

Committee Report

Item No: 3

Reference: DC/17/02304

Case Officer: Samantha Summers

Ward: Waldingfield.

Ward Member/s: Cllr Frank Lawrenson. Cllr Margaret Maybury.

Description of Development

Erection of No. 1 detached dwelling.

Location

Rectory Lodge, Rectory Road, Great Waldingfield, Sudbury Suffolk CO10 0TL

Parish: Great Waldingfield

Site Area: 0.2 Ha

Conservation Area: Great Waldingfield

Listed Building: Not Listed

Received: 15/05/2017

Expiry Date: 30/08/2017

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr P Newsum

Agent: Abbott Design Associates

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Application Form - Received 15/05/2017

Floor Plan - Proposed PA04 - Received 15/05/2017

Site Location Plan PA01 - Received 15/05/2017

Block Plan - Proposed PA02 A - Received 10/07/2017

Elevations - Proposed PA03 A - Received 10/07/2017

Elevations - Proposed PA05 A - Received 10/07/2017

Elevations - Proposed PA06 A - Received 10/07/2017

Design and Access Statement - Received 15/05/2017

Arboricultural Assessment - Received 05/07/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

PART TWO – APPLICATION BACKGROUND

History

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

None

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework, and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
NPPF - National Planning Policy Framework
CN01 - Design Standards
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development

List of other relevant legislation

- Human Rights Act 1998
 - 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
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- 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.

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre-Application Advice

No pre-application advice was sought for this proposal.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Heritage Team

BMSDC Heritage Team - No adverse impact on setting or significance of a Heritage Asset. No Heritage related conditions are required.

Arboricultural Officer

BMSDC Tree Officer - The Arboricultural Assessment is a thorough report and the methods proposed to lessen impact on the important Oak (T2) are acceptable in principle. However, ultimately this will be dependent upon the volume and type of tree roots affected and this can only be determined prior to approval via a trial excavation. Until this assessment is undertaken and the level of impact clarified I cannot support the proposal due to the potential harm that could be caused to this important tree.

Great Waldingfield Parish Council

Great Waldingfield Parish Council - Objection to scale of building being too large, out of keeping, detrimental to the area, inappropriate for Conservation Area, cartlodge to the front has a negative impact on setting and on the mature oak tree.

SCC - Archaeological Service

SCC Archaeology - No mitigation required.

SCC - Highways

SCC Highways - Conditions required to control the width of the vehicular access to 4.5m, gates to be set by a minimum of 5m from the carriageway and details required on means to prevent the discharge of surface water onto the highway.

B: Representations

13 letters of objection have been received from local residents. The issues raised include:

- scale of dwelling
 - overdevelopment of the site
 - adverse impact on the Conservation Area
 - negative impact on the character and local distinctiveness of the area
 - impact on the Oak tree
 - dwelling is not in-keeping with the area
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One letter of comment was received also outlining the issues above.

PART THREE – ASSESSMENT OF APPLICATION

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. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

1.1. The application site sits within a small cluster of dwellings within the Conservation Area of Great Waldingfield. This location is outside of the settlement boundary for the village and somewhat isolated from the services within the village. The Conservation Area contains the historic core of the village but no facilities or services apart from the church.

1.2. The site forms the side garden of an existing large detached dwelling, Rectory Lodge. Rectory Lodge sits centrally within a large plot and is similar in size to the other more modern dwellings within Rectory Road. Rectory Lodge was built on the southern end of the garden of The Old Rectory in the 1970s. There are mature trees and hedging on the northern and eastern boundaries of the site. There is a particularly large oak on the eastern boundary which is in the ownership of the No. 1 Rectory Cottage.

2. The Proposal

2.1. The proposal is to subdivide the side garden of Rectory Lodge and erect a detached two storey dwelling. The proposed dwelling would have a similar footprint and appearance to the main part of Rectory Lodge. The proposal also includes a two bay cartlodge to the front of the dwelling, underneath the canopy of the mature Oak tree, and the widening of the access point with the highway, to 5m to form a double driveway - one for each property.

