

Committee Report

Item No: 1

Reference: B/16/01630/FUL
Case Officer: Gemma Pannell

Ward: Lower Brett
Ward Member/s: Cllr John Ward

Description of Development: Outline (means of access to be considered) – Residential development up to 21 dwellings.

Location: Land east of St Georges Field, The Street, Raydon

Parish: Raydon

Site Area: 1.61ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 13.12.2016

Expiry Date: 14.03.2017

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr John Peacock

Agent: Wincer Kievenaar Architects Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 5057 SU01 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:

- Existing Surface Water Drainage Network Layout – 253/2016/01 P1
 - Proposed Surface Water Drainage Network Layout – 253/2016/02 P1
 - Indicative Site Layout PA02 Rev E
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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 land allocation for 15 or over dwellings

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to this site.

All Policies Identified As Relevant

NPPF National Planning Policy Framework

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

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

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
- 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

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

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

Raydon Parish Council – The main areas of concern were:

- The land is outside the village envelope.
- Lack of highway visibility.
- Environmental impact, including drainage.
- Lack of infrastructure.
- Possibility of inappropriate car parking on the pavement adjacent to the B1070.

Councillors felt that this would be quite a large development for a village with no real infrastructure, and would significantly change the character of the village.

County Highway Authority – No objection – subject to conditions

Anglian Water – No objections

Sustainability Officer – Unfortunately the energy strategy provided is lacking information and in our opinion does not make relevant arguments in its justification for excluding potential low/zero carbon technologies.

Suffolk Wildlife Trust – Three trees which were judged to have bat roost potential (Category 1) were recorded on the perimeter of the site. Although it appears that these are retained as part of this outline proposal, it is important that they are sufficiently protected from any development proposals. Should consent be granted it should also be ensured that they are suitably buffered and managed in the long term.

We note the consultant has recommended a sympathetic lighting scheme. It is important that all retained and new habitat features are not impacted on by light spill from external lighting and that dark corridors are retained around the site for foraging and commuting bats. We recommend that Suffolk County Council's street lighting strategy is used as a basis for street lighting layout and design, alongside the recommendations made in the ecological survey report.

The site is largely bounded by hedgerows with trees. As identified in the ecological survey report these areas offer nesting habitat for bird species and foraging and commuting habitat for bats species. We note that a landscaped strip has been proposed on the indicative site layout plan, whilst this could be of benefit to biodiversity and provides a buffer to the existing hedgerows, it is unclear whether this strip will fall within the residential curtilages. We recommend that this strip does not form part of the residential curtilages and is subject to a management plan which ensures that it is managed to maximise its biodiversity value in the long term.

Although no evidence of badger was found on the application site during the ecological survey, they are known to be present in the immediate vicinity of the site (further information available from Suffolk Biodiversity Information Service (SBIS)) and their presence on site cannot be ruled out in the future.

Badgers can rapidly colonise new areas and therefore a further walkover survey to confirm their absence should be undertaken immediately prior to any works commencing. If any evidence is found at any time, further advice should be sought from a suitably qualified ecologist.

Notwithstanding the above, should development at this site be considered acceptable, we request that the recommendations made within the report are implemented in full, via a condition of planning consent. As this is an outline planning application, should consent be granted it must be ensured that any future reserved matters applications are informed by suitably up to date ecological information.

Strategic Housing - No objection

SCC Rights of Way Officer: No objection

SCC S106 Obligations – No objection – sets out detailed requirements for CIL bid.

SCC Fire and Rescue: No objection

Environmental Health - Land Contamination Issues – No objections

Environmental Health – Other issues - Whilst I have no objection in principle to this application, I do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the demolition and construction phases of the development.

I would recommend that a condition be attached to any permission to the effect that all works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would also strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of operating hours, means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors), loading and unloading of plant and materials, wheel washing facilities, lighting, location and nature of compounds and storage areas (including maximum storage heights), waste removal, temporary buildings and boundary treatments, dust management, noise and vibration management (to include arrangements for monitoring) and litter management during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development during the site clearance/construction phases.

