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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Rose Room - Endeavour House,
8 Russell Road, Ipswich**

DATE: **Wednesday, 30 May 2018
9.30 am**

Members

Peter Beer
Sue Burgoyne
David Busby
Michael Creffield
Luke Cresswell
Derek Davis
John Hinton

Michael Holt
Jennie Jenkins
Adrian Osborne
Lee Parker
Stephen Plumb
David Rose
Ray Smith

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

Members of the Public and Press attending the meeting are asked to note the following approximate timings below:

Paper PL/18/1 – item 1 in Paper PL/18/1 will be the first item to be considered, please arrive from 9.00am.

Paper PL/18/1 – consideration of items 2, 3 and 4 in Paper PL/18/1 will not commence before 11.00am at the earliest. Please wait in the Reception area.

ITEM

BUSINESS

PART 1

Page(s)

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

ITEM	BUSINESS	
4	<u>SITE INSPECTIONS</u>	<u>Page(s)</u>
	<p>In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections.</p> <p>The provisional date for any site inspections is Wednesday 6 June 2018.</p>	
5	<u>EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)</u>	
	<p>To consider whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.</p>	
Part 2		
6	<u>COUNSEL ADVICE TO COMMITTEE (Exempt information by virtue of Paragraph 5 of Part 1)</u>	
7	<u>RE-ADMISSION OF THE PUBLIC</u>	
Part 1		
8	<u>PL/18/1 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	1 - 4
	<p>An Addendum to Paper PL/18/1 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.</p>	
a	<u>DC/17/06318 7 Little Tufts and land east of Longfield Road, Capel St Mary</u>	5 - 40
b	<u>DC/17/06037 Land to the North of Woodlands Road, Holbrook</u>	41 - 66
c	<u>DC/18/00856 New Street Farm, New Street, Glemsford</u>	67 - 80
d	<u>DC/17/06250 Summercourt, The Heath, Tattingstone</u>	81 - 94

ITEM	BUSINESS
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Page(s)

Notes:

1. The next meeting is scheduled for Wednesday 13 June 2018 at 2.00 p.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

[Public Speaking Arrangements](#) (pdf)

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer on: 01473 296372 or Email: committees@baberghmidsuffolk.gov.uk

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
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PL/18/1

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

30 MAY 2018

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE

1.	5-24	DC/17/06318	CAPEL ST MARY - 7 Little Tufts and land east of Longfield Road	GP
	25-40	Appendix A	Letter and Objection Statement from Capel St Mary Parish Council	
2.	41-66	DC/17/06037	HOLBROOK - Land to the north of Woodlands Road	SS
3.	67-80	DC/18/00856	GLEMSFORD - New Street Farm, New Street	SS
4.	81-94	DC/17/06250	TATTINGSTONE - Summercourt, The Heath	LB

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager – Growth and Sustainable Planning, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - GROWTH AND SUSTAINABLE PLANNING

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

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Agenda Item 8a

Committee Report

Item No: 1

Reference: DC/17/06318

Case Officer: Gemma Pannell

Ward: Mid Samford

Ward Members: Sue Carpendale and Fenella Swan

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline planning application (with some matters reserved) including access - erection of residential development for up to 100 dwellings to be built in phases with associated infrastructure, public open space and details of highway access.

Location

7 Little Tufts and land east of Longfield Road, Capel St Mary IP9 2UD

Parish: Capel St Mary

Expiry Date: 20/04/18

Application Type: Outline planning application

Development Type:

Applicant: Persimmon House Limited, Donald Edward Baker, Carol Dorothy Lingard, Jill Katherine Buckingham and Sheila Ann Baker

Agent: Persimmon Homes Anglia Ltd

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.

Details of Previous Committee/Resolutions and Member Site Visit

B/16/01458 – Outline (means of access to be considered) - Residential development for up to 150 no. dwellings with highway access off Little Tufts (following demolition of existing garage). Refused – Planning Committee 5th July 2017.

Currently at appeal – Public Inquiry due to be held on 25th September 2018 (3 days)

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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

Relevant saved policies of the Babergh Local Plan (Alteration No.2) 2006:

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CN06 Listed Buildings – Alteration/Extensions/Change of use
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Core Strategy Policy CS11 Supplementary Planning Document, 2014

NPPF - National Planning Policy Framework

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

Capel St Mary Parish Council

Recommend refusal (see objection statement included as Appendix A).

SCC Highways Authority

No objection subject to standard conditions.

Little Tufts is a highway maintained by the County Council. It was adopted in 1975. Full records of its construction aren't held. It is anticipated that its construction is not to current 'minor access road' standard. Additional strengthening of the length outside of the site may be necessary through resurfacing, which will be included in the s278 agreement. A survey of the existing road construction is required to determine extent of required reconstruction works.

County Development Contributions Manager

Education:

Based on existing forecasts SCC will have no surplus places available at the catchment schools to accommodate any of the pupils arising from this proposed scheme. On this basis SCC will seek CIL funding for primary school provision at a minimum cost of £280,163 (2017/18 costs), secondary school provision at a minimum cost of £293,680 (2017/18 costs), and sixth form provision at a minimum cost of £79,628 (2017/18 costs).

Libraries:

A CIL contribution of £216 per dwelling is sought i.e. £21,600, which will be spent on enhancing provision at the nearest library.

County Archaeological Service

No objection – subject to conditions

County Fire and Rescue Service

No objection – condition requiring fire hydrants to be installed.

Lead Flood Authority

Recommend approval, subject to conditions.

Corporate Manager – Sustainable Environment (Land Contamination)

No objection.

Corporate Manager – Sustainable Environment (Air Quality)

No objection.

Corporate Manager – Sustainable Environment (Sustainability)

No objection subject to standard conditions.

Corporate Manager – Sustainable Environment (Environmental Health-Noise/Odour/Light/Smoke)

No objection subject to conditions.

NHS England

No objection. There is 1 branch surgery within a 2km radius of the proposed development, Capel St Mary surgery (including its main Constable Country Rural Medical Practice). This GP practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

NHS England is satisfied that the basis of a request for CIL contributions is consistent with the Regulation 123 list produced by Babergh District Council.

Highways England

No objection

Suffolk Wildlife Trust

No objections – the recommendations made within the ecological reports are implemented in full, via a condition of planning consent, should be granted.

Natural England

Holding objection.

As submitted, this development proposal has the potential to affect the Stour and Orwell Estuaries SPA and Ramsar site which are European sites (also commonly referred to as Natura 2000 or N2K sites) afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). These sites are also notified at a national level as the Orwell Estuary SSSI and the Stour Estuary SSSI; the relevant interest features of the SSSIs in this case broadly relate to those associated with the European sites and so the following comments are applicable in both an international and national context.

In this context, the consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include an HRA. We therefore advise that further assessment of recreational disturbance impacts to designated sites must be undertaken through a project-level HRA in order to secure adequate mitigation.

We offer the below advice to help with this assessment. Natural England considers that mitigation of such impacts usually requires more than one type of approach; this is typically a combination of 'on-site' informal open space provision and promotion (i.e. in and around the development red line boundary) and 'off-site' visitor access management measures (i.e. at the N2K site).

Place Services - Landscape

The following points highlight our key recommendations for the submitted proposal:

- 1) The current masterplan does not provide sufficient details. Before approval can be given, the plan needs to include the butchers land access and provide more details of landscape assets and their location.
- 2) The current landscape strategy does not provide adequate details to approve. The strategy should be submitted as a standalone document which demonstrates how the proposal will enhance the landscape setting, ensure landscape character is not adversely affected, and how the site incorporates itself into the existing movement and green network.
- 3) If 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 a minimum of 3 years, to support plant establishment. SuDS features such as an attenuation basin and others should also be included in the landscape management plan to ensure appropriate management is carried out and to maintain functionality as well as aesthetics.
- 4) The northern, eastern and western site boundaries should be designed to respond to the existing tree and hedge planting and to provide adequate screening of the development from surrounding residents. If approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition.
- 5) If the application is approved, it needs to ensure that the existing footpath/agricultural track is enhanced. Further detailing should be provided in terms of surface treatment along this route and in particular where it meets with the proposed road network within the development. There is also the opportunity to enhance the landscape setting and planting choices along this route.

Place Services - Ecology

No objection subject to securing:

- a) a proportionate financial contribution towards offsite visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar and appropriate onsite recreational measures
- b) biodiversity mitigation and enhancement measures.

Place Services – Heritage

No objection. The only heritage asset that might conceivably be affected by this proposed development is the Grade II listed 'Old Hadleigh'. However, even this is some distance from the proposal site and, with screening from existing trees and boundary's taken into account, the proposed development will have negligible impact upon the setting and character of this building.

Housing Enabling Officer

No objection. This outline application appears to offer a good mix of dwelling types, sizes and tenures and offers circa 80% of the open market dwellings as 2 and 3-bedroom homes. This does reflect the need identified for smaller homes to meet the demand from smaller household units and the need for more affordable open market housing. No detail is provided about the bedroom numbers proposed for the remaining open market dwellings. It can only be assumed that these will be 4 and possibly 5-bedroom homes. An appropriate number of dwellings of this size is acceptable and needed to meet demand from larger households.

Comments on submitted Housing Needs Survey:

A report on the housing needs for the Capel St Mary functional cluster was carried out to support the application from Persimmon Homes in relation to application DC/17/006318. The pioneer does not represent a source of primary data in its own right but has reviewed the LHNS carried out by CAS in 2016 and other secondary data sources available for Babergh in the form of the SHMA 2017 and ONS data. The report, prepared by Pioneer, purports to provide evidence on the extent to which the subject site development proposals are necessary to assist with meeting local housing need (market and affordable) as required by Policy CS2 and CS11 of the Core Strategy. So, to be clear the report is not the result of a separate survey carried out by Pioneer on behalf of the applicants covering the functional cluster area.

It covers the above cluster area with Capel St Mary at the centre as the Core Village. The level of newbuild homes developed in the last 5 years will be quite small particularly in regard to Holton St Mary, Wenham Parva, Wenham Magna, and Bentley.

The report refers to my planning consultation provided as part of their review of evidence and that we are using the district wide need figure for housing need in 2.2.7. This is due to the Council's housing allocation's policy which states that homes secured through planning obligation applications are to meet district wide need rather than local parish need in order that the council can meet its Housing Act 1996 obligations. There is a mismatch between the definition of 'local' between planning and housing legislation and policy which can cause some confusion in interpretation.

However, the PCR also confirms that:

"This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the 1200 applicants registered is the important number."

(paragraph 63, PCR)

This suggests that the Council accept that when assessing the affordable housing element of the proposals this should be within the context of affordable housing need arising across the District as a whole, as opposed to the number of households waiting for affordable housing within Capel alone.

3.3.1 discusses the issues around "Local Housing Need" – this point was one of the areas examined in the East Bergholt JR case. For the Local Plan – local = district need. For housing policies – local = parish wide need so hence the confusion around this point.

The 2016 LHNS scheme focussed only on asking views of Capel St Mary residents and the respondents were biased to older people who were predominantly home owners as this represents a high proportion of the residents in the village, demonstrating the need for suitable new supply to be focussed on accommodation for older people, but also to provide smaller market and affordable homes for younger families of childless households, of which there is a significant shortage.

This report does make a great deal of reference to the aging demographics and the impact of this on housing demand. It is therefore disappointing that the application only provided for 4 x 2 or 3 bedroomed bungalows when all of the evidence suggests a significant demand for such dwellings in the locality and within the functional cluster. The 2016 Capel survey showed there was a real lack of accommodation for downsizers in the village.

Section 4 of the Pioneer report focusses on affordability and this is an issue for the whole of Babergh with house prices outstripping wages by a ratio of more than 9:1. Limited supply of new homes is a factor in the prices remaining high and on an upward trajectory although the rate of increase has slowed slightly. Housebuilders are generally building out at a rate of no more than 50 homes per annum on a single site and it is not in their interest to do so as an increased supply will potentially reduce prices. There are a number of other applications which have been approved in Capel over the past 12 months, so the resultant build-out rate will be one which needs to be monitored once developments have commenced.

The Pioneer report does not present any new evidence but reviews existing secondary data sources and analyses the Community Action Suffolk housing survey report from 2016. It does not provide a recommended detailed breakdown across unit types and tenures which would have been helpful.

There is a market housing need in Capel for homes which meet the needs of entrants to the housing market and for existing homeowners who wish to/need to downsize, so any development proposal should take account of this need when specifying the property and tenure mix. For the affordable requirement, there is a need for smaller 1 and 2 bed roomed and a smaller number of 3 bed roomed units in the form of affordable rent and shared ownership to enable those households on a lower income to be accommodated in the Capel area.

B: Representations

Numerous objections received based on the following grounds (summarised):

Badgers in field require protection
Impact on wildlife
Doctors' surgery is full
Schools are full
Site already floods, increased flood risk
Existing problem with parking and congestion in the roads adjacent to Little Tufts
A12 cannot cope
Problems with A12 junction
Congestion at Thorney Road and The Street
Capel has reached its limit of development
Limited employment in the village, the majority of people will drive to work, thus increasing the number of vehicles on the roads
Approval already given to 97 homes at the other end of the village and 22 next to this proposed development which are nearing the stage of completion
Increase in anti-social behaviour
Should be more open market bungalows
Little Tufts unsuitable and unsafe for 100 dwelling development
Loss of Grade 2 agricultural land
This development would give the potential for a minimum of 300+ cars plus delivery/service/ emergency service vehicles
Alternative locations should be considered

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site comprises 5.4ha of (Grade 2) agricultural land located to the east of Capel St Mary, between London Road and Longfield Road. The subject land adjoins the existing built up area of the village. Capel St Mary is a designated Core Village.

- 1.2. To the east, south and west of the application site are established residential areas primarily accessed from Longfield Road and London Road. To the north is agricultural land.
- 1.3. The site is in within walking distance (10 minutes) of the village hall which includes a library, local shops including a Co-op with a post office facility, doctor's surgery, dentist's surgery and Methodist Church. Within 15 minutes' walk is the primary school and playing fields.

