

Committee Report

Item No: 1

Reference: DC/18/00200

Case Officer: Samantha Summers

Ward: Waldingfield

Ward Member: Cllr Frank Lawrenson and Cllr Margaret Maybury

Description of Development

Erection of 32 dwellings (including 11 affordable units) and garages.

Location

Land off Bantocks Road, Great Waldingfield, Sudbury CO10 0RL

Parish: Great Waldingfield

Site Area: 1.67ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 13/01/18

Expiry Date: 06/04/18

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr Davies

Agent: Artisan PPS Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan 3450-04R 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:

Planning application form - received 13/01/18

Site Location Plan 3450-04R

3450-04V1 Indicative site layout

3450-100B Site Plan - received 13/01/18

Infiltration results - received 13/01/18

Landscape strategy - received 16/01/18

Contaminated land and geotechnical assessment - received 16/01/18

Ecological survey - received 13/01/18

Flood risk assessment - received 13/01/18

Heritage assessment - received 13/01/18

Planning statement - received 13/01/18

Highway statement - received 13/01/18

Drainage strategy plan: ex17-021-05-011a – received 14/03/18

Topographical survey – received 15/03/18
Arboricultural Assessment

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

History

The application site comprises site SS0200 allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

'Site is potentially suitable, but the following considerations would require further investigation: Highways – regarding access, footpaths and infrastructure required'.

The estimated yield recommended in the Draft SHELAA (August 2017) is 40 dwellings.

Planning appeal allowed in 2008 for the use of the existing buildings as B1 Light Industrial (ref: B/08/00588/FUL/GD). Although this permission has been implemented, the development has not been completed.

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

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)

- 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.

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Pre-application discussions held between the applicant and Council on three separate occasions. Pre-application presentation to Parish Council (October 2017) and community engagement (leaflet drop and exhibition) held October 2017.

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

Great Waldingfield Parish Council

The councillors do have concerns over how the existing parking arrangements on Bantocks Road, near to the proposed access to the new development, can be eliminated to achieve the visibility splay required by SCC Highways for safe entry and exit of vehicles to / from the site. The councillors are also concerned over the impact that the traffic from the proposed site will have on traffic movements on Bantocks Road. However, they could see the benefits that the proposed scheme would have in terms of providing affordable housing and the councillors resolved by a majority to support the planning application but in doing so, would ask the LPA to include the following should it be minded to grant permission:

- i. That the description of the planning application be changed to Erection of 32 dwellings and garages including 11 affordable dwellings as provided in the applicants Planning Statement. This request was supported by Artisan Planning & Property Services at the meeting.
- ii. That the Section 106 agreement includes a local priority clause that would ensure that priority will be given to Great Waldingfield residents and their families when allocating the affordable dwellings. This request was supported by Artisan Planning and Property Services at the meeting.

SCC Highways

No objection subject to standard conditions.

Place Services – Heritage

The buildings that this proposal affects from a heritage perspective are White Hall Farmhouse (now referred to as White Hall) and a range of late 19th Century outbuildings to the North East of White Hall Farmhouse. The setting of White Hall Farmhouse will be affected and the outbuildings will largely be demolished.

There appears to be some confusion over whether White Hall Farmhouse is listed. The Planning Statement includes a letter from John Davies, Planning Officer Babergh District Council, in its Appendix (ref. DC/17/03685 date 15th August 2017), which states that White Hall Farmhouse is a listed building, and goes on to say that the 19th Century farm buildings form a model farm group and are considered to be non-designated heritage assets or possibly curtilage listed (with White Hall Farmhouse).

However, despite the supposed age of White Hall Farmhouse of 300yrs (ref. E-mail from current owners of 29/01/2018), there is no record of this building being listed under Historic England's website nor on the Council's own interactive mapping service.

The Heritage Assessment produced by Bob Kindred Heritage Consultants states that neither White Hall Farmhouse nor the farm outbuildings have statutory protection and I confirm my agreement with this. The document also claims that the outbuildings have not been identified on any list of buildings of local interest and therefore do not constitute undesignated assets. The assessment goes on to conclude that these outbuildings have been much mutilated and are of little or no architectural or historic interest. The evidence submitted would support this latter point in particular.