Finally, I would recommend that a condition be attached to any permission to the effect that Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

The scheme shall provide that each pole/wall counted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5%. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent sensitive properties (including those within the scheme where appropriate).

Note: The applicants attention is drawn to the lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage).

Whilst I appreciate that this is an outline application, with arrangements for refuse collection to be dealt with in any forthcoming full application, I would suggest that the Waste team be consulted on this application to ensure that, in principle, the proposed vehicles can be adequately served with refuse collections.

SCC Archaeology – No objections subject to conditions

Place Services (Landscape) – The site is located in an unspoilt landscape setting and the indicative proposals for outline consent seem rather suburban in character. The outline layout responds poorly to the northern and southern boundaries in terms of providing passive surveillance/active frontage to the public footpath to the north and proximity to the existing dwelling to the south. The north and eastern boundary edges of the site are very open and exposed to long views from the gently sloping landscape beyond. The landscape character area for this location is the Ancient Plateau Claylands which is dominated by arable farmland subdivided by an irregular sinuous field pattern, and scattered with woodland. Within this character area, settlement is scattered widely throughout, with parishes tending to have multiple built clusters of various sizes: large groups often elongated; outlying groups often based on green side settlement; and wayside settlements and farmsteads. These historic patterns within parishes are easily lost to infill and ribbon development. The site itself is isolated from the main village in a dominant gateway location into the village, and although separated by the playing fields to the west, the site remains separated from the existing settlement boundary edge of Raydon.

SCC Flood Officer: We are generally happy with the draft Drainage Strategy, ref 253/2016/FRA, November 2016, however a pumped surface water system could only be utilised as a last resort and after further infiltration test had been undertaken. Therefore Suffolk County Council, Flood and Water Management can make the following recommendation for approval subject to conditions.

B: Representations

Four objections to the application have been received. The comments are summarised as follows:

- Open countryside.
- Lack of village facilities
- Not appropriate in terms of size scale
- No need for the housing
- Taking advantage of cheap agricultural land
- Highway safety issues

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 outside of the acknowledged settlement boundaries for Raydon as identified within the village proposals maps in the Babergh local plan (2006) alteration no.2.
- 1.2. The site is currently agricultural land. Sporadic development is located to the south and west of the application site. A recreational ground is located to the north west of the site. The village of Raydon is located further to the north west of the site.

2. The Proposal

- 2.1. Outline planning permission is sought for the erection of 21 no. dwellings. All matters have been reserved except access. The Design and Access statement states that 35% of the dwellings would be affordable housing. The layout also includes the provision of 2 no. starter homes.
- 2.2. Starter Homes guidance can be found in the National Planning Practice Guidance and this advises that “The [written ministerial statement](#) sets out how the Starter Homes exception sites policy helps to meet the housing needs of young first time buyers, many of whom increasingly cannot afford to buy their own home, by allowing Starter Homes to be offered to them at below their open market value. The exception site policy enables applications for development for Starter Homes on under-used or unviable industrial and commercial land that has not been currently identified for housing. It also encourages local planning authorities not to seek section 106 affordable housing and tariff-style contributions that would otherwise apply. Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of land suitable for Starter Homes exception sites to deliver housing for young first time buyers in their area.”
- 2.3. The indicative drawings show the proposed access to be located centrally along the western boundary of the site. The submitted information states that it would provide site visibility splays of 2.4m x 85m.
- 2.4. The submitted plan shows the 21 no. dwellings located around the outskirts of the site with a central green area. As the scheme is outline only, the drawing is indicative only and does not give any details on heights or window positioning.

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 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

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

- 5.1. SCC Parking Standards

6. Saved Policies in the Local Plans

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

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 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.

8. Sustainability Assessment Of Proposal

- 8.1. As detailed 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.

8.2. 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.

8.3. Policy CS2 (Settlement Pattern Policy) identifies Raydon 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.

8.4. 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.

8.5. Raydon 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. Raydon falls within the Capel St Mary Cluster. The Capel St Mary cluster also includes Bentley, Holton St Mary, 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.

8.6. 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".