2. The Proposal

- 2.1. The outline planning application is for up to 100 dwellings with associated infrastructure, public open space and details of highways access. All matters (with the exception of access) are reserved for further consideration at detailed stage.
- 2.2. An indicative layout is detailed on the illustrative drawings with 100 dwellings shown, representing a density of approximately 40 dwellings per hectare.
- 2.3. The scheme proposes 35% affordable housing with 35 units being affordable and 65 being market dwellings.
- 2.4. Up to 80% of all the proposed dwellings are likely to be 2 and 3 bedroom dwellings with four affordable 2 bedroom bungalows, two market 2 bedroom bungalows and 2 market 3 bedroom bungalows to meet locally identified need.
- 2.5. The site area is 5.4ha.

3. Main Considerations

- 3.1. The principal consideration is determining whether the scheme represents sustainable development. In light of the planning history (see below), a key focus is determining whether the scheme adequately addresses the reasons for the Planning Committee refusing previous planning application B/16/01458, which involved a residential development of the same subject site.

4. The Principle of Development

- 4.1. On 5 July 2017 the Planning Committee resolved to refuse outline planning permission B/16/01458 for up to 150 dwellings on the subject land. Officers had recommended approval. An appeal was lodged on 19 January 2018 and a Public Inquiry is scheduled for 25 September 2018.
- 4.2. The Committee's reasons for refusing outline planning permission B/16/01458 related to the absence of justifiable need for the development, impacts on residential amenity due to increased traffic, impacts on infrastructure and loss of agricultural land.
- 4.3. The Draft Babergh and Mid Suffolk Joint SHLAA, May 2016, identifies the application site as SS0251 (5.56ha of land east of Longfield Road). In respect to development suitability the Draft SHELAA states:

*The site is potentially considered suitable for residential development, taking identified constraints into consideration. However only part development is recommended in order to avoid disproportionate development to the existing settlement. Estimated new net site area: 3 ha.
Estimated dwellings yield: 75*

- 4.4 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.
- 4.5 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
- 4.6 The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the 'wider' definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 4.7 A summary of the Babergh five year land supply position is:
- Core Strategy based supply for 2017 to 2022 = 4.1 years
SHMA based supply for 2017 to 2022 = 3.1 years
- 4.8 The site is located outside the Settlement Boundary for Capel St Mary. Therefore, there is a policy presumption against development in such locations. Capel St Mary is identified as a Core village.
- 4.9 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- 'an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'*

- 4.10 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 in the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.
- 4.11 As detailed at paragraph 19 above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 4.12 In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.
- 4.13 Policy CS2 (Settlement Pattern Policy) identifies Capel St Mary as a Core 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. The application site is outside of the defined Core village and needs to satisfy these tests to comply with Policy CS2.
- 4.14 Policy CS3 sets out the Council's Strategy for Growth and Development. It states that

'Babergh District Council will make provision for 5,975 new dwellings between 2011 and 2031 in the District. These dwellings are planned as follows: 1,100 between 2011 - 2016; and 4,875 between 2017-2031. The housing target will be achieved by:

- i) Existing commitments as identified in the trajectory;*
- ii) Allowing for a windfall figure of 1,640 dwellings;*
- iii) Making provision for 2,500 new dwellings to be built in the following locations: ...Core and Hinterland Villages 1,050 ...*

The Council will introduce management actions to address housing delivery should there be a 20% deviation in housing delivery as opposed to targets for 2011-2016; and 2017 – 2021; and a 10% deviation for 2022-2026. These management actions could include constructively and proactively working with developers to bring forward committed or allocated sites; reviewing phasing of allocated sites; reviewing housing targets and associated policies; and allocating additional sites to meet targets if required'.

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

'Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

- 1. the landscape, environmental and heritage characteristics of the village;*
- 2. the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
- 3. site location and sequential approach to site selection;*
- 4. locally identified need - housing and employment, and specific local needs such as affordable housing;*
- 5. locally identified community needs; and*

6. cumulative impact of development in the area in respect of social, physical and environmental impacts.

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.'

- 4.16 The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a minimum of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.
- 4.17 The accompanying 'Rural Development and Core Strategy Policy CS11 Supplementary Planning Document ('the SPD') was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
- 4.18 The matters listed in Policy CS11, which proposals for development for Core Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

- 4.19 As concluded in the assessment of the previous development proposal, the impact of the revised scheme on landscape character will not be unacceptable. The site is visually contained and the backdrop of the body of the village mitigates character impacts. Landscape screening, including boundary planting, will further mitigate landscape harm. Place Services (Landscape) recommend a suite of mitigation measures to enhance the appearance of the development and soften the landscape impact, all of which can be adequately managed at the reserved matters stage of the approvals process.
- 4.20 The application site is not in a conservation area, or near to any conservation area, and will not impact upon any heritage assets. Place Services (Heritage) raise no objection.
- 4.21 A supporting Geophysical Report concludes that no responses of archaeological interest were recorded in the data.
- 4.22 The proposal complies with policy CS11 in terms of the impact of the proposal on the landscape, environmental and heritage characteristics of the village.
- 4.23 It is noted the previous application B/16/01458 was not refused on landscape or heritage grounds.

The locational context of the village and the proposed development

- 4.24 The site abuts the BUAB and is well linked to existing facilities and services in Capel St Mary through a network of public footpaths. The proposed development will connect with these through Little Tufts and Butchers Lane.
- 4.25 The nearest bus stops are located on Thorney Road within 400m of the development and within 120m of the site access on Little Tufts. Services run regularly on Mondays to Fridays between Ipswich, Capel St Mary, East Bergholt and Colchester, providing sustainable modes of transport to local employment, business and recreational opportunities.
- 4.26 The site is a logical extension to the built up area boundary and the scale and character of development is commensurate with neighbouring development.
- 4.27 The site is in a sustainable location, consistent with the findings of the draft SHELAA which identifies the site as being, in principle, suitable for residential development. The site is considered to be well related to the village, compliant with this part of policy CS11.

Site location and sequential approach to site selection

- 4.28 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 but adjacent to the BUAB. However it adjoins the boundary and is considered to be reasonably well related and accessible by walking to the services and facilities of Capel St Mary.
- 4.29 There are no sequentially preferable allocated sites in Capel St Mary, nor are there any sites within the built up area boundary, which would enable a development of commensurate scale.
- 4.30 The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
- 4.31 In the absence of any sites within the BUAB and no requirement to consider other sites outside the BUAB, the proposal accords with this element of Policy CS11.

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

- 4.32 'Locally identified need' or 'local need' is to be construed as the development to meet the needs of the Core Village identified in the application, namely Capel St Mary, *and* the functional cluster of smaller rural settlements which it serves.
- 4.33 It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as 'rural growth', including the development needs of the 'functional cluster' served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)

- 4.34 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.
- 4.35 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aims to ensure that the local plan meets the needs for affordable housing in the housing market area.
- 4.36 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal. The applicant has provided a Housing Needs Assessment which provides additional evidence to that provided in support of the previous application. The report analyses the housing need of the defined functional cluster, consistent with Policy CS11 and the NPPF. The report references the 2016 Capel Parish Housing Needs Survey and its conclusion that there is a need for 100 dwellings over five years 2016 to 2021. The report considers this number a minimum as this figure is based only on those responding to the survey (46% response rate) and, additionally, the survey may have been biased towards outright owners' respondents. Using demographic projections the report suggests a housing need for between 518 and 653 homes across the cluster and between 222 and 274 homes across the Parish between 2016 and 2036.
- 4.37 Council's Housing Enabling Officer has reviewed the Housing Needs Assessment and offers no objection regarding the affordable housing provision and noting in respect to the open market dwellings:

'This outline application appears to offer a good mix of dwelling types, sizes and tenures and offers circa 80% of the open market dwellings as 2 and 3-bedroom homes. This does reflect the need identified for smaller homes to meet the demand from smaller household units and the need for more affordable open market housing. No detail is provided about the bedroom numbers proposed for the remaining open market dwellings. It can only be assumed that these will be 4 and possibly 5-bedroom homes. An appropriate number of dwellings of this size is acceptable and needed to meet demand from larger households.'

Locally Identified Community Needs

- 4.38 Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the 'functional clusters' they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the 'approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities'. The benefits that the application of Policy CS11 and other relevant policies should secure include 'Flexibility in the provision of and location of facilities' ... 'to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages' (see item iii) in paragraph 2.8.5.2).
- 4.39 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. Whilst the application is supported by a housing needs assessment, and a Facilities Audit, it is not supported by a community needs assessment per se. This said, the application does identify certain community needs in the context of housing provision, in particular including homes for younger families, smaller houses for 'downsizers' and both market and affordable bungalows.

These are significant social benefits, together with elements of the proposal such as children's play space and public open spaces areas.

- 4.40 Moreover, the proposal will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of Policy CS11.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 4.41 The SPD states, at paragraph 13, that 'cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account'.
- 4.42 As set out in the supporting Planning Statement, the proposed scheme represents a 3.5% increase in the total number of dwellings in the functional cluster including existing commitments, or 7% when considered cumulatively with the approved scheme for 97 dwellings at Days Road, Capel St Mary. These numbers represent incremental growth, consistent with the intention of the 'Strategy for Growth' as outlined at paragraph 2.7.2 of the Core Strategy.
- 4.43 There is no evidence before officers to suggest that the increase in the number of dwellings will result in adverse social, physical or environmental impacts. Many residents and the Parish Council are critical of the strain that will be placed on local services, in particular education, health and highways infrastructure. There is no denying that a 100 dwelling development will generate increased infrastructure demand (albeit significantly less demand than the previously refused 150 dwelling scheme).
- 4.44 However, as per well-established industry practice, CIL contributions will be used to ensure existing infrastructure capacity is enhanced to accommodate additional demand. This approach is consistent with that promoted in Policy CS11 which states (author emphasis):
- 'Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it.'*
- 4.45 So where strain does occur, it will be addressed by the appropriate infrastructure authorities who will be well funded to undertake the necessary works, for example highway improvement works, new/expanded health and/or education facilities. Enhancements will be required and the applicant has not raised objections to date regarding the requested sums. It is therefore concluded that the level of required enhancements will not impact the viability of the proposal and therefore are deliverable.
- 4.46 Additional infrastructure requirements is a consequence of the development, but it is not an adverse social, physical or environmental impact. It must also be noted that none of the infrastructure authorities have objected to the scheme, with all concluding that CIL contributions are to be used to manage future infrastructure demand.
- 4.47 The proposal complies with this element of Policy CS11.

Policy CS15 Sustainable Development

- 4.48 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
- 4.49 As a Core Village, Capel St Mary is recognised as providing service and facilities for its own residents and for those that live in small villages and rural settlements in the surrounding hinterland. The village offers a very good range of amenities to its resident population.
- 4.50 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Capel St Mary is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service six days a week between to Colchester and Ipswich. Capel St Mary is only a short distance from Manningtree and Ipswich, both of which have a railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Capel St Mary have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.
- 4.51 It is acknowledged that there will be a high proportion of car travel from Capel St Mary, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Capel St Mary, which provides a credible alternative mode of transport for a variety of activities including employment, retail and recreation.
- 4.52 The socio-economic profile of Capel St Mary highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people. However, the evidence provided in the applicant's sustainability assessment, is that there is a need to balance housing stock and growth in the future such that new housing development adds variety and choice to the local housing market and address a wide range of housing needs.
- 4.53 The scheme will enhance the vitality of the community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Capel St Mary, underpinning social capacity, providing affordable housing and widening the housing mix overall.
- 4.54 This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of Policy CS15 criteria:
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).

- During construction, methods will be employed to minimise waste (criterion xiv of CS15).
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
- Highway (criterion xix of CS15) and biodiversity (criterion vii of CS15) considerations are considered below.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 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)).
- 5.2 The proposed site access from Little Tufts will comprise a minimum 5.5m carriageway with 2.0m footway on both sides; visibility splays in accordance with Manual for Streets for 30mph speed limit. Junction capacity analysis demonstrates that the proposed development can be accommodated on the local highway network with the junctions operation below the maximum ratio to flow capacity.
- 5.3 The highway network is operating within its capacity and has adequate residual capacity to deal with the increase in flows associated with this development. The proposed access is designed to meet the highway requirements of Highways Authority and there will be no detriment to safety and minimal effect on capacity on the highway network, noting the Highways Authority raise no objection to the scheme subject to conditions. There is ample scope to achieve policy compliant parking arrangements.
- 5.4 The scheme offers acceptable highway safety outcomes, compliant with saved policy TP15 of the Local Plan, and criteria xviii and xix of Policy CS15. There are no grounds to refuse the application on highway safety matters.
- 5.5 The previous application B/16/01458 was not refused on highway safety grounds.

6. Trees, Ecology, Biodiversity and Protected Species

- 6.1 An updated Phase 1 Habitat Survey and an associated protected species report supports the application. Place Services (Ecology) raise no objection and suggested conditions are supported by officers.
- 6.2 Natural England raise a holding objection based on an absence of assessment regarding the impact on Stour and Orwell Estuaries SPA and Ramsar site – however this has now been submitted and assessed by Place Services. Natural England wish to ensure mitigation methods are considered and secured. Natural England advise that likely mitigation measures will include a combination of ‘on-site’ informal open space provision and promotion and ‘off-site’ visitor access management measures. The range of potential impacts on the Stour and Orwell Estuaries Special Protection Area (SPA) /Ramsar and various mitigation measures have been considered and assessed. The Recreation Avoidance and Mitigation Strategy (RAMS) package includes a proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA, secured by a s106, to ensure that implementation of the package of mitigation measures avoids a likely

significant effect on the Stour and Orwell Estuaries SPA/Ramsar. This therefore demonstrates Babergh DC's compliance with the Conservation of Habitats and Species Regulations 2010.