Most of the outbuildings to White Hall Farm are situated within the proposal site and will be demolished. However, the two most westerly of these buildings are still within the boundary of the modern day White Hall Farmhouse and these will remain.

In conclusion, the retention of the farm outbuildings would be difficult to justify. However, White Hall Farmhouse should be considered a non-designated heritage asset (NB: if genuinely 300yrs old then this building is potentially of listable quality) and in order to help preserve its setting I recommend that more effort is made to screen the proposed new development with native trees and hedging. The existing landscape strategy appears weak in this regard (from points H to J), and I recommend that this is revisited. The boundary treatment should also include the two outbuildings to be retained within its plan and details should be provided of how the walls and roofs of these buildings will be made good once the remainder buildings to the North East have been demolished.

All of these points may be addressed within the full application. In the meantime I confirm no objection in principle, subject to the above.

SCC - Archaeological Service

No objection subject to standard conditions.

Place Services - Ecology

No objection subject to conditions to secure ecological mitigation and enhancements.

Environmental Health - Land Contamination

No objection.

BMSDC Environmental Health – Noise/Odour/Light/Smoke

No objection subject to amenity conditions.

Natural England

No objection.

SCC - Flood and Water

No objection subject to conditions.

Environment Agency

No objection.

BMSDC – Infrastructure

The proposed development lies within the BDC High Value CIL Charging Zone and therefore development, if granted planning permission, would be liable for CIL at a rate of 115m² (subject to indexation).

If the development is granted permission, and the 11 affordable housing units meet the legislative requirements for the granting of CIL exemptions, the current estimated CIL liability for this development is approximately £352K. Please note that there are many factors which could change this figure, it is provided as an approximate estimate for information only and it is provided without prejudice to any decision that may ultimately be made.

SCC Fire Officer

No objection.

SCC Strategic Development

Contributions will be sought through CIL funding bid for education (£227,485) and libraries (£6,912).

Anglian Water

No objection.

Suffolk Police

No objection.

BMSDC – Sustainability

No objection subject to standard condition.

B: Representations

Objections received based on the following grounds (summary):

- * Highway safety - entrance is on a blind bend and is also close to the T junction leading onto Valley Road.
 - * Impact on environment – Reptiles and amphibians may be present – bats, hedgehogs, barn owls and many other birds. The site is currently flower rich grassland, a habitat in short supply.
 - * Loss of trees
-

- * Flooding and drainage
- * Hazardous waste – grain store and asbestos
- * Impact on listed setting of White Hall
- * Overshadowing
- * Loss of privacy
- * Exacerbate village parking issues
- * Unsustainable location
- * Impact on local infrastructure and utility provision
- * Great Waldingfield School at capacity
- * Local sewerage systems problems in village
- * Heritage assessment takes no account of the historical or archaeological context.

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 is located on the southern periphery of the village of Great Waldingfield. Great Waldingfield is designated a Hinterland Village in the Babergh District Local Plan Core Strategy 2014. It is to be noted that in preparation of the evidence base for the new joint Local Plan, a comprehensive 'Settlement Hierarchy Review' (August 2017), forming part of the evidence base for the new joint Local Plan, reclassifies the settlement as a Core Village. The Built Up Area Boundary (BUAB) of the village forms part of the site's northern boundary.
- 1.2. The site is located south of Bantocks Road and consists of an irregular shape block of land for the most part, being part of a former agricultural field. The site is largely untended grassland, and is occupied by brick built, derelict former stock buildings and a substantial more modern farm building of industrial appearance.
- 1.3. To the north of the site are residential properties with frontages to Bantocks Road and White Hall Close. These properties are separated from the subject site by trees, hedges and fences. To the north east is agricultural land. To the south east is a hedge and ditch boundary to the field. On the western side of Valley Road is an expansive arable field.
- 1.4. There is a vehicular access formed into the site from Bantocks Road as well as Valley Road. Immediately to the front of the site is a bus stop (route 700). There are footpaths on both sides of Bantocks Road as well as on the eastern side of Valley Road.
- 1.5. The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area.
- 1.6. The nearest listed building is to the northwest, on the western side of Valley Road (Grade II listed 1-3 Valley Road). The listed building is approximately 60m from the site.