2.2. A new turning head would be provided for Rectory Lodge so that vehicles are able to enter and leave the property in a forward gear. Rectory Lodge has an existing double garage attached to the dwelling. The proposed dwelling would have a two bay cartlodge positioned to the front of the dwelling, beneath the canopy of a mature oak tree.

2.3. Following objections from neighbours and the Parish Council, amended drawings have been received in which the ridge and eaves height of the proposed dwelling have been reduced. The revised dwelling has been reduced to one and a half storeys.

2.4. Rectory Lodge has a large plot and therefore the loss of the side garden would not affect the private amenity space of the dwelling. The proposed dwelling would sit centrally in the plot and the rear give sufficient private amenity space to the occupiers of the dwelling.

2.5. No windows are proposed on the side elevations. Windows are to the front and rear of the property which overlook the dwelling's own gardens.

2.6. It is proposed to use similar materials to those used in Rectory Lodge. Plain tiles would be used to the roof and render to the walls of the dwelling. The cartlodge would be constructed of timber and finished in shiplap boarding.

2.7. The site area is 2160 square metres.

3. National Planning Policy Framework

3.1. 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.

4. Core Strategy

4.1. CS1 - Presumption in Favour of Sustainable Development
CS2 - Settlement Pattern Policy
CS3 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS15 - Sustainable Development in Babergh

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. None

6. Saved Policies in the Local Plans

6.1. CN01- Design Standards
CN08 - Development in or near conservation areas
TP15 - Parking Standards
Other Relevant SPD: SCC Parking Standards

7. The Principle of Development

7.1. 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.

7.2. 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.

7.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, 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.

7.4. 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...'

7.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant 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.

7.6. A summary of the [BDC] Council's 5 year land supply position is:

- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
- ii. SHMA based supply for 2017 to 2022 = 3.1 years

7.7. 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."

7.8. In light of all 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.

8. Sustainability Assessment of Proposal

8.1. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and for protection of its intrinsic value. The NPPF advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 55 of the NPPF sets out criteria for assessing new dwellings in the countryside and states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:-

- the essential need for a rural worker to live permanently at or near their place of work in the countryside;
- or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

8.2. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". It is the view of officers that this term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.

8.3. Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, Core and Hinterland villages. Para. 2.8.6 states (inter alia) that while small groups of dwellings and hamlets will fall within functional clusters, their remoteness and lack of services or facilities mean that such groups are classified as countryside.

8.4. Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.

8.5. Policy CS15 of the Core Strategy sets out a range of criteria related to the elements of sustainable development and the principles of good design and which are to be applied to all developments, as appropriate, dependant on the scale and nature of the proposal. It requires that new development should ensure that an appropriate level of services, facilities and infrastructure are available to serve the proposed development (Part (v)) and that development should seek to minimise the need to travel by car (Part xviii).

8.6. Whilst Great Waldingfield is defined as a hinterland village in policy CS2 of the Core Strategy, the application site is remote from the built up area boundary to the west being 720m away and is therefore deemed to be within the countryside. Moreover, there are no day to day services or facilities in that area of Great Waldingfield.

8.7. The lane into the village is unlit and has no pedestrian footway. It cannot therefore be considered safe and comfortable for walking and consequently there would be a reliance on the private motor car.

8.8. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". This term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.

8.9. Although there are dwellings in proximity to the application site it is not considered that the site relates well to the existing settlement and therefore it is considered to be in an isolated location in the countryside, remote from established settlements and local services and facilities.

8.10. Policy CS2 of the Babergh Core Strategy states that development in the countryside "...will only be permitted in exceptional circumstances subject to a proven justifiable need.'

8.11. The acceptability of the principle of development in this location against Policy CS2 is not considered to be satisfied as there are not considered to be exceptional circumstances.

8.12. The Core Strategy offers greater flexibility through planning policy (CS11) to support rural development on land which has a close functional relationship to the existing settlement. However, the site, is remote from the settlement boundary and not considered to be functionally well connected.