- 6.3 The proposal responds adequately to criterion vii of Policy CS15.
- 6.4 As noted in the supporting Planning Statement, the aim of the development is to preserve all trees possible and in good health so that they continue to provide an arboricultural, amenity and landscape value in the medium to long term. There are no trees of significance that are proposed to be removed as part of the scheme. Tree impacts can be adequately mitigated and the conclusions in the submitted arboricultural report are supported and can be conditioned as necessary.
- 6.5 The previous application was not refused on biodiversity grounds.

7. Land Contamination

- 7.1 The application is supported by a Phase 1 Contamination Assessment. Environmental Health raise no objection and the standard unexpected contamination condition is recommended. Land contamination was not a previous reasons for refusal. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.

8. Impact on Residential Amenity

- 8.1 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.
- 8.2 Residential amenity impacts, particularly from noise associated with traffic using Little Tufts, was a previous reason for refusal. The revised scheme proposes 50 less dwellings than the original proposal and will result in substantially fewer traffic movements, albeit there will be many more movements than is currently experienced in the existing cul de sac arrangement, an inevitable outcome when a no through road becomes a through road. This matter has been carefully considered by Council's Environmental Health Officer who concludes in respect to traffic noise:

'The ambient noise climate at the existing dwellings on Little Tufts is noted as being dominated by traffic noise from the A12, which varies with time of day. The daytime noise level is approximately 53dB and the night-time level 51dB. The impact of increased traffic passing along Little Tufts has been calculated at each existing dwelling. These are based on the 'worse case' scenario of the new development (of 80 movements per hour as estimated during peak times), compared to an average ambient level (which is predicted to be 5dB lower than levels currently observed at the properties during peak times on the A12).

This calculation finds that at worse case, the likely change will be +2.5dB. A change of 3dB is likely to be just perceptible and thus is ranked as resulting in a 'minor' short term impact and a 'negligible' long term impact. Outside of peak times the impact will be lower. I am therefore satisfied that noise from the impact of traffic travelling along Little Tufts is unlikely to result in significant loss of residential amenity.'

- 8.3 The Environmental Health Officer has also assessed the noise impact of the A12 on the future occupants of the development. Internal noise attenuation measures are considered necessary and these can be adequately dealt with by planning condition.

- 8.4 The western interface is a sensitive one in residential amenity terms given the proximity of neighbouring dwellings (the eastern interface less so given the extensive depth of lots). There is ample scope however to ensure development is sited and designed in manner that respects and safeguards existing residential amenity levels. The proposal can be readily accommodated in a way that will not result in losses of privacy, sunlight or daylight access for neighbouring residents.
- 8.5 A condition limiting construction working hours is recommended to safeguard residential amenity levels.

Loss of High Grade Agricultural Land

9. Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”* The definition of best and most versatile agricultural land is classified as Grade 1, 2 and 3a.
- 9.1 Overall the site falls within the category of Best and Most Versatile (BMV) Agricultural Land for the purposes of the NPPF. However, it is understood that much of Acton and its surroundings benefit from agricultural land of an equivalent quality
- 9.2 While, paragraph 112 of the NPPF indicates that account be taken of the economic and other benefits of BMV land, and where significant development of agricultural land is necessary, advises that LPA's should seek to use areas of poorer quality. It does not however impose a bar on the development of such land and does not define what might comprise 'significant'.
- 9.3 A number of recent appeal decisions which have considered this point, all of which like the situation here were determined against the background of a deficient 5YHLS. Two of the decisions relate to sites of equivalent size to the application site at around 5ha, while a further SoS decision is considerably larger at 10.4ha. None were considered 'significant' for the purposes of the NPPF, with the Weston appeal decision noting the need to consult DEFRA on applications which involve the loss of 20ha of BMV land, and that the loss of 5.21 ha would not be considered significant in that context.
- 9.4 While some negative weight was applied to the localised harm arising from the loss of some BMV land in these cases, it was clearly not sufficient to significantly and demonstrably outweigh the benefits of securing new housing in authorities unable to demonstrate a 5YHLS.
- 9.5 The loss of the site, which comprises 5.56 ha, is not considered significant within this context, given the land is at the lost grading for best and most versatile agricultural land. As a result there would only be a minor adverse economic and environmental impact resulting from the loss of this land which would not weigh heavily in the balance when considered against the benefits detailed elsewhere in this report; most notably the provision of 100 dwellings and their contribution towards the district housing supply.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1 Council cannot demonstrate a five year housing supply. Local policies relating to the supply of housing, including Policy CS2, CS11 and CS15, must be considered not up-to-date in accordance with 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.

- 10.2 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.
- 10.3 The scheme is a revision of an earlier proposal that was refused by the Planning Committee. The applicant has sought to address the reasons for refusal principally by reducing the proposed density by 50 dwellings, from 150 to 100 dwellings.
- 10.4 Environmental harm will be limited. Landscape impacts will be less than moderate, the development is well related to the village and the revised scale of development is not disproportionate to the scale of the village. The scale of the site is such it can readily accommodate the proposed 100 dwellings.
- 10.5 The revised housing mix responds appropriately to locally identified need, including more homes for younger families, smaller houses for 'downsizers' and both market and affordable bungalows. This is an improvement upon the previously refused scheme.
- 10.6 The proposed vehicle access arrangement remains as per the original proposal. The original proposal was not refused on highway grounds nor should the current proposal given the absence of objection from the Highway Authority. Measures to improve the existing local road conditions can be managed by planning condition or through s278 and/or CIL contributions.
- 10.7 The previous application was refused, amongst other reasons, because of the demand it would generate on local infrastructure, particularly health and education, and the inability of that infrastructure to cope with the anticipated demand. A reduction by 50 dwellings substantially reduces infrastructure demand. Infrastructure enhancements will still be required and these can and should be addressed by CIL contributions, consistent with local policy, the NPPF and standard industry practice.
- 10.8 Reducing the scale of development by a third, the resultant scheme substantially reduces traffic generation which in turn provides an appropriate residential amenity outcome for neighbouring residents, particularly those on Little Tufts who will experience increased traffic movements.
- 10.9 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. All of these statements apply to the application site.
- 10.10 The proposal will result in the loss of Grade 2 agricultural land. The extent of land to be lost is not considered harmful given the vast quantum available across the district.
- 10.11 The proposal offers significant social and economic benefits that are not outweighed by the harm that would be caused if planning permission was granted. The harm that may arise is largely limited to the landscape and visual impact due to the physical change of the site. The visual impact will be less than moderate given site context and having regard to the mitigation measures proposed.
- 10.12 The proposed scheme constitutes sustainable development. The planning balance weighs in favour of the proposal. The application is recommended for approval.

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:
- Affordable housing
 - Provision, management and maintenance of public open space
 - Stour and Orwell Recreational Amenities Contribution (RAMS)
- (2) That the Corporate Manager – Planning for Growth be authorised to grant Outline Planning Permission subject to conditions including:
- Standard Time Limit Condition
 - Reserved Matters to be submitted and agreed
 - Approved Plans
 - Sustainability efficiency measures
 - Archaeological work and monitoring
 - Surface water drainage
 - Details of fire hydrants to be submitted
 - As recommend by Highways
 - As recommended by Environmental Health
 - Details of screen walls and fences to be submitted
 - Construction management plan
 - Detailed hard/soft landscaping to be submitted with reserved matters
 - Implementation of landscaping scheme
 - Secure mitigation and ecology enhancement measures
 - Lighting scheme – biodiversity
- (3) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Corporate Manager – Planning for Growth be authorised to refuse planning permission on appropriate grounds.

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Tuesday 6th February 2018

**DC/17/06318 - Persimmon Homes Development
7, Little Tufts and Land East of Longfield Road, Capel St Mary**

Dear Sir or Madam

Following an Extraordinary Meeting on 5th February 2018 the Capel St Mary Parish Council recommends **REFUSAL** of this application.

INTRODUCTION: Application for outline planning permission for a residential development for up to 100 no. dwellings with highway access off Little Tufts. This application follows a previous application for the erection of 150 homes on this site (B/16/01458) which was refused by unanimous vote of the Planning Committee after a site visit. Following an Extraordinary Meeting on 5th February 2018, and extensive consultation with residents, Capel St. Mary Parish Council recommends **REFUSAL** of this application for outline planning permission, as little has been done to address the many issues previously raised. The principal reasons for this decision are as follows and where appropriate we have highlighted in bold relevant sections of **Babergh Local Plan 2011-2031**.

LOCATION. The Babergh District Council Strategic Housing Land Allocation (SHLA) identifies several sites around Capel St. Mary which are currently being considered for development. Planning consent was recently granted for a development of 97 homes by Hopkins Homes at Days Road (B/17/00122). In our view it is not helpful to consider these potential developments on a piecemeal basis, a view supported by a consultee for this application, Suffolk County Council, who state that –

‘the County Council would like to see a plan-led approach to housing growth in the Capel St Mary locality, which would also identify the infrastructure requirements based on cumulative growth. The risk here is that individual developer-led applications are granted planning permission without proper consideration being given to the cumulative impacts on essential infrastructure including highway impacts and school provision’.

Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 11 states that *‘The cumulative impact (of developments) should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of*

traffic generation capacity of schools and health services'. There is a real need for a strategic overview of how Capel is to be developed, in accordance with **Policy CS15 Implementing Sustainable Development in Babergh Para iv**).

INFRASTRUCTURE. The Parish Council had envisaged a fair share of 1050 homes along with other Core and Hinterland villages (**Babergh Local Plan 2011-2031 CS3 Strategy for Growth and Development**). Whilst we accept that we must bear a proportionate amount of new housing the developments planned, if approved, would be disproportionate. **Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 12** states that *'A key part of CS11 is that proposal should meet locally identified need'*. In April 2016 Capel St Mary Parish Council completed a Housing Needs Survey in conjunction with Babergh District Council Planning Dept. the conclusion of which was that Capel needed about 100 new homes. Other development proposals, including this one, could total some 650 homes or more and if the cumulative impact of developments in local villages e.g. East Bergholt are taken into account the situation is far worse. Persimmon Homes have to date failed to provide the Housing Needs data that they refer to in their submission.

Rural Housing and Core Strategy Policy CS11 Para. 10 states that *'Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it. Where enhancements to facilities and services are required the impact that this will have on the viability of the proposal will be taken into account'*. The scale of development currently envisaged contravenes this in that the character of the village will be adversely affected, and a range of local services will be unable to cope. Here again Suffolk County Council, state that –

Schools: *'Based on existing forecasts SCC will have no surplus places available at the catchment schools to accommodate any of the pupils arising from this proposed scheme'*.

Library: Existing facilities are inadequate and *'A minimum standard of 30 square metres of new library space per 1,000 populations is required'*.

Regarding the **Doctors' Surgery**, Consultee NHS England state that *'There is 1 branch surgery within a 2km radius of the proposed development, Capel St Mary surgery (including its main Constable Country Rural Medical Practice). This GP practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area'*. In fact, the main Constable Country Rural Medical Practice is 4.8 kilometres from the village centre.

Provision of CIL funding at the levels requested by consultees will not address these problems. The library cannot expand, neither can the local schools. The medical practice cannot expand the local surgery and any CIL funding granted will be *'to increase capacity within the GP Catchment Area'* i.e. East Bergholt. Increasingly our residents would have to make this dangerous journey by car via the A12.

The A12 Northbound is already congested and dangerous, and routinely backs up to Capel St. Mary from the Copdock interchange with the A14. Many junctions along this road are dangerous and sub-standard. Extra traffic flow will exacerbate this problem.

PUBLIC CONSULTATION

Rural Housing and Core Strategy Policy CS11 Supplementary Planning Document July 2014 Para. 18 states that *'The Council will require developers and landowners to carry out local consultation on their proposals before an application is submitted. In this respect*

developers and site promoters should engage with local communities before proposals are formulated in any detail using recognised community engagement techniques’. There has been no public consultation regarding these proposals. Consultations for the previous proposal were totally inadequate, in fact a complete shambles.

SUITABILITY OF SITE

Summary of Sites 2011: The Parish Council do not consider this site to be suitable for development. It should be noted that in 2011 Babergh District Council’s *Summary of Sites for Development* stated, after detailed analysis, that the site was not suitable for residential development because ‘*Suffolk County Council identified significant access constraints The site is not considered potentially suitable for residential development as a result of access constraints The site is not included (in yield calculations) as the site is not considered potentially suitable for residential development.* Since 2011 nothing has changed and in fact the situation has deteriorated due to the increasing use of cars since that time.

Site Access: The proposed two-way access to this site is via an existing Close, Little Tufts. It is totally unacceptable for a small cul-de-sac to be opened to the number of vehicle movements anticipated from a 100 homes development. Use of this Close for access would cause considerable parking and access problems for local residents. Planned improvements would have little effect as neither the road nor its pavements can be widened to meet current standards. The junction of Little Tufts with Longfield Road is very close to the junction of Longfield Road with Thorney Road (a bus route through the village). This area is unable to deal with the likely traffic congestion and create dangerous traffic build up. The road near the junction has itself been the subject of investigations by Highways Department due to parking problems caused by the local dental surgery. Little attempt seems to have been made by Persimmon Homes to investigate or develop alternative access to this development. An existing farm track and public footpath (Butchers Lane) have been suggested as providing emergency access, possibly with locking posts to prevent public access. This too is totally unacceptable.

Agricultural Access: Consultee Canon Consulting Engineers state that ‘*Agricultural access can be maintained from Butchers Lane, through the site to the surrounding agricultural land*’. It is in our view totally unacceptable, and we believe impossible, to allow large agricultural machinery to pass through Butchers Lane, an existing PROW that will provide greater pedestrian access should this development go ahead. The Grade 2 Agricultural land that remains, not forming part of this proposed development, will cease to be viable. It is clear from the plans that the two roads that end at gated exits are likely to be extended into the fields to form Phase 2 of this development at a later stage, creating even more access and traffic flow problems. Persimmon Homes have not denied this possibility.

Surface Water Flooding: Capel St. Mary Parish Council shares the concerns both of local residents and Suffolk County Council Flood and Water Management Planning Dept. about the risk of flooding posed by inadequate proposed measures and that the applicant needs to do more to demonstrate how they have arrived at their proposed solutions.

