

## **Committee Report**

**Item No:** 3

**Reference:** DC/18/00236

**Case Officer:** Samantha Summers

**Ward:** Berners

**Ward Members:** Cllr Peter Patrick, Cllr Derek Davis

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### **Description of Development**

Erection of 24 dwellings (including 8 affordable dwellings) including access

### **Location**

Land Adjacent to Woodlands, Main Road, Chelmondiston IP9 1DW

**Parish:** Chelmondiston

**Site Area:** 1.92ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not listed

**Received:** 16/01/18

**Expiry Date:** 07/03/18

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**Application Type:** Outline Planning Permission

**Development Type:** Small Scale Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mrs Spinks

**Agent:** Artisan PPS Ltd

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to the Site Location Plan 3716-06 (received 16/01/18) 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 16/01/18

Site Location Plan 3716-06 - received 16/01/18

Landscape masterplan - received 16/01/18

Ecology report final - received 16/01/18

118-2017 Highway statement - received 16/01/18

Aboricultural assessment and tree constraints - received 16/01/18

Street scene - received 16/01/18

Scheme on topographical survey - received 16/01/18

Flood risk assessment and drainage strategy - received 17/01/18

Agricultural land and classification report - received 16/01/18

Planning statement - received 16/01/18

Landscape and visual impact appraisal - received 17/01/18  
Land contamination assessment - received 17/01/18

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

The subject site forms part of a broader site (SS0872) allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

*'Partial development of the site (linear development along Woodlands - Eastern section of the site) is potentially considered suitable for residential development, taking identified constraints into consideration:*

- Highways – regarding access, footpaths and infrastructure required
  - Impact on the sensitive landscapes (including AONB) identified and historic environment
- Total site area as proposed in 'Version 1' site location plan of the 2016 Call For Site submission: 0.227ha, approx. 6 dwellings'.*

There have been no previous planning applications relating to the site.

### **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)

- CS19 - Affordable Homes
- CS18 - Mix and Types of Dwellings
- HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
- CN01 - Design Standards
- CR02 - AONB Landscape
- CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
- CS02 - Settlement Pattern Policy
- CS03 - Strategy for Growth and Development
- CS11 - Core and Hinterland Villages
- CS15 - Implementing Sustainable Development

#### Supplementary Planning Documents and Other documents relevant to this decision.

- Suffolk Guidance for Parking(2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

#### **Previous Committee / Resolutions and Any Member Site Visit**

A Committee Site Inspection was carried out on the 14<sup>th</sup> February 2018 by the Planning Committee Members.

#### **Pre-Application Advice**

Informal pre-application written advice provided to the applicant. The advice given was that the main issue would likely to be the impact on the landscape and views from the estuary back towards the site and from the adjacent public footpath. The development of the entire site could be incongruous to the wider pattern of development in Woodlands, at this point and consideration of this adverse impact of this would have to be weighed up against the benefits of housing delivery.

#### **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**

##### **Chelmondiston Parish Council**

1. There are access issues to the site a narrow winding road through a residential area.
2. The access passes a Primary School where the road is congested twice a day.
3. The proposal is in AONB land and has not demonstrated why it should override the general protection from development. Once the area is developed the ANOB factor is lost.
4. The developers have not made it clear with regard to the affordable housing properties what is the affordable ceiling price.

5. The site is far removed from the centre of the village to encourage walkers so, therefore, cars would be used adding to the congestion.
6. The site is a wildlife habitat. There have been sightings of hunting owls, kestrels and red kites.
7. The grassland is an important area for insects
8. There are other sites within the village that have been and are registered for planning applications which would be more suitable to the area.
9. There are limited amenities in the village.
10. The site is poorly drained and additional housing would endanger the lower land at Pin Mill directly down the valley, where there already have had to have flood defences put in place because of runoff water endangering the houses below whenever tides are high on the River Orwell.
11. National Policy states there is a possibility of making the Shotley Peninsula area an ANOB. The policy would, therefore, appear to be against building in these areas.
12. The Shotley Peninsula is unique with only one road in and out. When the Orwell Bridge is closed the traffic, which is often congested when the bridge is not closed becomes intolerable with journey times increasing. In January 2018 the Orwell Bridge was closed 3 times.
13. The Highways Report that was conducted for the potential development at the Primary School was not a true picture of traffic within the area. For example, the traffic count was taken at the school gates so much of the school traffic was not included. Photo 10 of the Highways Report was taken 09.05am rather than earlier when the school children were arriving at the school. If the photo was taken earlier the traffic from the school gates to the B1456 junction is effectively reduced to a single carriageway. This influx of traffic also happens at the end of the school day.

