

## **Committee Report**

**Committee Date: 30 June 2017**

**Item No: 3**

**Reference: B/16/00802/FUL  
Case Officer: Gemma Pannell**

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**Description of Development:** Erection of 15 no. dwellings including 5 no. units of affordable housing, with associated works to roads, access, parking and landscaping

**Location:** Football Ground, Back Lane, Copdock and Washbrook, IP8 3EX

**Parish:** Copdock and Washbrook

**Ward:** Brook

**Ward Member/s:** Cllr. Nick Ridley & Cllr. Barry Gasper

**Site Area:** 0.8ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not Listed

**Received:** 15.06.2016

**Expiry Date:** 14.09.2016

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**Application Type:** Full Planning Permission

**Development Type:** Major Residential Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Dale View Property Developments Ltd

**Agent:** Wincer Kievenaar

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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 land allocation for 15 or over dwellings
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## **PART TWO – APPLICATION BACKGROUND**

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

### **History**

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

W/306/1/FUL - Granted Housing estate layout Also under same ref.:- Erection of 21 houses (Nos. 5-21 incl. & 30-33 incl.) Approved - 19/01/1953 - 02/02/1953

### **Details of Previous Committee / Resolutions**

2. 19<sup>th</sup> October 2016 – Members resolved to grant planning permission subject to S106.

Following the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 Before Mitting J. in December 2016 in order to safeguard consistency of decision making with all of those applications which engage policies CS11 and CS2 and for which decision notices have not been issued, the Planning Committee is asked to reconsider its decision in this case.

### **Details of Member site visit**

3. None

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

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

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

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### **Consultations**

5. The following responses have been received from consultees.

**Copdock & Washbrook Parish Council** - No objections. The Parish Council feel this is a well balanced development. The only concern is traffic volume through Elm Lane and Back Lane.

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

**County Archaeologist** - No comments received

**Anglian Water** - The development site is within the 15m cordon sanitaire of a sewage pumping station. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. The sewage system has available capacity for the development. A condition is suggested to prevent development within 15m of the sewage pumping station.

**Suffolk County Council Flood & Water Team (inc Drainage)** – Concerns raised with regard to the storage capacity on site but Suffolk County Council, Flood and Water Management are mindful of the recommendation by Babergh District Council to recommend approval of planning permission for this application. Therefore, propose conditions to enable the submission of a strategy for the disposal of surface water.

**Suffolk County Council Section 106** - I refer to the planning application consultation for the scheme in Babergh.

- Proposed number of dwellings from outline proposal: 15
- Approximate persons generated from proposal 38

The local catchment schools are Copdock Primary School, East Bergholt High and Suffolk One. We currently forecast to have no surplus places at the primary and secondary school, but do have surplus places at Suffolk One. Whilst East Bergholt High is at capacity there are a large number of children coming out of catchment in Essex, therefore Suffolk children will take priority and no contribution will be sought.

Therefore, we require CIL contributions for the pupils generated from the development: Total education contributions: £48,724.00

From this development proposal we would anticipate up to 1 pre-school pupils at a cost of £6,091 per place. There is 1 provider in this area with surplus spaces available therefore no contribution is sought.

Using established methodology, the capital contribution towards libraries arising sought from this scheme is stated below and would be spent at the local catchment library and allows for improvements and enhancements to be made to library services and facilities. Libraries contribution: £3,240.00

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

**Strategic Housing** - The most recent information from the Babergh Council's Housing Register shows 17 applicants registered who have a connection to Copdock and Washbrook. 5 of the dwellings on the proposed development should be for affordable housing. These should take the form of:

- 2 x 1-bedroom 2-person bungalows 54 square metres for Affordable Rent Tenancy
- 2 x 2-bedroom 4-person houses at 76 square metres for Affordable Rent Tenancy
- 1 x 2-bedroom 4-person houses at 76 square metres for Shared Ownership

Affordable Tenure: 4 of these dwellings should be for Affordable Rent Tenancy and 1 for Shared Ownership

**Environmental Health - Land Contamination Issues** – Requested Phase 1 land contamination survey which has now been submitted.

**Environmental Health - Sustainability Issues** - The energy statement supplied by Wincer Kievenaar and other supporting information found within the design and access statement has addressed the sustainability policies and the required 10% reduction in carbon emissions via low or zero carbon technologies. We recommend approval for this scheme and request that inclusion of the Building for Life standard is part of the conditions alongside the 10% carbon reduction and sustainable construction methods proposed in the reports.