SUMMARY: In conclusion Capel St. Mary Parish Council recommends **REFUSAL** of this application for outline planning permission, as the site and access arrangements are totally unsuitable. The proposed development does not in our view fully comply with various requirements set out in **Babergh Local Plan 2011-2031** and **Supplementary Planning Document July 2014**.

Yours sincerely

C. Matthews

Mrs Christine Matthews
Chair of the Chapel St Mary Parish Council

Objection Statement - planning application DC/17/06318 | Outline Planning Application (with some matters reserved) including access.

Erection of residential development for up to 100 dwellings to be built in phases with associated infrastructure, public open space and details of highway access on land east of Longfield Road, Capel St Mary.

Andrew Cann MCILT
Director
Planning Direct

13th February 2018

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Instructions

Planning Direct has been instructed by Capel St Mary Parish Council to object to Outline planning application DC/17/06318 - Outline Planning Application (with some matters reserved) including access. Erection of residential development for up to 100 dwellings to be built in phases with associated infrastructure, public open space and details of highway access on land east of Longfield Road, Capel St Mary.

This objection statement should be read in conjunction with the submission of Capel St Mary Parish Council dated 6th February 2018.

Planning History

Two major applications within Capel St Mary were determined last year by Babergh District Council.

The application(s):

B/16/01458/OUT - Persimmon Homes Development.

The Persimmon Homes application was for 150 homes on the same site as the new application. The application was refused, unanimously, against officer recommendation to approve. The reasons given for refusal are as follows:

1. The proposed development, including the erection of 150 dwellings, would be contrary to policies CS2 and CS11 of the Babergh Local Plan Core Strategy, which states that development will only be permitted in the countryside, in exceptional circumstances subject to a proven justifiable need and that the scale and location of the development will depend upon the local housing need and the capacity of existing physical and social infrastructure to meet forecast demands (CS2) and that for proposals within Core Villages the cumulative impact of development in the area in respect of social, physical and environmental impacts have been addressed to the satisfaction of the local planning authority.

The proposal has not adequately addressed the exceptional circumstances or the proven justifiable need for the development in this location contrary to policy CS2. Furthermore, the proposal would be contrary to policy CS11 having an unacceptable effect and cause harm to local health infrastructure, due to insufficient capacity with no prospect of expansion of the doctors surgery on existing site. In addition, increasing traffic movements along Little Tufts to the detriment of the locality, due to the impact on existing residents who

currently live within a small cul-de-sac. The impact on the physical and social infrastructure of the village (schools, healthcare and increased traffic within the village core), which would not secure a good standard of amenity for existing and future occupants of land and buildings.

2. The development would represent a significant development of Grade 2 agricultural land contrary to the principles of the NPPF paragraph 112, which states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, and that consideration should be given to use areas of poorer quality land in preference to that of a higher quality.

B/17/00122/OUT Hopkins Homes Development

The Hopkins homes proposal was for 100 homes at land to the north west of the village with access from Days Road.

This application was recommended for approval and approved.

5 year housing supply

At the core of both applications Baberghs lack of 5 year housing supply is key. However the issue is not as clear cut as the developers make out.

An email between the council and one of the developers puts the situation succinctly regarding Baberghs's five year housing situation:

Email of 27th March 2017

Dear Helen,

I am able to advise that the 5 year supply of land for housing(5YSLH) in Babergh has now fallen below 5 years. This means that the requirements of paragraph 49 of the National Planning Policy Framework (NPPF), now apply to applications for housing development. Para 49 states "Housing applications should be considered in the context of the presumption in favour of sustainable development. 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."

Our position on supply has fallen because of a number of factors acting in concert. These include the declining annual rate of housing delivery (the numbers built) in the District since 2013. Moreover, since the adoption of the District's Core Strategy in 2014, delivery in the rural area has been managed, amongst other things, through policy CS11. However, following the recent High Court challenge, the interpretation and implementation of the application of this policy is subject to review. In consequence the Council has now received a number of challenges to the Council's stated position on the 5 year supply. Therefore, a draft interim position is now being prepared which will indicate that the supply position has dropped to 3-4 years (depending on whether an estimated new OAN number is used or that stated in the current Local Plan). This interim assessment of land supply will also be informed by the our emerging evidence for the new local plan and the need to respond to the implementation challenges which the District is facing, alongside the increasing emphasis on delivery as set out in the Government White Paper 'Fixing Our Broken Housing Market'.

Subsequent to this email the council reviewed their 5 year housing supply position, 'Babergh District Council: Interim 5 year housing land supply statement' (June 2017). According to this document BDC has a 4.1 years housing land supply based upon the Core Strategy requirements and 3.1 years based upon the recent SHMA. Under neither measure does the council have the required 5 years housing land supply.

The upshot of the 3 years supply position is that Babergh must take into account (**but not exclusively**) the National Planning Policy Frameworks 'presumption in favour of sustainable development'. The council, indirectly, has indicated it will still take into account 'relevant Local Plan policies and other material considerations'.

Many developers are currently seeking to rely on the uncertainty regarding the application of local plan (and other material considerations policies) that prevent development to promote speculative schemes. The argument goes that as a council does not have a 5 year housing supply it cannot rely on its Local Plan Policies and must let the NPPF *presumption* take precedent. However this is not the case and the Planning Inspectorate have allowed and disallowed planning applications made on this basis. Developers make much of the number of appeals won on this basis. They fail to mention that equally a large number of appeals **have not** been upheld despite a lack of a 5 year housing supply.

It remains for Councillors to decide the appropriate weight to give to the arguments for an against a development. The 5 year housing situation does not remove the democratic rights of Councillors to make planning decision within planning regulations.

With regard to applicability to this case that means that Councillors must assess the weighted balance. Councillors must accord the National Planning Policy Frameworks (NPPF) '*presumption in favour of sustainable development*' full weight (but more on this later). Councillors must still give weight to local policies. Going back to the '*presumption*' this is not a free go for developers. The applicant correctly points out that paragraph 14 of the NPPF states:

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Local Policy does not support the applications.

Babergh District Council adopted the Core Strategy in 2014. That Strategy includes policy CS11 which sets out how development in the Core and Hinterland Villages must be approached.

The Core Strategy provides for 1050 additional dwellings to be located in Core and Hinterland Villages between 2011 and 2031 via Site Allocations. The Site Allocations have not yet been adopted and therefore the councils position is to follow the policy without the allocations at present.

Capel St Mary is a Core Village and as such the criteria for assessment of a planning application includes:

- The landscape, environmental and heritage characteristics of the village
- The locational context of the village and the proposed development (particularly the AONBs, conservation areas and heritage assets)
- Site location and sequential approach to site selection
- Locally identified need – housing and employment, and specific local needs such as affordable housing
- Locally identified community needs
- Cumulative impact of development in the area in respect of social, physical and environmental impacts

Sequential Approach

Persimmon provide no evidence that they have conducted a sequential exercise. As the Persimmon Site adjoins the built up area (and there are no built up area sites available) it is therefore the next preferred location.

This is not so. There are a number of potential sites available immediately adjoining Capel St Mary and these all need assessing. Many of these site shave been identified by BDC formerly as suitable for housing.

It must also be remembered that a site is not sequentially preferable by dint of it being adjoining.

Firstly there are a number of adjoining sites and secondly sites further afield may still be sequentially preferable to the Persimmon site.

Persimmon offers no evidence on this matter and therefore they have not passed the CS11 test and the application should be refused on the sequential grounds alone.

Access

The proposed access route has not altered from the former proposed application and this was one of the principle reasons for refusal of that application.

This situation has not improved and the use of Little Tufts as a means of access presents the same issues as highlighted by Councillors in their refusal of application B/16/01458. The road is narrow with pavements that do not meet standards and at peak time the road would be congested representing a poor access for the proposed homes and a detriment to the existing residents.

Need

The Hopkins homes application was approved enabling 97 units to be constructed in Capel St Mary in addition to 24 units currently being constucted - 121 dwellings in total.

Cape St Mary is one of 10 core villages set to received 1050 new homes between them. If this application was to be approved Capel would be taking 220 out of those 1050 homes which is a disproportionate amount.

It should be noted in 2016 that Capel St Mary, along with the council, carried out a Housing Needs Survey with the conclusion that Capel required 100 new homes - a future now exceeded.

Impact on services

Much was made at the original committee meeting and in the subsequent decision for the impact on already overstretched services (particularly the NHS) of the proposed additional houses. This was and presumably remains unacceptable especially as there are now an additional 120 dwellings being construed exacerbating the situation.

The school situation is worse with all existing catchment schools fully subscribed meaning that any additional children would have to be transported many miles away to find a place.

Agricultural Land

The land remains grade 2 agricultural land, development of which in these circumstances would be contrary to paragraph 112 of the NPPF.

Conclusion

This application is merely a reduction (from 150 units to 100) of an already refused application.

That application was refused as the proposed access was inadequate, there was no need for the application, sequentially the site was wrong, the services in the village were already under stress and set to increase, using grade 2 agricultural land.

The 'new' application has exactly the same issues now exacerbated but the approval of the Hopkins Homes 97 unit scheme.

It should be refused for the same reasons as the original application.

Application No: DC/17/06318

Parish: Capel St Mary

Location: 7 Little Tufts And Land East Of Longfield Road

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



Grade 2 *



The Site



Built up Area Boundary



BABERGH DISTRICT COUNCIL
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Agenda Item 8b

Committee Report

Item No: 2

Reference: DC/17/06037

Case Officer: Samantha Summers

Ward: Holbrook

Ward Member/s: David Rose

Description of Development

Erection of up to 30 dwellings.

Location

Land to the north of Woodlands Road, Holbrook IP9 2PS

Parish: Holbrook

Site Area: 1.72ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 05/12/2017

Expiry Date: 26/02/18

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr J A Suckling

Agent: Peter Wells Architects Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan PW858_PL02 (received 05/12/2017) 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 05/12/2017

Site Location Plan PW858_PL02 - Received 05/12/2017

Preliminary Access Proposal IP16_194_11_SK001 - Received 05/12/2017

Ecological Appraisal - Received 05/12/2017

Design and Access Statement June 2017 - Received 05/12/2017

Flood Risk Assessment - Received 05/12/2017

Phase 1 Contaminated Land Assessment - Received 05/12/2017

Existing site plan pw858_pl01 - Received 05/12/2017

Highway access and visibility – received 30/01/18

Speed survey data – received 30/01/18

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 subject site forms part of a broader site (SS0201) 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.

Heritage - Impact on nearby listed building will need to be considered.

Compatibility - appropriate design would need to be considered with regards to providing a natural buffer between development and open countryside.

Townscape - partial development may be more appropriate and supportable.'

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)

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

Supplementary Planning Documents

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

List of Other Relevant Legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Pre-application discussions held between the applicant and Holbrook Parish Council.

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

Freston Parish Council

We do not support this application as to drive to this location the main route is via Freston x-roads (Junction of B14506 and B1080) and this junction is unsafe. We have had our bus shelter run into again. Appeal Ref: APP/D3505/V/05/1185675 cited in support of highways/access objection.

As neither SCC nor any developer provided a plan that is safe for our residents Freston Parish Council commissioned a report in 2012 from the internationally renowned Ove Arup and Partners Ltd. This sets out the safety problems and suggestions to address these problems. There is a copy of this report both with SCC and BDC.

Since 2012 BDC have granted applications to build more houses in Holbrook and Shotley but have failed to come up with a solution for Freston X-roads. Yet again our bus shelter has been run into.

Holbrook Parish Council

Object on following grounds: (a) Site location; (b) Sustainability; (c) Character and appearance of landscape; (d) Highways; (e) Heritage; and (f) Area of outstanding natural beauty.

Stutton Parish Council

Stutton Parish Council recommends Refusal for the above application.

Woodlands Road is a natural boarder for the village envelope and this should form the boundary for any future development.

The Road and junction on to the B1080 is a single carriage way already serving a high number of vehicles and is often grid locked at school dropping off and picking up times.

The field is good quality agricultural land and should be used for food production not built on.

With the number of additional housing (both proposed and being built) with in the surrounding area, the infrastructure and services will be stretch beyond their capacity.

Tattingstone Parish Council

Tattingstone Parish Council does not support this application on the following grounds:

Schools in the area, both primary and secondary, have not got the capacity for further pupils. The doctor's surgery at Holbrook, which covers not only Holbrook but surrounding villages, has little or no capacity for more patients.

Holbrook already has had a large development at Admiral's Reach which has put a immense strain on the infrastructure.

Surrounding lanes are very narrow, access of more vehicles onto A137 is liable to cause more delays both at Manningtree and at Wherstead junction with A14. This is particularly true when the Orwell Bridge is closed.

The increased traffic on the A137 directly impacts Tattingstone.

SCC Highways

No objection subject to standard highways conditions.

Place Services - Landscape

1) A Landscape Visual Appraisal will need to be undertaken and submitted as part of this outline application.

2) A landscape strategy needs to be produced which demonstrates how the proposals (including mapping the existing vegetation) link with the surrounding residential and movement network, in order to create an appropriate public realm and provide suitable levels of amenity space.

3) If the outline application is approved, recommendations should be applied to the design of any forthcoming/alternative layout:

- The use of detached garage units is to be re-considered. A better arrangement will help improving the public realm of the street. Sideway facing garages and use of soft materials could contribute in achieving this.
-

- Relationship between proposed dwellings and existing settlements along Woodlands Road needs careful design. The current layout does not relate to the existing built and landscape character of front gardens. The submitted layout plan proposes back gardens and associated fencing facing onto Woodlands Road and the removal of existing hedge planting.
- The location of the communal green space in the centre of the site is supported. The central space could be improved further if plots 19-22 are orientated to face the communal green space.
- The site boundaries should respond to the existing landscape character comprising hedgerow trees and hedgerow planting.
- New footpaths and pedestrian routes shall be positioned in such a way to ensure that a degree of passive surveillance is provided.

4) Part of the existing hedge planting along the southern site boundary will be lost to give way to the development. The new proposal shall include its replacement with a new native hedgerow and hedgerow tree planting along this boundary as part of the landscape mitigation strategy.