8.13. The Council's SPD (section 15) sets out that: '...distances should be considered alongside the quality and continuity of the footpath connection. Connections between any proposal and village services and facilities should be continuous and have a good quality surface. The need for and appropriateness of street lighting will be considered on a case by case basis.' In consideration against the Council's policy and supplementary guidance the connectivity to services is not considered to meet the policy requirements.

8.14. CS11 is not therefore considered relevant in this instance given the remoteness of the site from Great Waldingfield and local services (as demonstrated above). Although part of a small cluster, in the countryside the proposed development is unacceptable in principle by reason of its isolated location. Furthermore, no exceptional circumstances or proven justifiable need for the development has been put forward.

8.15. The applicant has not demonstrated a case to set out that the application would be considered as 'exceptional' under the provisions of Policy CS2 or the provisions of paragraph 55 of the NPPF.

9. Site Access, Parking and Highway Safety Considerations

9.1. It is proposed to extend the existing access point to enable a double driveway to be constructed. Following an objection by SCC Highways on the proposed width of the access being 8m wide, a revised drawing was submitted with a reduction to 5m but considered acceptable in this instance. This is still above the recommended 4.5m for a shared access. The position of the gates was also revised to fall in line with being set back by 5m from the carriageway.

10. Design and Layout [Impact on Street Scene]

10.1. The height of the proposed dwelling has been reduced with the submission of revised drawings. However, the footprint has remained the same and therefore the scale of the building as a whole is one of a large four bedroom dwelling. The building almost fills the full width of the plot. This, in turn, has resulted in the cartlodge being sited in front of the dwelling, giving a cluttered and cramped appearance in a sensitive location within the Conservation Area. It is therefore considered to be overdevelopment of the site. Rectory Lodge has a feeling of openness and space which would be compromised by this development.

10.2. This area of Great Waldingfield is characterised by the large plots and large houses which give this part of the Conservation Area a feeling of space and openness. The proposed dwelling and garden would be smaller than the existing dwellings and is not considered to be in-keeping with the prevailing grain of it's surroundings.

11. Landscape Impact

11.1. The proposed dwelling is not considered to have an impact on the wider landscape as it would be within an existing cluster of dwellings and is well screened by protected trees within the Conservation Area.

12. Environmental Impacts - Trees, Ecology and Land Contamination

12.1. A land contamination report and questionnaire were not received with the application and therefore it is unknown as to whether there are issues arising from land contamination on the site. This is a reason for refusal as it is unclear whether the land is suitable for the sensitive end use as required within the NPPF.

12.2. The trees within the site are protected because they are within the Conservation Area. The proposed cartlodge would be sited beneath the canopy of a mature Oak tree. The impact on the roots from compaction of both vehicles passing over and the construction of the building may be detrimental to the health of the tree. The tree, which is not within the ownership of the applicant is a prominent feature of the streetscape and adds a great deal of visual amenity to the area.

13. Heritage Issues [Including the Impact on The Character and Appearance of The Conservation Area and On the Setting of Neighbouring Listed Buildings]

13.1. Heritage staff have visited this site and the local area in connection with other recent applications. Rectory Lodge is not listed, but nevertheless lies within the Great Waldingfield conservation area. The site is also within the setting of the grade II Old Rectory to the north-east. The heritage issues are therefore the effect of the proposals on the character and appearance of the conservation area, and the setting of the Old Rectory and possible effects on the welfare and longevity of the mature Oak tree, which is a prominent feature in the Conservation Area are also a significant consideration.

13.2. Although the development site and the Old Rectory are relatively close and are probably intervisible, the development site is not a part of the setting that contributes to the Old Rectory's significance as a designated heritage asset. There will therefore be no adverse effect on the setting or significance of these heritage assets.

