
78. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified 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.
79. There are, however, other sites within the built up area boundary (Fleetwood Caravans) and partially within it (Ropers Lane) which benefit from planning permission. However, whilst these sites may be sequentially preferable in principle, the developments approved on them do not provide the same range and mix of affordable housing and therefore other sites need to come forward within the village to aid the delivery of a mix of dwelling types. On balance, therefore, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

80. Paragraph 2.8.5.4 of the Core Strategy notes that the total requirement of 1,050 new dwellings to be accommodated in Core and Hinterland Villages should not be viewed as a sum simply to be divided equally or randomly between the number of villages listed. 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.

81. 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.
82. Following the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 Before Mitting J. in December 2016, the approach being taken to applications affected by CS11 matters is as follows based on legal advice:
 - a. To apply 'locally identified need' within policy CS11 as meaning the needs of the Core Village, its functional cluster and possibly the area immediately adjoining it but no wider; and
 - b. For developments outside BUABs, if there is to be compliance with policy CS2 then there must be proven local need and exceptional circumstances.
83. Accordingly, *"locally identified need"* or *"local need"* should be construed as the development to meet the needs of the Core Village identified in the application, namely Long Melford, and the functional cluster of smaller rural settlements which it serves.
84. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as *"rural growth"*, including the development needs of the *"functional cluster"* served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4).
85. 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.
86. 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.
87. 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.
88. The Council's Choice Based Lettings system currently has circa.1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 66 applicants registered for affordable housing, who are seeking accommodation in Long Melford, 22 of whom are aged over 55. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number.

89. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the applicants Housing Need Survey which identified that there are an estimated 1,091 households that would like to move to a new home in Long Melford over the next five years. The survey was also very clear that demand for homes in Long Melford outstrips supply, with a substantial demand for market housing in the study area, with an estimated 98 new market homes required each year in Long Melford and 171 in the surrounding villages, totalling 269 per annum across the study area.
90. The survey also identified there is a requirement for 24 affordable homes per year in Long Melford and an additional 35 affordable homes per year in the surrounding villages, totalling 59 per annum across the study area if these homes should be affordable (made available for shared ownership or rent).
91. The survey showed that households in Long Melford are less likely to be unable to afford market housing than households in the Surrounding Villages. The data indicates that 68.2% of lone parent households in the study area would be unable to afford market housing (if they were to move home now). Other households are also relatively unlikely to be able to afford. Households that contain two or more pensioners are most likely to be able to afford market housing in the study area.
92. Almost a third (30.8%) of households headed by someone employed in the study area would be unable to afford market housing locally (if they were to move now) compared to only 14.0% of households headed by someone employed outside of the study area.
93. Of the schemes with planning permission in Long Melford, Orchard Brook provided no on-site affordable housing and the scheme in Ropers Lane provides the affordable housing (27 units) in the form of 24 flats and 3 houses, so the offer in this proposal provides dwelling types that will not be provided in the quantity required on the other sites and will help meet the range of housing need that exists.
94. There is strong demand for one and two bedroom flats/apartments and houses. Developers should consider flats/apartments that are well specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also expressed their desire for chalet bungalows of one and a half storeys. There is also a demand for smaller terraced and semi-detached houses suitable for all age groups. This application proposes 11 x 4 beds which is 24% of the open market provision. The SHMA 2012 recommends that only 6% of all new supply should be in the form of 4 bed roomed accommodation.
95. In this application there are 7 x 2 bed open market homes proposed, only 2 are bungalows, which is disappointing considering the age profile for Long Melford and the surrounding villages where 26.8% of the population are aged over 65. This compares to the average for Babergh which is 21.4%.
96. The mix of affordable dwellings has also taken account of other schemes that have recently been approved in Long Melford, namely B/15/01043 Former Fleetwood Caravans Ltd, Hall Street, Long Melford and B/15/00180 Land north of Ropers Lane, Rodbridge Hill, Long Melford. There are no affordable units on the former Fleetwood Caravan site.
97. There is a need for housing across all tenures and all dwelling types. The shortages in Long Melford and its cluster are for smaller dwellings for younger first time buyers and for those older households that wish to downsize from larger, older less manageable properties. The overall benefits of the proposal would mean that 35% (25 dwellings) of the development would deliver much needed affordable housing which is of considerable public benefit enabling those on lower incomes to buy into shared ownership or to apply for the rented units that will help the local economy by accommodating those households on lower incomes. The open market provides a reasonable mix of dwelling types for sale and compliments the overall potential delivery of new housing in Long Melford when considered in the context of what has been granted permission recently.

