

Committee Report

Committee Date: 5 July 2017

Item No: 2

Reference: B/16/01458
Case Officer: Gemma Pannell

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

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

Parish: Capel St Mary

Ward: Mid Samford

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

Site Area: 5.4

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 28/10/2016

Expiry Date: 28/01/2017

Application Type: Outline Planning Permission

Development Type: Major Residential Dwellings

Environmental Impact Assessment: N/A

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

Agent: Persimmon Homes Anglia Ltd

SUMMARY

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

PART TWO – APPLICATION BACKGROUND

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

History

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

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

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

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

Details of any Pre Application Advice

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

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. The following responses have been received from consultees.

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

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

County Archaeological Service: No objection – subject to conditions

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

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

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

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

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

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

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

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

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

Highway England: No objection

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

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

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

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

Representations

7. Summary of neighbour and other representations

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

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

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

The Site and Surroundings

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

The Proposal

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

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

NATIONAL PLANNING POLICY FRAMEWORK

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

PLANNING POLICIES

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

BABERGH CORE STRATEGY 2014

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

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

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

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

Main Considerations

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

The Principle Of Development

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

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

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

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

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

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

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

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

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

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

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

26. Policy CS2 (Settlement Pattern Policy) identifies Capel St Mary as a Core Village. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core village and needs to satisfy these tests to comply with Policy CS2.

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

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

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

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

.....

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

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

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

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

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

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

29. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
30. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.

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

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

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

Impact on Archaeological Assets

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

The locational context of the village and the proposed development

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

Site location and sequential approach to site selection

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

52. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
53. As such, in the absence of sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

54. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster¹ and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
 55. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
 56. The Core Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
 57. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Capel St Mary and the functional cluster of smaller rural settlements which it serves.
 58. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
 59. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area.
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The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.

60. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
61. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has submitted a housing needs assessment.
62. The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.
63. The Council's Choice Based Lettings system currently has circa. 1200 applicants registered for affordable housing in Babergh at July 2016. The Council's Choice Based Lettings system currently has 17 applicants registered for affordable housing, who are seeking accommodation in Capel St Mary, and 51 across the cluster as a whole. This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number.
64. The development of the site will contribute towards the locally identified need for both affordable housing and market housing. Evidence of local housing need has been established by the parish council's housing need survey which was completed in July 2016.
65. The Capel St Mary Housing Survey Report and Summary (July 2016) identified a need for a total of 91 new households (56 within Capel St Mary, and 35 for those wishing to live or return to Capel St Mary).
66. The development includes a housing mix which would provide an appropriate range of dwellings reflective of market demand and identified need within the area, particularly smaller houses and bungalows. The mix takes into account the research undertaken by both the applicant and the parish.
67. However, whilst the development has been subject to a housing needs survey prepared by the Parish Council, this identifies the need for 91 dwellings and other development has been approved in Capel St Mary since this document was prepared. There are two applications currently under consideration in Capel St Mary which total 250 dwellings. Therefore, it is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Capel St Mary. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

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

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

70. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
71. The technical advice received from highways and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed. The Highway Authority have confirmed that they have looked at the cumulative impact of this proposal and the scheme for 100 dwellings at Days Road, Capel St Mary. Suffolk County Council have also confirmed that the school has capacity to accommodate the increased pupil numbers arising from both developments.
72. It is therefore considered that given the responses from statutory consultees and the scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.

Summary of Assessment Against Policy CS11

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

Consideration against other development plan policies.

74. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
75. Policy CS2 identifies that sites outside of a Core Village (or other defined settlement) form part of the countryside and limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Core Village and so needs to satisfy these tests to comply with Policy CS2.
76. Policy CS2 forms part of a suite of policies within the Core Strategy. As set out at paragraph 22 of this report, the Core Strategy was adopted post-NPPF and, therefore, was examined and tested against the provisions of the NPPF. It can be seen that the aims of the Core Strategy, coupled with the development of a site allocations document referenced within it, would deliver the housing needs of the district through a planned approach to the delivery of housing. The approach set out within policy CS2 was, therefore, deliberately restrictive of development in the countryside, aiming to direct development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages.
77. However, the Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
78. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.

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

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

Site Access, Parking And Highway Safety Considerations

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

Environmental Impacts - Land Contamination

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

Impact On Residential Amenity

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

Biodiversity and Protected Species

93. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
94. The site predominately consists of an arable field, with mature hedgerows and standards at some of the boundaries and an area of woodland to the east. A wet ditch is present at the northern field boundary, beyond the site. The woodland and boundary hedgerows and trees provided potential habitat for badgers, bats, dormice and birds.
95. Further surveys for breeding birds may be required once a final layout is determined, however it was considered that the development could proceed with minimal impact on the local consideration status of any protected, principally important or rare species within the area. As such, criterion vii of CS15 is considered to be complied with.

Surface Water Drainage

96. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

Summary of Assessment Against Policy CS15

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

Planning Obligations / CIL (delete if not applicable)

98. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.
99. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
100. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

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

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

These are not material to the planning decision

PART FOUR – CONCLUSION

Planning Balance

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

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

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

Identification of any Legal Implications of the decision

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

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

RECOMMENDATION

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

- Affordable Housing
- Travel Plan Requirements

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

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