5) A detailed landscape planting plan, boundary treatment plan and specification, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted, if the outline application is approved.

The Proposed Site Plan PW858_PL02 shows the areas designated for residential development, parking provision, communal green space and indicative tree planting. The indicative layout fails to suitably demonstrate how the green infrastructure relates to the residential layout. The current layout proposed a communal green space in the centre of the site but appears in conflict with the private areas of some of the proposed dwellings. Some of the proposed residential character doesn't relate to the existing built character along Woodlands Road.

We are however in support of the proposed 3m wide landscape zone around northern and western boundaries. Careful design around the materials, type and height of fencing used to define private and public space will be critical to provide visual continuity with the countryside to the north and west of the site and to ensure the landscape zones are looked after and maintained to support and enhance habitat creation.

The proposals will extend the edge of the village of Holbrook to the north and will impact on the existing settlements to the south of Woodlands Road by removing views to the open countryside from the second floors.

The proposals will include the removal of part of the hedge planting along Woodlands Road and will impact on the existing settlement to the south. The proposals presents opportunities to reinstate a hedgerow planting with a mix of native species along the site boundaries including hedgerow trees which will contribute towards the landscape character of the area while reducing visual impact of the new development and mitigating impact in the rural landscape.

Comments on the re-consultation following the submission of the Landscape and Visual Impact Assessment have not been received at the time of the report being written. A verbal update will be given at the committee meeting.

Dedham Vale AONB and Stour Valley Project

The site is considered to be within the setting of the Suffolk Coast and Heaths AONB and as such we would need to see further information from the applicant which considers how the proposal is likely to impact on the wider landscape setting.

This is particularly important given the nature of the site and its setting within part of a much larger arable field, with potentially open views into the wider landscape. From the limited information submitted, it appears that it will be difficult for the proposal to satisfactorily fit its landscape context and existing settlement pattern associated with the village so as not to cause an adverse landscape impact. We would advise that a Landscape and Visual Appraisal is carried out to the appropriate GLVIA 3 guidance.

Following receipt of the Landscape and Visual Impact Assessment the following comments have been received.

The site is located on the edge of Holbrook Village, on the northern side of Woodlands Road. Holbrook is classed as a Core Village in the adopted Babergh Local Plan 2011-2031 Core Strategy & Policies (2014). Core Strategy policy CS 11 (Strategy for Development for Core and Hinterland Villages) is supportive of proposals in Core Villages that score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority (or other decision maker) where relevant and appropriate to the scale and location of the proposal:

- i) the landscape, environmental and heritage characteristics of the village;
- ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);

The site was assessed as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA) in 2017. The SHELAA concluded that the site is potentially considered suitable for residential development, subject to a number of constraints being given further consideration. These constraints were

Highways – regarding access, footpaths and infrastructure required

Heritage - Impact on nearby listed building will need to be considered compatibility - appropriate design would need to be considered with regards to providing a natural buffer between development and open countryside

Townscape - partial development may be more appropriate and supportable.

The SHELAA also considered that only the southern part of the site was potential suitable for development in order to avoid disproportionate development to the existing settlement.

The SHELAA is the LPA's assessment of sites submitted through the Call For Sites process.

The SHELAA process does not confer any status in planning terms onto the site and as it stands the site is an unallocated greenfield site.

The proposal site falls within the setting of the Suffolk Coast & Heaths AONB. The AONB boundary lies approximately 2km south of the site.

Policy CS15: Implementing Sustainable Development in Babergh requires proposals for development to respect the local context and character of the different parts of the district, and where relevant demonstrate how the proposal addresses key issues and contributes to meeting the objectives of this Local Plan. It requires all new development within the district, to demonstrate the principles of sustainable development when assessed against the presumption in favour of sustainable development. Under this policy, where appropriate the scale and nature of the proposal, should:

- i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;
- ii) make a positive contribution to the local character, shape and scale of the area;

To satisfy the above Core Strategy policies, and objectives 2.7 and 2.8 of the Suffolk Coast & Heaths Management Plan (2013-2018), the proposal must not affect the natural beauty and special qualities of the Suffolk Coast & Heaths AONB.

The site falls within the Estates Farmland Landscape Character Type which is predominantly an arable landscape, with distinctive field patterns delineated by significant hedgerows, pockets of ancient woodland and windy lanes. The landform dips gently into a dry shallow valley to the north east of the site between Holbrook and Woolverstone.

The above proposal, if approved would extend development into open countryside on the northern side of Woodland Road which to date appears to have acted as a constraint to village expansion. The more recent developments in Holbrook i.e. in the vicinity of Grove Farm are confined to the southern side of the public footpath leading to the farm and on the east side of Ipswich Road as infill.

The AONB team has concerns about the design of the proposed development which has an estate/urban form and is not considered to reflect local built character or settlement pattern of the surrounding dwellings.

Long views of the proposal site from the south west across the valley from Harkstead Lane and the public footpath running south west to Grove Farm (viewpoint A) are limited due to the gently undulating landform and the established network of hedgerows and clusters of ancient woodlands.

The development however would be clearly visible from the PROW (viewpoint B), with the view for those using this PROW, altered from an agricultural landscape with few buildings, to a more urbanised character. This impression of urbanisation would be intensified when viewed cumulatively with the development south west of Grove Farm.

On the approach to Holbrook village, from the north, views into the site from Ipswich Road (B1080) are partially limited by the mature hedgerow running parallel to the highway. The site however is very visible from Woodland Road and from the PROW running northwards towards Potash Farm. (viewpoint B)

Given its plateau position, if approved this development would result in a change in the landscape character on the northern edge of Holbrook from an agricultural landscape with open views across the countryside to a more enclosed urban character. It would also set a precedent for development to the north of Woodlands Road. The AONB team does not consider that the proposed green infrastructure, open space and landscaping would soften the visual impact of this development sufficiently to minimise the urbanising effect on the setting of the AONB, particularly when viewed cumulatively with other recent developments in the village.

For these reasons the proposal is not considered to accord with Core Strategy policies CS 11 (criteria i and ii) and CS15 (criteria i and ii) or the objectives 2.7 and 2.8 of the Suffolk Coast & Heaths Management Plan (2013-2018) and as such it not will help contribute to the protection of the landscape and scenic beauty or special qualities within the AONB Additional Project Area.

The AONB team therefore object to the above proposal. If the LPA is mindful to approve the outline application, the AONB team would welcome the opportunity to comment on future Reserve Matters applications related to this development.

BMSDC – Heritage Team

The heritage concern relates to the impact of the proposed development on the setting of the nearby designated heritage assets. These are the grade II listed Cherry Ground to the west of the proposed site and the grade II listed Potash Farm and scheduled ancient monument (SAM) further to the north of the site.

Whilst the setting to Potash Farm and the SAM contribute notably to their significance, it is considered the current proposal would have a negligible impact on their settings, and therefore on their significance.

However, Cherry Ground sits prominently adjacent to the open farmland that the proposed site is a part of, and it probably has a strong historic agrarian connection to it, which has not been visually interrupted by modern development. This farmland could thus be recognised as essential to its setting and the way the building is experienced in its surroundings, and therefore its significance.

The proposed development of the south-eastern corner of this field would sufficiently suburbanise the rural setting of the listed building such that it would not work to preserve or enhance its significance as required by the NPPF and LBA.

The Heritage Team therefore considers that the proposal would cause a low to moderate level of less than substantial harm to the setting of the listed building.

Anglian Water

No objection.

Environmental Health - Sustainability

We have reviewed this application and cannot see any attempt at mitigation of environmental impact proposed. It is acknowledged that the application is for outline permission but this council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability.

Some environmental measures such as orientation, renewables etc will affect the design and layout of the development and so should be considered at the earliest stage.

We recommend refusal of permission until appropriate information to address policies CS12, 13 & 15 is received, should the planning department be mindful to grant outline permission we would wish to impose a suitable condition and request we are consulted in this process.

Environmental Health - Other

No objection subject to construction hours condition.

Environmental Health - Land Contamination

No objection.

SCC Fire Officer

No objection.

Place Services - Ecology

No objection subject to conditions to secure: (a) A proportionate financial contribution towards visitor management measures for the Orwell Estuary 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 Stour Estuary.

SCC - Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, within an area of known cropmarks (FRT 006). Further cropmarks are recorded surrounding the site, which is in a topographically favourable location for archaeological activity from all periods. A Neolithic causewayed enclosure, which is a Scheduled Ancient Monument, is recorded to the north (FRT 005), and prehistoric archaeology has been defined during recent archaeological investigations to the south-west (HBK 064). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any surviving archaeological remains.

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 subject to submission of infiltration tests.

BMSDC Economic Development

No objection.

Environment Agency

No objection.

BMSDC Strategic Housing

Taking into account the needs information detailed above the proposed affordable housing mix is acceptable to the Council.

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 the setting of nearby listed buildings
 - *Impact on AONB.
 - *Inaccurate traffic survey
 - *Impact on highway safety, in particular already unsafe Woodlands Road and Ipswich Road intersection.
 - *Impact on amenities - doctors and schools at capacity
 - *Loss of prime agricultural land
 - *Loss of hedgerow.
-

- *Absence of site screening.
- *Impact in Woodlands Road residents through loss of sunlight, daylight, outlook and privacy.
- *Outside village development boundary.
- *Prematurity - site should not be developed until the District plan has gone through the consultation process.
- *Unsustainable location.
- *Site isolated from village.

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 north-western corner of Woodlands Road and Ipswich Road (B1080), on the northern periphery of the village of Holbrook. Holbrook is defined as a 'Core Village' in the Babergh District Local Plan Core Strategy 2014. Woodlands Road forms Holbrook's northern Built Up Area Boundary (BUAB).
- 1.2. The site comprises agricultural land (Grade 2). Land to the north, west, east and south-east also comprises agricultural land. Land to the south, on the opposite side of Woodlands Road, is largely residential in nature, forming the main body of the village. Hedging and trees line the eastern and southern site boundaries.
- 1.3. Grade II listed buildings are located west and north of the site. Cherry Ground, fronting Woodlands Road, is located approximately 245m west of the site. Potash Farm, fronting Ipswich Road, is located approximately 380m north of the site. A Scheduled Ancient Monument (HE ref 1005982) comprising an interrupted ditch system, is located further north of Potash Farm, and extends over both sides of Ipswich Road.
- 1.4. The site is not in a Conservation Area, Special Area of Conservation or Special Landscape Area. The Dodnash Special Landscape Area is located approximately 435m west of the site.
- 1.5. The Suffolk Coast and Heaths AONB is located approximately 2km south of the site.
- 1.6. There are no footpaths along Woodlands Road or Ipswich Road adjacent the site. Two bus stops are located on Ipswich Road at its junction with Woodlands Road. Two oak trees on the southern side of Woodlands Road adjacent an elderly care centre are subject to Tree Preservation Orders.

2. The Proposal

- 2.1. Outline planning permission with all matters reserved is sought for up to 30 dwellings. Ten 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:

- Single access point from Woodlands Road to serve the development. No vehicle or pedestrian access from Ipswich Road.
- Internal road set around a central green public open space.
- Some properties feature dual frontages with both Woodlands Road and Ipswich Road.
- The affordable dwellings located as a group to the southern end of the site.
- Hedgerow removal along Woodlands Road (approximately half of road frontage) to accommodate proposed footpath.
- Retention of hedgerow and trees along Ipswich Road.
- A 3m landscaped zone to the north and west 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. 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 Holbrook as a Core Village. This policy states that Core Villages will act as a focus for development. 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:

'Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

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

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

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 These comments need to be taken into account in the light of the provisions of the NPPF, most notably paragraphs 115 and 116 which state;

“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. 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 of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.

8.9 In the Court of Appeal judgement in R (on the application of Cherkley Campaign Ltd) v Mole Valley District Council [2014] PLSCS 138, the judge found that “I see no good reason for departing from the language of paragraph 116 itself.

The paragraph provides that permission should be refused for major developments “in” an AONB or other designated area except where the stated conditions are met: the specific concern of the paragraph is with major developments in a designated area, not with developments outside a designated area, however proximate to the designated area they may be”.

- 8.10 In this instance, the proposal does not fall within the AONB. As such, paragraph 116 is not engaged.
- 8.11 Notwithstanding this, it is necessary to consider the impact of the development on views into and out of the AONB, with particular regard to policy CR02 and paragraph 115 of the NPPF. Paragraph 115 and Policy CR02 bring about different tests in respect of the consideration of development in the AONB. Paragraph 115 provides that great weight should be given to “conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty” whilst policy CR02 requires that “there is an overriding national need for developments that have a significant impact in the particular location and that there are no alternative sites available”.
- 8.12 Whilst the requirements set out within the policies are different, it is apparent that the aims of these policies are to conserve the landscape and scenic beauty of the AONB (paragraph 115), ensure that in instances where there is a significant impact that there is a demonstrable national need and that no alternative sites are available (CR02). As such, the developments impact on the AONB will now be considered against these provisions.
- 8.13 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’.
- 8.14 The greenfield site contributes positively to the rural character of the area. It is inevitable that developing an open field for housing will have some adverse impact on the openness and character of the site. However, Policy CS11 envisages that there will be some development in the countryside; the key question is whether the character impact of the development is reasonably contained.
- 8.15 Land to the west and north comprises agricultural fields. Likewise, land to the east and south-east is also open countryside. The character is very much rural, comprising expansive views and offering a genuine sense of openness. This contrasts starkly with the suburban character south of Woodlands Road and west of Ipswich Road. Development here is very much ‘conventional residential’ in appearance, with standard plot sizes and the usual detached ribbon-like arrangement commonly found in villages and towns across rural England.
- 8.16 New built development in place of open, agricultural fields is a substantial character shift. Residential development of the density envisaged would detract from the open countryside setting and from the rural approach to the village. The indicative proposal seeks to provide for a landscape character commensurate with the broader landscape setting however it is not considered that this is sufficient to offset the visual intrusion and suburbanising effect that will result. The development will be highly prominent, extending the body of the village well into open countryside where new visual boundaries will be created, adversely impacting the rural character of the village entrance. Creation of new boundaries at the northern and western rural interfaces is an unfortunate character outcome.