### **SCC Highways**

No objection subject to standard highways conditions.

### **SCC Rights of Way**

No objection.

### **Place Services - Landscape**

In terms of the likely visual impact, the proposal will have a noticeable impact on the rural secluded setting of the immediate landscape. The main development constraint is the requirement to ensure the landscape character and appearance of the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB) is conserved and enhanced; with any negative visual impact of the development is suitably mitigated. To safeguard this, we would advise the following recommendations:

1. We recommend that a topographic survey is submitted alongside sections to demonstrate how the proposed mitigation measures are used to mitigate any negative impacts on the landscape of the Suffolk Coast and Heaths AONB; these should be directly linked to the findings of the LVIA.

2. The tree planting proposed along the northern boundary of the site will need to be specified to stipulate mature/semi-mature sized plants for immediate impact to mitigate the adverse impact on the landscape within the AONB.
3. To help ensure the local rural character of the site and surroundings is retained and protected any proposed planting should consist of native and local species, and the parkland characteristics of the landscape character type (LCT) should be apparent in the landscape design.
4. It is advised that a comprehensive materials and colour palette (including roof and elevation cladding) is submitted at an earlier stage and agreed by the landscape architect and case officer.
5. If an application is approved, a detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting) will need to be submitted. We recommend a landscape maintenance plan for the minimum of 10 years, due to its location within an AONB. SuDS features such as detention basins and other landscaping elements are also to be included on the landscape management plan and insurance is needed that adoption is in place prior to construction. This is to ensure appropriate management is carried out and to maintain functionality as well as aesthetics.
6. If an application is approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition.

#### **Dedham Vale AONB and Stour Valley Project**

24 dwellings represents major development in the AONB. There is a lack of accompanying evidence to demonstrate that there are any exceptional circumstances requiring such development at this site to warrant a departure from national policy.

We note that the submitted LVIA identifies several viewpoints whereby the likely impact of the development will be adverse to some degree. We note that the site is on higher ground and, from Viewpoint Photograph 12 it appears that there is sufficient permeability in the existing hedgerow and tree cover, that new buildings would be visible from the riverside. We consider these views to be particularly sensitive to change, with the higher land and setting around Pin Mill being an important element of the distinctive character of Chelmondiston. In our view it would be inappropriate to change.

Viewpoint 4, taken from the footpath crossing National Trust land to the north west of the site is considered to be particularly sensitive to change. From this viewpoint, as demonstrated by the photograph, there is likely to be a significant impact with a change in view from undeveloped land at the top of the slope and edge of the plateau, to visible rooflines etc. There is insufficient evidence to suggest that this would not be the case.

The proposal does not respect the existing pattern of development for the village and we consider that development of this site would result in unacceptable impacts in relation to landscape character and visual effects, in particular to those locations identified above.

#### **Anglian Water**

No objection.

#### **Environmental Health - Land Contamination**

No objection.

#### **SCC Fire Officer**

No objection.

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### **Place Services - Ecology**

No objection subject to conditions to secure:

- A) A proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA/Ramsar.
- B) Ecological mitigation and enhancements.

### **Natural England**

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that new housing development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s), when considered in combination, through increased recreational pressure. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development to enable you to reach a conclusion of "no likely significant effect" whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as this mitigation measure has been secured.

Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of the Orwell Estuary SSSI.

### **SCC - Archaeological Service**

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### **SCC - Flood and Water**

Holding objection because the pumped surface water system is contrary to national and local policy/guidance as a method for the disposal of surface water. The applicant will need to demonstrate that all other viable methods have been considered prior to a pumped system being accepted.

Also the hydraulic calculations are incorrect with regard to the percentage of climate change applied to the 1:30 (no climate change to be applied) & 1:100 (40% to be applied) year rainfall events

The points below detail the action required in order to overcome our current objection:

1. Resubmit a indicative development layout based on a gravity surface water system
2. Resubmit a surface water drainage strategy that does not utilise a pumped system
3. Resubmit the FRA & drainage strategy with the corrected hydraulic calculation.

