

# Public Document Pack



COMMITTEE: **PLANNING COMMITTEE**

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

DATE: **Wednesday, 30 August 2017 at 9.30 a.m.**

## Members

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

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

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## AGENDA

### PART 1

| ITEM | BUSINESS  | Page(s) |
|------|---|---------|
| 1    | <u>SUBSTITUTES AND APOLOGIES</u><br><br>Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.<br><br>To receive apologies for absence. |         |
| 2    | <u>DECLARATION OF INTERESTS</u><br><br>Members to declare any interests as appropriate in respect of items to be considered at this meeting.  |         |
| 3    | <u>PL/17/11 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19 JULY 2017</u>  | 1 - 4   |
| 4    | <u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</u>  |         |

| ITEM | BUSINESS  | <u>Page(s)</u> |
|------|---|----------------|
| 5    | <u>QUESTIONS BY THE PUBLIC</u><br><br>To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.  |                |
| 6    | <u>QUESTIONS BY COUNCILLORS</u><br><br>To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.  |                |
| 7    | <u>SITE INSPECTIONS</u><br><br>In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections.<br><br>The provisional date for any site inspections is Wednesday 6 September 2017.                      |                |
| 8    | <u>PL/17/12 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u><br><br>An Addendum to Paper PL/17/12 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. | 5 - 8          |
| a    | <u>B/16/01630 Land east of St Georges Field, The Street, Raydon</u><br><u>(Pages 9 - 36)</u>  |                |
| b    | <u>B/17/01128 The Bungalow, Harpers Hill, Nayland With Wissington</u><br><u>(Pages 37 - 52)</u>   |                |
| c    | <u>DC/17/02304 Rectory Lodge, Rectory Road, Great Waldingfield</u><br><u>(Pages 53 - 66)</u>  |                |
| d    | <u>B/17/01150 Copperas Reach, Shore Lane, Harkstead (Pages 67 - 78)</u>   |                |
| e    | <u>B/17/01103 Newmans Lodge, Bury Road, Alpheton (Pages 79 - 92)</u>  |                |
| f    | <u>B/17/01010 Groton Manor, Castlings Heath, Groton (Pages 93 - 104)</u>  |                |

| ITEM | BUSINESS  | <u>Page(s)</u> |
|------|---|----------------|
| 9    | <u>PL/17/13 RESPONSE OF BABERGH DISTRICT COUNCIL TO THE CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND AT FORMER MANGANESE BRONZE SITE (also known as ELTON PARK WORKS) FOLLOWING DEVOLUTION OF DECISION-TAKING POWERS TO IPSWICH BOROUGH COUNCIL</u> | 105 - 114      |

Report by the Development Management Officer – Growth and Sustainable Planning attached.

Notes:

1. The next meeting is scheduled for Wednesday 13 September 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter for Public Speaking at Planning Committees, a link is provided below:

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

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

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

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

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

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

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

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# Agenda Item 3

## BABERGH DISTRICT COUNCIL

### MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 19 JULY 2017

PRESENT: Nick Ridley - Chairman

Sue Ayres

Peter Beer

David Busby

Alan Ferguson

Michael Holt

Stephen Plumb

Ray Smith

Simon Barrett

Sue Burgoyne

Derek Davis

John Hinton

Adrian Osborne

David Rose

Kathryn Grandon was unable to be present.

#### 24 SUBSTITUTES

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

Simon Barrett (substituting for Kathryn Grandon)

#### 25 DECLARATION OF INTERESTS

None declared.

#### 26 MINUTES

The Minutes of the meeting held on 21 June 2017 were confirmed and signed as a correct record.

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

None received.

#### 28 QUESTIONS BY THE PUBLIC

None received.

#### 29 QUESTIONS BY COUNCILLORS

None received.

30 SITE INSPECTIONS

Further to the Committee's decision on 5 July to hold a site inspection for Application No. B/16/01092/OUT (Minute No 21 refers) a site inspection Panel was appointed.

**RESOLVED**

**That a Panel comprising the following Members be appointed to inspect the site:-**

**Sue Ayres  
Peter Beer  
Sue Burgoyne  
David Busby  
Derek Davis  
Alan Ferguson  
Kathryn Grandon**

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

31 PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to Paper PL/17/7 and the speakers responded to questions put to them as provided for under those arrangements:-

Application No.

B/17/01059

Andrew Wade (Parish Council)  
David Lay (Applicant)  
John Ward (Ward Member)

**RESOLVED**

**That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No 48(a) (dated 19 October 2004) a decision on the item referred to in Paper PL/17/7 be made as follows:-**

POLSTEAD

Application No B/17/01059/FUL  
Paper PL/17/7 – Item 1

Full application – Erection of detached dwelling with double cartlodge and construction of new vehicular access, land north of Wood View, Stackwood Road.

The Case Officer, Melanie Corbishley, confirmed that there were no updates to the report, and that the application was the same as Application No B/16/01542 which was the subject of a delegated refusal dated 12 January 2017.

**RESOLVED**

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

- 1. In the absence of a five year land supply, the Council should consider the development against the three strands of sustainable development as set out in the National Planning Policy Framework (NPPF). This sets out a presumption in favour of sustainable development and, with respect of development in rural areas, states that housing should be located where it will enhance or maintain the vitality of rural communities and avoid new isolated homes unless there are special circumstances as set out under Paragraph 55.**
- 2. Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, core villages and hinterland villages. The site of the proposed dwelling is in the countryside, outside of any town or village, and accordingly applications for residential development in the countryside will not normally be permitted and new housing will be integrated into existing settlements. Policy CS15, in line with the NPPF, requires all new development to demonstrate the principles of sustainable development as applied to the local context and states, inter alia, that an appropriate level of services, facilities and infrastructure are available to serve the development.**
- 3. The application fails to identify special circumstances to justify an isolated dwelling in the countryside, contrary to paragraph 55 of the NPPF. Moreover, the proposal would not be sustainably located, would not enable access to services, facilities and infrastructure and would not minimise the need to travel by car. Consequently, it would not accord with Policies CS1, CS2 and CS15 which seek to support sustainable development, or with the NPPF when taken as a whole. Therefore, whilst the proposal would make a modest contribution to the supply of housing and would deliver a limited and short term contribution to the economic role of sustainability through the construction activity, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14 or Policy CS1.**

The business of the meeting was concluded at 10.10 a.m.

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Chairman

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## PL/17/12

### BABERGH DISTRICT COUNCIL

#### PLANNING COMMITTEE

30 August 2017

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

| Item | Page No. | Application No. | Location | Officer | Decision |
|------|----------|-----------------|----------|---------|----------|
|------|----------|-----------------|----------|---------|----------|

#### **APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE**

|    |        |                    |   |    |  |
|----|--------|--------------------|---|----|--|
| 1. | 9-36   | <b>B/16/01630</b>  | <b>RAYDON</b> – Land east of St Georges Field, The Street | GP |  |
| 2. | 37-52  | <b>B/17/01128</b>  | <b>NAYLAND</b> – The Bungalow, Harpers Hill               | SS |  |
| 3. | 53-66  | <b>DC/17/02304</b> | <b>GREAT WALDINGFIELD</b> – Rectory Lodge, Rectory Road   | SS |  |
| 4. | 67-78  | <b>B/17/01150</b>  | <b>HARKSTEAD</b> – Copperas Reach, Shore Lane             | MC |  |
| 5. | 79-92  | <b>B/17/01103</b>  | <b>ALPHETON</b> – Newmans Lodge, Bury Road                | JD |  |
| 6. | 93-104 | <b>B/17/01010</b>  | <b>GROTON</b> – Groton Manor, Castlings Heath             | AS |  |

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**

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



# Agenda Item 8a

## Committee Report

**Item No:** 1

**Reference:** B/16/01630/FUL

**Case Officer:** Gemma Pannell

**Ward:** Lower Brett

**Ward Member/s:** Cllr John Ward

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**Description of Development:** Outline (means of access to be considered) – Residential development up to 21 dwellings.

**Location:** Land east of St Georges Field, The Street, Raydon

**Parish:** Raydon

**Site Area:** 1.61ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not Listed

**Received:** 13.12.2016

**Expiry Date:** 14.03.2017

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**Application Type:** Outline Planning Permission

**Development Type:** Small Scale Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr John Peacock

**Agent:** Wincer Kievenaar Architects Limited

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 5057 SU01 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents:

- Existing Surface Water Drainage Network Layout – 253/2016/01 P1
  - Proposed Surface Water Drainage Network Layout – 253/2016/02 P1
  - Indicative Site Layout PA02 Rev E
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## PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

There is no planning history relevant to this site.

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

NPPF National Planning Policy Framework

#### **Babergh Core Strategy 2014**

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

Babergh Local Plan Alteration No.2 (2006)

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

#### **Supplementary Planning Documents**

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

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

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

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

None

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

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

## **Consultations and Representations**

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

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

**Raydon Parish Council** – The main areas of concern were:

- The land is outside the village envelope.
- Lack of highway visibility.
- Environmental impact, including drainage.
- Lack of infrastructure.
- Possibility of inappropriate car parking on the pavement adjacent to the B1070.

Councillors felt that this would be quite a large development for a village with no real infrastructure, and would significantly change the character of the village.

**County Highway Authority** – No objection – subject to conditions

**Anglian Water** – No objections

**Sustainability Officer** – Unfortunately the energy strategy provided is lacking information and in our opinion does not make relevant arguments in its justification for excluding potential low/zero carbon technologies.

**Suffolk Wildlife Trust** – Three trees which were judged to have bat roost potential (Category 1) were recorded on the perimeter of the site. Although it appears that these are retained as part of this outline proposal, it is important that they are sufficiently protected from any development proposals. Should consent be granted it should also be ensured that they are suitably buffered and managed in the long term.

We note the consultant has recommended a sympathetic lighting scheme. It is important that all retained and new habitat features are not impacted on by light spill from external lighting and that dark corridors are retained around the site for foraging and commuting bats. We recommend that Suffolk County Council's street lighting strategy is used as a basis for street lighting layout and design, alongside the recommendations made in the ecological survey report.

The site is largely bounded by hedgerows with trees. As identified in the ecological survey report these areas offer nesting habitat for bird species and foraging and commuting habitat for bats species. We note that a landscaped strip has been proposed on the indicative site layout plan, whilst this could be of benefit to biodiversity and provides a buffer to the existing hedgerows, it is unclear whether this strip will fall within the residential curtilages. We recommend that this strip does not form part of the residential curtilages and is subject to a management plan which ensures that it is managed to maximise its biodiversity value in the long term.

Although no evidence of badger was found on the application site during the ecological survey, they are known to be present in the immediate vicinity of the site (further information available from Suffolk Biodiversity Information Service (SBIS)) and their presence on site cannot be ruled out in the future.

Badgers can rapidly colonise new areas and therefore a further walkover survey to confirm their absence should be undertaken immediately prior to any works commencing. If any evidence is found at any time, further advice should be sought from a suitably qualified ecologist.

Notwithstanding the above, should development at this site be considered acceptable, we request that the recommendations made within the report are implemented in full, via a condition of planning consent. As this is an outline planning application, should consent be granted it must be ensured that any future reserved matters applications are informed by suitably up to date ecological information.

**Strategic Housing** - No objection

**SCC Rights of Way Officer:** No objection

**SCC S106 Obligations** – No objection – sets out detailed requirements for CIL bid.

**SCC Fire and Rescue:** No objection

**Environmental Health - Land Contamination Issues** – No objections

**Environmental Health – Other issues** - Whilst I have no objection in principle to this application, I do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the demolition and construction phases of the development.

I would recommend that a condition be attached to any permission to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would also strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of operating hours, means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors), loading and unloading of plant and materials, wheel washing facilities, lighting, location and nature of compounds and storage areas (including maximum storage heights), waste removal, temporary buildings and boundary treatments, dust management, noise and vibration management (to include arrangements for monitoring) and litter management during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development during the site clearance/construction phases.

Finally, I would recommend that a condition be attached to any permission to the effect that Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.



The scheme shall provide that each pole/wall counted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5%. 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 sensitive properties (including those within the scheme where appropriate).

Note: The applicants attention is drawn to the lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage).

Whilst I appreciate that this is an outline application, with arrangements for refuse collection to be dealt with in any forthcoming full application, I would suggest that the Waste team be consulted on this application to ensure that, in principle, the proposed vehicles can be adequately served with refuse collections.

**SCC Archaeology** – No objections subject to conditions

**Place Services (Landscape)** – The site is located in an unspoilt landscape setting and the indicative proposals for outline consent seem rather suburban in character. The outline layout responds poorly to the northern and southern boundaries in terms of providing passive surveillance/active frontage to the public footpath to the north and proximity to the existing dwelling to the south. The north and eastern boundary edges of the site are very open and exposed to long views from the gently sloping landscape beyond. The landscape character area for this location is the Ancient Plateau Claylands 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, 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. The site itself is isolated from the main village in a dominant gateway location into the village, and although separated by the playing fields to the west, the site remains separated from the existing settlement boundary edge of Raydon.

**SCC Flood Officer:** We are generally happy with the draft Drainage Strategy, ref 253/2016/FRA, November 2016, however a pumped surface water system could only be utilised as a last resort and after further infiltration test had been undertaken. Therefore Suffolk County Council, Flood and Water Management can make the following recommendation for approval subject to conditions.

### **B: Representations**

Four objections to the application have been received. The comments are summarised as follows:

- Open countryside.
- Lack of village facilities
- Not appropriate in terms of size scale
- No need for the housing
- Taking advantage of cheap agricultural land
- Highway safety issues

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

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

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

- 1.1. The application site sits outside of the acknowledged settlement boundaries for Raydon as identified within the village proposals maps in the Babergh local plan (2006) alteration no.2.
- 1.2. The site is currently agricultural land. Sporadic development is located to the south and west of the application site. A recreational ground is located to the north west of the site. The village of Raydon is located further to the north west of the site.

### **2. The Proposal**

- 2.1. Outline planning permission is sought for the erection of 21 no. dwellings. All matters have been reserved except access. The Design and Access statement states that 35% of the dwellings would be affordable housing. The layout also includes the provision of 2 no. starter homes.
- 2.2. Starter Homes guidance can be found in the National Planning Practice Guidance and this advises that “The [written ministerial statement](#) sets out how the Starter Homes exception sites policy helps to meet the housing needs of young first time buyers, many of whom increasingly cannot afford to buy their own home, by allowing Starter Homes to be offered to them at below their open market value. The exception site policy enables applications for development for Starter Homes on under-used or unviable industrial and commercial land that has not been currently identified for housing. It also encourages local planning authorities not to seek section 106 affordable housing and tariff-style contributions that would otherwise apply. Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of land suitable for Starter Homes exception sites to deliver housing for young first time buyers in their area.”
- 2.3. The indicative drawings show the proposed access to be located centrally along the western boundary of the site. The submitted information states that it would provide site visibility splays of 2.4m x 85m.
- 2.4. The submitted plan shows the 21 no. dwellings located around the outskirts of the site with a central green area. As the scheme is outline only, the drawing is indicative only and does not give any details on heights or window positioning.

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

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

#### **4. Core Strategy**

- 4.1. 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

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

- 5.1. SCC Parking Standards

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

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

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

- 7.1. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.2. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e.it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 7.4. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) 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...'
- 7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant 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.
- 7.6. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
  - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 7.7. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- *"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
  - *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
  - *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
- 7.8. 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.

## **8. Sustainability Assessment Of Proposal**

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

- 8.2. 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.
- 8.3. Policy CS2 (Settlement Pattern Policy) identifies Raydon as a Hinterland Village. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.
- 8.4. Paragraph 55 of the NPPF sets out that development in rural areas should be located where it would enhance or maintain or enhance the vitality of rural communities, and that except under special circumstances, local planning authorities should avoid isolated homes in the countryside.
- 8.5. Raydon is defined as a hinterland village under policy CS2, which states that hinterland villages will accommodate some development to help meet the needs within their functional cluster. Raydon falls within the Capel St Mary Cluster. The Capel St Mary cluster also includes Bentley, Holton St Mary, Tattingstone, Wenham Magna and Wenham Parva. Therefore, policy CS11, which provides greater flexibility for appropriate development beyond the BUAB for identified hinterland villages, would apply.
- 8.6. 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".*
- 8.7. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:  
*"Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:*
- 1. the landscape, environmental and heritage characteristics of the village;*

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

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

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

*The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.*

*All proposals for development in Hinterland Villages must demonstrate how they meet the criteria listed above.*

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

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

- 8.8. 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.
- 8.9. 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.

- 8.10. 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).
- 8.11. 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*

- 8.12. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.13. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.
- 8.14. The Planning Practice Guidance advises that *“The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape”*.
- 8.15. The site is a ‘Greenfield’ site on the edge of the village. It is inevitable that developing the field for housing would have some adverse impact on the openness and character of the site. However, Policy CS11 envisages that there will be some development in the countryside; the key question is whether the impact of the development is reasonably contained.
- 8.16. The land to the east of Raydon retains a rural appearance with limited ribbon development following the B1070 to the east, mostly on the southern side of the highway. The site is well contained by vegetation with sporadic development adjacent to the site and further afield.
- 8.17. As stated above, the application is at the outline stage so detailed plans and elevations of the proposed development have not been submitted. The indicative drawings shows a much more intensive use of the site, than that of the immediate area. Whilst other houses are located in the vicinity, a further development to the north of the B11070 would further erode the rural nature of the area and would have a significant adverse impact on the character of the wider landscape. Whilst new planting is proposed, it is considered that this would not significantly compensate against the impact of the new built development.
- 8.18. The application site lies between an area of sporadic development and the more built up area of the centre of the village. It forms an open field with a hedge boundary and contributes positively to the character and appearance of the area.

