

## **Committee Report**

**Committee Date: 30 June 2017**

**Item No: 2**

**Reference: B/17/00003/FUL  
Case Officer: Gemma Pannell**

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**Description of Development:** Erection of 16 no. dwellings comprising 5 no. bungalows and 11 no. houses, complete within garaging, related infrastructure, landscaping and new access off Station Road

**Location:** Oakleigh, Capel Road, Bentley, Ipswich, IP9 2DW

**Ward:** Dodnash

**Ward Member/s:** Cllr J Hinton and Cllr S Williams

**Site Area:** 0.96 hectares

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not Listed

**Received:** 31/01/2017

**Expiry Date:** 02/05/2017

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**Application Type:** Planning Permission

**Development Type:** Smallscale Major Development

**Environmental Impact Assessment:** N/A

**Applicant:** Mr Goodwin, Thorcross Builder Ltd

**Agent:** Springfield Planning and Development Limited

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## **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.

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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 development of more than 15 dwellings

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## **PART TWO – APPLICATION BACKGROUND**

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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:
  - None relevant to this application

### **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, highways issues and layout.

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

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### **Consultations**

6. The following responses have been received from consultees.

**Anglian Water** – No objections to the development

**Bentley Parish Council:** Recommended approval of the application. They did express grave concerns about access onto Capel Road which already has traffic issues. Concerns over safety of children using adjacent facilities and also its impact on the Bergholt Road junction which can only get worse.

**SCC Development Contributions Manager:** Detailed comments in relation to the requirements for CIL.

**SCC Archaeological Service:** No objection – subject to conditions

**SCC Fire and Rescue Service:** No objections to the development

**Local Highway Authority:** No objection subject to conditions.

**Corporate Manager – Sustainable Environment (Land Contamination):** No objection – Based on additional assessment undertaken by Nott Group (ref. 72630/R/001) dated 21st April 2017 agree that the risks posed by the site to a residential end use is low. Requested to be consulted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

**Corporate Manager – Public Realm (Arboricultural Officer):** No objection in principle to this application. A detailed arboricultural method statement and tree protection plan should be conditioned.

## **Representations**

### 7. Summary of neighbour and other representations

At the time of preparing this report, 4 letters of representation have been received, which make the following comments (summarised) -

- Volume of traffic along this stretch of Capel Road continues to grow.
- Curved nature of road in conjunction with proximity to school make it a dangerous stretch of road
- Footpath on only one side of Capel Road.
- Concerns that materials changes to the plans may occur once permission is granted
- Concerns that the road, wall and hedge will be intrusive
- Concerns over maintenance of the landscaping
- Sad to see area of wildlife disappear.
- Not affordable housing for couples and children
- Will cause disruption and distress to neighbouring properties
- Additional 30 cars on an already dangerous road
- Central plot would lead itself to assisted living accommodation
- Possibility to work with housing association
- The site is located within the countryside
- Following the High Court Decision additional justification should be submitted for CS11 cases
- The application is not accompanied by a CS11 checklist
- Dwellings will appear dominant due to their bulky scale and massing
- Plot 12 has windows in the principle elevation obscurely glazed
- Ownership of the land for the site visibility splays needs to be checked
- The existing junction is poor and visibility is limited
- Street lighting would introduce an alien feature into this rural location.
- No other street lighting in Bentley
- Lack of drainage information should mean refusal of the application
- Drainage is an existing problem. Rear gardens already waterlogged.
- The site provides habitat for Great Crested Newts
- The site is unsustainable
- The road is not suitable for a walking along.
- The dwelling does not demonstrate a local need for 16 dwellings.
- Housing officer advised smaller units.

## **The Site and Surroundings**

8. The application site comprises 0.96ha of the residential garden of Oakleigh and an unused paddock to the south and south east of the dwelling. Mature trees and hedgerows are situated along elements of the boundary.
9. To the north of the application site lies Station Road with dwellings and a recreation ground opposite the frontage. To the east of the site lies further residential properties and gardens on Station Road and Link Lane. To the west of the site lies a number of dwellings and properties at The Link, and a paddock east of Bergholt Road. To the south of the site lies the garden and dwelling at Link Lane.
10. A local pub, village hall, primary school, hairdressers and various other services are located within and around the village. The Planning Statement submitted with the application also makes reference to a community shop which is run by members of the community.