### **BMSDC Strategic Housing**

Preferred AH mix – 8 out of 24 (35%)

Rented – 6 homes required:

3 x 1- bed 2-person houses @ 58 sqm

2 x 2-bed 4-person house @ 79 sqm

1 x 3 bed 5-person house @ 93sqm

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Shared Ownership – 2 homes required:  
2 x 2 bed 4-person house @ 79 sqm

The proposed unit sizes on the site layout for the 2 and 3 bed units do not comply and should be altered accordingly to meet with the Technical housing standards – nationally described spaced standard.

### **BMSDC Arboricultural Officer**

I have no objection to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. An appropriate condition should be used for this purpose.

### **B: Representations**

Numerous objections received. Summary of grounds of objection:

- \*Impact on character and appearance of the area
- \*Impact on the village setting
- \*Impact on AONB, contrary to Policy CR02
- \*Contrary to BMSDC Joint SHELAA Report 2017
- \*Impact on highway safety, no street lighting, dangerous for nearby school children
- \*Unacceptable increase in traffic in Woodlands
- \* Water and sewerage provision
- \*Outside village development boundary.
- \*Plant and heavy vehicles through Woodlands local road not acceptable
- \*Noise, diesel and dust effects
- \*Temporary construction access should be via Richardsons Lane
- \*Impact on amenities - doctors and schools at capacity
- \*Loss of meadowland biodiversity
- \*Negative impact on the views from Pin Mill
- \*Site fringes an integral part of the Suffolk Coastal Path and Bridle Way Scheme
- \*Loss of light and privacy for existing residents
- \*Development bears little relationship to existing village

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## **PART THREE – ASSESSMENT OF APPLICATION**

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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 at the north-western end of Woodlands, an established residential street, on the northern periphery of the village of Chelmondiston. The site has dual frontage, to both Woodlands in the east and Richardsons Lane to the west. A public right of way known as Church Lane abuts the site's northern boundary. Chelmondiston is defined as a 'Hinterland Village' in the Babergh District Local Plan Core Strategy 2014. The site's eastern boundary forms part of Chelmondiston's north-western Built Up Area Boundary (BUAB).

- 1.2. The site comprises a mix of Grade 2 and 3a agricultural land. The Planning Statement describes the land as 'untended grassland', and would have once comprised part of a much larger agricultural field. Land to the north and south comprises agricultural land. Land to the west and east is residential, fronting Richardsons Lane and Woodlands respectively. There are no protected trees on the site. Hedging and trees line the northern, western and eastern site boundaries. There is an informal vehicle access to the land off Woodlands.
- 1.3. The whole site, along with the majority of the village, is located within the Suffolk Coast and Heaths AONB. The site is not in or adjoin a Conservation Area, Special Area of Conservation or Special Landscape Area. Pinmill Conservation Area is located approximately 520m east of the site. Woolverstone Conservation Area is approximately 170m north of the site. Three listed buildings are located within 150m of the site.
- 1.4. Footpaths are located on both sides of Woodlands and these, together with the public right of way to the north, provide pedestrian connectivity to the village's amenities.

## **2. The Proposal**

- 2.1. Outline planning permission with all matters reserved except access is sought for up to 24 dwellings. Eight of the dwellings are proposed as affordable. Density and scale details are not provided given the outline nature of the application.
- 2.2. An indicative layout has been provided to demonstrate how the site could develop if outline permission is granted. Key elements of the indicative outline are as follows:
  - Mix of single and double storey dwellings, predominantly detached and set in a cul-de-sac type development, with single vehicle access provided via Woodlands.
  - Rear of dwellings address Richardsons Lane.
  - An extensive landscaped public open space corridor to adjoin the site's northern boundary.
  - Two swales, to be managed as wildflower meadow, located within the northern landscaped public open space area.
  - 5m landscaping corridor to the Richardsons Lane frontage.
  - Landscaping and 1.2m high post and rail fence to site's southern boundary.
  - 220sqm play area
  - Landscaped plot frontages.
  - Retention of hedgerow and trees at 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 116: Refusing major development in AONB unless exceptional circumstance  
 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. HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)  
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. 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 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 Chelmondiston 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 the 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.*

*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.*

- 8.4. 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

##### *Suffolk Coast and Heaths AONB*

- 8.7. The site is located in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The site lies within landscape character type 2, 'Ancient Estate Farmlands' as set out in the Suffolk County Council Landscape Character Assessment 2 (LCA) which was first published in 2008 (updated 2011).