Due to the size of the site and the number of dwellings proposed, development would extend some distance back from the road, appearing as an incongruous development beyond the linear character of development in this part of the village. However, it would be in line with the neighbouring development of Rectory Close.

- 8.19. The residential development of the site itself is considered to have a significant adverse impact on the local landscape character. The development introduces an incongruous suburban character to the rural approach to the built up area of Raydon and the requirement for adequate visibility splays for the proposed access would also erode the verdant and rural nature of this part of the village. The proposal would therefore cause some harm to the character and appearance of the area, contrary to policy CS11, which requires that development in hinterland villages is appropriate in size/scale, layout and character to its setting and to the village. It is also in conflict with policy CS11 in terms of the impact of the proposal on the landscape characteristics of the village.

#### *Impact on Heritage Assets*

- 8.20. By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.21. The development is not located either adjacent or opposite any listed buildings and the site is not located within a Conservation Area.
- 8.22. In term of undesignated heritage assets, the County Archaeologists requested an archaeological investigation condition is attached as the site is close to the medieval core where early occupation is a high probability. Any undesignated archaeology/heritage would need to be recorded.
- 8.23. As there is no harm identified to heritage assets in respect of this proposal, it is also considered that the proposal would comply with this element of policy CS11.

#### *Impact on Environment*

- 8.24. 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 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.

#### The locational context of the village and the proposed development

- 8.25. 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.
- 8.26. 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”.*

8.27. The site is located outside of the built up area boundary, and is separated from the village by a playing field. It is considered that it would not be well related to existing pattern of development. The scale, character and density of the proposal is not well related to the immediate area which generally consists of larger dwellings set within generous plots. Whilst there is a larger denser estate further along the B1070, the existing playing field provides a separation from the proposed development. Therefore it is considered that the proposal would not constitute a local extension of the built up area boundary.

8.28. The site is not considered to be a logical extension of the built up area boundary, and under policy CS11 proposals should be well related to the existing settlement boundary. The application site does not abut the built up area boundary of Raydon as it is separated by the adjacent playing field, which provides the separation from the built up area and the countryside beyond. In this regard, it is considered that the site is not well related to the village.

8.29. The proposed development would be functionally isolated within the countryside due to its remoteness from everyday facilities and services. It would leave future occupants of the proposed dwellings largely reliant on private vehicles and would undermine the aims of paragraphs 7 and 17 of the NPPF of locating new dwellings in rural areas close to services and facilities. Therefore, the proposal does not comply with this part of policy CS11.

#### Site location and sequential approach to site selection

8.30. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB.

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

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

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

- 8.33. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified “Locally Identified Need” within policy CS11 means the needs of the Core Village, its functional cluster<sup>1</sup> and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
- 8.34. 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.
- 8.35. 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.
- 8.36. Accordingly, “locally identified need” or “local need” should be construed as the development to meet the needs of the Hinterland village identified in the application, namely Raydon and its wider functional cluster.
- 8.37. 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.
- 8.38. 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.
- 8.39. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.

- 8.40. 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.
- 8.41. The Balancing Housing Markets – Housing Stock Analysis of 2008 identified a shortfall of 130 1 bed market houses in the Babergh East Area. Advice from Strategic Housing was that there is a significant lack of 1 – 2 bedroom properties in the locality.
- 8.42. The indicative plan shows that the properties would be a mixture of 1, 2, 3 and 4 bedroom homes. 35% of the dwellings are indicated as being affordable housing. The requirements highlighted within the Balancing Housing Markets – Housing Stock Analysis are for 1 and 2 bed units as set out in the consultation response from the Professional Lead - Housing Enabling. It is considered that the proposed housing mix would help with the identified need for the smaller affordable homes.
- 8.43. The development has not been subject to a housing needs survey. 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 Raydon. As such, the proposal cannot be considered to accord with this element of policy CS11.

#### Locally Identified Community Needs

- 8.44. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
- 8.45. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.
- 8.46. 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

- 8.47. 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"*.

- 8.48. Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
- 8.49. In the functional cluster of Capel St Mary, there have only been 40 residential completions in the last 5 years and there are an additional 58 dwellings committed in the cluster. It is therefore considered that given the responses from statutory consultees and the small 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.
- 8.50. It is therefore considered that, given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

#### Additional CS11 Criteria for Hinterland Villages

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

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

- 8.52. As outlined above, it is not considered that the proposal is well related to the existing pattern of development for the settlement.
- 8.53. This matter was considered in detail above, where it is concluded that the site is a not a logical extension to the built up area boundary, would lead to unsustainable development within the open countryside and the scale and character of development would have an adverse impact on the character of the surrounding area. Therefore, the proposal fails to comply with this part of policy CS11.

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

- 8.54. Raydon does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered in detail earlier in this report. The conclusion is that, even with the inclusion of 2 no. starter homes, the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.

#### **Supports local services and/or creates or expands employment opportunities**

- 8.55. The proposal would provide new dwellings but due to the isolated nature would make a limited contribution to supporting the existing facilities in the wider area. As such, the proposal does not meet this element of policy CS11.

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

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

Summary of Assessment Against Policy CS11

- 8.57. For the reasons set out above, the development proposal is contrary to the majority of the provisions of Policy CS11 applicable to Hinterland Villages. As such, the proposal cannot be said to fully comply with policy CS11.

Consideration against other development plan policies.

- 8.58. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the development plan are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
- 8.59. 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.
- 8.60. 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 Hinterland Village and so needs to satisfy these tests to comply with Policy CS2.
- 8.61. 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.
- 8.62. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.

- 8.63. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF's objective of promoting sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
- 8.64. 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.
- 8.65. The proposal is to develop 21 no. new dwellings which would add to the supply of housing in the district. The dwellings are located a significant distance from any shops and services. Raydon is classed as a Hinterland Village where some development would be acceptable in order to meet the needs of the village subject to detailed criteria set out in Policy CS11.
- 8.66. The application site is well connected in highway terms, connecting the village to the nearby settlements of Ipswich and Colchester and the site is considered to have a reasonable level of public transport accessibility. The site is linked to the village by a footpath, but Raydon contains very little in the way of shops and services therefore increasing the likelihood that the vast majority of journeys would be made by private car and not on foot.
- 8.67. Whilst the proposal is located near some housing, given that the site is remote from services, it is likely that anyone living in the proposed housing would be heavily reliant upon car journeys to access services. This would limit the potential to contribute to enhancing or maintaining services in the rural area and is considered contrary to Paragraph 17 of the NPPF which supports the transition to a low carbon future; seeks to reduce pollution, and says that planning should actively manage patterns of growth to make fullest use of public transport, walking and cycling.
- 8.68. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. It is acknowledged that there will be a high proportion of car travel from Raydon, as people travel out of the village to work. However, it is important to take into consideration the provision of, and accessibility of, public transport in Raydon, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation. Notwithstanding this, it is considered that due to the isolated nature of the site, it is considered that the future residents of the site would have to travel into the village by private car due to the distances involved.
- 8.69. The socio-economic profile of Raydon highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. There is a need to balance existing housing stock and growth in the future to ensure that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.

- 8.70. It is considered that the development proposed would have limited enhancement of the vitality of the community and that new housing will deliver limited benefits due to the sites isolated location, a considerable distance from the village.
- 8.71. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services (criteria xviii and iv of CS15) and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
  - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
  - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
  - The proposal will deliver a mix of dwelling sizes criterion vi of CS15)
  - The development will meet the relevant sustainable design and construction standards (criterion viii of CS15).
  - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
  - Surface water run-off from the development will be conveyed to above ground storage features (criterion xii of CS15).
  - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
- 8.72. Furthermore, the associated highway issues (criterion xix of CS15), environmental aspects related to sustainable drainage (criteria x and xii of CS15), renewable energy and reduction of carbon (criteria viii and xv of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

#### Impact on Residential Amenity

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

### Site Access, Parking and Highway Safety Considerations

- 8.76. The access would be improved with greater visibility splays, as it would be much more frequently used. In terms of access and car parking layout, this has been judged to be considered acceptable by SCC Highways.
- 8.77. It is considered that the highway network is operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed access is designed to meet the highway requirements of Suffolk County Council and the indicative parking is considered acceptable.
- 8.78. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of saved policy TP15.
- 8.79. The Local Highway Authority are satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

### Loss of Agricultural Land

- 8.80. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land. The Core Strategy has no direct reference to the loss of agricultural land so the application is primarily assessed against the test in the NPPF. Within this context, the development is not considered to be 'significant'<sup>1</sup> so the test is not enacted. Notwithstanding this, Raydon is surrounded by best and most versatile agricultural land so any development would erode this natural resource.

The benefits of delivering housing in this instance outweigh the harm that would be caused from permanently developing best and most versatile agricultural land.

- 8.81. The meaning of the term "significant" in this context was considered at the Tattlingstone solar farm public inquiry. 'Significant' is not defined; it is down to the decision maker to consider what is significant. The Inspector in this appeal considered the development would need to be 'large scale' to be 'significant'. Large scale in this context being more than 5ha. The NPPF test is therefore not enacted for the loss of all agricultural land, just where the development/loss would be significant/large scale. As a matter of fact, and degree, the loss is not considered significant/large scale in this case being 1.61ha of land and therefore para 112 does not engage.

### Biodiversity and Protected Species

- 8.82. 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.
- 8.83. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15 in particular requires new development to safeguard ecology. The application has been subject to consultation with Suffolk Wildlife Trust who have confirmed that the submitted ecology report is sufficient and recommends that further survey work be undertaken should a reserved matters application be submitted.



## Surface Water Drainage

8.84. 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. Information on drainage has been provided and is considered to be acceptable at this stage. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

## **Summary of Assessment Against Policy CS15**

8.85. 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.

## **Crime and Disorder**

8.86. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues. The detailed design would be checked at reserved matters stage to ensure there are no issues with the design and layout which would unduly increase the risk of crime. Suffolk Police have raised no concerns.

## **Planning Obligations / CIL**

8.87. 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.

8.88. 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.

8.89. 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)**

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

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision

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## **PART FOUR – CONCLUSION**

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

9.1. When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible. The scheme has been amended to provide 2 no. key worker dwellings and revised plans have been submitted to accommodate advice from the Highway Authority.

### **10. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2010)**

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

- Human Rights Act 1998
- The Equalities Act 2010
- Town and Country Planning (Listed Building and Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation and 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.

### **11. Planning Balance**

11.1. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

11.2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

11.3. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that '*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

11.4. Paragraph 14 of the NPPF states;

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

*For decision-taking this means:*

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

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

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

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

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

11.7. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.

11.8. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.

11.9. This report has not found that there is harm to heritage assets. Having assessed the proposal against the specific policies in the Framework, it is not considered that there are specific policies that indicate development should be restricted. As such, paragraph 14 is engaged.

- 11.10. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a significant contribution to the Council's housing land supply.
- 11.11. In this respect, whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five year housing land supply, it is considered that the unsustainable location and the poor connectivity with services significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.
- 11.12. The proposal would cause some harm to the character and appearance of the settlement as set out earlier within your report. Whilst there would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the wider local economy, the economic benefits from construction would be temporary and the residents would be largely reliant on the car to access services outside of the village, it is likely that many economic benefits would be received outside of Raydon and therefore these are given limited weight.
- 11.13. Whilst the provision of 21 dwellings would contribute to the identified significant undersupply of housing, the site would not be in an accessible location to accommodate the proposed number of houses and the development would not meet a locally identified need. The developer has indicated that 2 dwellings would be starter homes, these are defined in the NPPG: "A Starter Home is expected to be well designed and suitable for young first time buyers. Local planning authorities and developers should work together to determine what size and type of Starter Home is most appropriate for a particular Starter Home exemption site reflecting their knowledge of local housing markets and sites. A Starter Home is not expected to be priced after the discount significantly more than the average price paid by a first time buyer. This would mean the discounted price should be no more than £250,000 outside London." However, further legislation has not been brought forward by DCLG with regard to this type of housing and it is considered that this type of product would be suited to more sustainable locations. Therefore the proposal would not accord with the social and environmental roles of planning.
- 11.14. Therefore the totality of the harm that would be a consequence of the adverse impacts identified would significantly and demonstrably outweigh the limited benefits referred to above when assessed against the policies of the Framework when taken as a whole. Therefore the proposal does not constitute sustainable development for which the Framework carries a presumption in favour and therefore the application is recommended for refusal.
-

## **RECOMMENDATION**

Refuse planning permission for the following reasons:

- 11.15. Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. In addition policy CS11 of the Core Strategy requires that development must be in or adjacent to Hinterland Villages, and well related to the existing settlement. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result the proposal does not accord with policies CS2, CS11 and CS15.

Whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five year housing land supply, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.




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**Application No: B/16/01630/OUT**




**Parish: Raydon**



**Location: Land East Of St Georges Field, The Street, Raydon**

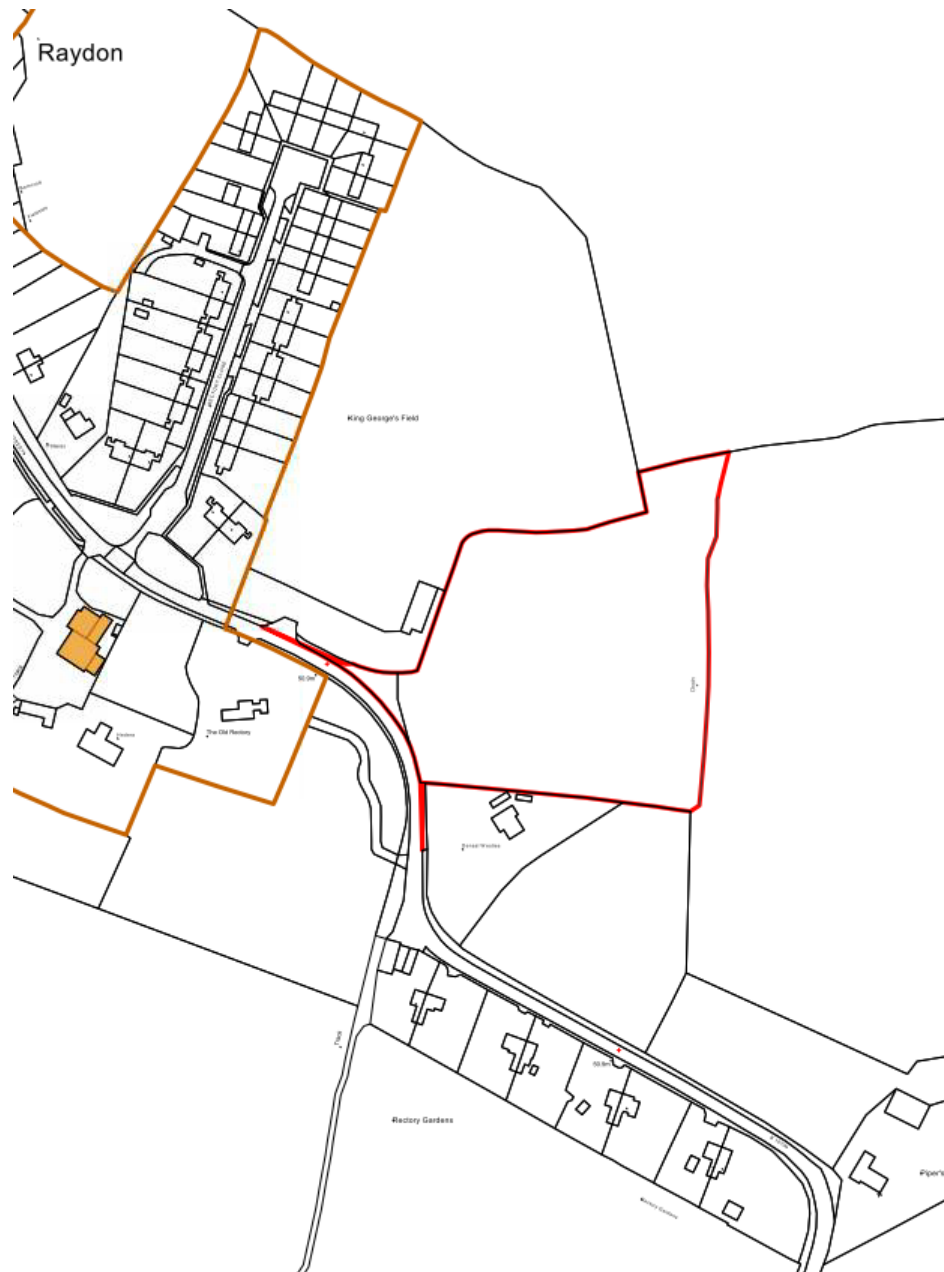
**Legend**

-  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 8b

## Committee Report

**Item No: 2**

**Reference:** B/17/01128

**Case Officer:** Samantha Summers

**Ward:** Nayland.

**Ward Member/s:** Cllr Melanie Barrett.

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### Description of Development

Full Planning Application - Erection of 5 No residential units, with associated garages, parking, private drive and access

### Location

The Bungalow, Harpers Hill, Nayland With Wissington, Colchester CO6 4NT

**Parish:** Nayland With Wissington

**Site Area:** 0.3

**Conservation Area:** No

**Listed Building:** No

**Received:** 08/05/2017

**Expiry Date:** 30/08/2017

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

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Arbora Homes

**Agent:**

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### DOCUMENTS SUBMITTED FOR CONSIDERATION

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

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

Application Form - Received 05/05/2017

Site Location Plan 3132-A-0104 P01 - Received 05/05/2017

Block Plan - Proposed 3132-0103 P01 - Received 05/05/2017

Arboricultural Assessment - Received 05/05/2017

Landscape and Visual Impact Assessment - Received 05/05/2017

Ecological Survey/Report - Received 05/06/2017

Land Contamination Assessment - Received 05/05/2017

Transport Assessment - Received 05/05/2017

Design and Access Statement - Received 05/05/2017

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The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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

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

The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

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

|             |   |                       |
|-------------|---|-----------------------|
| B//89/01456 | OUTLINE - ERECTION OF 2 DWELLINGS<br>(EXISTING CHICKEN SHED TO BE DEMOLISHED) | Refused<br>20/10/1989 |
| B/90/90032  | PROPOSED RESIDENTIAL AND INDUSTRIAL<br>DEVELOPMENT                            | Granted               |

### **All Policies Identified as Relevant**

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

### **Summary of Policies**

NPPF - National Planning Policy Framework

#### **Babergh Core Strategy 2014**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development

**Babergh Local Plan Alteration No.2 (2006)**

CN01 - Design Standards

CR02 - AONB Landscape

TP15 – Parking Standards

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

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

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

None

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

No pre-application advice was sought for this proposal.