- 8.17 In creating a footpath on Woodlands Road the proposal will result in loss of a significant amount of existing hedgerow. Replacement planting will offset this loss to some degree, however the landscape character impact, whilst localised, will nonetheless cause significant harm.
- 8.18 As noted by Council's landscape consultant, the indicative layout does not relate to the existing built and landscape character south of Woodlands Road. The indicative layout plan proposes back gardens and associated fencing facing onto Woodlands Road and the removal of existing hedge planting. This represents a poor design response, failing to take account of the existing prevailing residential character to the south. In this respect the proposal fails to respond positively to Policy CN01. This said, this is a detailed design matter and one that could be readily addressed at the reserved matters stage of the approvals process. The layout submitted is, after all, only indicative. This element of the proposal is not fatal to the merits of the outline application.
- 8.19 On balance, it is concluded that the visual impact of the development on the character and appearance of the area is significant.

Impact on Heritage Assets

- 8.20 By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.21 Grade II listed buildings are located west and north of the site. The separation distances to these heritage assets are generous. Whilst the development may form somewhat of a suburban backdrop to both listed buildings, the separation distances are such that the impact on the settings of both buildings will not be unacceptable. Council's Heritage Team consider the proposal will have a negligible impact on the setting of Potash Farm and the Scheduled Ancient Monument located further north. The Heritage Team consider there will be a suburbanising effect on the rural setting of the western listed building but that overall, the proposal would cause 'a low to moderate level of less than substantial harm to the setting of the nearby listed buildings'.
- 8.22 The rural setting of the western listed building will be impacted, this is acknowledged. However, as noted, the separation distance between the development and the listed building is such that the impact will not affect the listed setting to an extent that is considered unacceptable. A 245m wide open field between the subject site and western listed building will be retained, a significant visual buffer and one that sufficiently retains the rural setting of this listed building.
- 8.23 There are no Conservation Areas in proximity of the application site. The proposal will not cause any harm to any Conservation Area.
- 8.24 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

- 8.25 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

- 8.26 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.
- 8.27 The site adjoins the Holbrook BAUB. The proposal would not constitute ribbon development given the size of the site and likely configuration that would seek to maximise development yield. The site is very well connected to the village, within easy walking distance of all local amenities including schools, recreational facilities and shops. An existing footpath network runs to the site's southern boundary. The proposed scale of development is not at odds with the development pattern on the southern side of Woodlands Road. The proposal responds favourably to the first three issues listed at paragraph 10 of the SPD.
- 8.28 The proposal is not self-contained in a visual sense. Developments that 'square off' the body of a village will often present as discrete additions and are usually visually contained by existing neighbouring development. Not so in this case. To the contrary, the development constitutes a projection out from the body of the village, a projection that will have a substantial contrasting appearance when viewed in the context of the open fields beyond.
- 8.29 There are no ancient woodlands in proximity of the site.
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Site location and sequential approach to site selection

- 8.30 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB.
- 8.31 There are no sites within the Holbrook built up area boundary which would enable a development of a scale commensurate with that proposed.
- 8.32 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

- 8.33 'Locally identified need' should be construed as the development to meet the needs of the Core Village and its wider functional cluster.
- 8.34 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.
- 8.35 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.
- 8.36 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.
- 8.37 The application is not supported by a housing needs assessment. As the application is outline, there is no detail regarding the proposed mix of affordable housing types. The proposal merely seeks to provide the 35% of affordable housing required by local policy.
- 8.38 The absence of this supporting detail is not fatal to the proposal. Council's Strategic Housing Officer has detailed the required housing mix and there is nothing before officers to suggest the required mix could not be achieved.

Locally Identified Community Needs

- 8.39 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

- 8.40 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

- 8.41 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.
- 8.42 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, as would be expected in a Core Village, are on offer a short walk from the site, all accessible via an existing footpath network. Amenities include schools, doctors surgery, co-op and sports centre. Bus stops are located at the site's doorstep, providing a good level of public transport accessibility. For these reasons the site represents a sustainable location.
- 8.43 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.
- 8.44 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.

Highway Safety

- 8.45 Numerous objections raise concern regarding highway safety, in particular the safety of the Woodlands Road and Ipswich Road intersection. Residents are critical of the submitted traffic survey and an independent survey has been provided that provides different results to the applicant's survey.
- 8.46 However, SCC Highways raise no objection to the proposal 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.
- 8.47 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

- 8.48 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.
- 8.49 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

- 8.50 Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.

- 8.51 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.
- 8.52 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

- 8.53 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.
- 8.54 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 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.

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 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 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.
- 13.4 The proposal will bring with it economic benefits. The provision of 30 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. These elements support Policy CS11 and CS15.
- 13.5 The proposal may cause harm to heritage assets however this harm is not considered substantial. The site is not located in the designated AONB or Special Landscape Area.
- 13.6 The impact on the countryside character at this locale will be significant. The development will appear as a visual intrusion into the countryside, at odds with the rural approach to the village. The proposal will have a suburbanising effect on the rural setting of the village. This aspect of the proposal does not support Policy CS11 or CS15.
- 13.7 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 which impacts on views into and out of the AONB.
- 13.8 Therefore, the operation of the presumption in favour of sustainable development does not apply here because the site is a valued landscape and, also noting the detriment posed, specific policies within the NPPF indicate that development should be restricted.
- 13.9 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. Therefore the proposal does not constitute sustainable development for which the NPPF carries a presumption in favour and therefore the application is recommended for refusal.

RECOMMENDATION

13.10 Refuse planning permission for the following reasons:

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).




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Application No: DC/17/06037




Parish: Holbrook



Location: Land North of Woodlands Road

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL
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Agenda Item 8c

Committee Report

Item No: 3

Reference: DC/18/00856

Case Officer: Samantha Summers

Ward: Glemsford and Stanstead

Ward Member/s: Cllr Michael Holt and Cllr Stephen Plumb

Description of Development

Conversion of existing agricultural barn, rebuilding of linked yard buildings, removal of redundant buildings and erection of extensions to barn, creation of car park and new access to site to facilitate use for weddings, functions and events

Location

New Street Farm, New Street, Glemsford, Sudbury Suffolk CO10 7PY

Parish: Glemsford

Site Area: 1.13ha

Conservation Area: No

Listed Building: No

Received: 27/02/18

Expiry Date: 25/04/18

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Environmental Impact Assessment: N/A

Applicant: Mr & Mrs G Willemsen

Agent: Ben Elvin Planning Consultancy Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan drawing number 2134/002 (received 27/02/2018) 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 27/02/18

Site Location Plan drawing number 2134/002 - received 27/02/18

Planning Statement – received 05/03/18

Existing block plan - received 27/02/18

Existing ground floor plan - received 27/02/18

Existing elevations - received 27/02/18

Existing roof plan - received 27/02/18

Proposed ground floor plan - received 27/02/18

Proposed elevations - received 27/02/18

Proposed roof plan - received 27/02/18
Proposed site plan / block plan - received 27/02/18
Preliminary ecological assessment February 2018 - received 27/02/18
Noise impact assessment - received 27/02/18
Map showing proposed passing places and tourism signs - received 27/02/18
Speeds and requisite visibility splays - received 27/02/18
English nature bat loft design roof space - received 27/02/18
Bat mitigation guide - received 27/02/18
Traffic report - received 27/02/18
Environmental report - received 27/02/18

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:

The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature.

PART TWO – APPLICATION BACKGROUND

History

Various prior approval and planning applications determined since 2004, primarily for agricultural development and residential conversion of buildings.

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

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
- CS12 Sustainable Design and Construction Standards
- CS15 Implementing Sustainable Development in Babergh
- CS17 The Rural Economy

Relevant saved policies of the Babergh Local Plan (Alteration No.2) 2006:

- CN01 Design Standards
- CR07 Landscaping
- CR18 Buildings in the Countryside – Non Residential

- EN22 Outdoor Lighting
- TP15 Parking Standards for New Developments

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)

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

Discussions held with Planning Officer. Advice confirmed change of use as acceptable in principle.

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

Glemsford Parish Council

Recommend refusal on basis that the development is not sustainable, is detrimental to the environment, landscape and recreational opportunity, cause light pollution, effect on a heritage asset.

Babergh and Mid Suffolk District Council – Environmental Health (Noise)

Verbal update will be given at the committee meeting.

Babergh and Mid Suffolk District Council – Heritage

No objection.

SCC - Suffolk Fire and Rescue Service

No objection. Comment regarding access and firefighting facilities, and water supplies.

SCC - Highways

No objection subject to standard condition regarding vehicle parking and loading /unloading. The applicant will need to apply to Suffolk County Council to erect tourist signing for the site as detailed in drawing No 2134/GM01.

Natural England

No comments.

Suffolk Wildlife Trust

Satisfied with the initial findings of the ecology consultant.

We note that the consultant has recommended a number of further surveys for bats on Buildings 4 and 6, and any trees to be impacted. These surveys should be undertaken prior to the determination of this application, in order to ensure that the decision is made based on all relevant material considerations and in accordance with ODPM Circular 06/2005 (sections 98 and 99).

Notwithstanding the above, we request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

SCC Archaeological Service

The proposed development site lies in an area of high archaeological potential recorded on the County Historic Environment Record. The current New Street Farm occupies the site of a Medieval sub-manor, known as "Peverells" (GFD 030). Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. The barn itself dates from the late 18th/early 19th century, and as such should be regarded as a heritage asset of at least local significance, as has been discussed in previous applications. The structure holds both historical and archaeological interest as defined under NPPF. In this regard any design to convert should be sympathetic and aim to minimise disruption to the historic fabric. Furthermore, a full and accurate record of the structure in its current form will be required to mitigate impact of the proposal.

There are no grounds to consider refusal of permission 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.

BMSDC ECONOMIC DEVELOPMENT

The reuse of agricultural buildings for alternative employment use is welcomed, as they help to support the rural economy and provide local job opportunities.

The growth of the tourism and leisure industry is a priority for Babergh District Council, the council's current Visitor Destination Plan (amongst many recommendations) emphasises the need to encourage visitors to come all year round. The VDP and other supporting documents can be found on our website.

The conversion of the buildings into a wedding, function & events venue is therefore supported.

SCC PROW

Public Restricted Byway 21 runs from the end of New Street northwest through New Street Farm along the existing track. Public Footpath 19 and Public Footpath 20 have junctions with Restricted Byway 21 at New Street Farm and run northeast and southwest respectively. These are indicated on the attached map.

The submitted Proposed Site Plan/Block Plan does not make reference to or show the route of, or access to, Public Footpath 20 which passes between the proposed car park and buildings, in fact the drawing suggests that new hedge and tree planting will obstruct this footpath. We suggest that a new plan is submitted that demonstrates how the Public Footpath will be accommodated within the development.

This plan also indicates that a locked gate will be erected across Restricted Byway 21 at its junction at New Street. Suffolk County Council will not be able to authorise the erection of a gate in this location and any such structure will constitute an unlawful obstruction of the Public Right of Way.

The proposed passing places are located at points where Public Footpaths 17 and 18 have a junction with New Street and therefore access to these public footpaths must not be restricted or hindered in any way. A third Public Footpath also has a junction with New Street. Anecdotal evidence indicates that this road and the connecting PROW provide a well-used local recreational amenity which could be affected by increased vehicular traffic.

B: Representations

64 households objected to the proposal and 19 letters of support were received. Summary of grounds of objection:

- *Negative effects on wildlife, environment, light pollution, air pollution, noise pollution, quality of life, traffic, pedestrian safety particularly on New Street, Plum Street and Shepherds Lane known locally as the 'Horseshoe'
- *Construction machinery noise
- *Waste and grey water impacts
- *Noise effects from fireworks
- *Negligible impact on local economy.
- *No information of what 'Events' are planned
- *Access roads are not compliant with Fire and Rescue Service width requirements for "Buildings other than Dwelling Houses"
- *Out of character with the local area.
- *Contrary to section 123 of the National Planning Policy Framework - March 2012, The Noise Policy Statement for England (NPSE) and Protocol 1-Articles 1 & 8 of the Human Rights Act
- *Unenforceable noise mitigating measures
- *Contrary to the provisions of the Human Rights Act
- *Sufficient wedding venues in Suffolk already
- *Loss of rural views

Letters of support also received.

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 approximately 160m west of the junction of Plum Street and New Street, one kilometre west of the village of Glemsford. Glemsford is a designated 'Core Village' in the Babergh Core Strategy 2014.
- 1.2 The site comprises an existing two storey farmhouse together with an associated barn and attached/detached yard buildings located north of the farmhouse. A large pond is to the west of the barn and yard buildings. The remainder of the immediate site comprises informal woodland and grassland with arable fields beyond. A mobile phone mast is located to the rear of the site which is proposed for removal.
- 1.3 None of the buildings at the site are listed. The site is not in a Conservation Area or designated area of special landscape significance.
- 1.4 The track to the site is private, classified as a 'restricted by-way'. A number of public rights of way are located in proximity of the subject site, including public footpaths 17 and 18.

2. The Proposal

- 2.1 The application seeks full planning permission for the change of use and conversion of an agricultural barn, the rebuilding of linked yard buildings, removal of redundant buildings and erection of extensions for use as a wedding/function/event facility.
- 2.2 The supporting Planning Statement succinctly summarises the key elements of the proposal as follows:
 - Renovation and conversion of the main barn
 - Removal of existing portal-framed agricultural storage building
 - Rebuilding of existing yard building
 - Extension of main barn to form contemporary entrance lobby
 - Formation of new car park (totalling 35 car spaces and a coach parking bay)
 - Formation of new access road
 - Structural landscaping including planting atop a one metre high bund to the carpark perimeter and northern side of proposed access
 - Off-site works (including provision of two new passing places on New Street and tourism signs)
- 2.3 In respect to proposed venue operations, two full time and 12 part-time employees are expected. Hours of operation are not detailed in the application form. However, the applicant's response to Parish Council queries states the following regarding operating hours:

'Generally weddings are from approximately 2pm (or 3pm) until midnight, and can be Friday, Saturday or midweek. Conferences and general use for meetings/events would be during the normal working day, approximately 9am – 4pm'

3. The Principle of Development

- 3.1 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, amongst other things, through the conversion of existing buildings. The proposal clearly accords with paragraph 28 of the NPPF.

