

Committee Report

Committee Date: 30 June 2017

Item No:

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

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

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

Parish: Elmsett

Ward: South Cosford

Ward Member/s: Cllr. Alan Ferguson

Site Area: 0.38ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 04.04.2016

Expiry Date: 14.09.2016

Application Type: Full Planning Permission

Development Type: Smallscale Major Development

Environmental Impact Assessment: N/A

Applicant: Gracewood Housing Ltd

Agent: KLH Architects

SUMMARY

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

PART TWO – APPLICATION BACKGROUND

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

History

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

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. The following responses have been received from consultees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations

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

The Site and Surroundings

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

The Proposal

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

NATIONAL PLANNING POLICY FRAMEWORK

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

PLANNING POLICIES

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

BABERGH CORE STRATEGY 2014

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

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

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

SUPPLEMENTARY PLANNING DOCUMENTS

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

Main Considerations

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

The Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The landscape, environmental and heritage characteristics of the village

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

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

The locational context of the village and the proposed development

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

Site location and sequential approach to site selection

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

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

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

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

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

Locally Identified Community Needs

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

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

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

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

Additional CS11 Criteria for Hinterland Villages

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

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

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

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

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

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

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

Supports local services and/or creates or expands employment opportunities

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

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

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

Summary of Assessment Against Policy CS11

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

Consideration against other development plan policies.

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

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

Design and Layout

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

Impact on Heritage Assets

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

Connectivity and Highway Safety

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

Impact On Residential Amenity

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

Biodiversity and Protected Species

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

Land Contamination

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

Surface Water Drainage

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

Summary of Assessment Against Policy CS15

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

Planning Obligations / CIL (delete if not applicable)

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

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

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

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

These are not material to the planning decision

PART FOUR – CONCLUSION

Planning Balance

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

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

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

Identification of any Legal Implications of the decision

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

RECOMMENDATION

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

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

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

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