### **Consultations and Representations**

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

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

##### **Nayland With Wissington Parish Council**

Nayland with Wissington Parish Council - Objection on the grounds of impact on neighbours, highway safety, drainage, no footway, ecology, outside of the settlement boundary

##### **SCC - Highways**

SCC Highways - conditions required for access point to be constructed in accordance with DM01, required visibility splays, parking to be laid out and retained as submission, details to be agreed for refuse bin storage

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

BMSDC Environmental Health (Contamination) - No objection

##### **Dedham Vale Society**

Dedham Vale Society - Objection because outside of the settlement boundary and within an AONB

##### **Dedham Vale And Stour Valley Project**

Dedham Vale AONB Officer - limited visibility of the site from public view points and is unlikely to cause a significant effect in visual terms.

##### **Natural England**

Natural England - we advise that interim contributions should be sought from residential development within the 13 km ZOIs. It must be ensured that those developments which need to contribute to the RAMS are captured and appropriate funding collected to ensure that its delivery remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMs is adequately funded.

## **B: Representations**

26 letters of objection have been received including one from a neighbouring Parish Council in Essex, Little Horkesley.

The objections relate to:

- the design and layout
- impact on ecology
- impact on the Conservation Area
- access/highway safety
- impact on the landscape/AONB
- Loss of open space
- increased traffic
- drainage
- inadequate public transport
- increased pollution/light pollution
- loss of light
- loss of privacy/overlooking
- strain on local services
- concern over trees
- development out of character
- unsustainable
- concerns over the large blue area to the north of the site
- conflicts with the Local Plan/outside settlement boundary

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

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

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

1.1. The application site forms a grassed area within the grounds of The Bungalow. To the north is a large open field, to the east is the settlement of Nayland, to the south is a County Council Wildlife Site and to the west is The Bungalow.

1.2. To the rear (north) of The Bungalow are a group of business units granted planning permission under B/90/90032 (Proposed residential and industrial development). The business use is low key and includes a design and printing company.

1.3. The application site is elevated from the housing development of The Westerings and The Bungalow. There is mature hedging forming the boundaries and is well screened from public view points. A large Oak tree stands at the entrance to the site in the south eastern corner. This tree is not currently protected and does not form part of the group TPO to the west of the site.

1.4. The application site is not within the Conservation Area of Nayland with Wissington but does fall within the Dedham Vale Area of Outstanding Natural Beauty. The site also falls within the 13km protection zone for Stour and Orwell Estuaries.

## **2. The Proposal**

2.1. This application is for outline planning permission for the erection of five residential units, garages, parking, private drive and access. All other matters are reserved. The application submission shows only illustrative layout drawings.

2.2. The illustrative layout drawings show three detached, two storey dwellings and a pair of semi-detached single storey dwellings.

2.3. Plots 1, 4 and 5 show a single detached garage with two parking spaces for each property and Plots 2 and 3 have double garages with two parking spaces.

2.4. The scale of the dwellings is not specified at this outline stage. Scale, appearance, landscaping and final layout will form part of a reserved matters application.

2.5. Each dwelling is shown to have private amenity space which is considered to be sufficient for the dwelling.

2.6. Plots 4 and 5 back directly onto existing dwellings in The Westerings. The application site is elevated from these properties and careful consideration will need to be given to window positions and also the scale of the buildings at reserved matters stage. It is anticipated that a 1.8m high fence would mitigate any overlooking issues if the proposed properties are single storey. The rear gardens are shown to be 10m to the boundary which would give a back to back distance of 15m as currently shown. However, there is space for the pair of semis to be pulled forward in the plot to further increase the back to back distance.

2.7. External materials have not been identified at this stage and would form part of a reserved matters application.

2.8. The site area is 0.38 hectares.

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

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

## **4. Core Strategy**

- 4.1. CS1- Presumption in Favour of Sustainable Development
- CS2- Settlement Pattern Policy
- CS3- Strategy for Growth and Development
- CS11- Core and Hinterland Villages
- CS15- Sustainable Development in Babergh

## **5. Supplementary Planning Documents**

- 5.1. Suffolk parking Standards 2015

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

- 6.1. CN01- Design Standards
- CR02 - AONB Landscape
- TP15- Parking Standards

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

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

7.2. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e.it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

7.4. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) 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...'

7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant 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.

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

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

ii. SHMA based supply for 2017 to 2022 = 3.1 years

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

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

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

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

7.8. 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.

## **8. Sustainability Assessment of Proposal**

8.1. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and for protection of its intrinsic value. The NPPF advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 55 of the NPPF sets out criteria for assessing new dwellings in the countryside and states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:-

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

8.2. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". It is the view of officers that this term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.

8.3. Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, Core and Hinterland villages. Para. 2.8.6 states (inter alia) that while small groups of dwellings and hamlets will fall within functional clusters, their remoteness and lack of services or facilities mean that such groups are classified as countryside.

8.4. Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.

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

8.6. Nayland is classed as a Core Village and although the application site is outside of the defined settlement boundary, it abuts the boundary and forms an infill plot between existing development.

8.7. The site is well located in terms of facilities within the village which include a doctors surgery, school, shops and pubs. There is no footpath along the section of road to Harpers Hill, but once at the edge of the settlement there is a footpath that leads to the village centre. It is considered that residents of the proposed development would not need to use a motor vehicle to access the services within the village. There is also a two hourly bus service to access larger towns in the area.

8.8. As noted in 8.2 (above) Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". This term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.

8.9. There are dwellings in close proximity to the application site and therefore considered that the site relates well to the existing settlement and it is not an isolated location in the countryside or remote from established settlements and local services and facilities.

8.10. The Core Strategy offers greater flexibility through planning policy (CS11) to support rural development on land which has a close functional relationship to the existing settlement.

## **9. Site Access, Parking and Highway Safety Considerations**

9.1. Access from the public highways would be use the existing layout which is a loop road to this part of Nayland. The access to the site itself would be in the south-western corner of the site with one service road for all five properties.

9.2. SCC Highways have not raised any objection to the proposal but have recommended conditions relevant to the site as detailed above.

9.3. The application site is elevated from the lane. Objections have been raised concerning drainage. There is a possibility that surface water may discharge onto the lane and therefore a condition requiring details of how the surface water will be dealt with would be beneficial.

## **10. Design and Layout [Impact on Street Scene]**

10.1. The illustrative layout, although not forming a fixed part of this application, clearly shows how the five dwellings can be accommodated on the site. Further details would be forthcoming in a reserved matters application.



## **11. Landscape Impact**

11.1. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in ... Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.

11.2. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in areas of outstanding natural beauty, which have the highest status of protection in relation to landscape and scenic beauty. In *Bayliss v SSCLG* [2014] 1 P & CR 22, the Court of Appeal addressed the significance of the words "great weight" in paragraph 115. Recognising that the actual impact of a particular proposal on an AONB may vary from trivial or substantial to major, the Court of Appeal stated (at paragraph 18) that:-

*a. "...The decision maker is entitled to attach different weights to this factor depending on the degree of harmful impact anticipated. Indeed, in my view, it could be irrational to do otherwise. The adjective 'great' in the term 'great weight', therefore, does not take one very far. Here the inspector found that the impact on the adjacent parts, and I stress the fact that this was the adjacent part, of the AONB would be limited."*

11.3. Paragraph 116 of the NPPF and the PPG states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration must include an assessment of the need for the development, the cost of and scope for development elsewhere outside the designated area and any detrimental effect on the environment and landscape and the extent to which it can be moderated.

11.4. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.

11.5. Saved policy CR02 of the Babergh Local Plan states; "The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies".

11.6. Officers have considered the size and scale of the development proposed and do not consider that the development should be treated as major development, to which the policy in paragraph 116 of the NPPF would apply.

11.7. On this basis paragraph 116 is not engaged in this application circumstance. As such, consideration turns to the provisions of paragraph 115 and the development plan policies CR02 and EB6, as follows.

11.8. Paragraph 115 and Policy CR02 bring about different tests in respect of the consideration of development in the AONB. Paragraph 115 provides that great weight should be given to "conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty" whilst policy CR02 requires that "there is an overriding national need for developments that have a significant impact in the particular location and that there are no alternative sites available".

Whilst the requirements set out within the policies are different, it is apparent that the aims of these policies are to conserve the landscape and scenic beauty of the AONB (paragraph 115) and ensure that in instances where there is a significant impact that there is a demonstrable national need and that no alternative sites are available (CR02). As such, the developments impact on the AONB will now be considered against these provisions.

11.9. Development within an AONB is expected to be within a defined settlement boundary. However, in terms of location, the site forms an infill plot between the residential properties within the existing settlement boundary and a small business park which has buildings larger than domestic scale. The site abuts the settlement boundary and, although elevated from the existing dwelling, is well screened by mature hedging from public view points other than within the site itself or along the immediate frontage where adjacent developments are also visible. The proposal is considered to impact on the AONB and the further enhancement to the existing hedging and careful design and use of materials to the proposed dwellings is considered to result in a natural extension to the village where that limited harm would be entirely mitigated such that the development would not give rise to harm.

11.10. It is agreed that any development of land within the land edged blue, which is a significant area, would be harmful to the AONB as it is visible from public footpaths. However, this is not proposed as part of this application in any event.

## **12. Environmental Impacts - Trees, Ecology and Land Contamination**

12.1. A land contamination report accompanied the application which the Environmental Protection team have found to be satisfactory.

12.2. There is a large Oak tree at the entrance to the site. This tree is not protected as it is not within a Conservation Area and does not form part of the TPO group listing to the west of the site. This is an important tree in the streetscene. The illustrative plans show that the tree is to be retained and that the proposed development will not be beneath the canopy of the tree. Comments from the Tree Officer are to be received and an update will be given on this point during the Committee meeting.

12.3. As the development site lies within the Zone of Influence identified by Natural England for the Stour & Orwell Estuary SSSI of 13km (within which residents of new housing are likely to regularly visit relevant designated sites for recreation), the proposal for 5 no. dwellings will trigger a proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA/Ramsar. With this mitigation provided, the proposal is unlikely to have a significant effect on any European site, and can be screened out from any requirement for further assessment.

12.4. The proportionate financial contributions need to be in line with those currently being proposed in the emerging Recreational disturbance Avoidance and Mitigation Strategy (RAMS), so for guidance the estimate is 5 x approx. £168 = approx. £850.

## **13. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

13.1. The site is not within a Conservation Area and will not impact the setting of any Heritage Asset.

## **14. Impact on Residential Amenity**

14.1. As discussed above, the back to back distances of Plots 4 and 5 with properties in The Westerings are small but are considered to be acceptable if the proposed properties are single storey and a standard 1.8m high garden fence is erected to mitigate overlooking. In any event, the illustrative plan will not form a part of any permission granted and scale/layout will remain a matter reserved for determination.

A condition is required for removal of permitted development rights for windows above ground floor level on plots with a common boundary with The Westerlings, to safeguard the amenity of residents.

### **15. Biodiversity and Protected Species**

15.1. A reptile survey has been carried out and species of Slow Worm, Common Lizard and Grass Snake were recorded on the site. A full mitigation strategy is required and will be required concurrently with the first reserved matters submission application.

15.2. Enhancement of the existing hedge to the north eastern boundary of site will be required to contain the site visually and physically and also provide a better habitat for species that use the area for nesting and foraging. Consolidation of this hedge line is secured by separate condition and can also form part of the landscaping reserved matters.

### **16. Planning Obligations / CIL**

16.1. A Section 106 agreement is required for the financial contribution as detailed above.

16.2. The development is CIL liable.

16.3. 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.

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

17.1. The proposed development for 5no. dwellings is liable to make a financial contribution to the Council under CIL, the amount of which would be dependent on the final size of the dwelling. This would be exempted if the applicant claims a self-build exemption.

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## **PART FOUR – CONCLUSION**

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

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

18.2. In this case no issues have arisen during the course of the application that have required negotiation.

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

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

- Human Rights Act 1998
- The Equalities Act 2010
- Town and Country Planning (Listed Building and Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation and 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.

## **20. Planning Balance**

20.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

20.2. The development plan includes the Babergh Core Strategy (2014) and saved policies in the Babergh Local Plan (2006). In light of this application relating to a proposal for new housing, an important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that '*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

20.3. Paragraph 14 of the NPPF states;

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

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted”.*

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

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

20.5. As set out at paragraph 38 above, the Supreme Court in May 2017 has clarified the position with regards to 'policies for the supply of housing' and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the 'tilted balance' required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

20.6 It is considered that policies CS1 and CS3 are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal.

20.7. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty, as being those which may indicate development should be refused.

20.8. In consideration of the AONB, the assessment carried out is that the proposal does not conflict with the NPPF or with other specific policies in the development plan. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged

20.9. 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.

20.10. For the reasons set out in this report, the proposal is not considered to conflict with the Framework as a whole or with specific policies within it. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

## **RECOMMENDATION**

Grant outline planning permission subject to the following conditions:

- Reserved matters time limit
- Scale, layout, design and landscaping details
- Approved plans and documents
- Highways conditions as set out in the SCC Highways response
- Enhancement of the north eastern boundary hedge
- Notwithstanding the details of the site location plan there shall be no access to the blue line site
- Removal of permitted development rights for windows/openings above ground floor level on dwellings with a common boundary with The Westerings
- Landscape details including tree protection measures
- Landscape timeframe
- Ecology mitigation
- Surface water drainage details
- Restriction on flood lighting




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**Application No: B/17/01128/OUT**




**Parish: Nayland with Wissington**



**Location: The Bungalow, Harpers Hill**

**Legend**

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

**Listed Buildings**

-  Grade 1
-  Grade 2
-  Grade 2 \*

-  The Site
-  Built up Area Boundary



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# Agenda Item 8c

## Committee Report

**Item No:** 3

**Reference:** DC/17/02304

**Case Officer:** Samantha Summers

**Ward:** Waldingfield.

**Ward Member/s:** Cllr Frank Lawrenson. Cllr Margaret Maybury.

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## Description of Development

Erection of No. 1 detached dwelling.

## Location

Rectory Lodge, Rectory Road, Great Waldingfield, Sudbury Suffolk CO10 0TL

**Parish:** Great Waldingfield

**Site Area:** 0.2 Ha

**Conservation Area:** Great Waldingfield

**Listed Building:** Not Listed

**Received:** 15/05/2017

**Expiry Date:** 30/08/2017

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

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** Environmental Assessment Not Required

**Applicant:** Mr P Newsum

**Agent:** Abbott Design Associates

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

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

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

Application Form - Received 15/05/2017

Floor Plan - Proposed PA04 - Received 15/05/2017

Site Location Plan PA01 - Received 15/05/2017

Block Plan - Proposed PA02 A - Received 10/07/2017

Elevations - Proposed PA03 A - Received 10/07/2017

Elevations - Proposed PA05 A - Received 10/07/2017

Elevations - Proposed PA06 A - Received 10/07/2017

Design and Access Statement - Received 15/05/2017

Arboricultural Assessment - Received 05/07/2017

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The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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

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

The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

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

None

### **All Policies Identified as Relevant**

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

### **Summary of Policies**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
NPPF - National Planning Policy Framework  
CN01 - Design Standards  
CN08 - Development in/near conservation areas  
TP15 - Parking Standards - New Development

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

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

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

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

None

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

No pre-application advice was sought for this proposal.

### **Consultations and Representations**

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

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

##### **Heritage Team**

BMSDC Heritage Team - No adverse impact on setting or significance of a Heritage Asset. No Heritage related conditions are required.