**Environmental Health - Other Issues** - No objection in principle to the proposed development however note that the development site is in close proximity to a number of existing dwellings and therefore there is potential for loss of amenity due to noise, dust, light during the site clearance/construction phases of the development and therefore recommend conditions regarding hours of operation (0800 -1800 Mon - Fri and 0900-1300 Sat); no burning of waste and the submission of a Construction and Environmental Management Plan.

**Sport England** - On the basis that the site has not been used for formal sport for approximately 25 years, Sport England would not be a statutory consultee on this planning application, as the land has not been used for pitch sports within the last five years. Given the time that has elapsed since it was last used for football, and the relatively limited value of the land for sport due its size, Sport England do not consider it would be reasonable in this instance to seek replacement playing field provision to compensate for the loss of this site.

## **Representations**

6. 17 representation(s) (inc 5 letters from Westhill Farm Complex) objecting to the application have been received from 7 properties and the comments are summarised as follows:

- Site is not a football ground but grazing land
- This will be supported purely to satisfy targets
- Devaluation of properties in Dales View
- Development should be located in Ipswich
- There is no broadband
- Access is limited with single track access to Ipswich
- No shop or internet access
- No buses and people cut through from A12
- Infrastructure is inadequate for further housing
- Increased traffic along Elm Lane and Back Lane
- Development should be along dual carriageway and not here
- Meeting quotas is the only consideration
- Object to the density of development
- This site was not mentioned in recent survey for Neighbourhood Plan
- Site recently cleared of valuable wildlife habitat
- Uninspiring design of dwellings
- Should consider BIMBY (beauty in my back yard) - championed by Princes Trust
- Suffolk is being completely trashed
- Site is currently not well kept and always has stuff dumped on it.
- Children currently walk down the lane to school and extra traffic will make this more dangerous.
- Proposal will lead to disruption
- Access is unsuitable
- Coalescence with Washbrook

## **The Site and Surroundings**

7. The site is located on the edge of the built up area boundary for Washbrook & Copdock and has historically been used as a football ground, though has been vacant for a number of years having previously been in the ownership of Suffolk County Council.
8. The site bounds an existing area of housing on its north and west boundaries, both of which are fenced. To the east and south the site is bounded by a hedge adjacent to the verge. An existing gate provides access to the field from Elm Lane. The site is relatively level, but has a slight fall towards the road.

## **The Proposal**

9. Full planning permission is sought for the erection of 15 no. dwellings. The layout provides a new access road with footpath off of Back Lane to serve fourteen dwellings and an access off Elm Lane to serve one dwelling.
10. The dwellings are a mix of market housing and affordable as set out below:

House type	Number	Bedrooms
2 storey House(Shared Ownership)	1	2 (82m2)
2 storey House (Affordable Rent)	2	2 (82m2)
Bungalow (Affordable Rent)	2	1 (54m2)
2 storey House (Private)	1	5 (175m2)
2 storey house	1	4 (149m2)
2 storey house	6	3 (102m2)
Bungalow	1	3 (85m2)
Bungalow	1	3 (169m2)

11. The houses have been designed to echo the Suffolk vernacular and the scale of the traditional buildings in Washbrook. The materials proposed are a mix of artificial slate roofing, pan tiles and plain tiles with a mix of rendered properties over a brick plinth or red facing brick. 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
- CS19 Affordable Homes
- CS21 Infrastructure Provision

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

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

## **SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLA**

- 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:  
  
Core Strategy based supply for 2017 to 2022 = 4.1 years  
SHMA based supply for 2017 to 2022 = 3.1 years
21. The site is located outside the Settlement Boundary for Copdock and Washbrook. Therefore, there is a policy presumption against development in such locations. Copdock and Washbrook is identified as a Hinterland village.
22. 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."*

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

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

24. As detailed at paragraph 18 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

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

26. Policy CS2 (Settlement Pattern Policy) identifies Copdock 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.

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

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

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

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

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

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



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

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

*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.*

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

30. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
31. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
32. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

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

#### **Impact on Landscape**

33. Back Lane 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 extremely 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 proposals will include the reinforcement of the existing hedge boundaries with new planting, and the boundary to the adjacent housing reinforced to increase its presence as a landscape belt.
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 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