- 8.8. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in ... Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.
- 8.9. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in areas of outstanding natural beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 8.10. Paragraph 116 of the NPPF and the PPG states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration must include an assessment of the need for the development, the cost of and scope for development elsewhere outside the designated area and any detrimental effect on the environment and landscape and the extent to which it can be moderated.
- 8.11. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable. Within this context, what constitutes a 'major' development in the AONB is a matter of planning judgement based on the circumstances of the specific proposal, and not by the statutory definition as set out under the DMPO 2015. See *R (The Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).
- 8.12. Saved Policy CR02 of the Babergh Local Plan adopts a similar policy thrust to the NPPF with regard designated special landscape areas, stating:
- 'The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies'.*
- 8.13. Local Policies CS11 and CS15 of the Core Strategy also require development proposals to protect the landscape qualities of the district.
- 8.14. Whilst not in productive agricultural use, the greenfield site nonetheless contributes positively to the rural character of the area and to the valued visual qualities of the AONB.

- 8.15. The submitted VIA contends that the character of the landscape at the subject location would be only moderately sensitive to change from further residential development, despite its AONB location, due to (a) its plateau, rather than valleyside, location; (b) the site's good level of visual containment and degree of suburbanisation to the east; (c) the site's commonplace physical features, neither rare or difficult to replace; and (d) the site acts as a transitional visual zone, where views of dwellings and domestic curtilages are apparent.
- 8.16. The VIA argues that the development would not significantly detract from the special qualities of the 'Estate Farmlands', those being *'spring cereal crops and their important wildlife, large open views from the uplands down to the Orwell and Stour estuaries, ancient woodlands, distinctive field patterns and designed parkland, landscapes with ancient trees'*. The VIA argues that the site's plateau location is less sensitive than points further north on the valleyside itself. Successful mitigation through structural planting, the VIA contends, can be achieved for plateau top or plateau edge locations.
- 8.17. The submitted VIA concludes: *'Given the relatively limited scale of the development at a location, where settlement and human activity are already evident in neighbouring areas, and with the proposed mitigative measures in place, it is considered that the development can be accommodated without long term significant effects to either local character or on the special qualities of the wider AONB landscape.'*
- 8.18. The arguments contained in the VIA are not without merit. The site is certainly less sensitive than the valleyside to the north. The site is visually contained to a degree. Extensive landscape planting will soften the built form impact in time, as will any landscaping in any development proposal.
- 8.19. The scale however is not 'relatively limited'. The 'absorbing' capabilities of a landscape, a designated landscape of outstanding natural beauty and one of national significance, must be extraordinarily high to allow a 24 dwelling development, extending well over one hectare, to not have a significant visual effect. Development scale is significant in the local context.
- 8.20. The proposal will result in a continuous developed area, merging the body of the village to the east with the ad hoc development on Richardson Lane to the west. The scale of development will result in a significant extension of the body of the village, projecting noticeably into open countryside. What visual gap exists today between the developments will be significantly eroded, notwithstanding the extensive landscape planting scheme. Whilst the visual effect of the loss of the visual gap may be localised, it will nonetheless detract from the visual qualities of the AONB.
- 8.21. It is acknowledged that there are local views of domestic curtilages and dwellings, this however does not lessen the open character of the site. The presence of telephone poles and overhead cables are detracting elements but again, these do not undermine the openness of the site and the rural character of the village edge.
- 8.22. What will undermine the openness of the site, or more likely remove it almost entirely, is the introduction of 24 dwellings, their associated domestic curtilages, outbuildings, garages, roads and footpaths. These are foreign domestic elements to this site. These elements may form an inherent part of the suburban fabric of Woodlands to the east, but one should not, in the heart of an area valued for its intrinsic scenic beauty in a national context, take its visual cues from 1970s suburban development.