2. The Proposal

- 2.1. Outline planning permission with all matters reserved, except access, is sought for 32 dwellings. Eleven of the dwellings are proposed as affordable.
- 2.2. An indicative layout plan supports the application, demonstrating how the site could develop if outline permission is granted. Key design elements of the indicative layout plan include:
 - Demolition of existing agricultural/industrial buildings (retention of adjoining outbuildings (2) within the site boundaries of White Hall).
 - Single access point from Bantocks Road, utilising the existing access arrangement, provides the principal vehicle and pedestrian access to the majority of the dwellings. The existing Valley Road access will serve car parking spaces for a small number of proposed (affordable) dwellings.
 - A mix of detached, semi-detached and terraced houses.
 - A mix of one and two storey dwellings.
 - Car parking comprises single and double garages along with some uncovered spaces.
 - Retention of the majority of vegetation at the site boundaries.

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.

- 3.2. The following paragraphs of the NPPF are considered applicable:

Para 6: Achieving sustainable development

Para 7: Three dimensions to sustainable development

Para 11 - 15: The presumption in favour of sustainable development

Para 17: Core planning principles

Para 32 and 34: Transport movements

Para 47: Delivering a wide choice of high quality homes (including the need to have a 5-year deliverable supply of housing)

Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.

Para 55: To promote sustainable development in rural areas.

Para 56 & 60: Requiring good design

Para 64: Development of poor design must not be supported.

Para 69: Promoting healthy communities

Para 70: Delivery of social, recreational, and cultural facilities that the community needs.

Para 72: Provision of school places. Para 73: Access to high quality open space. Para 100: Development and flood risk

Para 103: Development and increasing flood risk elsewhere

Para 109: Planning system should contribute to and enhance the natural and local environment.

Para 112 & 117-119: Development affecting protected wildlife

Para 115: Conserving landscape and scenic beauty

Para 123: Planning and noise.

Paras 128 & 129: Describing the significance of a designated heritage asset.

Para 131: Determining planning applications that affect heritage assets.
Para 132: Significance of heritage assets.
Para 134: Development and less than substantial harm
Para 186: Approaching decision taking in a positive way.
Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
Para 196: Plan led planning system.
Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
Paras 203 -206 - Planning conditions and obligations.
Paras 211 - 212: Using development plans and the NPPF in decision making.
Paras 214 - 215: The weight attached to development plan policies having regards to their consistency with the NPPF.
Para 216 - Weight given to policies in emerging plans

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. Supplementary Planning Documents

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

6. Saved Policies in the Local Plans

- 6.1. CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

7. Housing Land Supply

- 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. 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. 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 recently the Supreme Court ruled 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 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.
- 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 wellbeing; 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 five year land supply.

8. Sustainability of the Proposal

- 8.1 Policy CS2 designates Great Waldingfield as a Hinterland Village. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. However, in the absence of a five year housing supply, Policy CS2 is afforded limited weight.
- 8.2 The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in Core and Hinterland Villages. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the BUAB for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
- 8.3 Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and states:

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

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

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.

- 8.4 The 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") was adopted by the Council on 8 August 2014. The SPD provides 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 not part of the statutory development plan, the SPD has been subject to community consultation, has been adopted by Council and is therefore a material planning consideration that is afforded significant weight.
- 8.5 The SPD outlines the matters that should be given regard when assessing proposals in Core and Hinterland Villages. Not surprisingly, these matters closely reflect the six matters detailed in Policy CS11. The matters are as follows:

- Site location and relationship to settlement
- Sequential approach to site selection
- Scale of proposal in relation to existing settlement
- Cumulative impact taken with existing commitments or other proposals
- Local needs
- Availability of services and facilities, their ability to expand and the contribution which development would make to their long-term viability
- Social and economic benefits of development
- Constraints and impacts