37. 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.
38. 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
39. The site abuts the built up area boundary, which encompasses properties along Back Lane and is adjacent to the existing housing estate of Dales View and therefore the development here will be well related to existing development and would not constitute ribbon development. The scale, character and density of the proposal is well related to the adjacent development and the proposal would constitute a local extension of the built up area boundary.
40. The site would be in close proximity to the school and public house, noting that there is no footpath along Back Lane, albeit that when the original housing estate was built, Suffolk County Council purchased land along Back Lane in order to provide a footpath from the estate to the village. Whilst there is no paved footpath it is considered that the nature of the road would deter traffic from travelling at excessive speeds and therefore it would not deter pedestrians from walking along Back Lane to access the school and services within the village. There is also a bus stop outside of the application site which serves the local schools.
41. The application site is, therefore, well connected in highway terms, connecting the village to the nearby settlements of Ipswich and Colchester and the site is considered to have a reasonable level of public transport accessibility.
42. In this regard, the site is considered to be well related to the village. Therefore, the proposal also complies with this part of policy CS11.

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

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

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

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<sup>1</sup> and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
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 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 Hinterland village identified in the application, namely Copdock and Washbrook and its wider functional cluster.
  50. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
  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 function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.
  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.
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54. The most recent information from the Babergh Council's Housing Register shows 17 applicants registered who have a connection to Copdock and Washbrook.
55. The Balancing Housing Markets – Housing Stock Analysis of 2008 identified a shortfall of 130 1 bed market houses in the Babergh East Area. Advice from Strategic Housing was that there is a significant lack of 1 – 2 bedroom properties in the locality.
56. Based on CS19 and requirements of CS11, 5 of the dwellings on the proposed development should be for affordable housing, 4 of these dwellings should be for Affordable Rent Tenancy; 1 for Shared Ownership. The requirements are for 1 and 2 bed units as set out in the consultation response from the Professional Lead - Housing Enabling.
57. The proposed layout includes a mix of 2 no. 1 bed bungalow, 2 no. 3 bed bungalows, 3 no. 2 bed dwellings, 6 no. 3 bedroom dwellings, 1 no. 4 bedroom and 1 no. 5 bedroom dwelling. 69. The development will need to include a mix of dwellings which meet the identified local need for smaller dwellings in order to improve the mix of housing stock in the village. The applicants stated mix provides for the half of the dwellings to be 3 bed (8/15) and a third being 1 and two bed (5/15) and it is considered that this meets the local needs as set out above which identifies smaller properties, so a range of 1 – 2 bedroom properties should be considered a priority, as Copdock already has a high proportion of 3 & 4 bed dwellings. The provision of a third of the proposed dwellings being 1 & 2 bed will go some way to meeting this need.
58. 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 Copdock. As such, the proposal cannot be considered to accord with this element of policy CS11.

#### Locally Identified Community Needs

59. 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).
60. 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.
61. 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

62. 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"*.
63. In terms of existing commitments and other proposals in the relevant cluster, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the following applications have been either delivered or have planning permission. As Copdock sits within both the clusters of Capel St Mary and Ipswich the applications are as set out in Appendices A and B.
64. Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
65. In the functional cluster of Capel St Mary, there have only been 40 residential completions in the last 5 years and there are an additional 58 dwellings committed in the cluster, including 5 in Copdock and Washbrook itself. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years.
66. In the functional cluster of Ipswich 295 dwellings have been approved, however of these 175 are in Pinewood and 87 are within Sproughton. In addition to these there is an outstanding application, with a resolution to approve, for 475 dwellings in Sproughton. Pinewood and Sproughton are identified as being part of the Ipswich Urban area for the purposes of planning policy. As such the cumulative impact of these developments will be absorbed by the infrastructure of Ipswich. Outside of these villages, only 33 other dwellings have been approved in the cluster.
67. It is acknowledged that there is a capacity issue at the local primary school and Suffolk County Council have indicated that they will be make a bid for CIL monies for the provision of additional primary school places arising from the proposed development.
68. The Local GPs practice is indicated to have capacity for new patients. Anglian Water has confirmed that the foul drainage from this development is in the catchment of Chantry Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows.
69. The information regarding the capacity of the site to deal with additional surface water drainage has been submitted and therefore this matter will be addressed further within the report.
70. 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

71. 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

72. The size and scale of the development should be proportionate to the settlement in which it is located. Copdock has approximately 475 houses and the proposal for 15 dwellings would represent an increase of 3% which is considered an acceptable scale of development for the village.
73. The technical advice received from SCC highways 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.
74. The proposal for 15 dwellings and the submitted layout demonstrates that the site could accommodate this level of development and it will relate to the neighbouring dwellings within Dales View. Therefore the development is considered to be in accordance with policy CS11 on the basis that it addresses to the satisfaction of the local planning authority that the development is well designed and appropriate in size/scale, layout and character to its setting and to the village.