- 8.23. The NPPF and local policy sets the development threshold very high in designated landscape areas. The reasons for 'strict control of development' are obvious. As noted in the preamble to local Policy CR02, the (landscape) designations indicate national recognition of the landscape quality on a par with National Parks and *'Protection of these designated landscapes will be of prime importance'*.
- 8.24. A compelling case has not been made out to depart from the very high policy threshold in this instance. It had not been demonstrated how the development would adequately preserve and enhance the natural beauty of the AONB.
- 8.25. The proposal has done arguably all it can in terms of providing the most extensive of landscaping schemes to offset the visual effect on the character of the AONB. The applicant is to be commended in this respect. However ultimately one can only do so much to mask visual harm. Preservation and enhancement of a nationally recognised landscape asset demands more than extensive planting regimes. It is concluded that the landscape effects are of such magnitude that the development does not respond sufficiently favourably to either local Policy CR02 or paragraphs 109 and 115 of the NPPF. Whilst officers do not conclude that the scheme would be a 'major' development within the context of Paragraph 116 of the NPPF, the adverse impacts would be nevertheless significant and demonstrable, undermining the spirit of those aforementioned local and national planning policies.

#### *Impact on Heritage Assets*

- 8.26. 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'. In practice this means having a special regard for keeping heritage assets from harm.
- 8.27. As noted in the submitted VIA, the site lies between two conservation areas. However the separation distances to these conservation areas are such that impacts on the character and appearance of them will be limited. It is concluded that harm to the conservation areas will not result should the development proceed.
- 8.28. There are three listed buildings within 150m of the site. Despite their proximity, impacts on the setting of these buildings would be no more than negligible given the separation distances involved. Those negligible impacts would not give rise to harm within the meaning provided and understood by Historic England and the NPPF; i.e. that the significance of heritage assets would be preserved.
- 8.29. The site lies in an area of archaeological potential and the County Archaeologist requests an archaeological investigation condition should outline permission be granted. There is no archaeological evidence to suggest the application should not be supported.

#### *Impact on Environment*

- 8.30. 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

- 8.31. 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.
- 8.32. The site adjoins the Chelmondiston BAUB. The proposal would not constitute ribbon development given the site configuration. The site is very well connected to the village, within easy walking distance of all local amenities including schools, recreational facilities and shops. The proposal is not in conflict with the first three issues listed at paragraph 10 of the SPD.
- 8.33. The proposal adopts natural boundaries. The site is visually self-contained to a degree, however the character change through the introduction of 24 dwellings will not be insignificant. As noted above, the development will appear as a prominent projection out from the body of the village, with a resultant merging effect with neighbouring western development, an adverse visual outcome. The proposal does not represent a logical extension of the village. A logical extension of the village would comprise around a half dozen dwellings fronting Woodlands, as contemplated by the draft SHELAA.

### Site location and sequential approach to site selection

- 8.34. 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.
- 8.35. There are no sites within the Chelmondiston built up area boundary which would enable a development of a scale commensurate with that proposed.
- 8.36. 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

- 8.37. 'Locally identified need' should be construed as the development to meet the needs of the village and its wider functional cluster.



- 8.38. 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.
- 8.39. 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.
- 8.40. 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.
- 8.41. The application is not supported by a housing needs assessment. The proposal seeks to provide the 35% of affordable housing required by local policy.
- 8.42. The absence of this supporting detail is not fatal to the proposal. The Council's Strategic Housing Officer has detailed the required housing mix and there is nothing before officers to suggest that the required mix could not be achieved, albeit different to that detailed in the application (and which could be secured by a s106 legal agreement, as is the Council's usual practice).

#### Locally Identified Community Needs

- 8.43. 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

- 8.44. In light of the relatively small scale of development proposed, the cumulative impact of the development will be easily accommodated within the existing infrastructure of the village, consistent with this aspect of Policy CS11.

#### Policy CS15 Sustainable Development

- 8.45. 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.

- 8.46. 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 and pedestrian connectivity terms. A good range of facilities are on offer a short walk from the site, all accessible via an existing footpath network. Amenities include schools, food store, post office, newsagent, church and public house. For these reasons the site represents a sustainable location.
- 8.47. 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 all of these matters.
- 8.48. Policy CS15 states that with regard to the SPAs, SACs and Ramsar sites, any development that would have an adverse effect on the integrity of a European site including candidate/proposed sites either alone or in combination with other plans or projects will be refused. Natural England recommend a suitable contribution to the emerging Suffolk RAMS should be sought. This could be addressed by planning condition.