- 3.2 Policy CR18 provides a criteria-based approach to the conversion of existing buildings in the countryside, noting that conversions to industrial, business, community or recreational uses will be permitted subject to compliance with set criteria. Paragraph 6.64 provides the policy basis for Policy CR18, stating:

'The diversification of farm enterprises can provide an important alternative source of income and much needed additional employment opportunities in areas where jobs are scarce. There is an economic argument for retaining and re-using traditional rural buildings. In addition, it can help to protect the landscape quality and character of rural areas by retaining traditional buildings and minimising the need for the new buildings.'

- 3.3 An assessment against the criteria set out at Policy CR18 is provided below.

Landscape characteristics and biodiversity

- 3.4 The proposed works will enhance the rural appearance of the area through the removal a large steel framed farm building and derelict buildings. The replacement structures will make a far more positive contribution to the character of the immediate site and broader locale than the existing structures proposed for removal. Landscape planting is proposed to screen the new car park and details can be managed by planning condition. Details of material finishes, including colours, is best managed by planning condition. On the whole, the landscape setting will be significantly improved.
- 3.5 In respect to biodiversity, the application is supported by an Ecology Report. The report sets out a series of recommendations including precautionary methods to be undertaken to ensure the protection of species and all of these measures can be adequately managed by planning condition. It is noted that the report does not contain any indication of protected or locally rare habitats. The proposed landscaping provides opportunity to enhance the ecological value of the site.
- 3.6 Noteworthy is the inclusion of a bat loft of significant scale (17m long) in the roof void of the single storey building. The bat loft is a proposed mitigation measure, in part because it has not been possible to survey the buildings at the optimal time of year. Suffolk Wildlife Trust have stated that further bat surveys are required prior to commencement of works. The Resolution gives the Corporate Manager authority to grant planning permission following the submission and consultation of further bat surveys.

Cultural heritage

- 3.7 The subject buildings are not listed. The main barn however is of historic interest and makes a positive contribution to the landscape. The main barn is considered an undesignated heritage asset.
- 3.8 Council's Heritage Team offer no objection to the proposed scheme of physical works. The proposal secures the retention of an historic building through its conversion and renovation, a positive heritage outcome. The works proposed will in no way compromise the historic understanding of the building. It is concluded that the proposed works are acceptable in heritage terms.

Highway safety

- 3.9 There is significant local resident concern regarding the highway safety implications of the proposal. The application is supported by automatic traffic counts that suggest the lanes in question are far from capacity.

The proposed 4.8m wide access point is designed to ensure no conflict with existing farm traffic and incorporates visibility splays that are readily compliant with the Manual for Streets minimum requirements.

- 3.10 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)).
- 3.11 The Highways Authority does not object to the application. The proposed passing bays are a direct response to the direction provided by the Highways Authority and would be constructed to the Authority's specifications. Application to the Highway Authority for the tourist signs would be required and there is nothing before officers to suggest that consent would not be forthcoming. The applicant proposes an advertising pack setting out a preferred route to the venue for drivers, a commonplace technique used by venue operators in countryside locations to limit traffic and associated noise/disturbance impacts.
- 3.12 It is clear the cumulative traffic impacts resulting from the development will not be 'severe' as there is sufficient capacity to accommodate the expected traffic generated by the new use.
- 3.13 Car parking provision is well above the minimum requirements set out in the 'Suffolk Guidance for Parking' document. 35 spaces are proposed when only 22 spaces are required. It is clear that a reason for refusal based on grounds of parking provision cannot be sustained.
- 3.14 In the absence of an objection from the authority charged with the responsibility of maintaining highway safety, and having regard to the 'severe' threshold promoted at paragraph 32 of the NPPF, it is difficult to substantiate a reason for refusal based on highway safety grounds.

Residential amenity

- 3.15 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. Paragraph 123 identifies that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 3.16 The nearest dwellings are located approximately 160m east of the application site. Residential amenity impacts, given the quiet rural setting, require very careful consideration.
- 3.17 Residential amenity impact assessment principally focuses on noise. The application is supported by a Noise Assessment Report. The report recommends that the majority of openings should be closed during regulated entertainment, self-closers should be used on certain doors, and enhanced acoustic glazing be fitted to external windows and the conservatory. All of these measures can be finalised through the submission of a final noise control scheme that can be secured by planning condition.

The applicant has clearly demonstrated that there is the ability to manage noise emissions effectively.

- 3.18 A sound limiting device for internal music and prohibiting amplified outdoor music after 8pm is considered necessary and appropriate in addition to the measures proposed above and these measures can be secured by planning condition. Fireworks is a concern for some residents and officers consider this a legitimate amenity consideration. A planning condition is recommended that prevents the use of fireworks at any time.
- 3.19 Noise and disturbance associated with traffic has been carefully considered by the applicant and hence the rationale for the location of the new access east of the nearest residence 'Five Gables'. The proposed access will take vehicles away from Five Gables, in essence providing a greater separation distance to the new access from Five Gables than what exists currently to the existing track. To note also is that the new access will be screened from Five Gables in time by proposed landscape planting atop a proposed one metre high bund. The location of the new access is a respectful design response, as is the proposed structural landscaping, responding positively to the constraints of the site.
- 3.20 It is considered necessary and appropriate to limit operating hours to those specified by the applicant which, in officers' opinion, are reasonable given the nature of the proposed venue events. The same applies to limiting guest numbers to ensure amenity and parking effects are adequately controlled. External lighting has the potential to cause serious amenity impacts unless sensitively designed. Lighting detail is therefore required by planning condition.
- 3.21 Concerns are raised by residents that the type of events are not specified. It is considered appropriate and necessary to limit the nature of the uses to a specified list. This is best managed by planning condition restricting changes of use within Class D properties under permitted development.
- 3.22 The farmhouse is in the same ownership as the proposed venue building. In the interests of the amenity interface it is deemed necessary the occupancy of the farmhouse is linked to the proposed venue. Again, a matter for a planning condition.

The location of the building relative to public transport infrastructure, urban centres and whether the use represents sustainable development

- 3.23 The nature of the use is one that generates vehicle movements, regardless of its location in the countryside or in an urban centre. There is no hiding from the fact that it is relatively unlikely that guests to a wedding will opt for public transport, irrespective of location. This said, there are other sustainability credentials to the proposal, most notably the re-use of an existing under-utilised building and the employment benefits that the venue will bring about.

Whether conversion can take place without significant rebuilding

- 3.24 The proposed extent of rebuilding is very limited. New structures are subordinate to the main barn, of a scale that is proportionate to the host building. The new structures will not dominate the retained building or the broader setting. The extent of rebuilding is considered necessary and reasonable to secure a viable venue operation.

Whether the building is at risk of flooding

3.25 The site is located in Flood Zone 1. The building is not at risk of flooding.

The availability of a connection to a suitable drainage system

3.26 An on-site sewerage treatment plant is proposed in the absence of a mains connection. There is nothing before officers to suggest an on-site system could not serve the scale of the development proposed.

Other Considerations

3.28 A revised site plan has been received that addresses the concerns raised by the SCC PROW Officer regarding potential PROW impacts. It is concluded that the proposal will not compromise the functioning and connectivity of the existing public footpath network in proximity of the site.

PART FOUR – CONCLUSION

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

4.1 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.

4.2 In this case the planning authority engaged at the pre-application stage of the application process, providing direction and advice regarding the merits of the preliminary proposal and application information requirements.

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

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

6. Planning Balance

6.1 The proposal has been assessed in accordance with adopted development plan policies, guidance contained in the NPPF and all other material considerations. These policies seek to promote sustainable development through the economic, social and environmental roles of the planning system. The NPPF, adopted Babergh Core Strategy and Babergh Local Plan policies are supportive of the rural economy and the local natural and historic environment.

6.2 The proposal performs admirably when assessed against the criteria set out at Policy CR18 and it is also supported by the NPPF. The scheme offers positive heritage benefits. Landscaping will enhance the landscape setting as will the proposed physical works, including removal of derelict structures. Landscaping enhances biodiversity and limits amenity impacts. Provided acoustic measures are implemented and noise controlling conditions adhered to, residential amenity will be safeguarded. The Highways Authority raises no objection to the proposed increase in traffic movements resulting from the development subject to measures such as the construction of passing bays.

Proposed parking provision is well in excess of the prescribed minimum standards. Ecological impacts can be adequately mitigated and the bat loft is a welcome ecological enhancement for the area.

- 6.3 There is significant community opposition to the proposal. Concerns are principally raised in respect to highway safety, in particular pedestrian safety using the 'horse-shoe', and residential amenity, in particular noise effects. However, in the absence of an objection from the Highways Authority it is not deemed reasonable to refuse the application on highway safety grounds. The applicant has gone to some length to demonstrate how noise effects will be managed, as detailed in the supporting noise report. Provided the recommended noise mitigation measures are implemented and adhered to, and there is no reason to suggest they would not be, amenity levels for neighbouring residents will be safeguarded.

RECOMMENDATION

Subject to the receipt of additional bat surveys and agreement of Suffolk Wildlife Trust, that the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission and that such permission be subject to the conditions as set out below:

- * Standard time limit
- * To be in accordance with approved plans and documents
- * Personal permission use – tie to farmhouse
- * Operating hours
- * Guest number limit
- * Materials details
- * Details of illumination (external lighting)
- * Highways – visibility splays
- * Highways – access details
- * Highways – surface water
- * Highways – loading/unloading implemented
- * Highways – passing bays
- * Highways – tourism signs
- * Noise – scheme of noise control
- * Noise - sound limiting device
- * Noise – external amplified music
- * Noise - no fireworks
- * Implement ecological mitigation measures
- * Landscaping scheme including tree protection measures
- * Implement landscaping scheme
- * Unexpected land contamination
- * Programme of archaeological work
- * No occupation until archaeological assessment complete
- * Foul water drainage details
- * Restriction on changes of use - specific uses only
- * Removal of permitted temporary change of use - Class D GPDO 2015




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Application No: DC/18/00856




Parish: Glemsford



Location: New Street Farm, New Street, Glemsford

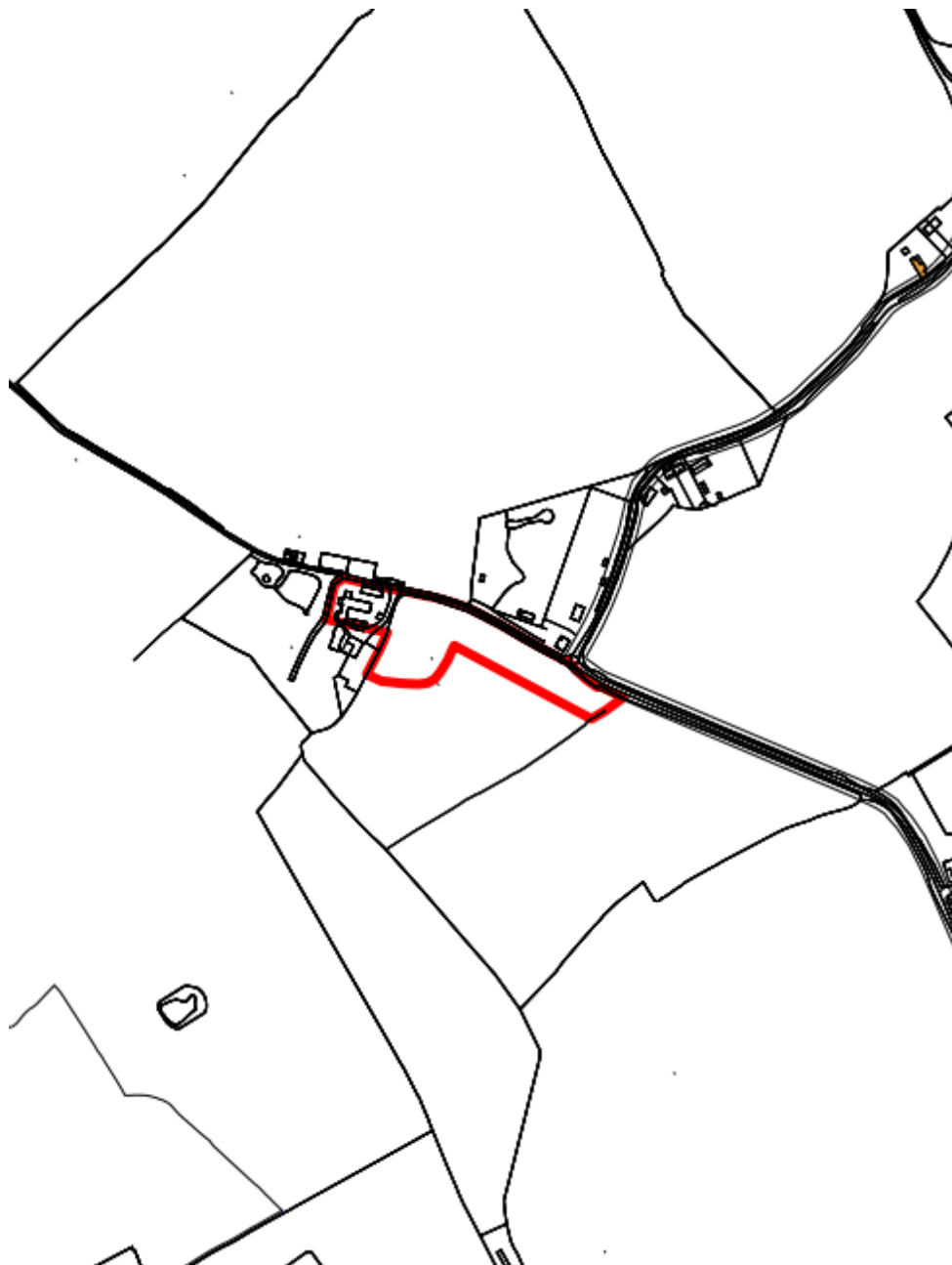
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 8d

Committee Report

Item No: 4

Reference: DC/17/06250

Case Officer: Lynda Bacon

Ward: Alton.