98. The key policies are policies CS18 and CS19 which requires a mix and type of dwellings to reflect local needs, in addition to a policy requirement of 35% affordable housing. Following the updated mix of dwellings confirmed by the applicant, these policies are considered to be complied with.
99. For the same reasons it is considered that limb (vi) of policy CS15 has been considered and is largely complied with as relevant in consideration that two bungalows are provided as part of the proposals.
100. The Parish Council have challenged the robustness of the Housing Needs Survey carried out, raising issues with the methodology applied and, therefore, the results achieved. Whilst Officers are comfortable that the Housing Needs Survey (HNS) carried out was in line with the methodology agreed with the Council's Strategic Housing Team, it would be reasonable to take a precautionary approach to the local needs aspects of this proposal given that the robustness of the HNS has not been tested through a formal examination/legal process. In this respect, despite the evidence provided with the application with regards to local need being above and beyond evidence provided with other CS11 based applications, Officers consider that this element of CS11 has not been complied with.

Locally Identified Community Needs

101. 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).
102. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment. 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.
103. In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

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

104. 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"*.

105. In terms of existing commitments and other proposals in the relevant cluster¹, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the table at Appendix b shows applications which have been either delivered or have planning permission within the cluster, which looks at data from a date 3 years from the date the report was run.
106. In the functional cluster of Long Melford, there have been 175 dwellings approved, with 137 of these being within Long Melford itself and the remainder split between Acton (7), Cockfield (14), Lawshall (4), Great Waldingfield (2) and Shimpling (5) and Stanstead (6).
107. Other development already consented in the village includes 77 homes north of Ropers Lane, Rodbridge Hill (which is at the other end of the village) and 44 homes on the former Fleetwood Caravan Factory site which is centrally located. The proposed development will represent a 59% increase on those dwellings already committed within the village.
108. For clarification details of the number and level of housing completions are set out in the following tables. In Long Melford 26 planning applications were approved between 2011 & 2015 which provided for 154 dwellings; 128 of which were granted 2015/16.

Approved Planning Applications and related number of dwellings

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Planning applications approved 2011 to 2015
Acton	1	4	1	1	1	3	11
Alpheton	0	0	0	0	0	0	0
Boxted	0	0	0	0	0	0	0
Cockfield	0	0	1	2	2	8	13
Great Waldingfield	0	1	1	0	2	2	6
Lawshall	2	2	0	1	1	0	6
Long Melford	2	4	2	7	7	4	26
Shimpling	0	0	0	1	1	1	3
Stanstead	0	1	2	1	2	2	8
Long Melford Functional Cluster	5	12	7	13	16	20	73

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Number of dwellings per planning application approved 2011 to 2015
Acton	1	4	2	1	2	7	17

Long Melford Functional Cluster	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17 up to 29/11/2016	Number of dwellings per planning application approved 2011 to 2015
Alpheton	0	0	0	0	0	0	0
Boxted	0	0	0	0	0	0	0
Cockfield	0	0	1	2	4	13	20
Great Waldingfield	0	1	1	0	2	2	6
Lawshall	2	2	0	2	1	0	7
Long Melford	3	8	3	9	128	3	154
Shimpling	0	0	0	1	1	2	4
Stanstead	0	1	2	1	2	2	8
Long Melford Functional Cluster	6	16	9	16	140	29	216

109. The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
110. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years. The proposal therefore complies with this element of policy CS11.

Summary of Assessment Against Policy CS11

111. The individual elements of CS11, in relation to Core Villages, have been assessed above. Notwithstanding the balancing exercise required in respect of heritage assets and public benefits, which will be carried out later in this report, the proposal cannot be said to fully comply with policy CS11. The proposal does not demonstrate that the development meets local needs, both in terms of housing and community facilities.

Consideration against other development plan policies.

112. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider 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.

113. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
114. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
115. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
116. 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.
117. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Long Melford is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between Long Melford to Bury St Edmunds and Sudbury – whereby connections can be made to travel onward to Colchester and Ipswich. Long Melford is only a short distance from Sudbury which has a railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Long Melford 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.
118. As a Core Village, Long Melford is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village benefits from a Primary School, Doctors Surgery, Pharmacy, Village Hall, Pub, Convenience Store, bakery, Post Office and garden centre.

119. It is acknowledged that there will be a high proportion of car travel from Long Melford, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Long Melford, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.
120. The socio-economic profile of Long Melford highlights the villages important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, the evidence provided in the applicant's sustainability assessment, is that there is a need to balance housing stock and growth in the future such that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
121. 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 Long Melford, underpinning social capacity, providing affordable housing and widening the housing mix overall.
122. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
 - The scheme will provide areas of open space and access to the wider network of rights of way. (criterion ix and x of CS15)
123. Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Connectivity and Highway Safety

124. The key policy is policy TP15 in relation to parking.
125. It is considered that the highway network will not be unacceptably impacted as a result of these proposals. The Council are also satisfied that sufficient parking provision is provided in accordance with policy TP15. A transport assessment has been submitted by the applicant and a range of off-site highway improvements including bus stop improvements to encourage public transport.
126. For these reasons, it is also considered that limbs (vii), (xviii), (xvi) and (xix) of policy CS15 are complied with where relevant.

127. The development abuts the existing village boundary and although not within 400m, (5min walking distance of the village centre) provides opportunities to create new pedestrian links to the key services and facilities. Opportunities for pedestrian connections are limited and the proposals have provided a connection into the existing pavement on Bull Lane. Bus stops are located immediately adjacent to the development and have been incorporated into the highway proposals. With close access to bus stops and the provision of a connecting pavement into the village, the development proposals have utilised all of the available connection attributes of the site.
128. Bull Lane connects Long Melford with the A134 bypass to the east of the site, whereby it connects via a staggered cross roads junction as Bull Lane continues across the A134 towards Acton. At the other end of Bull Lane, the road narrows due to the proximity of listed buildings at the junction with the High Street.
129. Concern has been raised about the increased traffic generated by this development and the impact on the road network and in particular the junction onto the High Street from Bull Lane. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety.
130. The County Highway assessment regarding traffic is based on evidence provided by the applicants transport consultants. There was a Transport Assessment dated 31/05/2016 and a subsequent letter/report dated 25/08/2016 addressed to Hopkins Homes. This was further research in response to the initial comments of the Highway Authority.
131. The initial transport assessment measured actual vehicle flows and speeds on Bull Lane in September 2015. A significant amount of vehicle speeds near the site access were measured above the 30mph limit hence the proposal for traffic calming measures to help reduce speeds along the site frontage. The existing traffic flows on Bull Lane are well below the theoretical capacity a road of this nature can accommodate. The additional flows likely from the development are predicted from traffic flow databases and will not significantly affect the capacity of either Bull Lane or its junctions. Using industry standard computer modelling the flows are factored up to the year 2020 and they are still well within capacity.
132. In terms of Bull Lane/Hall Street there is no scope for further improvements due to existing buildings. The pedestrian route to the village centre will have enhanced signing to encourage use of the Woollards Gardens route.
133. Essentially it was demonstrated that the development will not have a severe impact on the highway network, with the inclusion of mitigation measures to assist speed reduction, improve public transport infrastructure and to enhance alternative pedestrian routes to the village amenities. As such, the proposal accords with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15

Design and Layout

134. The scheme equates to approximately 23 dwellings per hectare which is considered to reflect the existing density and characteristics of the locality.
135. The development encompasses a strong built frontage along Bull Lane which is set behind a linear green space which incorporates a footpath link to the existing residential development. The development site itself benefits from being surrounded by mature tree planting (to the east and south) which helps to reduce the impact of the development onto the wider environment. The setback built frontage from Bull Lane helps to reduce the impact the development will have onto Bull Lane, allowing opportunities for tree planting and screening landscape.
136. A number of built forms are included within the proposals with a mix of single storey, one and half storey and two storey dwellings and garages, which will create a varied typology reflecting the character and topography of the site. Single storey dwellings are located on the western and eastern boundaries of the development to address any potential loss of privacy or private amenity currently enjoyed by existing properties in these locations.

