

## Committee Report

Committee Date: 2 August 2017

Item No: 1

Reference: B/16/01362/FUL  
Case Officer: Gemma Pannell

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**Description of Development:** Erection of 3no. detached dwellings, and construction of new vehicular access (means of access and landscaping of the site to be considered).

**Location:** Clements, 3 Church Lane, Washbrook, Ipswich, IP8 3JZ

**Parish:** Copdock and Washbrook

**Ward:** Brook

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

**Site Area:** 0.49ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not Listed

**Received:** 15.10.2016

**Expiry Date:** 10.12.2016

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**Application Type:** Outline Planning Permission

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr B Prettyman

**Agent:** Concertus Design and Property Consultants

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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 refusal of this application. The proposed development represents residential development in an sustainable location. Whilst it is accepted that Babergh District Council cannot demonstrate an up to date 5 year housing land supply the unsustainable location of the site, outweighs the positive impact of the additional dwellings.

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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:

- Councillor Busby has requested that the application be determined at Committee as BDC Local Plan and the Community lead plan for Copdock and Washbrook both emphasise the need for affordable or smaller homes.
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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:

No planning applications on the site.

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

2. N/A

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

3. Wednesday 7<sup>th</sup> December 2016 9.30am

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

4. Pre-application advice was given on the merits of the scheme having regard to policy CS11 for 12 dwellings.

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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** – Objects to the scheme. Site is remote from the built area. Is located within the countryside. Remote from school and pub. Site does not relate well to settlement. No footpath connection. Recent appeal dismissed for 7no dwellings at Krendall Cottage on sustainability grounds.

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

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

**Planning Policy** – Objects to the development on sustainability grounds

### **Representations**

6. 1 representation objecting to the application have been received from 2 properties and the comments are summarised as follows:
  - Open countryside
  - Distant to local facilities

- No safe way of reaching facilities
- Contrary to CS11
- Not appropriate in terms of size scale
- No affordable housing
- Would not support local businesses

### **The Site and Surroundings**

7. The application site sits outside of the acknowledged settlement boundaries for Copdock and Washbrook, as identified within the village proposals maps in the Babergh local plan (2006) alteration no.2.
8. The site currently hosts a single dwelling that has laid vacant for a number of years. The site also contains some agricultural land to the south and west of the garden. Sporadic development is located to the east and west of the application site. Church Lane lies to the north of the site and runs east to west. London Road lies to the west of the site and runs north to south. The site is relatively overgrown now with hedgerows forming much of the boundaries.

### **The Proposal**

9. Outline planning permission is sought for the erection of 3 no. 4/5 bedroom dwellings. All matters have been reserved except access and landscaping
10. The indicative drawings show the proposed access to be located centrally along the northern boundary of the site. The submitted information states that it would provide site visibility splays of 2.4m x 43m.
11. The submitted plan shows 3no. dwellings located quite centrally within the site. As the scheme is outline only, the drawing is indicative only and does not give any details on heights or window positioning.
12. Details of the proposed landscaping has been submitted. It shows new planting along the boundary of the site in the form of 3m deep hedgerows and the addition of a number of new trees.

### **NATIONAL PLANNING POLICY FRAMEWORK**

13. 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**

14. 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**

15. 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**

16. 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.
17. 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).

18. 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.

19. 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...'*
20. 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.
21. 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
22. 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.
23. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:  
  
*"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*  
  
*a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*  
  
*an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
24. In light of all of the above, this report will consider the proposal against the three strands

of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

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

25. As detailed at paragraph 20 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
26. 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.
27. 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.
28. Paragraph 55 of the NPPF sets out that development in rural areas should be located where it would enhance or maintain or enhance the vitality of rural communities, and that except under special circumstances, local planning authorities should avoid isolated homes in the countryside. The site is located nearby other residential properties therefore it is not isolated from housing per se, however it is over 1km from the settlement of Capdock without continuous footpath connectivity. The recent appeal decision in Capdock (APP/D3505/W/15/3133257) noted that the dispersed settlement pattern in this area was outside of and separate from the main built part of Capdock and Washbrook.
29. The proposal is to develop 3no. new dwellings which would add to the supply of housing in the district. The dwellings are located a significant distance from the services within the defined settlement boundary.
30. The application site is well connected in highway terms, connecting the village to the nearby settlements of Ipswich and Colchester and the site is considered to have a reasonable level of public transport accessibility. The site is not linked to the village by a continuous footpath, therefore increasing the likelihood that the vast majority of journeys would be made by private car and not on foot. Whilst the proposal is located near some housing, given that the site is remote from services, it is likely that anyone living in the proposed housing would be heavily reliant upon car journeys to access services. This would limit the potential to contribute to enhancing or maintaining services in the rural area and is considered contrary to Paragraph 17 of the NPPF which supports the transition to a low carbon future; seeks to reduce pollution, and says that planning should actively manage patterns of growth to make fullest use of public transport, walking and cycling.

31. Furthermore with regards to the economic strand, the proposal would only provide small scale development which would offer only limited support to the local economy. The Parish Council has expressed doubts that the development would have any positive impact on the local economy due to the isolated nature of the site.
32. Considering the above the proposal is not considered to be sustainable development within all three identified strands such that there is a presumption against this proposal, as it is not judged to be sustainable development due to its isolated location and poor connectivity with the village, contrary to the NPPF.