8.6 Each of the above Policy CS11 criteria are assessed in turn below, with regard given to the further detailed guidance contained in the SPD.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

- 8.7 The NPPF emphasises as a core principle 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.
- 8.8 Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.
- 8.9 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'*.
- 8.10 Policy CS11 envisages that there will be some development in the countryside; the key question is whether the character impact of the development is reasonably contained.
- 8.11 The site is of low visual amenity, dominated by buildings of agricultural and industrial appearance. The site is very much transitional in character, with conventional suburban development to the north and open fields to the east and south. The site is well contained visually, bordered by residential development and vegetation. The site does not offer expansive views of countryside and is therefore not of high aesthetic appeal. The site is well screened from Valley Road and there is limited views into the site from the public realm other than via existing access points.
- 8.12 Development of the site for residential purposes will have a limited visual impact on the character of the area for the above reasons. The loss of agricultural buildings will not cause harm to visual amenity. The site is large enough to accommodate dwellings located on expansive plots, providing an appropriate sense of openness at this village edge location. The change in character, from one of a transitional nature to conventional residential development, is an acceptable visual outcome.
- 8.13 The development will not appear isolated, but rather a logical extension of the village. The proposed development cannot be said to 'intrude' into open countryside. Utilisation of an existing access arrangement significantly limits the potential for landscape character harm and is a design feature that responds to site context. In a similar vein, proposed public open space areas are a welcome design element.

The same can be said for the retention of much of the existing boundary planting and proposed landscaping response; all positive design elements.

- 8.14 The character impact of the development is well contained, very much localised, responding positively to Policy CS11.

Impact on Heritage Assets

- 8.15 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'*.

- 8.16 The nearest listed building, 1-3 Valley Road, is located north of the site. The site does not contribute to the significance of the listed building because of the sense of separation between the two buildings. As a consequence, the proposal would not have any effect on the significance of the listed building and so preserves its setting. The buildings to be demolished are not listed, do not have any other form of heritage statutory protection nor are identified on any list of buildings of local interest. The buildings are of limited architectural merit and are not of historic interest. Officers concur with the submitted Heritage Assessment and Council's Heritage Consultant and raise no objection on heritage grounds to the removal of the buildings.

- 8.17 As noted by Council's Heritage Consultant, White Hall to the south, whilst not listed, is of such an age (300 plus years) it should be considered a non-designated heritage asset. The Consultant recommends that more could be done to screen the development to provide a more appropriate interface to White Hall. It is also suggested that details be provided as to how the walls and roofs of the two retained outbuildings within the White Hall boundary will be made good once the adjacent outbuildings have been removed. Officers agree with the Consultant recommendations which can be readily managed through the reserved matters stage of the development process. It is not appropriate to condition these matters at this outline stage.

- 8.18 There are no Conservation Areas in proximity of the application site. The proposal will not cause any harm to any Conservation Area.

- 8.19 The site lies in an area of archaeological potential and the County Archaeologist requests an archaeological investigation condition should outline permission be granted. This is not fatal to the application.

Impact on Environment

- 8.20 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raise no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of policy CS15 insofar as it relates to land contamination.

The locational context of the village and the proposed development

- 8.21 Paragraph 10 of the SPD states proposals should be well related to the existing settlement and that the starting point for assessing this is whether or not the site adjoins the village BUAB. The SPD states a judgement will need to be made and issues to be taken account include:

- 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 constitutes a logical extension of the built-up area of the village. Whether the proposal is self-contained and has logical, natural boundaries.

8.22 The proposal responds favourably to paragraph 10 of the SPD:

- The site adjoins the village BUAB.
- The proposal does not constitute ribbon development by virtue of the site's shape and physical relationship to the village.
- There is a strong sense of visual connection between the site and the body of the village.
- The proposed scale, density and layout is not at odds with the neighbouring development pattern to the north.
- The site exhibits natural visual boundaries both to the north (residential development), west (road) and south (existing screened site boundary).
- The site is visually contained.