13.3. The potential impact on the oak tree are however unclear as the information submitted does not demonstrate that there will be no adverse effects and the Arboricultural Officer is unable to support the proposal. As noted above the tree is a component part of the designated Conservation Area and, in this regard, Members should be aware of the footnotes 9 and 10 to paragraph 14 of the NPPF which suggest that where, inter alia, heritage assets are affected appropriate weight should be afforded to policies seeking to protect the asset.

14. Impact on Residential Amenity

14.1. The proposed dwelling would be in-line with Rectory Lodge with no windows to the side elevations. The proposed dwelling is not considered to cause a loss of residential amenity in terms of overlooking or loss light.

15. Biodiversity and Protected Species

15.1. The development site is within an existing residential garden with mown grass. Therefore, the proposal is not considered to cause harm to ecology.

16. Planning Obligations / CIL (delete if not applicable)

16.1. 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.

16.2. The development is CIL liable.

17. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

17.1. The proposed development for a single dwelling is liable to make a financial contribution to the Council under CIL, the amount of which would be dependent on the final size of the dwelling. This would be exempted if the applicant claims a self-build exemption.

PART FOUR – CONCLUSION

18.1. 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.

18.2. In this case the agent has reduced the ridge and eaves height of the proposed dwelling to decrease the scale of the building. This is not considered to be acceptable as the footprint remained the same as the original scheme and does not resolve the problem of over-development of the site.

19. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

19.1. - Human Rights Act 1998

- The Equalities Act 2010

- Town and Country Planning (Listed Building and Conservation Areas) Act 1990

- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)

- The Conservation and 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.

20. Planning Balance

20.1. 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.

20.2. In laymans terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is 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, paragraphs 47,49 and 14 of the NPPF.

20.3. 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 not considered that these material considerations would less outweigh any conflict with the development plan. The proposal is contrary to policy CS2 and in part CS11 and CS15 and the applicant has not demonstrated a case to set out that the application would be considered as 'exceptional' under the provisions of Policy CS2 or the provisions of paragraph 55 of the NPPF.

RECOMMENDATION

That the Corporate Manager - Growth and Sustainable Planning be authorised to refuse this application on grounds of unsustainability and overdevelopment of the site:

1. The proposed development comprising the erection of 1 No. detached dwelling, would be contrary to policies CS2 and CS15 of the Babergh Core Strategy and saved policies CN01 and HS28 of the Babergh Local Plan Alteration No. 2 (2006) which seek, amongst other things, to only permit development in the countryside in exceptional circumstances subject to a proven justifiable need; to ensure that the design and layout of new housing development is sympathetic to the site and its immediate surroundings; that planning applications for infilling will be refused where the proposal is of a scale, density and form which would be out of keeping with adjacent and nearby dwellings or other buildings and that all development must pay attention to the scale, form and nature of adjacent development.

The proposed site is located approximately 720m from local services and facilities which are accessed along an unlit lane with no footways or street lighting. It is therefore likely that future residents will be dependent on the private motor car to access these and other services and facilities.

Whilst it is accepted that the Council cannot currently demonstrate a deliverable five year supply of housing land, notwithstanding the provisions of paragraph 49 of the National Planning Policy Framework (The Framework), the proposal cannot be considered sustainable development within the context of The Framework as a whole.

2. The application as submitted fails to demonstrate that the development, in particular the detached cartlodge, would not be detrimental to the welfare and longevity of the mature Oak tree adjacent to the site by reason of construction activity and potential compaction on or around the root plate. The site is within a designated Conservation Area and the tree, which is protected accordingly, is a prominent component part of the character and appearance of that designated Heritage Asset. As such, the proposal risks harm to the asset - which is not outweighed by public benefit. It is therefore considered contrary to the aims and requirements of paragraphs 14, 17, 60, 61, 132 and 133 of the National Planning Policy Framework and policies CN01 and CN08 of the Babergh Local Plan (2006) which are consistent with the framework.
 3. The application as submitted fails to demonstrate that the site is free of contamination which would render it unsustainable for residential use. As such the proposal conflicts with the aims and requirements of paragraph 121 of the National Planning Policy Framework.
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