### **The Proposal**

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

11. The application seeks full planning permission for the erection of 16 dwellings. 11 of the dwellings would be market housing and 5 would be affordable housing. 5 of the dwellings would be bungalows. The market housing would consist of 4x 4 bedroom detached dwellings, 5x 3 bed detached or semi-detached dwellings and 2x 2 bed semi-detached dwellings. The affordable housing would consist of 3x 2 bed terraced dwellings and 2x 1 bed terraced or semi-detached dwellings.
12. The site would be provided with a new 5.5m road with 1.8m wide proposed along the west side of the site with access from Station Road. The road would be designed to meet adoptable standards. There would be a new bellmouth junction to serve the access road, with radii kerbs to the north west of the site, across the highway verge at Station Road. Visibility Splays would be provided across highway land in each direction to the required dimensions of 4.5m by 70m.
13. The overall proposal, including the retention of Oakleigh, will result in a density of 17.7 dwellings per hectare.

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

### **PLANNING POLICIES**

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

### **BABERGH CORE STRATEGY 2014**

- CS1 Applying the Presumption in favour of sustainable development in Babergh

- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS16 Affordable Homes
- CS21 Infrastructure Provision

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

- HS32 Public Open Space (Sites of 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**

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

### **The Principle Of Development**

17. The [National Planning Policy Framework \(NPPF\)](#) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
18. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
19. The precise meaning of ‘relevant policies for the supply of housing’ has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a “narrow”

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

20. In accordance with [National Planning Policy Guidance paragraph 030 \(Reference ID: 3-030-20140306\)](#) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *‘...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light...Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...’*
21. The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the [Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment \(SHMA\)](#) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
22. A summary of the Babergh 5 year land supply position is:
  - i. Core Strategy based supply for 2017 to 2022 = 4.1 years
  - ii. SHMA based supply for 2017 to 2022 = 3.1 years
23. 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."*
24. 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)**

27. As detailed at paragraph 20 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.

28. 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.

29. Policy CS2 (Settlement Pattern Policy) identifies Bentley 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.

29. 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".*

30. 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.*

- 31. 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.
- 32. 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.

33. 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).
34. 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

35. 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.
36. Visibility in and out of the proposal site is generally restricted due to surrounding natural topography and existing foliage which both contains and limits views particularly on the southern boundary of the site. To further minimise any visual impact brought about through the proposal site's development, a landscaping scheme could be conditioned to soften the appearance of any development and to help it assimilate with the surrounding area. Concerns have been raised over the introduction of street lighting to the area. It is considered that the level of lighting would be extremely minor and with modern lighting now offering vastly reduced light spill, it is considered that the need for lighting for highway safety purposes outweighs any perceived landscape impact.
37. The proposed development lies in an area of archaeological potential, as recorded by information held in the County Historic Environment Record (HER). The site lies on the edge of the Stour Valley in a topographic position that was favourable for early occupation. Although there are no recorded heritage assets within the site itself, this plot and the surrounding area have not been the subject of previous systematic investigation. Cropmarks and finds of Roman, Saxon and medieval artefacts have, however, been recorded in similar topographic positions further north and (HER nos. BTY 006 and BTY 027). The Senior Archaeological Officer has therefore requested two conditions to ensure that any finds are properly recorded to advance understanding of the significance of any heritage asset.
38. The site is not located within a conservation area.
39. The site does not contain any listed buildings, nor is it adjacent to any listed buildings. The nearest listed building is located on Bentley Grove, which is over 300m away. As such, no harm is identified to heritage assets.
40. 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

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

44. 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 both within and outside, but adjacent to, the BUAB. The southern section of the site adjoins the BUAB boundary and is considered to be well related and accessible by walking to the services and facilities in Bentley.
45. There are no sequentially preferable allocated sites within Bentley, nor are there any sites within the built up area boundary which would enable a development of commensurate scale that are available and deliverable.
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 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.
47. 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

48. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "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.
49. 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.
50. 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.
51. 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 Bentley.
52. 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.
53. 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.
54. 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.

55. 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.
56. The Council's Choice Based Lettings system currently has circa. 1200 applicants registered for affordable housing in Babergh at July 2016. The Bentley Housing Needs Survey Report, dated June 2015, revealed that there are 12 households in local need for affordable housing. This site is a S106 planning obligation site so the affordable housing provided will be to meet local and district wide need.
57. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. The mix takes into account the research undertaken by both the applicant and the Council. 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 Bentley. As such, the proposal cannot be considered to accord with this element of policy CS11.

#### Locally Identified Community Needs

58. 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).
59. 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.
60. 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.

61. 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".*

62. 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. The County Council's Development Contributions Manager identifies that infrastructure required to support this development will be sought through the Community Infrastructure Levy.
63. 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

64. 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

65. The size and scale of the development should be proportionate to the settlement in which it is located. The technical advice received from the local highway authority, SCC Obligations Manager and Anglian Water 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.
66. The proposal is for 16 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

67. In addition, the proposal is well related to the existing pattern of development for Bentley 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.
68. 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

69. Bentley 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

70. 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

71. 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**

72. 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.