##### **Arboricultural Officer**

BMSDC Tree Officer - The Arboricultural Assessment is a thorough report and the methods proposed to lessen impact on the important Oak (T2) are acceptable in principle. However, ultimately this will be dependent upon the volume and type of tree roots affected and this can only be determined prior to approval via a trial excavation. Until this assessment is undertaken and the level of impact clarified I cannot support the proposal due to the potential harm that could be caused to this important tree.

##### **Great Waldingfield Parish Council**

Great Waldingfield Parish Council - Objection to scale of building being too large, out of keeping, detrimental to the area, inappropriate for Conservation Area, cartlodge to the front has a negative impact on setting and on the mature oak tree.

##### **SCC - Archaeological Service**

SCC Archaeology - No mitigation required.

##### **SCC - Highways**

SCC Highways - Conditions required to control the width of the vehicular access to 4.5m, gates to be set by a minimum of 5m from the carriageway and details required on means to prevent the discharge of surface water onto the highway.

#### **B: Representations**

13 letters of objection have been received from local residents. The issues raised include:

- scale of dwelling
- overdevelopment of the site
- adverse impact on the Conservation Area
- negative impact on the character and local distinctiveness of the area
- impact on the Oak tree
- dwelling is not in-keeping with the area

One letter of comment was received also outlining the issues above.

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

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

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

1.1. The application site sits within a small cluster of dwellings within the Conservation Area of Great Waldingfield. This location is outside of the settlement boundary for the village and somewhat isolated from the services within the village. The Conservation Area contains the historic core of the village but no facilities or services apart from the church.

1.2. The site forms the side garden of an existing large detached dwelling, Rectory Lodge. Rectory Lodge sits centrally within a large plot and is similar in size to the other more modern dwellings within Rectory Road. Rectory Lodge was built on the southern end of the garden of The Old Rectory in the 1970s. There are mature trees and hedging on the northern and eastern boundaries of the site. There is a particularly large oak on the eastern boundary which is in the ownership of the No. 1 Rectory Cottage.

### **2. The Proposal**

2.1. The proposal is to subdivide the side garden of Rectory Lodge and erect a detached two storey dwelling. The proposed dwelling would have a similar footprint and appearance to the main part of Rectory Lodge. The proposal also includes a two bay cartlodge to the front of the dwelling, underneath the canopy of the mature Oak tree, and the widening of the access point with the highway, to 5m to form a double driveway - one for each property.

2.2. A new turning head would be provided for Rectory Lodge so that vehicles are able to enter and leave the property in a forward gear. Rectory Lodge has an existing double garage attached to the dwelling. The proposed dwelling would have a two bay cartlodge positioned to the front of the dwelling, beneath the canopy of a mature oak tree.

2.3. Following objections from neighbours and the Parish Council, amended drawings have been received in which the ridge and eaves height of the proposed dwelling have been reduced. The revised dwelling has been reduced to one and a half storeys.

2.4. Rectory Lodge has a large plot and therefore the loss of the side garden would not affect the private amenity space of the dwelling. The proposed dwelling would sit centrally in the plot and the rear give sufficient private amenity space to the occupiers of the dwelling.

2.5. No windows are proposed on the side elevations. Windows are to the front and rear of the property which overlook the dwelling's own gardens.

2.6. It is proposed to use similar materials to those used in Rectory Lodge. Plain tiles would be used to the roof and render to the walls of the dwelling. The cartlodge would be constructed of timber and finished in shiplap boarding.

2.7. The site area is 2160 square metres.

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

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

### **4. Core Strategy**

4.1. CS1 - Presumption in Favour of Sustainable Development  
CS2 - Settlement Pattern Policy  
CS3 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS15 - Sustainable Development in Babergh

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

5.1. None

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

6.1. CN01- Design Standards  
CN08 - Development in or near conservation areas  
TP15 - Parking Standards  
Other Relevant SPD: SCC Parking Standards

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

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

7.2. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e.it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF.

In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

7.4. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) 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...'

7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant 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.

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

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

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

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

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

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

7.8. In light of all 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.

## **8. Sustainability Assessment of Proposal**

8.1. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and for protection of its intrinsic value. The NPPF advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 55 of the NPPF sets out criteria for assessing new dwellings in the countryside and states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:-

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

8.2. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". It is the view of officers that this term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.

8.3. Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, Core and Hinterland villages. Para. 2.8.6 states (inter alia) that while small groups of dwellings and hamlets will fall within functional clusters, their remoteness and lack of services or facilities mean that such groups are classified as countryside.

8.4. Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.

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

8.6. Whilst Great Waldingfield is defined as a hinterland village in policy CS2 of the Core Strategy, the application site is remote from the built up area boundary to the west being 720m away and is therefore deemed to be within the countryside. Moreover, there are no day to day services or facilities in that area of Great Waldingfield.

8.7. The lane into the village is unlit and has no pedestrian footway. It cannot therefore be considered safe and comfortable for walking and consequently there would be a reliance on the private motor car.

8.8. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". This term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.

8.9. Although there are dwellings in proximity to the application site it is not considered that the site relates well to the existing settlement and therefore it is considered to be in an isolated location in the countryside, remote from established settlements and local services and facilities.

8.10. Policy CS2 of the Babergh Core Strategy states that development in the countryside "...will only be permitted in exceptional circumstances subject to a proven justifiable need.'

8.11. The acceptability of the principle of development in this location against Policy CS2 is not considered to be satisfied as there are not considered to be exceptional circumstances.

8.12. The Core Strategy offers greater flexibility through planning policy (CS11) to support rural development on land which has a close functional relationship to the existing settlement. However, the site, is remote from the settlement boundary and not considered to be functionally well connected.

8.13. The Council's SPD (section 15) sets out that: '...distances should be considered alongside the quality and continuity of the footpath connection. Connections between any proposal and village services and facilities should be continuous and have a good quality surface. The need for and appropriateness of street lighting will be considered on a case by case basis.' In consideration against the Council's policy and supplementary guidance the connectivity to services is not considered to meet the policy requirements.

8.14. CS11 is not therefore considered relevant in this instance given the remoteness of the site from Great Waldingfield and local services (as demonstrated above). Although part of a small cluster, in the countryside the proposed development is unacceptable in principle by reason of its isolated location. Furthermore, no exceptional circumstances or proven justifiable need for the development has been put forward.

8.15. The applicant has not demonstrated a case to set out that the application would be considered as 'exceptional' under the provisions of Policy CS2 or the provisions of paragraph 55 of the NPPF.

## **9. Site Access, Parking and Highway Safety Considerations**

9.1. It is proposed to extend the existing access point to enable a double driveway to be constructed. Following an objection by SCC Highways on the proposed width of the access being 8m wide, a revised drawing was submitted with a reduction to 5m but considered acceptable in this instance. This is still above the recommended 4.5m for a shared access. The position of the gates was also revised to fall in line with being set back by 5m from the carriageway.

## **10. Design and Layout [Impact on Street Scene]**

10.1. The height of the proposed dwelling has been reduced with the submission of revised drawings. However, the footprint has remained the same and therefore the scale of the building as a whole is one of a large four bedroom dwelling. The building almost fills the full width of the plot. This, in turn, has resulted in the cartlodge being sited in front of the dwelling, giving a cluttered and cramped appearance in a sensitive location within the Conservation Area. It is therefore considered to be overdevelopment of the site. Rectory Lodge has a feeling of openness and space which would be compromised by this development.

10.2. This area of Great Waldingfield is characterised by the large plots and large houses which give this part of the Conservation Area a feeling of space and openness. The proposed dwelling and garden would be smaller than the existing dwellings and is not considered to be in-keeping with the prevailing grain of it's surroundings.

## **11. Landscape Impact**

11.1. The proposed dwelling is not considered to have an impact on the wider landscape as it would be within an existing cluster of dwellings and is well screened by protected trees within the Conservation Area.



## **12. Environmental Impacts - Trees, Ecology and Land Contamination**

12.1. A land contamination report and questionnaire were not received with the application and therefore it is unknown as to whether there are issues arising from land contamination on the site. This is a reason for refusal as it is unclear whether the land is suitable for the sensitive end use as required within the NPPF.

12.2. The trees within the site are protected because they are within the Conservation Area. The proposed cartlodge would be sited beneath the canopy of a mature Oak tree. The impact on the roots from compaction of both vehicles passing over and the construction of the building may be detrimental to the health of the tree. The tree, which is not within the ownership of the applicant is a prominent feature of the streetscape and adds a great deal of visual amenity to the area.

## **13. Heritage Issues [Including the Impact on The Character and Appearance of The Conservation Area and On the Setting of Neighbouring Listed Buildings]**

13.1. Heritage staff have visited this site and the local area in connection with other recent applications. Rectory Lodge is not listed, but nevertheless lies within the Great Waldingfield conservation area. The site is also within the setting of the grade II Old Rectory to the north-east. The heritage issues are therefore the effect of the proposals on the character and appearance of the conservation area, and the setting of the Old Rectory and possible effects on the welfare and longevity of the mature Oak tree, which is a prominent feature in the Conservation Area are also a significant consideration.

13.2. Although the development site and the Old Rectory are relatively close and are probably intervisible, the development site is not a part of the setting that contributes to the Old Rectory's significance as a designated heritage asset. There will therefore be no adverse effect on the setting or significance of these heritage assets.

13.3. The potential impact on the oak tree are however unclear as the information submitted does not demonstrate that there will be no adverse effects and the Arboricultural Officer is unable to support the proposal. As noted above the tree is a component part of the designated Conservation Area and, in this regard, Members should be aware of the footnotes 9 and 10 to paragraph 14 of the NPPF which suggest that where, inter alia, heritage assets are affected appropriate weight should be afforded to policies seeking to protect the asset.

## **14. Impact on Residential Amenity**

14.1. The proposed dwelling would be in-line with Rectory Lodge with no windows to the side elevations. The proposed dwelling is not considered to cause a loss of residential amenity in terms of overlooking or loss light.

## **15. Biodiversity and Protected Species**

15.1. The development site is within an existing residential garden with mown grass. Therefore, the proposal is not considered to cause harm to ecology.

## **16. Planning Obligations / CIL (delete if not applicable)**

16.1. 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.

16.2. The development is CIL liable.

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

17.1. The proposed development for a single dwelling is liable to make a financial contribution to the Council under CIL, the amount of which would be dependent on the final size of the dwelling. This would be exempted if the applicant claims a self-build exemption.

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## **PART FOUR – CONCLUSION**

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

18.2. In this case the agent has reduced the ridge and eaves height of the proposed dwelling to decrease the scale of the building. This is not considered to be acceptable as the footprint remained the same as the original scheme and does not resolve the problem of over-development of the site.

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

19.1. - Human Rights Act 1998

- The Equalities Act 2010

- Town and Country Planning (Listed Building and Conservation Areas) Act 1990

- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)

- The Conservation and 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.

## **20. Planning Balance**

20.1. 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.

20.2. In laymans terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraphs 47,49 and 14 of the NPPF.

20.3. 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 not considered that these material considerations would less outweigh any conflict with the development plan. The proposal is contrary to policy CS2 and in part CS11 and CS15 and the applicant has not demonstrated a case to set out that the application would be considered as 'exceptional' under the provisions of Policy CS2 or the provisions of paragraph 55 of the NPPF.

## **RECOMMENDATION**

That the Corporate Manager - Growth and Sustainable Planning be authorised to refuse this application on grounds of unsustainability and overdevelopment of the site:

1. The proposed development comprising the erection of 1 No. detached dwelling, would be contrary to policies CS2 and CS15 of the Babergh Core Strategy and saved policies CN01 and HS28 of the Babergh Local Plan Alteration No. 2 (2006) which seek, amongst other things, to only permit development in the countryside in exceptional circumstances subject to a proven justifiable need; to ensure that the design and layout of new housing development is sympathetic to the site and its immediate surroundings; that planning applications for infilling will be refused where the proposal is of a scale, density and form which would be out of keeping with adjacent and nearby dwellings or other buildings and that all development must pay attention to the scale, form and nature of adjacent development.

The proposed site is located approximately 720m from local services and facilities which are accessed along an unlit lane with no footways or street lighting. It is therefore likely that future residents will be dependent on the private motor car to access these and other services and facilities.

Whilst it is accepted that the Council cannot currently demonstrate a deliverable five year supply of housing land, notwithstanding the provisions of paragraph 49 of the National Planning Policy Framework (The Framework), the proposal cannot be considered sustainable development within the context of The Framework as a whole.

2. The application as submitted fails to demonstrate that the development, in particular the detached cartlodge, would not be detrimental to the welfare and longevity of the mature Oak tree adjacent to the site by reason of construction activity and potential compaction on or around the root plate. The site is within a designated Conservation Area and the tree, which is protected accordingly, is a prominent component part of the character and appearance of that designated Heritage Asset. As such, the proposal risks harm to the asset - which is not outweighed by public benefit. It is therefore considered contrary to the aims and requirements of paragraphs 14, 17, 60, 61, 132 and 133 of the National Planning Policy Framework and policies CN01 and CN08 of the Babergh Local Plan (2006) which are consistent with the framework.
3. The application as submitted fails to demonstrate that the site is free of contamination which would render it unsustainable for residential use. As such the proposal conflicts with the aims and requirements of paragraph 121 of the National Planning Policy Framework.




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**Application No: DC/17/02304**




**Parish: Great Waldingfield**



**Location: Rectory Lodge, Rectory Road**

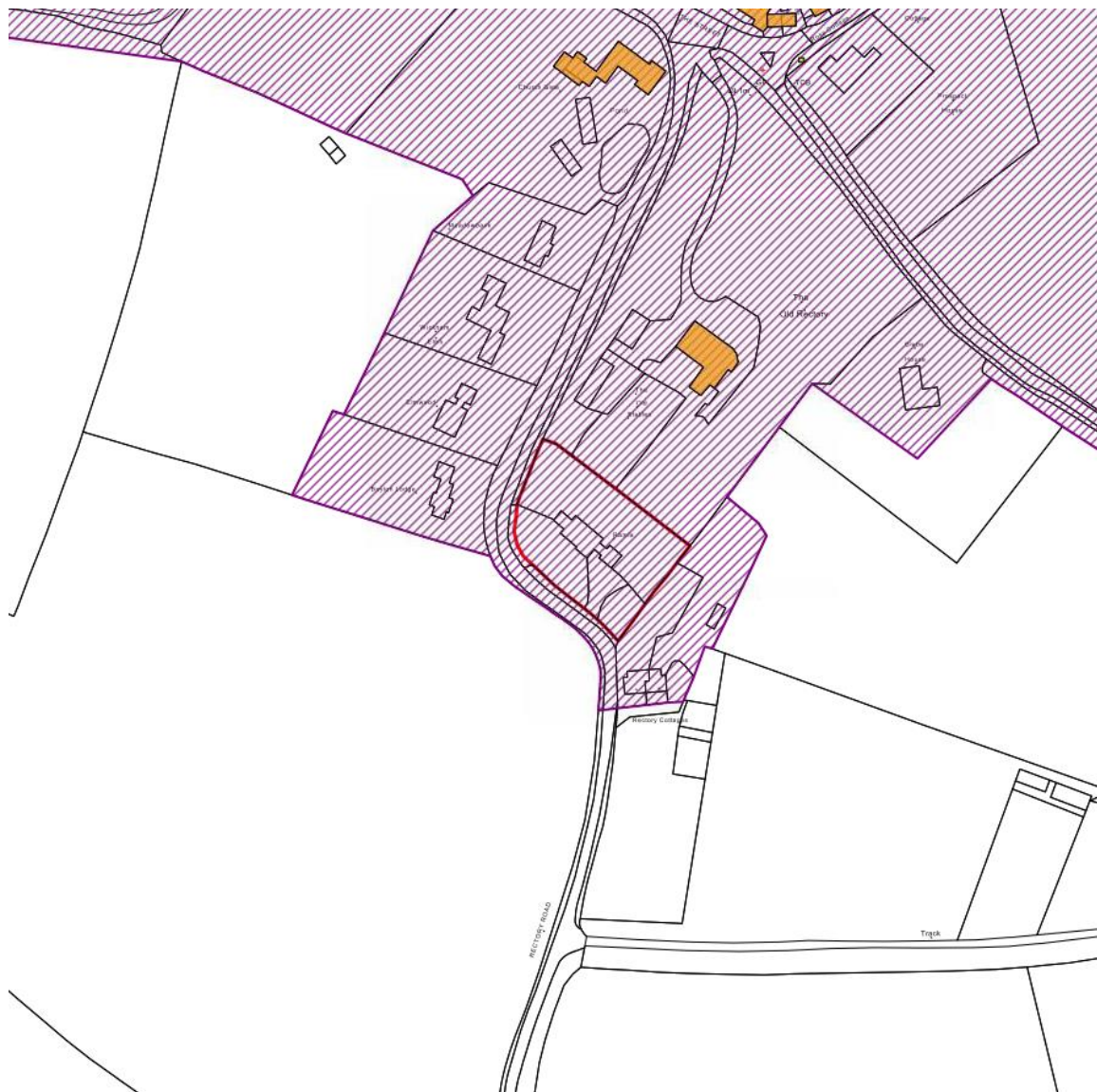
**Legend**

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

**Listed Buildings**

-  Grade 1
-  Grade 2
-  Grade 2 \*

-  The Site
-  Built up Area Boundary



**BABERGH DISTRICT COUNCIL**

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# Agenda Item 8d

## Committee Report

**Item No:** 4

**Reference:** B/17/01150

**Case Officer:** Melanie Corbishley

**Ward:** Holbrook.

**Ward Member/s:** Cllr David Rose.

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## Description of Development

Erection of 1 no. dwelling and detached garage (following demolition of existing dwelling)

## Location

Copperas Reach, Shore Lane, Harkstead, Ipswich IP9 1BW

**Parish:** Harkstead

**Site Area:** 7,300 m<sup>2</sup>

**Conservation Area:** N/A

**Listed Building:** N/A

**Received:** 10/05/2017

**Expiry Date:** 01/09/2017

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

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr & Mrs Jones

**Agent:** AJM Planning

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number P010P1 received 10/05/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan P010 P1 - Received 10/05/2017

Block Plan - Proposed P050 P2 - Received 18/07/2017

Floor Plan - Proposed P100 P3 - Received 18/07/2017

Floor Plan - Proposed P110 P3 - Received 18/07/2017

Roof Plan - Proposed P120 P3 - Received 18/07/2017

Sectional Drawing P200 P2 - Received 18/07/2017

Elevations - Proposed P300 P3 - Received 18/07/2017

Elevations - Proposed P310 P3 - Received 18/07/2017

Design and Access Statement REV 1 - Received 18/07/2017

Landscape and Visual Impact Assessment REV B JULY 2017 - Received 18/07/2017

Bat Survey R1125.001 - Received 18/07/2017

Landscaping Plan 190\_01 C - Received 10/05/2017  
Plans - Proposed P130 P2 - Received 10/05/2017  
Elevations - Proposed P320 P2 - Received 01/05/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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

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

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

There is no relevant planning history for this site. However planning permission has recently been granted for a similar development on the adjacent site known as Gallister Cottage, B/17/01071.