137. The proposed layout has been designed around a central minor access spine road which serves the entire site. At each end of the minor access road, private drives provide access to smaller pockets of single storey dwellings. The minor access road has been designed in a series of curves to help provide both a speed restraint to vehicle movement and variety to the development layout.
138. The proposed layout has been amended to reflect feedback and comments regarding the impact on the adjacent listed building that the development will surround. In terms of urban design, the layout has attempted to mitigate this impact by both setting the building line further back into the site and reducing the proposed development to the rear of the existing dwellings.
139. Inevitably, the proposed development will have an effect of the visual setting of the listed building which will now become part of a large development rather than an isolated dwelling. The mitigation applied to reduce and limit this impact will lessen the overall visual impact to some degree but the overall context of the site will fundamentally change.
140. The general approach to elevations throughout the proposed development has been aimed to respond to the local vernacular, taking design cues from the positive context of Long Melford.
141. The proposed mix of materials and finishes provide enough variety without becoming too contrived in appearance, especially along Bull Lane itself. The proposed range of house typologies is suitable and suitably reflects the proposed development mix, size and tenure. For a development of this size which abuts the existing village boundary, the proposals have sought to mitigate its impact both through the layout, design approach and landscaping. In these regards, the proposal would comply with saved policy CN01 of the Local Plan.
142. The development includes three areas of open space, a large area at the centre of the site, a focal open space at the end of the north south entrance road into the site from Bull Lane and a large open space to the eastern end of the development at the culmination of the spine access road and the necessary open space considered appropriate for the size of development shall be secured through section 106 agreement. It is therefore considered that the proposal complies with policies CS14 and HS31. Further, a suitable landscaping scheme shall be agreed through condition in accordance with policies CR07 and CR08 to ensure that the impacts on the landscape, hedgerows and local visual amenity are acceptable as explained at paragraphs 32 to 37 of the Original Report.
143. For the same reasons it is considered that limbs (i), (ix) and (x) of policy CS15 are complied with where relevant.

Renewable Energy

144. The key policies are policies are CN01, CN04 and CS13. It is considered that the proposals are acceptable in design terms and maximise renewable energy and low carbon technologies where possible through the buildings regulation regime and otherwise.

For these reasons, it is also considered that limbs (viii) and (xv) of policy CS15 are complied with where relevant. It is also not considered that the residential nature of the development would lead to any issues in terms of air quality subject to suitable conditions including a construction and environmental management plan. Therefore limb (xvii) of policy CS15 is complied with.

Crime Prevention

145. With regards to crime prevention, the Council remain satisfied in this regard as no objections have been raised by Suffolk Constabulary and policy CN04 is complied with.

Biodiversity and Protected Species

146. 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.
147. An extended Phase I habitat survey has been undertaken and has established that the majority of the site is likely to be of low biodiversity value, however field boundary hedgerow habitats on site are known to be of value to several protected species, as well as being of general biodiversity value themselves.
148. The southern hedgerow is part of the Long Melford Walk Local Nature Reserve (LNR)/County Wildlife Site (CWS). Phase 2 surveys have been undertaken which include Bat Activity Surveys, Reptile Surveys, Badger Surveys, invertebrate walkover; and BAP/NERC Act mammals. The Phase 2 Surveys have found six species of bats were recorded foraging around the boundaries and commuting across the site. A small population of slow worms were found using the southern western area of grassland.
149. In view of these findings, the proposed scheme has adopted a number of mitigation and enhancement recommendations which ensure that there will be no predicted significant adverse impacts from the development upon identified ecological receptors. Criterion (vii) of policy CS15 is therefore complied with.

Surface Water Drainage

150. 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.
151. Permeability testing has been undertaken which demonstrates that the underlying geology is of insufficient permeability to utilise soakaways to discharge surface water run-off from the site and therefore it is proposed to discharge surface water run-off to the existing Anglian Water sewer, located adjacent to the roundabout for Bull Lane and Sampson Drive.
152. The applicant has provided evidence of a viable surface water drainage strategy for the proposed development and has therefore complied with the requirements of both policy CS15 and the NPPF.
153. A suitable surface water strategy may be implemented, which shall be agreed and secured through condition. Anglian Water raises no objection and therefore it is considered that limbs (x), (xi), (xii), (xiii) and (xiv) of policy CS15 are complied with where relevant to these issues.