73. 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.
74. 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.
75. 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.

76. 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.
77. 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.
78. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Bentley is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between and to Colchester and Ipswich. Therefore, residents in Bentley have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.
79. It is acknowledged that there will be a high proportion of car travel from Bentley, 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 Bentley, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
80. The socio-economic profile of Bentley 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.
81. 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 Bentley, underpinning social capacity, providing affordable housing and widening the housing mix overall.
82. 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)
83. 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

84. With regards to the layout of the dwellings, the host property, Oakleigh would be retained so that visually, from the northern side of the site, it would be largely unaltered. A row of bungalows would run north to south along the eastern boundary on the northern element of the site. The scale of these dwellings would allow for easier assimilation into the surrounding area.
85. The two storey dwellings would be located at the southern end of the site and would be arranged around an area of open green space. The layout, whilst not a common design in the area, would form an attractive feature within the village. It is considered to be a good use of the space and would allow for an acceptable density of 17.7 dwellings per hectare whilst still ensuring an open, semi-rural, feel to the development
86. In terms of the design of the dwellings, the scheme takes design elements from the surrounding area and beyond in order to form a development that assimilates well with the rest of the village. The mixture of small and medium sized homes, as well as a group of bungalows, gives the impression of a development that has evolved naturally over time. The dwellings in prominent corner locations would be dual frontage to ensure a high standard of design. Overall, it is considered that the design of the dwellings is acceptable in this instance. They would assimilate well with the rest of the village and would not create an incongruous feature when viewed from public vantage points.
87. In these regards, the proposal would comply with saved policy CN01 of the Local Plan.

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

88. The sites nearest bus stops are located on Station Road within 325m of the development. From these bus stops services run 6 days a week to the large settlements of Colchester and Ipswich as well as to Core Villages such as Capel St Mary and East Bergholt.



89. The proposed site would have access from Station Road with visibility splays in accordance with Manual for Streets for 30mph speed limit. Car parking has been provided in line with the "*Suffolk Guidance for Parking – Technical Guidance*". Therefore 2 car parking spaces would be provided for two and three bedroom dwellings and 3 car parking spaces for the four bedroom dwellings. Visitor parking would also be provided at a level of 0.5 spaces per dwelling.
90. The Local Highway Authority has been consulted regarding the scheme and has offered no objections to the proposed development. The proposed access is designed to meet the highway requirements of Suffolk County Council and there will be no detriment to safety and minimal effect on capacity on the highway network.
91. As such, the proposal accords with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

#### Environmental Impacts - Land Contamination

92. There is no objection to the application on grounds of land contamination. The details submitted with the application have been assessed and found to satisfy the Council's Contaminated Land Officer that the risk to life is low. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

#### Impact On Residential Amenity

93. Consideration has been given to the impact of the proposal on the residential amenity of the neighbouring residents.
94. As stated above, Plots 2 to 6 would be single storey bungalows. This would ensure that this element of the development would not lead to the creation of an overbearing impact and would not lead to any significant overshadowing of the neighbouring properties. The design would also ensure that these dwellings would not lead to a loss of privacy for the existing neighbouring residents.
95. With regards to Plots 7 to 17, these dwellings would be located a significant distance from the dwellings on Station Road, The Link and Link Lane. The mature trees on the boundaries of the paddock provide an element of screening that softens the appearance of the development. As stated within the Planning Statement accompanying the application, the applicant has taken care to design the positioning of the fenestration so as to limit any potential for overlooking into the neighbouring properties.
96. 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

97. The site predominately consists of garden and an unused paddock, with mature

hedgerows at some of the boundaries. A Phase 1 Habitat Survey has been submitted in support of the application. This has been assessed by the Council's Consultant Ecologist. No objections have been received.

98. 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.
99. As such, the proposal is considered to accord with criterion vii of policy CS15, insofar as it relates to biodiversity.

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

100. 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**

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

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

102. 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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### **Planning Balance**

103. 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.
104. 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.

105. 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.
106. 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.**

107. 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**

108. 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**

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

- Affordable Housing

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

- 1) Standard Time Limit Condition.
- 2) Reserved Matters to be submitted and agreed
- 3) Approved Plans
- 4) Sustainability
- 5) Surface water drainage
- 6) As recommend by Highways
- 7) The recommendations of the ecological report to be adhered to
- 8) Construction management plan
- 9) Detailed hard/soft landscaping to be submitted
- 10) Implementation of landscaping plan to be submitted
- 11) Submission of Arboricultural Method Statement and Tree Protection Plan
- 12) Details of renewables