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

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

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

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

1. *is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
2. *is adjacent or well related to the existing pattern of development for that settlement;*
3. *meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
4. *supports local services and/or creates or expands employment opportunities; and*
5. *does not compromise the delivery of permitted/identified schemes in adopted community/village local plans within the same functional cluster.*

The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria listed above.

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

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

- 8.8. 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.
- 8.9. 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.

- 8.10. 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).
- 8.11. 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

- 8.12. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.13. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.
- 8.14. The Planning Practice Guidance advises that *“The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape”*.
- 8.15. The site is a ‘Greenfield’ site on the edge of the village. It is inevitable that developing the field for housing would have some adverse impact on the openness and character of the site. However, Policy CS11 envisages that there will be some development in the countryside; the key question is whether the impact of the development is reasonably contained.
- 8.16. The land to the east of Raydon retains a rural appearance with limited ribbon development following the B1070 to the east, mostly on the southern side of the highway. The site is well contained by vegetation with sporadic development adjacent to the site and further afield.
- 8.17. 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 much more intensive use of the site, than that of the immediate area. Whilst other houses are located in the vicinity, a further development to the north of the B11070 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.
- 8.18. The application site lies between an area of sporadic development and the more built up area of the centre of the village. It forms an open field with a hedge boundary and contributes positively to the character and appearance of the area.

Due to the size of the site and the number of dwellings proposed, development would extend some distance back from the road, appearing as an incongruous development beyond the linear character of development in this part of the village. However, it would be in line with the neighbouring development of Rectory Close.

- 8.19. The residential development of the site itself is considered to have a significant adverse impact on the local landscape character. The development introduces an incongruous suburban character to the rural approach to the built up area of Raydon and the requirement for adequate visibility splays for the proposed access would also erode the verdant and rural nature of this part of the village. The proposal would therefore cause some harm to the character and appearance of the area, contrary to policy CS11, which requires that development in hinterland villages is appropriate in size/scale, layout and character to its setting and to the village. It is also in conflict with policy CS11 in terms of the impact of the proposal on the landscape characteristics of the village.

Impact on Heritage Assets

- 8.20. By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.21. The development is not located either adjacent or opposite any listed buildings and the site is not located within a Conservation Area.
- 8.22. In term of undesignated heritage assets, the County Archaeologists requested an archaeological investigation condition is attached as the site is close to the medieval core where early occupation is a high probability. Any undesignated archaeology/heritage would need to be recorded.
- 8.23. As there is no harm identified to heritage assets in respect of this proposal, it is also considered that the proposal would comply with this element of policy CS11.

Impact on Environment

- 8.24. 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 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.

The locational context of the village and the proposed development

- 8.25. 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.
- 8.26. 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”.*

8.27. The site is located outside of the built up area boundary, and is separated from the village by a playing field. It is considered that it would not be well related to existing pattern of development. The scale, character and density of the proposal is not well related to the immediate area which generally consists of larger dwellings set within generous plots. Whilst there is a larger denser estate further along the B1070, the existing playing field provides a separation from the proposed development. Therefore it is considered that the proposal would not constitute a local extension of the built up area boundary.

8.28. The site is not considered to be a logical extension of the built up area boundary, and under policy CS11 proposals should be well related to the existing settlement boundary. The application site does not abut the built up area boundary of Raydon as it is separated by the adjacent playing field, which provides the separation from the built up area and the countryside beyond. In this regard, it is considered that the site is not well related to the village.

8.29. The proposed development would be functionally isolated within the countryside due to its remoteness from everyday facilities and services. It would leave future occupants of the proposed dwellings largely reliant on private vehicles and would undermine the aims of paragraphs 7 and 17 of the NPPF of locating new dwellings in rural areas close to services and facilities. Therefore, the proposal does not comply with this part of policy CS11.

Site location and sequential approach to site selection

8.30. 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 the BUAB.

8.31. There are no sequentially preferable allocated sites within Raydon, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.

8.32. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

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

- 8.33. 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.
- 8.34. 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.
- 8.35. 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.
- 8.36. 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 Raydon and its wider functional cluster.
- 8.37. 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.
- 8.38. 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.
- 8.39. 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.
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- 8.40. 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.
- 8.41. 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.
- 8.42. The indicative plan shows that the properties would be a mixture of 1, 2, 3 and 4 bedroom homes. 35% of the dwellings 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 would help with the identified need for the smaller affordable homes.
- 8.43. 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 Raydon. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

- 8.44. 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).
- 8.45. 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.
- 8.46. 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

- 8.47. 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"*.