Environmental Issues (Land Contamination)

154. A phase 1 investigation report has been submitted with the application and this highlighted some potential isolated pockets of made ground on site which may contain contaminative material – the applicant has since undertaken an additional investigation and this determined that the risk posed was sufficiently low to not require additional works and therefore the Senior Environmental Management Officer has raised no objection to the proposed development. A note will be imposed on any permission to advise the developer the Local Authority should be informed if any inspected ground conditions are encountered during construction.
155. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

Summary of Assessment Against Policy CS15

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

Planning Obligations and CIL

157. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.

158. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

159. The key policy is policy CS21 and it is considered that the proposals will properly contribute to the provision of the necessary infrastructure and services generated by the development through the payment of CIL. For these reasons, it is considered that policy CS21 and limbs (iv) and (v) of policy CS15 are complied with where relevant.

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

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

161. Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance and Assessment

162. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. 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'.

163. Babergh District Council does not have this housing land supply at this time and as such the relevant policies set out above for the supply of housing are not considered to be up to date. Whilst it is identified that there is not compliance with these policies, it is considered that policies CS2 and CS11 are relevant policies for the supply of housing and therefore limited weight should be attached to these policies.

164. Indeed Paragraph 14 of the NPPF states in this respect:

"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"

165. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal.
166. However, 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.
167. 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.
168. 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.' The applicant submitted a letter dated 28.11.16 which identifies the public benefits which the applicant considers the scheme would provide. The public benefits set out by the applicant are summarised below and, where relevant to the policy considerations, further comment is provided.
- *A contribution to housing needs with a mix of house types (including bungalows) and policy compliant affordable tenures (25 units or 35%).*
169. Further to the applicant's comment that '*other development commitments in the village, either do not provide any affordable housing, or is of a mix which does not reflect local need*' other major applications approved in Cluster Long Melford in the 5 year period include:
- B/15/01043/FUL - Former Fleetwood Caravan Site, Hall Street, Long Melford - 23/03/2016 – 44 dwellings, including 13 sheltered units.
 - B/15/00180/OUT - Land North of Ropers Lane, Long Melford – 12/02/2016 - 77 dwellings including 27 affordable housing units
 - B/07/01211/FUL - Folly Road (Land off) (B/11/0402/FUL also refers), Great Waldingfield - 23/11/2010 – 93 Dwellings including 32 affordable housing (Completed).
 - B/07/01918/FUL - List House Works, Hall Street - 07/03/2008 - 12 dwellings with 0 affordable housing (Completed).
170. In 2015/16 128 units have been permitted in Long Melford (which has included provision of affordable and sheltered accommodation). This proposal would contribute further to meeting market and affordable housing need and further information on this is provided in the local needs section of this report.
- *On-site delivery, subject to approval by the end of 2016, could commence on site as early as May 2017, with first homes being available for occupation by early 2018, with completion of the entire site by mid-2020. Therefore 100% of this site can be delivered within a five-year period from consent, and for this reason will help assist the Council's five-year housing land supply.*
 - *Contribution of approximately £649,060.00 Community Infrastructure Levy with 15% of this (circa £97,359) allocated to Long Melford Parish Council to finance Parish Council community initiatives and New Homes Bonus Payments to Babergh District Council of £640,000.*