8.23 The site is in a sustainable location. With a bus stop at the site's doorstep (route 700) and also on the B1115 (routes 112 and 754) the availability of sustainable transport links is good. The site benefits from good pedestrian connectivity to local village facilities, with footpath networks on Bantocks Road and Valley Road.

Site location and sequential approach to site selection

8.24 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.

8.25 There are no sites within the Great Waldingfield BUAB which would enable a development of a scale commensurate with that proposed.

8.26 Case law has clarified that in relation to sequential assessment, there is no requirement to consider 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

8.27 'Locally identified need' should be construed as the development to meet the needs of the Core Village and its wider functional cluster.

8.28 Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy contemplates 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.

- 8.29 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 an 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. Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District.
- 8.30 Paragraph 14 of the SPD states 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.
- 8.31 The application is not supported by a housing needs assessment. The application proposes 35% affordable housing provision consistent with local policy. The supporting Planning Statement notes the final housing mix is for the reserved matters stage. The absence of this supporting detail is not fatal to the proposal.

Locally Identified Community Needs

- 8.32 The SPD states that proposals should be accompanied by a statement that assesses the community needs of the village and how they have been taken into account in the proposal. The application is not supported by a community needs assessment. However, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure. The proposal would deliver 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

- 8.33 There is no evidence before officers to indicate that the cumulative impact of the development would not be readily accommodated within the existing infrastructure of the village, consistent with Policy CS11.

Policy CS15 Sustainable Development

- 8.34 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criterion set out at CS15 have already been considered in this report, those that have not are considered further below.
- 8.35 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected in highway connectivity terms. As acknowledged above, pedestrian connectivity in the village is good.
- 8.36 Policy CS15 sets out criteria relating to flooding, economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to these matters.

Residential Amenity

- 8.37 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 8.38 Residential amenity will be considered in detail when layout and scale is assessed at the reserved matters stage of the approvals process. The application seeking approval of scale will include detailed elevations and it is most appropriate to assess, in the fullest of terms, amenity impacts at that time. Environmental Health recommend conditions regarding a Construction Management Plan, hours of work, smoke and light. These are more appropriately imposed at the subsequent reserved matters stage if considered necessary and appropriate.
- 8.39 The above said, the submitted layout scheme whilst only illustrative, provides a basis to assess in general terms the likely amenity impacts.
- 8.40 Separation distances to neighbouring dwellings is such that residential amenity for neighbouring residents will be adequately maintained, consistent with Paragraph 17 of the NPPF.
- 8.41 Internal amenity for future occupiers of the development itself is of a sufficient standard, with all dwellings provided reasonable levels of private open space and appropriate aspect/outlook. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between properties, appropriate privacy is afforded to each plot. Separation distances between dwellings and carefully sited garages ensures any visual bulk effects will be minimised, safeguarding future occupants' amenity.

Ecology

- 8.42 Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.
- 8.43 Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 8.44 An Ecology Report supports the application. The report has been reviewed by Council's Ecology Consultant who recommends conditions regarding ecological mitigation and enhancements. These requirements can be addressed by planning condition.

Surface Water Drainage

- 8.45 Criteria xi and xii of saved 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.
- 8.46 The SCC Flood Officer raises no objection to the application following the submission of further flood information.

Access, Parking and Highway Safety

- 8.47 The application proposes the utilisation of the existing Bantocks Road access arrangement to serve the majority of dwellings. The existing Valley Road access will also be utilised however will serve only a limited number of affordable units.

- 8.48 Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076 (Admin)).
- 8.49 The impact of the additional vehicle movements generated by the scheme on the local road network will not be severe. The capacity of the network at this location is at a level that it can readily absorb the anticipated increase in vehicle movements without causing unacceptable congestion. The proposal is not in conflict with Paragraph 32 of the NPPF.
- 8.50 The Local Highway Authority raises no objection to the proposal subject to standard highways conditions. The proposal adequately safeguards highway safety.
- 8.51 Saved Policy TP15 of the Local Plan seeks to ensure parking provision for new development complies with the Parking Standards. The proposed scheme provides on-site car parking provision in accordance with the Parking Standards and therefore accords with saved Policy TP15.