### **All Policies Identified as Relevant**

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

### **Summary of Policies**

NPPF - National Planning Policy Framework

#### **Babergh Core Strategy 2014**

CS02 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development

#### **Babergh Local Plan Alteration No.2 (2006)**

HS05 - Replacement Dwellings  
CR02 - AONB Landscape  
CN01 - Design Standards

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

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990



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

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

N/A

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

BIE/16/00542- It was confirmed that the principle of replacing the existing dwelling is likely to be acceptable, consideration of size was reserved until such time as the Landscape and Visual Impact Assessment had been undertaken and the impact on the sensitivities of the local area are known.

### **Consultations and Representations**

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

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

##### **Harkstead Parish Council**

Reject the application for the following reasons:

- \*It is in breach of planning policy as it is bigger than the original dwelling.
- \*The design, size and visibility of it are totally out of character with the area
- \*It is in the middle of an AONB which is a protected landscape.
- \*There is no evidence of an ecological survey
- \*It will have a detrimental impact on the AONB and SSSI
- \*Lastly just to remind BDC they did sign up to the management plan

##### **SCC - Rights of Way Department**

No objection.

##### **Suffolk Coasts & Heaths Project**

Reservations as to whether the proposal meets the objectives of the following Babergh District Council Local Plan saved policies:

Saved policy CR02, Saved policy CN01, Saved policy HS05

Recommend conditions regarding glazing, lighting, materials, landscaping and removing PD for garden structures.

##### **Suffolk Wildlife Trust**

No comments received

##### **SCC - Archaeological Service**

No objection.

## **Natural England**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and therefore has no objection on these grounds. With regards protected landscapes, we defer advice to the AONB unit in this case.

## **Ecology - Place Services**

Habitats Regulations Assessment Screening Report produced and it concluded that this project can be screened out from any requirement for further assessment. Conditions regarding ecological mitigation and enhancements are recommended.

## **Environmental Health - Land Contamination**

Following the submission of additional information, no objection.

## **SCC – Highways**

Suffolk County Council does not wish to raise any objection to the current application. This is due to the fact that the proposal is considered 'like for like' in regard to its impact on the highway network at this location.

However, Shore Lane is very narrow with minimal opportunities for two vehicles to safely pass. It is recommended that should any further development take place which would see an influx in vehicular traffic on Shore Lane; passing places in accordance with Suffolk County Councils standard construction drawing DM06 are implemented.

## **B: Representations**

Five representations making the following comments:

- \*No objection regarding the design and size of the proposal.
- \*Concerns regarding safe highway access for the site, particularly if the size of the property were to increase in size, and would conflict with point 4 of policy HS05. An alternative access is requested.
- \*A condition is suggested to ensure that the works at Gallister Cottage and Copperas Reach are not carried out at the same time.
- \*The plot is located within an AONB and the new building is much larger than existing and unsympathetic to the surroundings.
- \*The dwelling would be very visible from the shoreline and the public footpath
- \*The road is likely to suffer from considerable damage with construction vehicle
- \*The final part of the access is over a public footpath
- \*The replacement dwelling would be significantly larger than the dwelling it replaces and would therefore conflict with Policies HS05 and CN01
- \*The proposal would have a significant impact on the AONB contrary to Policy CR02, and may cause more light pollution and be more prominent.

One representation in support of the proposal.

- \*The design and material pallet of the property will be a welcome addition to the local housing stock, and a significant improvement on the existing dwelling. The property would be in proportion with the plot and neighbouring properties.

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

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

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

- 1.1. The application site is situated on Shore Lane, south of the village of Harkstead on the northern shore of the Stour Estuary. Copperas Reach is one of three dwellings located south of the village, close to the shore, accessed via Shore Lane.
- 1.2. The site is a large sloping site dropping down to the estuary on its south west side. The eastern boundary of the site affords views looking along the estuary towards the sea, the eastern most boundary has a large number of mature trees which shield the plot from the adjacent house which is approximately 50m away. To the north east is another neighbouring dwelling approximately 65m away.
- 1.3. The site is located within an AONB and there is a public footpath running along the eastern boundary of the site. The site is adjacent to RAMSAR site and a SSSI. A very small section of the southern end of the site is located in flood zones 2 and 3.
- 1.4. The application site lies within the countryside outside the Built Up Area Boundary of Harkstead. The site is accessed via a public footpath off Shore Lane.

### **2. The Proposal**

- 2.1. The application relates to the erection of a dwelling house and garage following the demolition of the existing dwelling. The replacement dwelling would be located slightly closer to the southern boundary of the site and is orientated due south, rather than south west.
- 2.2. The proposed garage would be located to the north east of the dwelling, close to the existing vehicular access point, which remains unchanged.

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

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

### **4. Core Strategy**

- 4.1. CS02 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development

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

- 5.1. HS05 - Replacement Dwellings  
CR02 - AONB Landscape

## **6. The Principle of Development**

6.1. Saved policy HS05 of the development plan permits replacement dwellings outside of Built Up Area Boundaries (BUABs), as specified in the plan, subject to specific material planning considerations including that new dwellings should not be significantly different in size and massing to the original dwelling, and should be sympathetic to the character of the surrounding area. Consistent with these conditions, Policy CN01 of the plan requires new development generally to be of an appropriate scale and design.

6.2 Whilst it is acknowledged that the proposed dwelling would be appreciably larger than the existing bungalow (and for that reason the scheme would conflict with Policy HS05), the supporting text to Policy HS05, indicates that replacement dwellings that are significantly larger than the original dwelling may be considered where the extent of the site would enable a larger dwelling to be in proportion. The overall site is a sizeable plot which can easily accommodate the scale of dwelling proposed without compromising the setting. Two nearby plots contain dwellings in sizeable plots. Accordingly, the proposed dwelling, although larger than the existing, would be in proportion with the site and surrounding area.

6.3 Thus whilst the proposal would be contrary to Policy HS05 of the development plan, as it would be significantly larger than the existing dwelling, it is not considered that the proposal would conflict with the objective of this policy to ensure that replacement dwellings are sympathetic to their surroundings. The proposed dwelling would occupy a similar position to the existing, and generous separation distances to plot boundaries would be maintained. The proposed dwelling would be well proportioned, and elements of its design would help to reduce its apparent bulk, including the projecting wings, broken roofline and varied palette of external materials. Consequently, the proposal would have little impact on the wider landscape setting.

6.4 For these reasons it is considered that the proposed development would not dominate its site and surroundings and would not be visually intrusive. The form and scale of the proposal would not be inappropriate for its streetscene and countryside setting within the village.

## **7. Site Access, Parking and Highway Safety Considerations**

7.1. No objection has been raised to the scheme from the SCC Highways. It is noted in their comments make reference to further development along Shore Lane and that passing places would be required. However this development is for a one for one replacement and therefore no intensity of the residential use of the site is proposed.

7.2 Concerns have been raised by neighbours regarding a number of highway matters. However a number of the queries raised relate to land that is outside the red line application site and therefore beyond the control of the applicant.

7.3 The site is fairly unusual in that it is accessed via a footpath and single track land. Due to these circumstances it is considered necessary to impose a condition regarding the submission of a construction management plan to address a number of these issues.

7.4 In addition an informative will be added to the decision informing the applicant about not damaging a public footpath.

## **8. Design, Layout and Residential Amenity**

8.1. No objection is raised to the modern design of the proposal and the layout and siting of the dwelling would not materially affect any neighbouring properties.

## **9. Landscape Impact- Area of Outstanding Natural Beauty**

9.1. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in.....Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.

9.2 The site falls wholly within this nationally designated landscape. As such, the Local Planning Authority must be satisfied that, in determining this application, full regard has been given to the purposes of designation (as required under section 85 of the Countryside and Rights of Way Act 2000); i.e. 'to conserve and enhance natural beauty'.

9.3 The proposal should be compliant with the National Planning Policy Framework, in particular para 115 and the Suffolk Coasts and Heaths AONB and Stour Valley Management Plan 2016-21 which includes management plan policy in section 3.1.5: which seeks to protect the area, including its setting, from developments that detract from its natural beauty and special qualities, including relative tranquillity. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with particular regard to the scale, form and nature of surrounding development and the local environment.

9.4 Policy CS15 of the Core Strategy requires, inter alia, that new development should be well designed and of an appropriate size/scale, layout and character in relation to its setting and to the village. Development should also respect the landscape, landscape features, streetscape/townscape and important spaces.

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

9.6 Concerns have been raised regarding the scale and design of the proposal and that it would not be in keeping with the wider area. The development proposal is of a scale, form and design that is not considered to be inappropriate for its setting and would appear suitably sited within the wider landscape setting. Furthermore a modern replacement dwelling has recently been approved at the adjacent property, known as Gallister Cottage.

9.7 Concerns have been raised by the AONB unit regarding glazing and light leakage, suitably landscaping details and materials. Suitably worded conditions are recommended to address all of these issues.

9.8 It is therefore considered that the proposals at hand adequately comply with the guidance from the NPPF, relevant Local Plan policies and the Suffolk Coasts and Heaths AONB and Stour Valley Management Plan 2016-21.

## **10. Environmental Impacts - Ecology**

10.1. Policy CS15 states that proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas.

10.2 In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.

10.3 With regard to the SPAs, SACs and Ramsar sites any development that would have an adverse effect on the integrity of a European site including candidate /proposed sites either alone or in combination with other plans or projects will be refused.

10.4 This development proposal has the potential to affect the Stour and Orwell Estuaries SPA and Ramsar site which are European sites (also commonly referred to as Natura 2000 or N2K sites) afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The proposed works also have the potential to affect the Stour Estuary SSSI which is notified at a national level.

10.5 The above regulations require the LPA to produce a Habitats Regulations Assessment Screening Report. The purpose of the screening report is to assess the need for appropriate assessment in relation to the development.

10.6 The Habitats Directive (92/43/EEC) requires that an 'appropriate assessment' is carried out in relation to any plan or project which is likely to have a significant effect, either alone or in combination with other plans or projects, on European sites. European sites are Special Protection Areas and Special Areas of Conservation. Ramsar sites should also be given the same level of protection, as stated within the National Planning Policy Framework.

10.7 Where an appropriate assessment is carried out a development may only be approved after having ascertained that it will not adversely affect the integrity of the site concerned. The screening report concluded that the development can be screened out from any requirement for further assessment. No objection has been raised to the application from Natural England.

10.8 The application was supported by an ecological assessment and subsequent bat survey. The information submitted is considered to be sufficient and suitably worded conditions are recommended regarding the compliance with both reports, submission of a biodiversity method statement and lighting design scheme.

## **11. Planning Obligations / CIL**

11.1. The development would be CIL liable.

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

12.1. The development will lead to;

\* CIL calculated at £115 per square metre of residential for area.

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## **PART FOUR – CONCLUSION**

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

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

13.2. In this case the planning authority has worked with the applicant to overcome land contamination objections.

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

14.1. There are no known legal implications derived from the determination of this application.

14.2. 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 2012
- 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.

## **15. Planning Balance**

15.1. 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.

15.2 When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development.

15.3 In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposal is therefore acceptable in planning terms and a positive recommendation is given below.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions:

- Standard time limit
- Accord with approved plans
- Secure mitigation and ecology enhancement measures
- Construction Management Plan
- Details of materials
- Hard and soft landscaping
- Implementation of landscaping scheme
- Lighting details
- Glazing details
- Biodiversity method statement

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**Application No: B/17/01150/FUL**




**Parish: Harkstead**



**Location: Copperas Reach, Shore Lane**

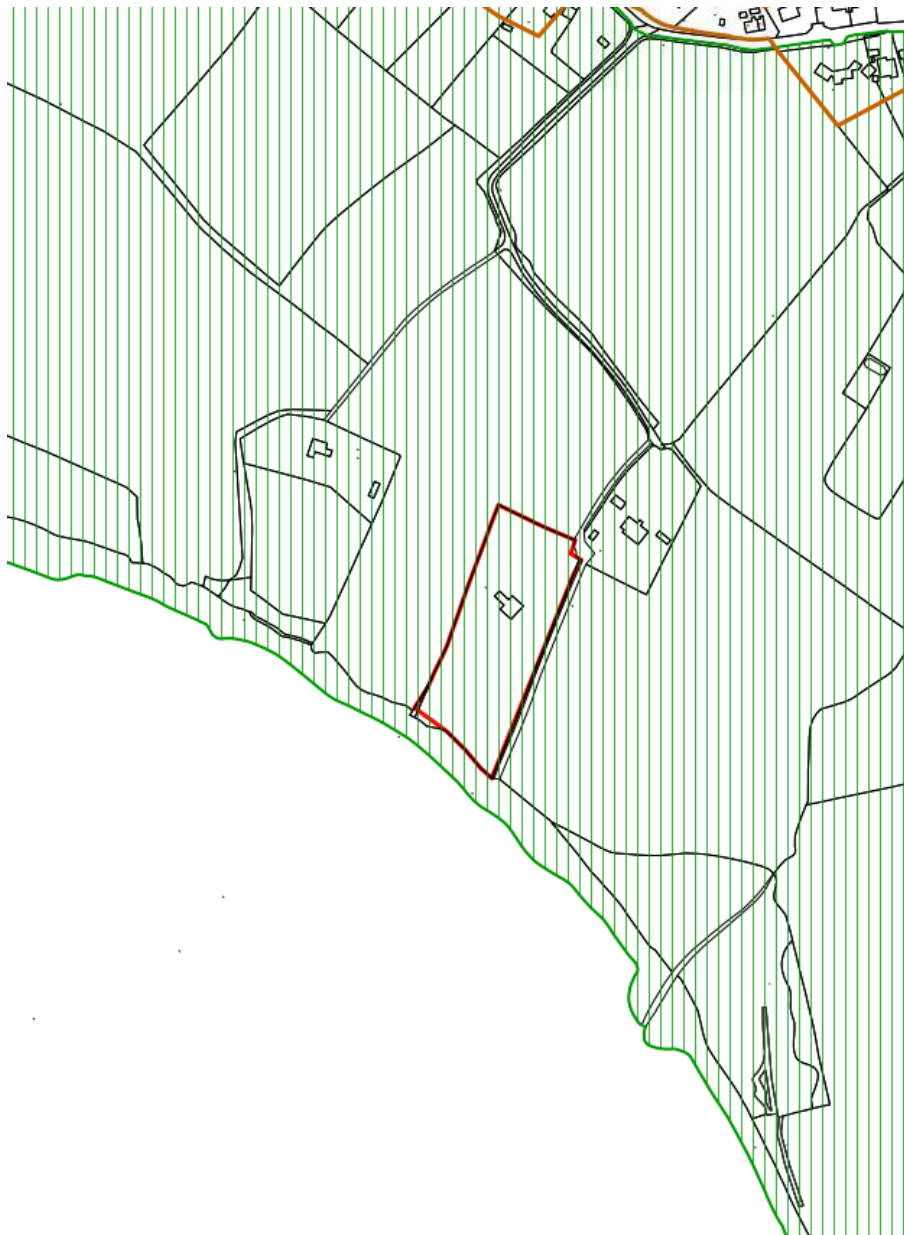
**Legend**

-  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**  
Corks Lane, Hadleigh, Ipswich, IP7 6SJ  
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# Agenda Item 8e

## Committee Report

**Item No:** 5

**Reference:** B/17/01103

**Case Officer:** John Davies

**Ward:** Long Melford.

**Ward Member/s:** Cllr Richard Kemp. Cllr John Nunn.

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## Description of Development

Erection of 4 no. dwellings and construction of new vehicular access

## Location

Newmans Lodge, Bury Road, Alpheton, Sudbury CO10 9BP

**Parish:** Alpheton

**Site Area:** 0.1 ha

**Conservation Area:** No

**Listed Building:** No

**Received:** 02/05/2017

**Expiry Date:** 06/07/2017

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

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr & Mrs Weeks

**Agent:** Lee French

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1528/16/01B received 02/05/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 1528/16/01B - Received 02/05/2017

Existing Site Plan 1528/16/01B - Received 02/05/2017

Proposed Site Plan 1528/16/01B - Received 02/05/2017

Proposed Plans and Elevations 1528/16/02 - Received 02/05/2017

Sectional Drawing Existing and Proposed Street Elevations and Site Sections 1528/16/03 - Received 02/05/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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

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

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

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

|            |  |                         |
|------------|--|-------------------------|
| B/16/01354 | Erection of 4 dwellings and access to highway.                                 | Withdrawn<br>02/12/2016 |
| B/16/00570 | Change of use of land from farmland to domestic garden.                        | Granted<br>22/06/2016   |
| B/15/01333 | Change of use of land from garden to holiday accommodation (mobile home unit). | Withdrawn<br>26/10/2015 |

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

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

### **Summary of Policies**

#### **Babergh Local Plan Alteration No.2 2006**

CN01 - Design Standards  
HS28 - Infilling/Groups of dwellings  
TP15 - Parking Standards - New Development

#### **Babergh Core Strategy 2014**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development

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

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

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

None

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

None

### **Consultations and Representations**

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

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

##### **Alpheton Parish Council**

Comment as follows;

“Safety - The Council has concerns that there will be three more exits onto a very busy main road, plus there are issues about the visibility from those exits. The plan shows trees, plants etc either side of the driveways which also perhaps need a wider splay.