**Consideration against policy CS11 and the adopted SPD**

33. Copdock and Washbrook is defined as a hinterland village under policy CS2, which states that hinterland villages will accommodate some development to help meet the needs within their functional cluster. Copdock and Washbrook falls within both the Ipswich Cluster and the Capel St Mary Cluster. Ipswich comprises the villages of Belstead, Burstall, Chattisham, Hintlesham, Pinewood, Sproughton and Wherstead, in addition to Copdock and Washbrook. The Capel St Mary cluster also includes Bentley, Holton St Mary, Raydon, Tattingstone, Wenham Magna and Wenham Parva. Therefore, policy CS11, which provides greater flexibility for appropriate development beyond the BUAB for identified hinterland villages, would apply.

34. 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".*

35. 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.*

36. *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.*

37. 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.

38. 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.



39. 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).
40. 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**

41. Church Lane retains a rural appearance with a variable width to the carriageway and an absence of raised concrete kerbs. The site is relatively well contained by vegetation with sporadic development adjacent to the site and further afield.
42. As stated above, the application is at the outline stage so detailed plans and elevations of the proposed development have not been submitted. The indicative drawings shows a relatively intensive use of the site, with one dwelling being replaced by 3no. dwellings, with 3no. double detached garages. Whilst other houses are located in the vicinity, a further development to the south of Church Lane would further erode the rural nature of the area and would have a significant adverse impact on the character of the wider landscape. Whilst new planting is proposed, it is considered that this would not significantly compensate against the impact of the new built development.
43. The residential development of the site itself is considered to have a significant adverse impact on the local landscape character. The proposal is therefore in conflict 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

44. 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.
45. 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 exiting 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

46. The site is located a significant distance from the built up area boundary, so would not be well related to existing pattern of development. The scale, character and density of the proposal is not well related to the adjacent development which generally consists of larger dwellings set within generous plots. Therefore, it is considered that the proposal would not constitute a local extension of the built up area boundary.
47. In this regard, it is considered that the site is not well related to the village. Therefore, the proposal does not comply with this part of policy CS11.

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

48. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. 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.
49. In this case the site is outside and not adjacent to the BUAB.
50. The applicant has not provided a sequential test to show that there are no immediately identifiable sequentially preferable allocated sites within Copdock and Washbrook.

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

51. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does **not** mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
52. 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.
53. 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.
54. 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.
55. 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.

56. 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.
57. 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.
58. 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.
59. The most recent information from the Babergh Council's Housing Register shows 17 applicants registered who have a connection to Copdock and Washbrook.
60. 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.
61. The indicative plan shows that the properties would be 4/5 bedroom. None of the properties are indicated as being affordable housing. The requirements highlighted within the Balancing Housing Markets – Housing Stock Analysis are for 1 and 2 bed units as set out in the consultation response from the Professional Lead - Housing Enabling. It is considered that the proposed housing mix does not help with the identified need for the smaller affordable homes.
62. The development has not been subject to a housing needs survey. It is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale in Copdock. As such, the proposal cannot be considered to accord with this element of policy CS11.

#### Locally Identified Community Needs

63. 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).
64. 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.

65. 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

66. 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"*.
67. 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.
68. 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.
69. 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 small scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster on the basis that the level of growth proposed remains similar to that already experienced in the cluster over the last five years.
70. 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.
71. 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.
72. 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.

73. 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

74. 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

75. 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 3 dwellings would represent an increase of less than 1% which is considered an acceptable scale of development for the village.
76. The technical advice received from SCC highways demonstrates that the development can be accommodated and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.

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

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

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

79. 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.

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

80. The proposal would provide new dwellings but due to the isolated nature would make a limited contribution to supporting the existing facilities in the village. This view is supported by the local Parish Council. As such, the proposal does not meet this element of policy CS11.

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

81. 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

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

## Consideration against other development plan policies.

83. 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.
84. 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.
85. 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.
86. 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.
87. 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.

88. 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.
89. 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. Notwithstanding this, it is considered that due to the isolated nature of the site, it is considered that the future residents of the site would have to travel into the village by private car due to the distances involved and the lack of footpaths.
90. 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.
91. It is considered that the development proposed would have limited enhancement of the vitality of the community and that new housing will deliver limited benefits due to the sites isolated location, a considerable distance from the village. As stated above, this view is shared by the Parish Council.

### **Design and Layout and impact on Residential Amenity**

92. Limited information has been submitted at this stage. The indicative drawings show the properties well separated from the neighbouring dwellings.
93. The properties have reasonable sized amenity space the density is considered appropriate for the rural location. The scheme also enables additional planting.
94. The design and layout and the impact on residential amenity would be assessed as part of any Reserved Matters application.

### **Impact on Heritage Assets**

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

### **Highway Safety**

96. The access onto Church Lane would be improved with greater visibility splays, as it would be much more frequently used. In terms of access and car parking layout, this has been judged to be considered acceptable by SCC Highways.
97. 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**

98. 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**

99. 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**

100. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. Information on drainage has been provided and is considered to be acceptable at this stage. Therefore, the development is able to demonstrate compliance with the requirements of both policy CS15 and the NPPF.

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

101. 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)**

102. 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.
103. 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.
104. 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)**

105. 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**

106. 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.
107. 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.
108. 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.

It is considered that the unsustainable location and the poor connectivity with the village significantly and demonstrably outweigh the benefits of the development explained in this report. The application is therefore recommended for refusal.

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

109. 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**

110. 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 application be refused for the following reason –

1. Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. In addition policy CS11 of the Core Strategy requires that development must be in or adjacent to Hinterland Villages, and well related to the existing settlement. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to existing settlements, and no supporting evidence has been provided that justifies exceptional need for the proposal, or that the site is a sustainable location. The overall layout of the site creates a cramped development that is poorly designed and orientated. As a result the proposal does not constitute sustainable development as required by the NPPF taken as a whole and conflicts with requirements of saved policy CN01 and policies CS2, CS11 and CS15.