- 8.48. 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.
- 8.49. 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. 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.
- 8.50. 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

- 8.51. 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 adjacent or well related to the existing pattern of development for that settlement

- 8.52. As outlined above, it is not considered that the proposal is well related to the existing pattern of development for the settlement.
- 8.53. 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

- 8.54. Raydon 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, even with the inclusion of 2 no. starter homes, 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

- 8.55. The proposal would provide new dwellings but due to the isolated nature would make a limited contribution to supporting the existing facilities in the wider area. As such, the proposal does not meet this element of policy CS11.
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Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

- 8.56. 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

- 8.57. For the reasons set out above, the development proposal is contrary to the majority 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.

- 8.58. As noted, there is no 5 year land supply, and as a result the policies for the supply of housing in the development plan are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
- 8.59. 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.
- 8.60. 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 Hinterland Village and so needs to satisfy these tests to comply with Policy CS2.
- 8.61. 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.
- 8.62. 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 the light of this, the weight that should be given to policy CS2 needs to be considered in the context of paragraph 14 of the NPPF. This is because at least some of the policies in the Core Strategy are relevant policies for the supply of housing (such as policy CS3 which includes the number and distribution of new homes). Those policies are currently out-of-date, whilst the shortfall endures, and so Policy CS1 and paragraph 14 of the NPPF are engaged.

- 8.63. 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's objective of promoting 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 a substantial shortfall of almost a year (at best) or almost 2 years (at worst) indicating that it is appropriate to give significant weight to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.
- 8.64. 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.
- 8.65. The proposal is to develop 21 no. new dwellings which would add to the supply of housing in the district. The dwellings are located a significant distance from any shops and services. Raydon is classed as a Hinterland Village where some development would be acceptable in order to meet the needs of the village subject to detailed criteria set out in Policy CS11.
- 8.66. 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 linked to the village by a footpath, but Raydon contains very little in the way of shops and services therefore increasing the likelihood that the vast majority of journeys would be made by private car and not on foot.
- 8.67. 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.
- 8.68. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. It is acknowledged that there will be a high proportion of car travel from Raydon, 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 Raydon, 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.
- 8.69. The socio-economic profile of Raydon 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.

- 8.70. 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.
- 8.71. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services (criteria xviii and iv 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).
 - The proposal will deliver a mix of dwelling sizes criterion vi of CS15)
 - The development will meet the relevant sustainable design and construction standards (criterion viii of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - Surface water run-off from the development will be conveyed to above ground storage features (criterion xii 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)
- 8.72. Furthermore, the associated highway issues (criterion xix of CS15), environmental aspects related to sustainable drainage (criteria x and xii of CS15), renewable energy and reduction of carbon (criteria viii and xv of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

Impact on Residential Amenity

- 8.73. One of the core principles as set out in Paragraph 17 of the NPPF is that planning should always seek to secure high quality design and good standards of amenity for all existing occupants of land and building.
- 8.74. As this application is an outline application with all matters reserved, it is not possible to fully assess the impact of the proposal on the residents of adjacent dwellings. However, indicative layouts have been provided as part of the submission. At this stage, due to the size of the site and the proposed indicative layout, it is clear that the development could be designed to ensure that the residential amenity of the neighbouring properties is protected.
- 8.75. When full plans and elevations are submitted as part of the reserved matters application the full impacts on the amenity of the neighbouring properties will be assessed. This would include a full assessment of separation distances between habitable room windows, impacts on light and overbearing impacts and an assessment of the potential for the loss of privacy.

Site Access, Parking and Highway Safety Considerations

- 8.76. The access 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.
- 8.77. It is considered that 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 the indicative parking is considered acceptable.
- 8.78. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of saved policy TP15.
- 8.79. The Local Highway Authority are satisfied that the development is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

Loss of Agricultural Land

- 8.80. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land. The Core Strategy has no direct reference to the loss of agricultural land so the application is primarily assessed against the test in the NPPF. Within this context, the development is not considered to be 'significant'¹ so the test is not enacted. Notwithstanding this, Raydon is surrounded by best and most versatile agricultural land so any development would erode this natural resource.