Size of development - there is concern that four houses on this plot is over-development. Is four semi-detached houses acceptable to the planners?

Design - The proposed appearance of the houses is different from that of the majority of the street. Is red facing brick in keeping with the design of the village as it evolves? All houses visible from the main road have been rendered. Even Newman's Lodge is part-rendered. “

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

Objects as submission does not include a BS10175 compliant Phase 1 ground investigation.

##### **SCC - Highways**

No objection subject to various highway conditions.

#### **B: Representations**

None received.

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

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

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

1.1 The proposal site comprises a parcel of garden land, currently serving a residential property known as Newman's Lodge fronting Bury Road in the village of Alpheton. The site lies within the Countryside, outside of the defined Settlement Boundaries and within a Special Landscape Area. The site is bounded by agricultural land to the north, Newman's Lodge to the south and west and the highway to the east.

### **2. The Proposal**

2.1 The application seeks full planning permission for the erection of four dwellings. The scheme comprises a pair of two storey semi-detached dwellings designed in a cottage style with each unit providing three bedrooms.

2.2 Each unit would have two parking spaces located either to the front or side of the dwelling with rear garden spaces.

2.3 Each unit would be two storeys in height with a ridge level of around 7 metres.

2.4 Proposed facing materials are red brick with slate roofs.

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

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

3.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. The National Planning Practice Guidance (NPPG) defines the statutory development plan as the plan for the future development of an area, consisting of development plan documents adopted by local planning authorities, including any 'saved' policies from plans that are otherwise no longer current.

3.3 The proposal therefore stands to be assessed against the adopted development plan, unless material considerations, including National Policy, indicate otherwise.

### **4. Core Strategy**

4.1 Policy CS2 of the Core Strategy identifies a settlement hierarchy so as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement/areas within the district, with Towns/Urban areas representing the most preferable location for development, followed by the Core then Hinterland Villages.

- 4.2 The Countryside, for the purposes of Policy CS2, is defined as those areas outside the towns/urban areas and Core and Hinterland Villages. The Countryside is identified as the least preferable location for development, with development permitted only in exceptional circumstances subject to a proven justifiable need.
- 4.3 Policy CS15 of the Core Strategy requires development within the district to demonstrate the principles of sustainable development. The Policy identifies a number of criteria as to apply it within the local context, including that new development should ensure an appropriate level of services, facilities and infrastructure are available to serve the proposed development and that development should seek to minimise the need to travel by car.
- 4.4 The overall thrust of the policies contained within the development plan, when taken as a whole, presents a presumption in favour of sustainable development (see Policy CS1 and Objectives of the Core Strategy).

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

- 5.1. Not relevant

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

- 6.1 Saved policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location. Saved Policy HS28 covers Infill development and states the circumstances where infill development would be refused. Policy TP15 states that development will be assessed having regard to adopted parking standards.

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

- 7.1 Paragraph 197 of the NPPF states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development, as outlined in paragraph 14 of the Framework, which should be seen as a golden thread that runs through the planning system.
- 7.2 The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.3 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
- 7.4 The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position.

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

- 7.5 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...'
- 7.6 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.
- 7.7 A summary of the Babergh 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
  - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 7.8 Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, *social and environmental considerations and indicates that planning should seek gains in relation to each element. These dimensions give rise to the need for the planning system to perform a number of roles:*
- *economic, contributing to building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places*
  - *social, supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and*
  - *environmental, contributing to the protection and enhancement of the natural, built and historic environment and mitigate and adapt to climate change.*
- 7.9 Paragraph 55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.



- 7.10 Paragraph 55 does not indicate that a new home in the countryside which is not isolated should necessarily be accepted, nor does it define the meaning of "isolated". It is reasonable that the term is not limited to the existence or absence of neighbouring dwellings, but must be read in the context of the overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Accessibility to services and facilities is a key component to supporting, strong vibrant and healthy communities, as identified by the social dimension of sustainable development.

## **8. Sustainability Assessment of Proposal**

- 8.1 The proposal site lies outside of the Towns/Urban areas and Core and Hinterland Villages and is thereby designated as in the countryside for the purposes of Policy CS2 of the Core Strategy. The applicant has not made a case, based upon material planning grounds, to set out that the proposal should be considered as 'exceptional' under the provisions of Policy CS2 and thereby is contrary to the Policy.
- 8.2 Alpheton has no recognisable services or facilities. As such, journeys out of the village would be a regular necessity for the majority of residents in order to access many day-to-day services. Furthermore, the nearest settlement offering a reasonable degree of services and facilities to meet every day needs of future occupiers is the village of Long Melford, situated over 4 kilometres from the proposal site.
- 8.3 There is a bus stop on Church Lane, approximately 600m from the site. A service connects Alpheton to the town of Bury St Edmunds and operates at 8:00am and 16:48pm Monday - Friday and 9:30am and 16:48 on Saturdays. An alternative bus route includes a connection to Sudbury, operating around 7:00am Monday -Saturday. It is noted that opposite the proposal site, on the A134, a public footpath is provided, connecting the proposal site to the bus stop.
- 8.4 Given the distance to those settlements providing services and facilities to meet every day needs of future occupiers and in the absence of a footpath for pedestrian or cycle use connecting the proposal site to these settlements , there is little potential for journeys by bicycle or by foot. Furthermore, whilst the bus stop within Alpheton is within a convenient distance and accessible due to the public footpath, the choice of routes and frequency are limited, thereby not representing a sufficiently attractive alternative to private vehicular transport.
- 8.5 The proposal site is thereby poorly located in terms of access to services and facilities, whilst occupiers of the proposed dwellings would be largely reliant on private vehicular transport contrary to aspects of Policy CS15 of the Core Strategy and the environmental and social dimensions of sustainable development contained within the NPPF.
- 8.6 Furthermore, whilst the proposed dwellings would sit adjacent to existing residential properties, extending development along the A134, and in this physical sense would not represent new isolated homes in the countryside, the above conclusions render the scheme functionally isolated, with the proposed dwellings failing to make any significant contribution to the support of services and facilities and thus the vitality of the rural community. The proposal would therefore conflict with the aims of paragraph 55 of the Framework.
- 8.7 These adverse impacts, identified above, must be weighed against the potential benefits of the development.
- 8.8 The benefits that can be identified in terms of the three dimensions of sustainable development consist of a temporary economic benefit during the construction phase and social benefit arising from the provision of 4 additional houses. However, these are minor given their temporary nature.

Accordingly the benefits in this instance are significantly outweighed by the demonstrable harm, a result of the proposal's poor accessibility to services and facilities and the consequent reliance on the private car, failing to meet the environmental and social dimensions of the NPPF. Therefore the proposal would not amount to sustainable development for the purposes of the Framework or Policy CS15 of the Core Strategy.

8.9 Given the above assessment the proposal is therefore unacceptable in principle.

### **9. Site Access, Parking and Highway Safety Considerations**

9.1 The Local Highway Authority raises no objection to the proposal subject to conditions. This consultation response formed the main material consideration in determining the impact of the proposal on highways safety. The proposal is thereby acceptable in this regard. Policy TP15 of the Local Plan requires development to provide parking in accordance with the Suffolk County Council Parking Standards Supplementary Guidance. The guidance requires a 3 bedroom dwelling to provide 2 car parking spaces. The proposal would provide sufficient car parking for the 4 dwellings to comply with the Guidance and thus is in accordance with Policy TP15.

### **10. Design and Layout [Impact on Street Scene]**

10.1 Policy CS15 of the Core Strategy, through the implementation of sustainable development, requires proposals to respect the landscape, landscape features and streetscene/townscape, whilst making a positive contribution to the local character, shape and scale of the area. Policy CN01 of the Local Plan requires development proposals to be of appropriate scale, form, detailed design and construction materials for the location.

10.2 Policy CR04 of the Local Plan seeks to protect the Special Landscape Areas of the district through only permitting development where it maintains or enhances the special landscape qualities of the area and where designed and sited so as to harmonise with the landscape setting. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.

10.3 The site lies adjacent to existing residential development at Newman's Lodge, forming part of the property's existing domestic curtilage. The site is subject to hedging and planting to the northern and western boundaries. The presence of residential properties, the A134 and extensive planting combined with the more domestic appearance of the garden land opposed to the open agricultural fields to the north and west, means the site does not read as part of the wider countryside, nor contributes significantly to the quality of the Special Landscape Area. The introduction of the dwellings would therefore have limited impact upon the wider rural setting, countryside or quality of the Special Landscape Area.

10.4 Alpheton is traditionally linear with development extending along the A134. The built form consists of predominately two storey dwellings of broadly traditional style, however, examples of one and a half storey properties are present and development consist of both detached and semi-detached dwellings.

10.5 The proposed dwellings would be generally consistent with the linear character of development, whilst of a traditional style. Furthermore, given the presence of one and a half storey dwellings and semi-detached properties, the proposal would be in keeping with the character of the locality in this regard.

10.6 Whilst properties within the locality are subject to predominantly rendered exteriors, given the presence of examples of exposed brick exteriors, including at Newman's Lodge, the pallet of proposed materials appears acceptable to the locality.

The inclusion of soldier course detailing, dormer windows and porches aid in the promotion of an adequate design. Furthermore the proposed development is not considered to represent an over-development of the site, with adequate garden land, access, turning area and vehicular parking provision.

- 10.7 In conclusion, the proposal would be an acceptable design, respectful of the character of the landscape and streetscene, in accordance with the relevant aspects of Policy CS15, CN01 and CR04 of the Core Strategy. Furthermore, the proposal would remain consistent with the environmental dimensions of sustainable development and paragraph 56 of the NPPF, in securing good design and protecting the built and natural environment.
- 10.8 Further to the above, it is concluded however, that the design of the proposals is not of sufficient quality or innovation, nor results in an enhancement of the built and natural environment as to determine the proposal would provide a benefit in terms of the environmental dimension of the sustainable development in this regard.

### **11. Landscape Impact**

- 11.1 The proposal includes a number of trees to be removed, which in turn affects the screening afforded to the development. However, the trees proposed for removal appear to be of limited arboricultural value, whilst they are positioned primarily to the road frontage, with screening retained to the remaining boundaries ensuring a degree of enclosure. Furthermore a comprehensive landscape strategy (including protection measures to significant trees where appropriate), which can be secured by way of planning condition, can reinforce screening where necessary and include landscape features of a better amenity value to the benefit of not only the applicant but the landscape character of the site and its surroundings.

### **12. Environmental Impacts - Trees, Ecology and Land Contamination**

- 12.1 The Environmental Protection Team request the submission of a Phase 1 Contamination Report. However, given that the proposal site has not been identified as potentially contaminated and historically appears to have remained in residential use, the level of information currently submitted is deemed to be sufficient to determine the application at this stage. The Phase 1 Contamination Report could be secured by way of planning condition.

### **13. Heritage Issues**

- 13.1 There are no heritage impacts.

### **14. Impact on Residential Amenity**

- 14.1 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 14.2 Given the degree of separation, position and orientation between the proposed dwellings and Newman's Lodge, the proposal would not result in any significant harm to the amenity of the occupants of neighbouring properties or future occupants of the proposed dwellings, in accordance with Paragraph 17 of the NPPF.

## **15. Biodiversity and Protected Species**

15.1 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 however the proposal raises no issues of significance.

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

16.1 Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

16.2 These are not material to the planning decision.

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## **PART FOUR – CONCLUSION**

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### **19. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.**

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

19.2 In this case the development was considered to be unacceptable in principle having regard to the location of the development in the countryside and remote from the nearest services and therefore likely to rely on use of the motor car.

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

20.1 None

### **21. Planning Balance**

21.1 There are no local facilities or services in Alpheton. The nearest facilities are in Long Melford and Lavenham which are at least 4 km from the site along routes which are unlit and have no footpaths. It is likely that most trips from the proposed dwelling would be by private car. In this regard it is considered that the proposal would not accord with National Planning Policy Framework (the Framework) paragraphs 17, 34 and 35 which seek to locate development to give priority to pedestrian, cycle and public transport movements.

21.2 Framework paragraphs 7 and 8 require the economic, social and environmental roles of sustainability to be considered together. The proposal would make a limited and short term contribution to the economic role of sustainability through the construction activity. The creation of 4 new dwellings would make a contribution to the supply of housing in the area. Whilst the appeal site is not isolated from other established built development given the limited opportunity for travel by sustainable modes, its benefits in supporting local services would be very modest. The proposal would, therefore, make a limited contribution to the social role of sustainability. It is also considered that there would be no significant environmental benefit from the development as the land is presently garden.

21.3 It is concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14 or Policies CS1 and CS2 of the Babergh Core Strategy.

## **RECOMMENDATION**

Refuse planning permission for the following reasons:

1. The proposal site lies adjacent to existing residential development in the village of Alpheton, outside of the Towns/Urban areas and Core and Hinterland Villages, designated as the countryside for the purposes of Policy CS2 of the Core Strategy. The Countryside is identified as the least preferable location for development, with development permitted only in exceptional circumstances subject to a proven justifiable need. The applicant has not made a case to set out that the proposal should be considered as 'exceptional' under the provisions of Policy CS2 and thereby is contrary to the policy.

Alpheton has no recognisable services or facilities. As such, journeys out of the village would be a regular necessity for residents in order to access many day-to day services. Furthermore, due to the absence of a public footpath and poor public transport links to settlements that would provide the services and facilities to meet those everyday needs, alternative means of transport to private vehicles would not provide a sufficiently attractive or convenient option to future residents. The proposal site is thereby poorly located in terms of access to services and facilities, whilst occupiers of the proposed dwelling would be largely reliant on private vehicular transport. The proposal is thereby considered to represent isolated homes in the countryside, conflicting with the aims of paragraph 55 of the NPPF. The applicant has not made a case to set out that the proposal should be considered as 'exceptional' under the provisions of Paragraph 55 of the NPPF.

On this basis the proposal is considered to materially and demonstrably conflict with the aims of the NPPF as it fails to meet the environmental and social dimensions of sustainable development, whilst contrary to aspects of Policy CS15 of the Core Strategy. Any benefits arising from the development are considered to be significantly and demonstrably outweighed by the identified harm.




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**Application No: B/17/01103**




**Parish: Alpheton**



**Location: Newmans Lodge, Bury Road**

**Legend**

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

**Listed Buildings**

-  Grade 1
-  Grade 2
-  Grade 2 \*

-  The Site
-  Built up Area Boundary



**BABERGH DISTRICT COUNCIL**

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# Agenda Item 8f

## Committee Report

**Item No:** 6

**Reference:** B/17/01010

**Case Officer:** Alex Scott

**Ward:** Boxford.

**Ward Member/s:** Cllr Bryn Hurren.

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## Description of Development

Use of existing annexe as independent dwelling house

## Location

Groton Manor, Castlings Heath, Groton, Sudbury CO10 5ET

**Parish:** Groton

**Site Area:** 2000 m<sup>2</sup>

**Conservation Area:** No

**Listed Building:** Yes

**Received:** 13/04/2017

**Expiry Date:** 01/09/2017

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

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** NA.