171. Of the contributions from CIL the following is required in order to mitigate impact of the proposal:
- Health - £22,360
 - Education – £219,258 & pre-school contributions of £42,637
 - Libraries - £15,336
172. This leaves a residual of £252,110 and £97,359 directly to the Parish Council.
- *The site layout provides a well-designed new neighbourhood which takes account of its context and integrates well with it; and will result in the existing landscape structure being enhanced, with the provision of public open space within the development site in accordance with the Council's standards*
173. Notwithstanding the impact on designated heritage assets, the advice provided by Place Services generally agrees with this view. With regard to the impact of the scheme's design and layout on the listed building the advice from Place Services notes that ...'inevitably, the proposed development will have an effect on the visual setting of the listed building which will now become part of a large development rather than an isolated dwelling. The mitigation applied to reduce and limit this impact will lessen the overall visually impact to some degree but the overall context of the site will fundamentally change
- *The development will be afforded good connectivity and accessibility to nearby facilities, including enhanced connectivity for the public to the Long Melford Railway Walk'.*
174. The submitted plans include 'informal' linkages to the railway walk and it has been confirmed that these would be accessible to the general public and therefore this would be considered for wider community use and therefore a public benefit.
- *Traffic calming measures to Bull Lane, a comprehensive scheme of off-site highway improvements, including new bus stop provision and enhanced pedestrian footway links to village centre. Further they have identified that the traffic associated with the development has not been highlighted to have a significant effect upon the operation of the local highway network.*
175. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety subject to off-site highway improvements works being undertaken. The extent of any public benefit arising from the off-site works, over and above scheme mitigation, has not been subject to assessment.
- *No significant concerns in respect of biodiversity, arboriculture, landscape and visual perception, contamination, archaeology, flood risk or drainage.'*
 - *Renewable energy and low carbon technologies are proposed for the site, which will provide a combination of approaches which exceed Building Regulations and Policy requirements to increase the sustainability of the proposals;*
 - *The proposal would provide and retain local employment in construction and in the related supply chain via a local developer based in Suffolk.*
176. These views are noted. However, the extent of what is greater public benefit rather than simply scheme mitigation would need to be considered fully.
177. As required by paragraph 134, in the determination of this application consideration should be given to weighing whether the public benefits are sufficient to justify the presumption against harm to the listed building at 24 Bull Lane. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), provision of affordable housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh the less than significant harm to the heritage asset.

178. 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, having given considerable importance and weight to the harm identified.
179. 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 this 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. In the absence of specific policies in the Framework that indicate that development should be restricted, paragraph 14 can be engaged.
180. 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 and CS11. Whilst it is considered that the proposal does not 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 evidence of sequential preference, locally identifiable need or community needs) should be afforded limited weight.
181. 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, including the sustainability of the proposal. 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.
182. 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.

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

183. 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.
184. In this case the planning authority has worked with the applicant to ensure that the mix of dwellings better reflects the housing mix identified in the applicants housing need survey.

Identification of any Legal Implications of the decision

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

RECOMMENDATION

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

- Affordable Housing
- Open Space

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

- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) Development shall be implemented in accordance with the approved sustainability statement
- 4) Strategy for disposal of surface water and FRA shall be implemented as approved.
- 5) Details of the Sustainable Urban Drainage System shall be submitted and approved (prior to 36th dwelling being occupied)
- 6) Construction surface water management plan shall be submitted and agreed.
- 7) Surface water drainage strategy to be submitted and agreed
- 8) Provision of fire hydrant
- 9) Recommendations of the ecological survey reports to be implemented in full
- 10) Soft Landscaping
- 11) Hard Landscaping
- 12) Details of External Lighting
- 13) Tree Protection
- 14) Archaeological Conditions
- 15) Protection measures outlined in the arboricultural report shall be implemented
- 16) Construction and Environmental Management Plan to be submitted and agreed
- 17) No burning shall take place on site
- 18) Materials
- 19) Screen walls and fences to be submitted
- 20) Travel Plan
- 21) Details of the estate roads and footpaths,
- 22) Carriageways and footways serving that dwelling have been constructed to at least Binder course level or better
- 23) Visibility Splays

- 24) Areas for turning and parking
- 25) Off-site highway improvements to Bull Lane have been installed and completed in full. This includes the following measures:
 1. Upgrade the road markings at the Bull Lane / Hall Street junction and pinch point past the Bull Hotel
 2. A yellow box road marking to the Bull Lane / Cordell Road junction
 3. Installation of new signs promoting the pedestrian route to Hall Street via Cordell Road and Woollards Gardens.
 4. Installation of a westbound bus stop on the site frontage to include hardstanding, bus shelter and Real Time Passenger Information screen.
 5. Installation of an eastbound bus stop opposite the site to include a hardstanding and flag pole / timetable case.
 6. Installation of traffic calming measures to Bull Lane and adjustment of the existing traffic calming.
 7. Widening and resurfacing of Bull Lane on the site frontage to 5.5 metres minimum.