#### Access, Highway Safety and Parking

- 8.49. Access is a matter sought for approval. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.
- 8.50. The Policy is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
- 8.51. 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)).
- 8.52. Numerous objections raise concern regarding highway safety, in particular the sole reliance on the use of Woodlands to access the site, including construction traffic. Proximity of increased traffic to the local school is also a major concern for residents. However, SCC Highways raise no objection to the proposed access subject to standard highways conditions. It must therefore be concluded that highway safety concerns are not so significant as to warrant a defensible reason for refusal. The proposal accords with criteria xviii and xix of policy CS15.
- 8.53. There is ample opportunity to provide minimum parking requirements for the future dwellings, compliant with the Parking Standards. The proposal accords with Policy TP15.

### Residential Amenity

- 8.54. 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.
- 8.55. Separation distances to neighbouring dwellings is such that residential amenity for neighbouring residents will be adequately maintained, consistent with Paragraph 17 of the NPPF.

### Ecology

- 8.56. Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.
- 8.57. 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.
- 8.58. Council's Ecology Consultant agrees with the supporting Ecology Report and recommends conditions regarding Ramsar financial contributions and ecological mitigation and enhancements. These requirements can be addressed by planning condition.

### Surface Water Drainage

- 8.59. 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.
- 8.60. The SCC Flood Officer has placed a holding objection subject to submission of infiltration tests. This technical matter could be addressed by planning condition.

### **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 held to be material to the planning decision to be taken in this instance.

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## **PART FOUR – CONCLUSION**

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### **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 officers worked with the applicant in providing informal advice prior to the lodgement of the application.

### **12. Planning Balance**

- 12.1. The Council 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).
- 12.2. 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.
- 12.3. Officers conclude that specific policies indicate development should be restricted, in that the first bullet point of Paragraph 109 of the NPPF (that the planning system should protect and enhance valued landscapes) offers a restriction on development in principle and in this instance the proposed development would neither protect nor enhance what is a valued landscape within the AONB. Likewise, Paragraph 115 requires a great weight to be given to conserving landscape and scenic beauty within the AONB and the proposal would not conserve or safeguard the positive characteristics of the land in that respect. Whilst the development would not be 'major' within the context of Paragraph 116 of the NPPF, the adverse impacts would nevertheless be significant and demonstrable.

Therefore, the operation of the presumption in favour of sustainable development does not apply here because the site is a valued landscape of national importance and, also noting the detriment posed, specific policies within the NPPF indicate that development should be restricted.

- 12.4. 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.

- 12.5. The proposal will bring with it economic benefits. The provision of 24 houses will assist in addressing the housing shortfall. Affordable housing provision is a social benefit. The site is in a sustainable location, a short distance from a good range of local services. Car dependency will be low. Traffic generation may be limited owing to the short distance to local amenities including schools. The site is in a sustainable location in an environmental and social sense. These elements support Policy CS11 and CS15.
- 12.6. Impacts on the character of the AONB will not be insignificant. The proposal represents suburban development, albeit a heavily landscaped suburban development, that nonetheless is at odds with the valued natural beauty of the AONB. Despite the commendable attempt at providing a landscaped design response to lessen the landscape effects, the rural village edge at its western periphery will be substantially eroded and the visual gap between the body of the village and the ad hoc development on Richardsons Lane will be lost. The loss of openness and character change will be significant, harmful to the natural beauty for which the area is designated nationally. The proposal does not respond sufficiently favourably to local policies CR02, CS11, CS15 or paragraph 116 of the NPPF.
- 12.7. The adverse landscape character impact would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole and, in any event, specific policies within the NPPF indicate that development should be restricted causing the 'tilted balance' of the presumption in favour of sustainable development to cease to engage. Therefore, the proposal does not constitute sustainable development in principle and, where the benefits that would accrue in allowing development to proceed would not outweigh the clear harm that has been identified, the application is recommended for refusal.

## **RECOMMENDATION**

Refuse planning permission for the following reason(s):

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. Policy CS11 requires development to address the locational context of the village, citing in particular the Areas of Outstanding Natural Beauty. Policy CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. Policy CR02 of the Babergh Local Plan Alteration No.2 (2006) states unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed.

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, the adverse impact on the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty demonstrably outweigh the benefits of the development when considered against the Framework as a whole (and also where specific policies within the NPPF nevertheless indicate that development should be restricted).