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

75. In addition, the proposal is well related to the existing pattern of development for that settlement and there are no other sequentially preferable sites which the Local Planning Authority considers is in a more favourable location, in terms of its relationship to the main part of the village and the services upon which it relies.
76. This matter was considered at paragraphs 39-41 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

77. Copdock 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.
78. The proposal is to develop 15 new dwellings which would not only add to the supply of housing in the district but includes an element of affordable housing which would provide additional housing in that respect as well, such that the proposal can be considered to fall within the social dimension of sustainable development.

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

79. 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

80. 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

81. 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.

82. 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.
83. 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.
84. 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.
85. 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.

86. 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.
87. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Copdock is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service between and to Colchester and Ipswich. Therefore, residents in Copdock 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
88. It is acknowledged that there will be a high proportion of car travel from Copdock, 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 Copdock, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
89. The socio-economic profile of Copdock 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.
90. 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 Copdock, underpinning social capacity, providing affordable housing and widening the housing mix overall.
91. 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)

92. 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 and impact on Residential Amenity**

93. 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, semi-detached and terrace dwellings. The single storey properties are located on the perimeter of the site adjacent to the boundary with Dales View/Fen View and this will minimise the impact on the residential amenity of existing properties and will ensure that the development is well related to the existing pattern of development.

94. 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. A small footpath is also provided across the front of the site onto Back Lane which will link into the existing footpath with Dales View/Fen View and will link to the playground within the existing housing estate and to the footpath within the estate which comes out further along Back Lane.

95. It is considered the overall design and layout of the scheme is acceptable and complies with policy CN01.

### **Impact on Heritage Assets**

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

### **Connectivity and Highway Safety**

97. The layout of the proposed estate road is considered acceptable and the Highway Authority have no objection to the proposal subject to conditions and a highway infrastructure contribution towards improvements to pedestrian connectivity and £4000 towards upgrades to the existing bus stop.

98. The evidence presented regarding vehicle speeds is accepted as justification for the Y-distances along Back Lane of the visibility splays proposed. The access onto Elm Lane should be improved with visibility splays, as it will be much more frequently used. The National Speed limit applies and vehicle speed surveys haven't been submitted for this but from inspection it is considered that a relaxation to 70m y-distance should be acceptable.

99. A footway is proposed to the northeast along Back Lane. It does not quite connect to the existing footway leading behind the bus shelter. The highway record plan suggests that some land necessary to join the footways is in the control of a third party therefore it cannot be simply extended. This isn't considered to be sufficient reason to refuse the application given the low traffic flows, although clearly it isn't desirable. It is proposed that the County Council seeks the agreement of the 3rd party owner to dedicate the land and use part of the contributions to construct the link footway.
100. Whilst it was considered that improvements for pedestrian connectivity to the rest of the village would be desirable as part of the pre-application discussions with the County Council this has not been achieved, despite the County Council having secured land for this purposes in the 1960s. Given the existing adjacent development and there being no known significant accident history, it is not considered reasonable to object on grounds of unsustainable accessibility. A contribution towards a scheme of minor improvements, however, is justifiable mitigation because of the additional pedestrian and vehicular activity the development will generate along Back Lane. Such interventions may also reduce vehicle speeds southbound approaching the new junction too. Unfortunately, a footway connection to the main area of the village would be prohibitively expensive and require additional land.
101. It is therefore considered that the scheme would be acceptable in highway safety terms and the proposal complies with saved policy TP15 of the Local Plan, and with criteria xviii and xix of policy CS15.

### **Biodiversity and Protected Species**

102. 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.

### **Land Contamination**

103. 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**

104. 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**

105. 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)**

106. 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.
107. 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.
108. 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)**

109. 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**

110. 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.
111. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case.

If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

112. 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.

113. 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.**

114. 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**

115. 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
- £4000 – upgrading of bus stop
- £12,500 – improvements to pedestrian connectivity

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

- Standard Time Limit
- Approved Plans
- As recommended by County Highway Authority
- As required by County Floods Officer
- Materials – details to be submitted
- Sustainability
- Hours of operation (0800 -1800 Mon - Fri and 0900-1300 Sat)

- No burning of waste
- Submission of a Construction and Environmental Management Plan.
- Landscaping Plan
- Tree Protection Plan
- Provision of walls and fences
- Window Side Elevation (Plot 12) to be obscure glazed.