The benefits of delivering housing in this instance outweigh the harm that would be caused from permanently developing best and most versatile agricultural land.

- 8.81. The meaning of the term "significant" in this context was considered at the Tattinstone solar farm public inquiry. 'Significant' is not defined; it is down to the decision maker to consider what is significant. The Inspector in this appeal considered the development would need to be 'large scale' to be 'significant'. Large scale in this context being more than 5ha. The NPPF test is therefore not enacted for the loss of all agricultural land, just where the development/loss would be significant/large scale. As a matter of fact, and degree, the loss is not considered significant/large scale in this case being 1.61ha of land and therefore para 112 does not engage.

Biodiversity and Protected Species

- 8.82. 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.
- 8.83. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15 in particular requires new development to safeguard ecology. The application has been subject to consultation with Suffolk Wildlife Trust who have confirmed that the submitted ecology report is sufficient and recommends that further survey work be undertaken should a reserved matters application be submitted.

Surface Water Drainage

8.84. 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

8.85. 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.

Crime and Disorder

8.86. 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. The detailed design would be checked at reserved matters stage to ensure there are no issues with the design and layout which would unduly increase the risk of crime. Suffolk Police have raised no concerns.

Planning Obligations / CIL

8.87. 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.

8.88. 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.

8.89. 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)

8.90. 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

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

9.1. 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. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible. The scheme has been amended to provide 2 no. key worker dwellings and revised plans have been submitted to accommodate advice from the Highway Authority.

10. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2010)

10.1. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2010
- Town 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.

11. Planning Balance

11.1. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

11.2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

11.3. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states 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*'.

11.4. Paragraph 14 of the NPPF states;

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted”.

11.5. As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date

11.6. As set out above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

11.7. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.

11.8. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused.

11.9. This report has not found that there is harm to heritage assets. Having assessed the proposal against the specific policies in the Framework, it is not considered that there are specific policies that indicate development should be restricted. As such, paragraph 14 is engaged.

- 11.10. 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 affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a significant contribution to the Council's housing land supply.
- 11.11. In this respect, whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five year housing land supply, it is considered that the unsustainable location and the poor connectivity with services significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.
- 11.12. The proposal would cause some harm to the character and appearance of the settlement as set out earlier within your report. Whilst there would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the wider local economy, the economic benefits from construction would be temporary and the residents would be largely reliant on the car to access services outside of the village, it is likely that many economic benefits would be received outside of Raydon and therefore these are given limited weight.
- 11.13. Whilst the provision of 21 dwellings would contribute to the identified significant undersupply of housing, the site would not be in an accessible location to accommodate the proposed number of houses and the development would not meet a locally identified need. The developer has indicated that 2 dwellings would be starter homes, these are defined in the NPPG: "A Starter Home is expected to be well designed and suitable for young first time buyers. Local planning authorities and developers should work together to determine what size and type of Starter Home is most appropriate for a particular Starter Home exemption site reflecting their knowledge of local housing markets and sites. A Starter Home is not expected to be priced after the discount significantly more than the average price paid by a first time buyer. This would mean the discounted price should be no more than £250,000 outside London." However, further legislation has not been brought forward by DCLG with regard to this type of housing and it is considered that this type of product would be suited to more sustainable locations. Therefore the proposal would not accord with the social and environmental roles of planning.
- 11.14. Therefore the totality of the harm that would be a consequence of the adverse impacts identified would significantly and demonstrably outweigh the limited benefits referred to above when assessed against the policies of the Framework when taken as a whole. Therefore the proposal does not constitute sustainable development for which the Framework carries a presumption in favour and therefore the application is recommended for refusal.
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RECOMMENDATION

Refuse planning permission for the following reasons:

- 11.15. 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 the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result the proposal does not accord with policies CS2, CS11 and CS15.

Whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five year housing land supply, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.