9. Planning Obligations / CIL

- 9.1 The application is liable to CIL which would be managed through the standard independent CIL process.
- 9.2 The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, as well as a management plan for the principal public open space.

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

- 10.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
 - Council Tax
 - CIL
- 10.2 These are not material to the planning decision.

PART FOUR – CONCLUSION

11. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015

- 11.1 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.
- 11.2 Council worked with the applicant at the pre-application stage, providing advice regarding density, layout and design.

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

- 12.1 There are no known legal implications derived from the determination of this application.

13. Planning Balance

- 13.1 The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. 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).
- 13.2 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.
- 13.3 Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.
- 13.4 The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 13.5 The site comprises a sustainable location in a sustainable village, served well by local amenities. Nearby bus stops provide public transport connection to nearby centres, offering a viable alternative to the private vehicle.
- 13.6 The development will boost the local housing stock which is currently in undersupply, including much needed affordable housing provision. Exact affordable housing mix, type and tenure are elements for the reserve matters stage. There are some economic benefits that would arise from the construction jobs supported by the proposal and the contribution of new residents to the local economy. Some may consider these minor benefits, they are nevertheless benefits.
- 13.7 The site is of low visual amenity, visually contained and well screened. There will be a noticeable character change, as is to be expected with a 32 dwelling development, however the landscape effect will be localised because of the aforementioned reasons. There will be a limited effect on the wider landscape. The interface to White Hall to the south could be improved with greater landscape screening attention, a mitigation measure that is most appropriately managed through any subsequent reserved matters application. There are no adverse heritage character outcomes.
- 13.8 Amenity interfaces are appropriately designed to ensure the safeguarding of amenity levels for existing neighbouring residents as well as future residents of the proposed development.

- 13.9 The Highways Authority raise no objection to the proposed access arrangement, parking provision or anticipated traffic generation and associated impact on the local highway network. The Authority has not identified a network capacity issue at this location. Highway safety is not unacceptably compromised.
- 13.10 Landscaping, to further assimilate the development with its surroundings, will be considered through the reserved matters application, as will scale and final layout detail.
- 13.11 Development of the site for residential purposes is consistent with the recommendations of the Draft SHELAA (August 2017). The proposed density of 32 dwellings is consistent with the estimated yield (40) contained in the Draft SHELAA (August 2017).
- 13.12 There is no evidence in terms of ecology, archaeology, contamination, or sustainable construction methods to suggest the application warrants refusal.
- 13.13 Environmental harm arising from the development will be limited, such that it does not outweigh the benefits of the development, including the benefit in helping to meet the current housing shortfall in the district. The current proposal represents sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

RECOMMENDATION

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager - Planning for Growth to secure:
- Secure 35% Affordable units including mix and tenure
- (2) That the Corporate Manager- Planning for Growth be authorised to grant Planning Permission subject to conditions including:
- Standard time limit
 - Reserved matters outline
 - Accord with approved plans
 - Access visibility splays
 - Access – estate roads detail
 - Agree and implement construction of carriageways and footways
 - Agree and implement parking, cycling, and manoeuvring areas
 - Deliveries Management Plan
 - Details of surface water drainage scheme
 - Details of implementation, maintenance, and management of surface water drainage scheme
 - Details of sustainable urban drainage system components and piped networks
 - Details of construction surface water management
 - Programme of archaeological work
 - Unexpected contamination
 - Fire hydrant provision details
 - Sustainable efficiency measures
 - Ecological report recommendations
 - Withdrawal PD rights

Notes:

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Watercourse works consent - Section 23 of the Land Drainage Act 1991

Watercourse/groundwater discharge - Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

Internal Drainage Board catchment - surface water developer contribution

- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Corporate Manager- Planning for Growth be authorised to refuse planning permission for reason(s) including:-

Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.