These improvements are to be in general accordance with the submitted drawings numbered 617765/SK06, SK07, SK08, SK09, and SK10.

Application No: B/16/00777/FUL

Parish: Long Melford

Location: Land on the south side of, Bull Lane

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



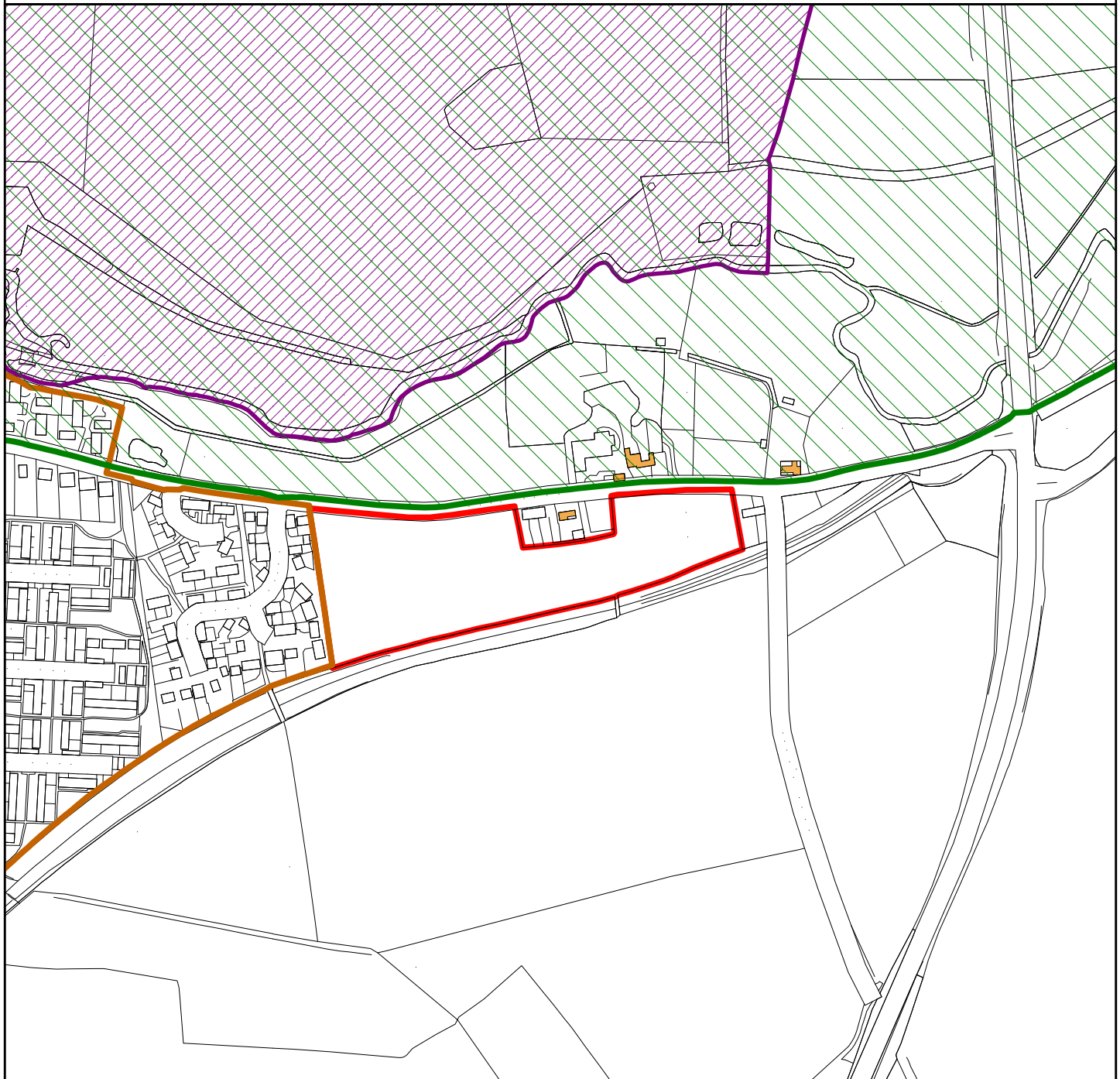
Grade 2 *



The Site



Built up Area Boundary



BABERGH DISTRICT COUNCIL

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