**Applicant:** Mr & Mrs Fraulo

**Agent:** Mr P Cobbold

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 100022432 - SCALE 1:2500 - received 13/04/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 100022432 - SCALE 1:2500 - Received 13/04/2017

Floor Plan - Proposed 266.03A - Received 13/04/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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

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

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

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

|             |  |                       |
|-------------|--|-----------------------|
| B/16/01348  | Use of existing annex as independent dwelling house with associated subdivision of the existing site (gardens) to create an independent planning unit, under land use Class C3 (dwelling houses).  | Refused<br>24/11/2016 |
| B/04/01806  | Alterations to existing outbuildings required in connection with annex accommodation, garage, playroom, stables, stores and changing rooms, as amended by agent's letter 31st December 2004 and drawing numbers 03A and 04A, all received by the Local Planning Authority on 4th January 2005.   | Granted<br>17/02/2005 |
| B/04/01807  | Application for Listed Building Consent - Alterations to existing outbuildings required in connection with annex accommodation, garage, playroom, stables, stores and changing rooms, as amended by agent's letter dated 31st December 2004 and drawing numbers 03A and 04A, all received by the Local Planning Authority on 4th January 2005. | Granted<br>17/02/2005 |
| B//00/00802 | Conversion of existing outbuilding to garden room and erection of wall.  | Granted<br>13/07/2000 |
| B//00/00803 | Application for listed building consent -Conversion of existing outbuilding to garden room; erection of wall and internal alterations  | Granted<br>12/07/2000 |

### **All Policies Identified as Relevant**

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

## **Summary of Policies**

NPPF - National Planning Policy Framework  
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CR19 - Buildings in the Countryside - Residential  
CN06 - Listed Buildings - Alteration/Ext/COU  
TP15 - Parking Standards - New Development

## **List of other relevant legislation**

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

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

None.

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

None.

## **Consultations and Representations**

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

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

#### **Groton Parish Council**

The Parish Council is in full support of this application.

#### **SCC - Highways**

No objections - subject to compliance with suggested conditions.

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

No objections from the perspective of land contamination.

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

No objections or comments to make regarding this application.

## **Heritage Team**

The heritage team considers that the proposal would cause no harm to the designated heritage assets because no physical alterations are proposed to facilitate the subdivision of the existing annexe to a separate dwelling which could impact significance of the listed building and its setting, as well as the proposed use of the existing access to indicate the distinction between the two units would not adversely impact the historic farmstead layout or narrative of the site.

The heritage team recommends that conditions be imposed requesting details of any proposed boundary treatment treatments or landscaping scheme.

## **B: Representations**

None Received.

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

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

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

- 1.1 The application site is located at Castlings Heath, Groton, a remote group of dwellings located in open countryside 5.4 kilometres (3.4 miles) to the west of the Town of Hadleigh.
- 1.2 The application site relates to a former range of agricultural buildings ancillary to the grade II listed Manor House of Groton Manor. The buildings were granted planning permission for conversion to annex accommodation in February 2005 (Ref. B/04/01806/FHA).

### **2. The Proposal**

- 2.1 The application proposes the subdivision of the existing residential curtilage, the creation of an additional planning unit under land use class C3, and the use of the existing annex building as an independent dwellinghouse. The proposed new unit would share the existing access to the public highway with the existing host dwelling.

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

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

### **4. Core Strategy**

- 4.1 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

CS15 Implementing Sustainable Development in Babergh

CS18 Mix and Types of Dwellings

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

5.1 None.

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

#### **6.1 BABERGH LOCAL PLAN (ALTERATION NO.2) 2016**

CN06 Listed Buildings, Heritage Assets and Settings

CR19 Conversion of Existing Buildings in the Countryside - Residential

TP15 Parking Standards - New Development

### **7. The Principle and Sustainability Assessment of Proposal**

7.1 Policy CS2 of the Babergh Core Strategy 2014 identifies Groton as a Countryside Parish, whereby development will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site lies within a detracted rural group of dwellings at Castlings Heath, approximately 1.7 kilometres (approximately 1 mile) to the north east of the main settlement of the Parish along Groton Street. The Parish also does not contain a Built Up Area Boundary (BUAB) as defined in the Babergh Local Plan (Alteration No. 2) 2016. The site is located 2.5 kilometres (1.55 miles) to the north-east of the nearest sustainable settlement of Boxford and 5.4 kilometres (3.4 miles) to the west of the nearest town of Hadleigh. The creation of a new dwelling in the proposed location would, therefore, be contrary to the aims of this policy.

7.2 However, due to a lack of 5 year housing land supply, it is agreed that the policies within the Babergh Development Plan relating to the supply of housing are considered to be out of date in terms of paragraph 49 of the National Planning Policy Framework (the Framework). Consequently, Paragraph 14 of the Framework is considered to apply and therefore planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or where specific policies in the Framework indicate that development should be restricted.

7.3 The Framework sets out a number of core planning principles which underpin decision-taking. These include supporting thriving rural communities within the countryside and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. In promoting sustainable development in rural areas, the Framework therefore seeks to ensure that new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.

7.4 The only service or facility within the parish is a Church and the nearest Shop, Public House, Primary School and Bus Stop (with regular services to towns) are located at Boxford, with the other nearest services being located at Hadleigh.

It is not considered that the application site is linked to the full range of services and facilities required to meet the day to day needs of future residents accessible by sustainable modes of transport. It is, therefore, considered that the use of the private car would be the necessary and most realistic transport choice for future occupants.

- 7.5 Paragraph 55 of the Framework recognises that smaller settlements can support services in other nearby villages, and it is noted that the proposal site is 2.5 kilometres from Boxford and 5.4 kilometres from Hadleigh (as the Crow flies) and as such any car journeys to access services and facilities in these settlements would only be short trips. It is also acknowledged that as a rural area, reliance on private transport is not uncommon within the District and that paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 7.6 Nonetheless, the development of an additional dwellinghouse within the countryside, with no ease of access to services by sustainable transport modes, would generate use of and reliance upon unsustainable forms of transport. It is considered that this disbenefit would undermine any benefits of the development in respect of supporting services in neighbouring areas. The rural nature of this part of the Parish in itself would also not justify housing development in this rural location.
- 7.7 On this basis, it is not considered that the proposed development would accord with paragraphs 17 and 55 of the Framework due to its isolated location in respect of accessibility and sustainable transport.
- 7.8 The proposal would also conflict with Policy CS2 of the Development Plan in which there are no exceptional circumstances in favour of sustainable development. Whilst the weight to be given to this policy may be limited in terms of its restriction upon the supply of housing, it is consistent with paragraph 55 of the NPPF and it can, therefore, be concluded that the proposal is contrary to specific policies in the Framework.
- 7.9 Policy CS15 of the Development Plan sets out a range of criteria related to the elements of sustainable development and the principles of good design and which are to be applied to all developments, as appropriate, dependant on the scale and nature of the proposal. It requires that new development should ensure that an appropriate level of services, facilities and infrastructure are available to serve the proposed development (Part (v)) and that development should seek to minimise the need to travel by car (Part xviii). The proposal is therefore contrary to these aspects of this policy.
- 7.10 In their supporting statement the applicant argues that, had the proposal been initially applied for as an independent dwelling this would have been permitted under local plan policy CR19. This policy requires that alternative uses are demonstrated for the building. As the building has previously been granted planning permission for conversion to an annexe (PP. ref: B/04/01806) the provisions of policy CR19 have not previously been applied as they were not applicable for the previous proposal. Furthermore, it has not been satisfactorily demonstrated that the existing use is not viable. Anecdotal evidence is suggested that the property has been marketed, but no thorough marketing, agreed in advance by the local planning authority, has taken place and details of the marketing have not been provided. In addition, policy CR19 requires that the building is of architectural or historic merit and, in this case, no heritage statement is provided to assess the value of the building or the impact of the change of use upon the significance of the listed farmhouse.
- 7.11 Policy CR19 and NPPF Paragraph 55 policies are intended to bring redundant and disused buildings back into use. In this case, the change of use is not necessary to secure the future of a heritage asset or bring a redundant or disused building back into use as the building is no currently redundant or disused. There is also insufficient information provided with the application to support the claim that the annex cannot be sold with the dwelling as an ongoing concern.

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

- 8.1 Should appropriate improvements to the existing site access be secured, in order to bring it up to current standards to serve 2 no. dwellings, it is not considered that the proposal would result in a significant impact on existing highway safety in terms of increased vehicle movements.
- 8.2 The application is also considered to proposed adequate on-site turning and parking spaces to serve both the existing and proposed dwellings.
- 8.3 The proposal is therefore considered acceptable in terms of highway safety considerations.

## **9. Design and Layout [Impact On Street Scene and Landscape]**

- 9.1 The application does not propose any significant alterations to the existing building. And previous alterations have previously been granted under prior planning permissions granted on the site.
- 9.2 Should the in principle reasons for refusal at any point be discounted, and planning permission be granted, the provision of any hard landscaping features (such as gates, walls, fences and hard surfaces) should be controlled by way of condition.
- 9.3 The application would not therefore result in any additional impacts in terms of the proposed design and layout.

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

- 10.1 The proposal would not result in the loss of any significant trees or hedgerows.
- 10.2 The proposal relates to an existing building currently in use and proposes only minor operational development. The proposal would, therefore, not result in significant harm to protected or priority species or their habitats.
- 10.3 The applicant has submitted a desk based land contamination assessment with the application which has been assessed by Council land contamination specialists who have concluded that future occupants would not be at significant risk from sources of land contamination.

## **11. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

- 11.1 Groton Manor (listed as Manor Farmhouse) is a Grade II listed building dating from the 17th Century. The building stands to the north east of the Parish of Groton within the countryside, largely in an agricultural context pertaining to its historic narrative and usage. Outbuildings to the north east are curtilage listed and form a single-storey L-shaped stable arrangement which contributes to the setting of the listed building.
- 11.2 The Council's Heritage Team has assessed the application proposal and consider that the proposed division of the building and curtilage from the listed farmhouse does not present the optimum viable use as the proposal is not concurrent with the only use which does not require changes to the structure which would also retain a clear and functional relationship to the listed farmhouse.
- 11.3 The heritage team does not, however, consider that the proposal would result in harm to the setting or significance of the heritage assets through the division of curtilage as the historic curtilage, curtilage listed status of the existing annexe building, and historic narrative would remain.

It is, however, stated that should changes be required to visually and physically separate the resultant sites, including boundary treatment and landscaping schemes, a degree of harm could be invoked. The heritage team therefore advise the implementation of conditions requiring the submission of details relating to proposed boundary treatments and hard and soft landscaping should permission be granted.

## **12. Impact on Residential Amenity**

- 12.1 By reason of the single storey scale of the existing annexe building, its siting in relation to the existing host dwelling of Groton Manor, and its proposed fenestration layout it is not considered that the proposed dwelling would result in demonstrable harm the amenities of the occupants of Groton Manor or any other neighbouring property.

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## **PART FOUR – CONCLUSION**

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

- 13.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 13.2 In this case the application proposal is considered to represent a clear departure from policies contained in the NPPF and Development Plan and any amendments to the proposals could not address these 'in-principle' objections.

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

- 14.1 The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following has been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2012
  - 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.

### **15. Planning Balance**

- 15.1 In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.
- 15.2 The Framework seeks to boost significantly the supply of housing and the development would contribute to housing supply in an area where there is a shortage. This would therefore provide modest economic benefits. The development would also give rise to other economic benefits relating to employment and construction, although these would be limited and temporary.



- 15.3 The provision of a dwelling would also constitute a small social benefit to the community. However, due a lack of a planning obligation it is not considered that the development would offer significant social benefits in respect of affordable housing. This is therefore attributed limited weight.
- 15.4 In terms of the environmental pillar of sustainable development, the site is an area of residential garden land and ancillary buildings adjacent to open countryside with ecological potential. Residential Gardens are not included within the definition of previously developed land contained within the Framework. The impact on character and appearance of the area and flood risk is therefore considered to be neutral. By reason of its social isolation, the proposal is considered to place reliance on the private car as a means of transport which would result in environmental harm. It is not therefore considered that positive weight can be attributed to the proposed development in terms of environmental benefit.
- 15.5 It is not considered that the site would represent a rural exception site and the social and environmental harm identified in respect of its isolation from services and facilities would be significant. In conclusion, therefore, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposal cannot, therefore, be considered to be the sustainable development for which the Framework presumes in favour.

## **RECOMMENDATION**

That planning permission be refused for reasons including:-

1. Paragraph 55 of the NPPF (2012) sets out the national policy regarding sustainable housing development in rural areas and states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for rural worker accommodation; where such development would secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the dwelling is of exceptional quality or innovative nature of design.

At a local level, policy CS2 of the development plan states that in such locations development will only be permitted in exceptional circumstances subject to a proven justifiable need.

The proposed additional residential unit occupies an isolated location within the countryside and, furthermore, it is not considered that the proposal has demonstrated any special or exceptional circumstances as set out in the aforementioned planning policy. As such the proposal is considered to be contrary to the provisions of the NPPF (2012) and policy CS2 of the development plan, having had regard to all other material planning considerations.

2. The application is further contrary to the provisions of Paragraph 55 of the NPPF (2012) and policy CR19 of the development plan. The aforementioned planning policies are designed primarily to bring redundant and disused agricultural buildings back into use. In this case, the change of use is not necessary to secure the future of a heritage asset or bring a redundant or disused building back into use, and there is insufficient information to prove the annex cannot be sold with the dwelling as an ongoing concern.




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**Application No: B/17/01010**




**Parish: Groton**



**Location: Groton Manor, Castlings Heath**

**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 9

## BABERGH DISTRICT COUNCIL

|   |  |
|---|--|
| <b>From:</b> Development Management Officer – Growth and Sustainable Planning | <b>Report Number:</b> <b>PL/17/13</b>  |
| <b>To:</b> Planning Committee   | <b>Date of Meeting:</b> 30 August 2017 |

### RESPONSE OF BABERGH DISTRICT COUNCIL TO THE CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND AT FORMER MANGANESE BRONZE SITE (also known as ELTON PARK WORKS) FOLLOWING DEVOLUTION OF DECISION-TAKING POWERS TO IPSWICH BOROUGH COUNCIL

#### 1. Purpose of Report

- 1.1 To agree response to Ipswich Borough Council (IBC) following devolution of powers of Land at the former Manganese Bronze site (Elton Park), Sproughton.

#### 2. Recommendation

- 2.1 That Babergh District Council write to Ipswich Borough Council raising no objection to the application, subject to consideration of the comments outlined below, the agreement of a Section 106 and CIL contributions.
- 2.2 Notwithstanding the five year housing position of Babergh District Council, any new housing needs to be properly integrated with the wider area and future development of the Sugar Beet Site to ensure appropriate infrastructure provision is maximised.

#### 3. Financial Implications

- 3.1 There are no financial implications arising directly from this report.

#### 4. Risk Management

- 4.1 There are no significant risks arising directly from this report.

#### 5. Equality and Diversity Impact

- 5.1 There are no Equality and Diversity implications arising directly from this report.

#### 6. Key Information

- 6.1 On 7 August 2017, Babergh District Council resolved to devolve powers for the determination of a planning application seeking Outline planning permission for the erection of 128 dwellings including the provision of a 60-bed care home at the Former Manganese Bronze Site (also known as Elton Park, Hadleigh Road, Ipswich) to Ipswich Borough Council.
- 6.2 The proposals also included the demolition of existing buildings and associated works to remediate the land on the Application site.
- 6.3 The land on the north-west side, and which forms part of the development area, is within the administrative area of Babergh District Council. However, the land to the east and south is within the administrative area of Ipswich Borough Council.

- 6.4 The significant majority of the application site is in Ipswich Borough. The 60-bed care home, 25 no. dwellings and areas of open space are the only elements of the development which are *indicated* to be within Babergh District Council's area. Given the limited area and lack of highway access it is unlikely that there would be any more development than that – the focus and density of development is in IBC land.
- 6.5 As BDC is the smaller area of the site, it has received none of the application fee which amounted to approximately £17,000. In addition, it is good planning practice to allow the majority authority to determine as it promotes cooperation between authorities, as envisioned by Localism, and avoids conflicts between what would otherwise be two planning permissions and two legal agreements; potentially two different decisions.
- 6.6 As such, work on any necessary planning obligation under section 106 of the 1990 Act will also be delegated to Ipswich Borough Council, subject to Babergh District Council's final approval.
- 6.7 With regards to viability, this has been accepted by the DV and confirms the scheme will provide *nil affordable housing* (in either Babergh or Ipswich) likely due the costs of land remediation. The Care Home element will be within Babergh, but this is not part of the affordable provision.
- 6.8 BDC will benefit from CIL contributions, the amount has not yet been confirmed due to the Outline nature of the scheme.
- 6.9 The proposed application has been the subject of a 21 day period of consultation with all consultees and interested parties being notified.

### **Consultations**

- 6.10 Those consultation responses received are summarised as follows:-
- 6.11 **Sproughton Parish Council** – Recommends approval, subject to conditions that there are traffic mitigation measures, a link between the site and the former sugar beet site to the north
- 6.12 **BDC Environmental Health Sustainability Issues** – Recommends conditions
- 6.13 **BDC Environmental Health Land Contamination** – The Phase 1 investigation states that further works are required, no recommendation until this is explored.
- 6.14 **BDC Environmental Health Other Issues** – Recommends conditions
- 6.15 **BDC Private Sector Housing** – No comment
- 6.16 **BDC Arboricultural Officer** – No objection subject to works being in accordance with protection measures outlined in the submitted arboricultural report and that additional information including a detailed method statement and tree protection plan for the final layout are included at reserved matters or by planning condition.
- 6.17 **SCC Highway Authority** - No objection, subject to the imposition of conditions and competition S106 planning obligations.
- 6.18 **SCC Planning & Infrastructure** – Seeks contribution towards education (primary, secondary & sixth form), pre-school provision & libraries.
- 6.19 **SCC Flood & Water Management** – Requires further information on drainage methods and SuDs adoption and maintenance.
- 6.20 **SCC Archaeological Services** – Requests further information.
- 6.21 **NHS England** – Seeks contribution towards additional primary healthcare provision.

6.22 **Anglian Water** – Recommends conditions.

6.23 **Place Services Ecology** – Recommends conditions.

### **Representations**

6.24 Four letters of representation have been received by BDC and their contents are summarised as follows:-

- Development will result in an increase in traffic; the current measures are not efficient to cope with the cumulative impact of developments around the Hadleigh Road route to/from Ipswich;
- A relief road 'river crossing' should be considered;
- Good use of a redundant brownfield site;
- Four-storey care home is not the 2-2 ½ storey care home described at public consultation;
- The care home will cause loss of light to properties on Elton Park and is not in-keeping with the surrounding buildings;
- Relocate the buildings in-site so that there is no overlooking, or dominance caused by the care home;
- Clear access needs to be provided at all times for any emergency vehicles which require access to the care home;
- Impact of development on nearby TPO's;
- Too many houses are proposed for the scale of the site;
- Schools and healthcare will be put under 'additional strain and stress;'
- Only one of the two accesses being utilised; both would have less impact.

### **Assessment**

6.25 Whilst IBC are ultimately the determining authority with regard to this development, it is appropriate to comment upon material considerations of relevance to Babergh District Council.

6.26 The proposed development is a cross boundary application between IBC and BDC. The majority of existing facilities and services are provided within the Borough of Ipswich, however as the minority of the site lies within Babergh District and is close proximity to the village of Sproughton, the following matters which relate to the proposed development are considered.

### Future Development and Comprehensive Development

6.27 The application is for Outline Planning Permission, therefore a number of matters of detail are to be submitted for consideration at a later stage. As such, it is the principle of development of the type proposed that is for consideration at this stage and, in its role as a consultee on this proposal, Babergh District Council must consider the extent to which the principle of this development is acceptable in terms of the development plan and other material considerations.

6.28 The application site currently comprises of a redundant employment site of approximately 4.31ha; approximately 1.29ha lies within Babergh District.

6.29 Policy EM24 of Babergh's Local Plan states that:

*Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:*

1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or

2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.

It is noted that no evidence of a marketing scheme has been provided, however the site lies on the Ipswich fringe, where there are many alternative employment sites. The application site has residential dwellings to the east, south and west, therefore any use for the site, other than residential would potentially impact the amenity of the existing residents. The Ipswich Borough administrative area of the site has been allocated for residential dwellings under Policy SP2 of the Core Strategy Review 2015. As such, it is considered that alternative uses of the BDC element of this site would be undesirable for all but C2/C3 (residential) use.

- 6.30 The site is in a highly sustainable location, near to a range of primary and secondary services and facilities, employment opportunities and education. There are opportunities to walk and utilise the public transport network from the site; reducing the need to travel by car.
- 6.31 Whilst the location is in close proximity to the services provided in Ipswich Borough, the proposal is compliant with Babergh Core Strategy Policies CS1, CS2 and CS15.
- 6.32 There are a number of Tree Preservation Orders which run along the western boundary of the proposed site, within Babergh Districts administrative area. The River Gipping runs to the north of site; dividing the site from the Former Sugar Beet Factory. As such the area of open space to the north lies within Flood Zones 2 & 3.
- 6.33 The application site is adjacent to the Former Sugar Beet site to the north, which is on the urban edge of Ipswich immediately adjacent to Junction 54 of the A14 and is a sub-regionally important strategic employment site.
- 6.34 Babergh's Core Strategy Policy CS8 states that *"The former 'British Sugar' (sugar beet factory) site, is allocated for retention in employment related use(s). Proposals for redevelopment or re-use of the previously developed site (35.5 hectares) must be planned / approached on a comprehensive basis, with regard to the future of the entire site. Co-ordination of development could be achieved through a Masterplan and / or development brief / concept statement."*
- 6.35 No application has currently been made for the former Sugar Beet Site; however consultation responses have confirmed that a link between the application site and the Sugar Beet Site is desirable to ensure cohesion between this development and any proposals that may come forward for the Sugar Beet site.

#### Affordable Housing and Housing Need

- 6.36 It is noted that the scheme does not deliver affordable housing in either district, as stated above. This is due to the substantial remediation costs associated with redevelopment of this site, and this position has been subject to review by the District Valuer.

#### Education

- 6.37 As no new education provision is to be provided within the development, it is necessary for financial contributions to be made towards the education provision in Babergh District. It is assumed that Suffolk County Council will require the necessary mitigation to be implemented and it would be expected that Ipswich Borough Council would secure these requirements as part of their determination of this application.



## Highways

- 6.38 Residents of existing neighboring dwellings have expressed concern regarding existing highway safety and the additional impact of additional residential dwellings. Alterations or improvements to the access of the site and Hadleigh Road which ease the flow of traffic are welcomed.
- 6.39 The Local Highway Authority's response states that there is no objection on highway safety grounds, subject to the imposition of conditions and the completion of S106 planning obligations. It would be expected that Ipswich Borough Council would secure these requirements as part of their determination of this application.

## Conclusion

- 6.40 The proposal represents a sustainable development in accordance with the National Planning Policy Framework and in the absence of a five-year land supply of deliverable housing land in Babergh District, a presumption in favour of sustainable development should apply.
- 6.41 From the information provided, Babergh District Council consider it reasonable to recommend that Ipswich Borough Council secure future applications (reserved matters) under the submitted layout, which would promote certainty and is built on sound urban design principles.
- 6.42 The proposal focuses on local facilities and amenities available in Sproughton and Ipswich, including schools and education, shops and retail, employment, recreation, and medical facilities. If further pressure is to be put on these facilities that has not been planned for, the necessary financial contributions are requested via Ipswich Borough Council.
- 6.43 Any planning obligation under section 106 of the 1990 Act will also be subject to Babergh District Council's final approval. It is noted that the development site lies within the high value zone for BDC CIL Charging and would be subject to CIL at a rate of £115m<sup>2</sup> (subject to indexation). The CIL Liability is calculated on approval of details submitted under Reserve Matters. The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended).
- 6.44 CIL would only be chargeable on development that falls within its administrative area
- 6.45 Any further applications relative to this matter, including any reserved matters applications, would be the subject of a further report to Council.
- 6.46 Final conditions will be for Ipswich Borough Council to determine; where relevant it is requested that the conditions suggested by the consultees above are implemented.
- 6.47 Therefore in light of consideration given to various matters within this report, it is recommended that the response on behalf of Babergh District Council include the following points:
- That Babergh District Council write to Ipswich Borough Council raising no objection to the application, subject to consideration of the comments outlined below, the agreement of a Section 106 and CIL contributions.
  - Notwithstanding the five year housing position of Babergh District Council, any new housing needs to be properly integrated with the wider area and future development of the Sugar Beet Site to ensure appropriate infrastructure provision is maximised.

**7. Appendices**

7.1 Location Plan (showing County Boundary) ref: 8434/01A

7.2 Indicative Layout Plan ref: 8434/03A

**8. Background Papers**

8.1 Relevant papers of Planning File B/17/00037/OUT

Authorship:

Natalie Webb

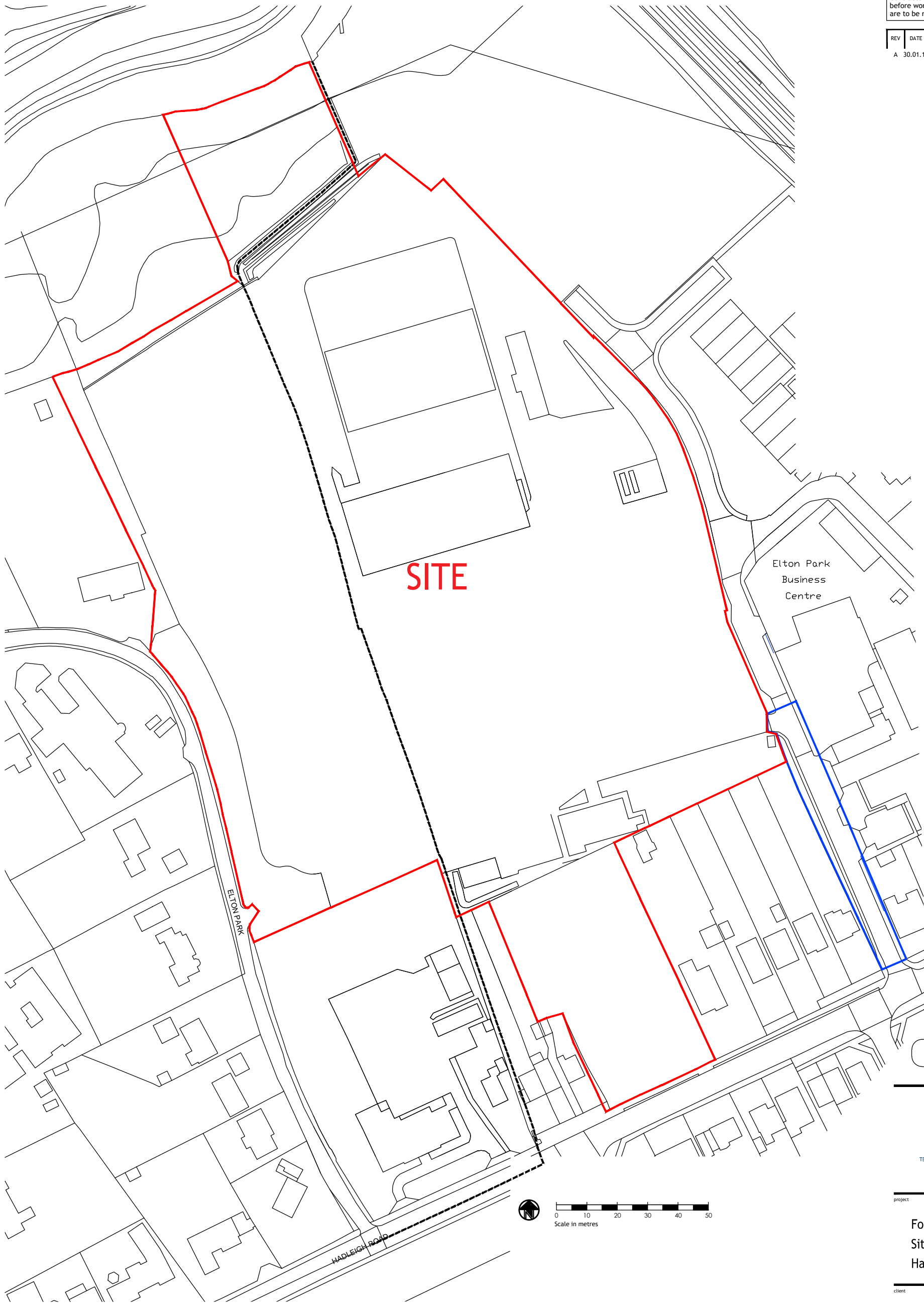
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Contractors are to check all levels and dimensions before work is put in hand, and any discrepancies are to be referred to the architects

| REV | DATE     | DESCRIPTION  | DWN | CHKD |
|-----|----------|--|-----|------|
| A   | 30.01.17 | Boundary to Elton Park Works access added in blue. | SG  | -    |



Planning



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project

Former Manganese Bronze  
Site  
Hadleigh Road, Ipswich

client

M & D Developments Ltd

drawing title

Site Location Plan

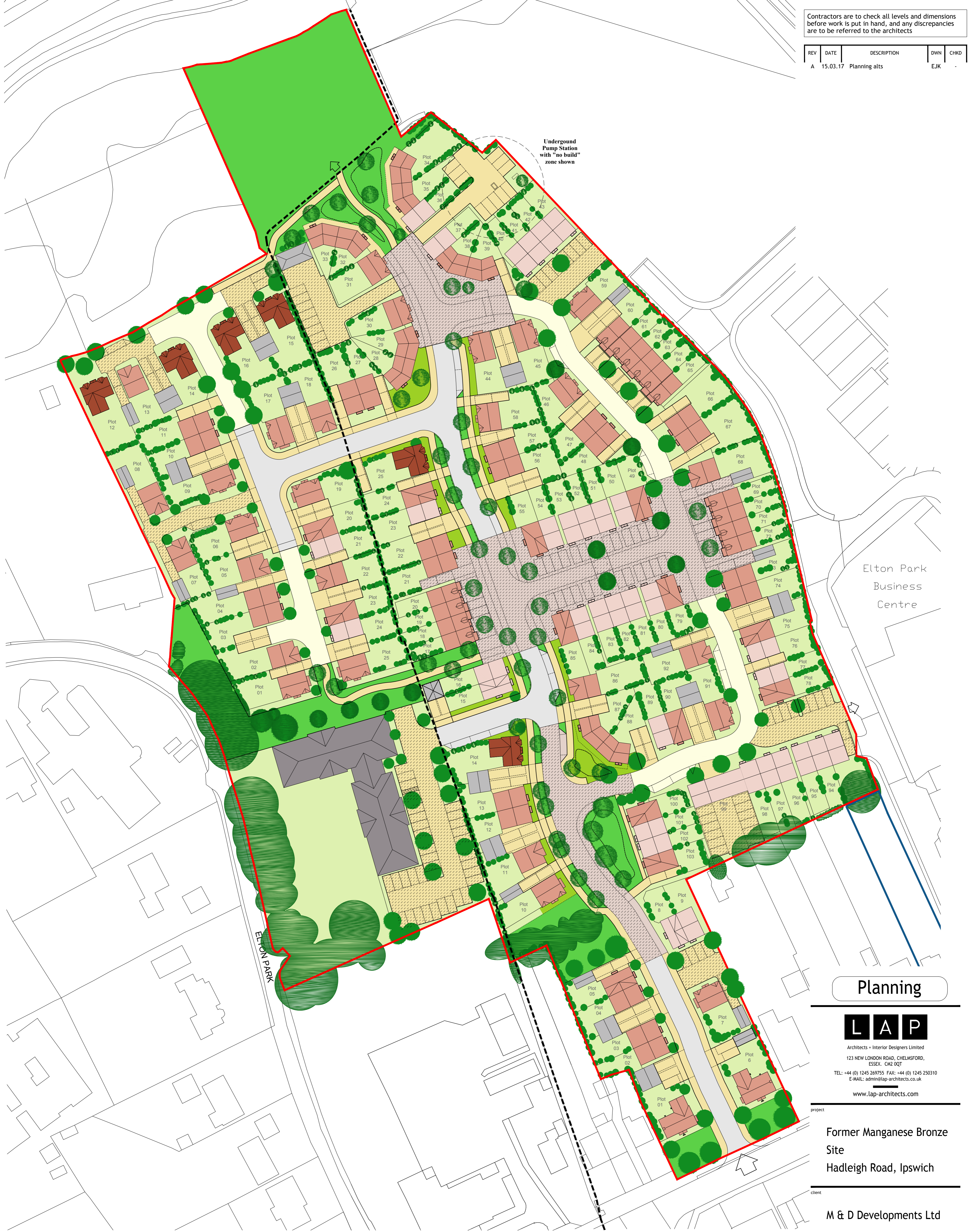
| key  |  |
|--|--|
| site boundary  |  |
| Boundary line between Babergh District Council and Ipswich Borough Council |  |

|                   |                   |
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| drawing number    | revision          |
| 8434 / 01         | A                 |
| scale 1:1250 @ A3 | checked SG        |
|                   | drawn EJK         |
|                   | date October 2016 |

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Contractors are to check all levels and dimensions before work is put in hand, and any discrepancies are to be referred to the architects

| REV | DATE     | DESCRIPTION   | DWN | CHKD |
|-----|----------|---------------|-----|------|
| A   | 15.03.17 | Planning alts | EJK | -    |



Elton Park  
Business  
Centre

Underground  
Pump Station  
with "no build"  
zone shown

Planning

**LAP**

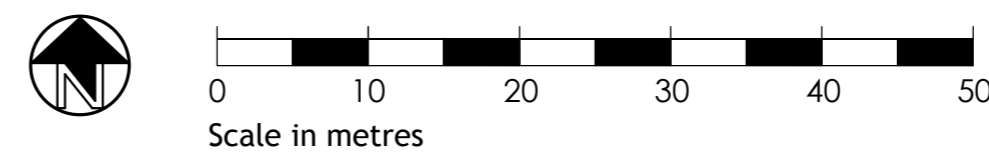
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project  
**Former Manganese Bronze Site**  
Hadleigh Road, Ipswich

client  
**M & D Developments Ltd**

drawing title  
**Indicative Masterplan**

| key  |  |              |
|--|--|--------------|
| 2 bed dwelling   |  | 35 no. units |
| 3 bed dwelling   |  | 85 no. units |
| 4bed dwelling  |  | 8 no. units  |
| garage   |  |              |
| care home  |  | 60 beds      |
| site boundary  |  |              |
| Boundary line between Babergh District Council and Ipswich Borough Council |  |              |



|  |                      |
|--|----------------------|
| drawing number<br><b>8434 / 03 / A</b> | revision<br>A        |
| scale<br>1:500 @ A1                    | drawn<br>SG          |
|  | date<br>October 2016 |

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