Ward Member/s: Cllr Alastair McCraw. Cllr Harriet Steer.

Description of Development

Planning Application - Demolition of existing dwelling and garage. Erection of 4no. dwellings, creation of new vehicular accesses, associated garages, landscaping and parking.

Location

Summercourt, The Heath, Tattingstone, IP9 2LX

Parish: Tattingstone

Site Area: 2000 m²

Conservation Area:

Listed Building:

Received: 20/12/2017

Expiry Date: 15/04/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment:

Applicant: Mr & Mrs Green

Agent: Mr Roger Balmer

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 4517-01 received 20/12/2017 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:

Defined Red Line Plan 4517-01 - Received 20/12/2017

Design and Access Statement - Received 20/12/2017

Tree Protection Plan 2017 - Tree Survey-summer court, Appendix 1 Tree schedule summer court, Appendix 2, Appendix 3, Appendix 4 and Appendix 5 - Received 20/12/2017

Tree Protection Plan Existing site - Tree Plan, Root protection areas, Trees retained. - Received 20/12/2017

Block Plan - Proposed 4517-03 A - Received 13/03/2018

Proposed Plans and Elevations 4517-04 A - Received 13/03/2018

Proposed Plans and Elevations 4517-05 A - Received 13/03/2018

Proposed Plans and Elevations 4517-06 A - Received 13/03/2018
Highway Access Plan 4517-08 A - Received 13/03/2018
Proposed Plans and Elevations 4517-10 - Received 13/03/2018
Tree Bat Roost Assessment 025/18 - Received 16/02/2018

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

The Delegation Panel met to consider the Ward Member request to refer this planning application to Planning Committee. The call-in request made reference to matters of access onto the A137 and additional access points and increased density of likely car movements from the plot and to density affecting local character & street scene; such matters being of more than local significance.

The Delegation Panel noted that Committee had considered an application for residential redevelopment on land adjacent to the south and that this raised an important matter of consistency of decision making given the planning merits in the round.

Mindful of that important consistency point the Panel concluded that it was appropriate to report this application to committee. The particular site circumstances were such that access and density were unlikely to be matters of more than local significance. Notwithstanding, the Panel agreed that the application should be reported to Committee for the above reason.

PART TWO – APPLICATION BACKGROUND

History

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

B/16/01464	Erection of two-storey extension; erection of double garage and associated driveway works (demolition of existing single garage).	Granted 11/01/2017
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Also of relevance is the below planning history of the adjacent site known as Homeleigh.

B/15/00588	Erection of 3 No. new two-storey detached dwellings (following demolition of existing dwelling and out house) and construction of new shared vehicular access onto A137 (following stopping up of existing access onto back lane). Planning permission was refused at Planning Committee on 8 th July 2015 (as per officer recommendation); the application having been referred to Committee at the request of the Ward Member.
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B/15/01085 Erection of 2 No. new two-storey detached dwellings (following demolition of existing dwelling and out house) and construction of new shared vehicular access onto A137 (following stopping up of existing access onto back lane). Planning permission was granted under delegated authority.

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:

- CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
- CS02 - Settlement Pattern Policy
- CS13 - Renewable / Low Carbon Energy
- CS15 - Implementing Sustainable Development
- CS18 - Mix and Types of Dwellings

Relevant saved policies of the Babergh Local Plan (Alteration No.2) 2006:

- CN01 - Design Standards
- CR04 - Special Landscape Areas
- HS28 - Infilling/Groups of dwellings
- TP15 - Parking Standards - New Development

Relevant Supplementary Planning Document:

- Suffolk Adopted Parking Standards (2015)

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

Tattingstone Parish Council

Initial consultation response: The exits to an already very busy road which will be made worse by large developments in neighbouring villages eg: Brantham. There have been several accidents at or near this spot in the past.

It is backfilling and not ribbon development, which is not in keeping with the character of The Heath.

The Parish Council is concerned by the amount of proposed development on The Heath as other applications are still under consideration and there has already been about a 35% increase in dwellings over the last 10 years.

Subsequent consultation: No comment received.

SCC - Highways

No objections raised - recommend that any permission which the planning authority may give should include suggested conditions relating to: proposed access layout and finishing; highway visibility; provision and retention of on-site turning and parking area(s) and refuse/recycling bin storage.

SCC - Rights Of Way Department

Bridleway 43 is recorded adjacent to the proposed development area. No objections are raised to this proposal, but informative notes should be applied.

Arboricultural Officer

There are no objections to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Although a number of trees are proposed for removal they are either of low amenity value and/or poor condition and their loss will have negligible impact upon the character of the local area.

Environmental Health - Land Contamination

Concur with the findings of the report that the risks posed by the former uses of the site is low and that further investigations are not warranted. In light of this it is confirmed that there is no objection to the proposed development from the perspective of land contamination.

Suffolk Wildlife Trust

Initial consultation response: Bats have been recorded in the parish so there is an increased likelihood that bats may occur in the property. It appears a number of trees would require removal as part of this proposal. These trees should be assessed for their suitability to support roosting bats and nesting birds. Nesting birds are protected under the Wildlife and Countryside Act (1981) (as amended).

Subsequent consultation response: Satisfied with the findings of the Tree Bat Roost Assessment (Eco-Planning UK, February 2018) and the recommendations made in the report should be secured, via a condition of planning consent, should permission be granted.

B: Representations

Four letters have been received from three households, the content of which are summarised below:-

- The density of development such is not in keeping with the area and is an overdevelopment.
- New accesses will make the unchecked speeding on the road even more dangerous.
- Removal of the trees and hedges which form a soft sound dampening barrier will result in more traffic noise from the increasingly busy road being deflected from the hard man-made structures towards nearby residential property.
- Loss of existing view; trees, sky and hedges will be replaced with houses.
- Drains along The Heath struggle to cope, particularly in prolonged downpours, causing flooding on the main road. Replacing natural drainage areas with buildings and paved areas will increase rapid run off into the road leading to flooding affecting nearby residential property.
- Sewers will not cope with additional properties as there are periodic failures.
- Proposal will cut off sunlight to nearby residential property and increase light pollution in the area at night.
- The removal of the natural areas and mature trees on this site will damage the local Stag Beetle, Common Lizard, Grass Snake and Barn Owl populations, which have been observed in this area.
- Two new vehicular accesses on a bend onto the A137 is a danger and will affect ability to access nearby residential property.
- Overspill parking on the adjoining bridleway would impede access to nearby residential property and Pond Hall Farm.

- Removal of existing hedging would erode privacy.
- With other possible proposals in the village, this site is not crucial to provide increased village housing.

PART THREE – ASSESSMENT OF APPLICATION

The Site and Surroundings

The site is an irregular shaped parcel of land located to the eastern side of the A137 highway, in the part of the Tattingstone Parish known as 'The Heath'. Tattingstone is listed as a Hinterland Village in policy CS2 of the Core Strategy supported by the wider functional clusters of Capel St Mary and Holbrook. The site is located within a defined Built Up Area Boundary (BUAB) and is also located within a Special Landscape Area (SLA). Back Lane (bridleway) forms the southern boundary, beyond which are two detached dwellinghouses that have recently been completed on the site of a former single dwelling known as 'Homeleigh'. Agricultural land in arable use is located to the east of Back Lane. Terraced and detached properties are located close to the highway on the opposite (western) side of the road, which is the A137 highway. Detached bungalows and their garden curtilages lie directly to the north of the proposal site.

The proposal site comprises a two-storey detached dwellinghouse situated towards the centre of its 0.2 hectare plot with garage and associated outbuildings. The site is currently accessed via a driveway from Back Lane. The existing dwelling is a 3 bedroom 20th century red brick property and will be demolished. The garden contains a number of mature trees and shrubbery with hedged boundaries to all sides.

2. The Proposal

The application seeks planning permission for the erection of 2 no. detached, two-storey, dwellings and 2 no. semi-detached, two-storey dwellings in a linear arrangement located towards the rear of the site. The existing dwelling and its outbuildings is to be demolished. The detached dwellings would be 4 bedroom properties and the semi-detached pair would be 3 bedroom properties.

The dwellings have been designed to have a simple, traditional form with contemporary fenestration. Their appearance to the street scene, both from the Ipswich Road and also from views across the field to the rear, will be traditional in outline, with ridge heights comparable to the two new properties to the south of the site.

The external construction materials include colour-washed smooth render and stained larch boarding under a slate roof.

The application also seeks planning permission for the construction of two new shared vehicular accesses to the main A137 highway. The existing access onto Back Lane will be retained but enclosed by gates.

The design and layout of the application has been amended since initial submission to reduce the extent of the gravel car parking areas to the frontage; improve the articulation of Plot 4 gable end elevation to Back Lane; remove the garages between Plot 1 and Plot 2 to improve the space between the dwellings; redesign and reduce the size of Plots 3 and 4 to present a narrower frontage and to increase the gap between Plots 2 and 3. The amended plans have been publicised and subject to re-consultations.

3. The Principle of Development

The principle of housing use on the site is acceptable as it accords with Policy CS2 being within the defined Built Up Area Boundary (BUAB). There is an extant permission to extend the existing dwelling

into a substantial 5 bedroom property. The proposal seeks to replace the existing (unextended) dwelling with a 4 bedroom property and to erect an additional 4 bedroom property as well as a pair of 3 bedroom semi-detached properties. The net increase therefore amounts to one 4 bed and two 3 bed dwellings.

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.

Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).

The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF.

In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'

The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.

A summary of the Babergh 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

Overall, there is an identified need for smaller dwellings (1-3 bedrooms) and the proposed semi-detached pair will make a small contribute towards the top end of this need. It is also acknowledged in the preamble text to Policy CS18 (Mix and Types of Dwellings) that 'all but very small sites have the potential to deliver a wide choice of homes and contribute towards sustaining mixed communities'. The proposed development comprising three additional dwellings will increase the supply of housing and offer a mixed development that in broad terms is consistent with housing need.

The principle of the proposed development is therefore considered acceptable subject to consideration of other material planning issues. Issues considered central to the determination of the planning application are:-

- Design and impact on street scene and landscape character;
- Site access, parking and highway safety considerations;
- Impact upon residential amenity;
- Impact on protected species;
- Impact on trees;
- Contaminated land;
- Planning obligations;
- Other matters.

Design and impact on street scene and landscape character

The NPPF states in paragraph 61 that securing high quality design goes beyond aesthetic considerations. Planning decisions should address the connection between people and places and the integration of new development into the natural, built and historic environment. The core principles of the NPPF is that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF highlights the importance of high quality and inclusive design for all development, including individual buildings and states that it is proper to seek to reinforce local distinctiveness. Furthermore the NPPF states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

At a local level, policy CS15 requires that proposals for development must respect the local context and character of the different parts of the district and should (inter alia): make a positive contribution to the local character, shape and scale of the area. Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location. Policy CR04 requires that development proposals in Special Landscape Areas will only be permitted where they maintain and enhance the special landscape qualities of the area and harmonise with the landscape setting. Policy HS28 states (inter alia) that applications for infill developments will be refused where the proposal represents overdevelopment to the detriment of the character of the locality, residential amenity or where the proposal is of a scale, density or form which would be out of keeping with adjacent or nearby dwellings.

The character of The Heath is typified by small scale residential properties set in large gardens with mature landscaping. Whilst there is a mix of single-storey (bungalows) and two-storey dwellings of varied designs, the existing dwellings are predominantly Edwardian, 1920's and 1930's semi-detached two-storey dwellings with outbuildings and small scale bungalows with large gardens. Two new detached dwellings have recently been completed on land to the south of the application site on the southern side of Back Lane. The existing street scene is characterised by significant gaps between the dwellings with views through to the open countryside beyond. Dwellings on the western side of the A137 are typically positioned closer to the highway than those properties on the western side of the A137. The mix of dwellings in style and age, with a wide range of front garden depths creates an eclectic mix of development of historic form.

The proposed development as initially submitted included attached garaging between Plots 1 and 2 and a wider built form to Plots 3 and 4 that combined to present an extensive width of built development across the site, contrary to the existing pattern and spacing of development. The amended design however, has increased the spacing between Plots 1 and 2 by re-siting the proposed detached garage to the other side of Plot 1 and the retention of the existing detached garage for use by Plot 2. In addition, the amended design of Plots 3 and 4 has reduced the width of the semi-detached pair by 6.7m. The amended design now incorporates a greater degree of spacing between the dwellings that is more consistent with the existing pattern of development, and is representative of the spacing between the two new dwellings located immediately to the south of Back Lane.

In landscape terms, the proposal incorporates new native hedging to the side and rear boundaries of the site and the existing front boundary hedgerow either side of the new access points is to be retained. Woven Willow fencing is proposed on the boundaries between the new properties only. The visual impact of the development in the wider landscape setting of the locally designated Special Landscape Area is therefore considered to be minimal.

The design, layout and landscaping of the development is therefore considered to accord to the design principles of the NPPF, and to policies CS1, CS15, CN01, CR04 and HS28 of the development plan.

Site access, parking and highway safety considerations

The proposed vehicular access arrangements to the site would require the construction of two new shared vehicular accesses directly onto the A137 highway. The existing vehicular access to the site, via Back Lane, would be retained behind gates.

The proposed access arrangements have been assessed by engineers at the local highway authority and it is considered that the proposed shared accesses on to the A137 complies with the specifications of County Highways drawing no. DM03 in relation to shared domestic accesses onto a highway with a 30 mph speed limit.

The application proposal would provide 2 no. parking spaces for each Plot and in addition, Plots 1 and 2 would have access to a detached garage. The proposed parking provision therefore accords with current Suffolk Advisory Parking Standards (2014) provided by the local highway authority. The proposal would also provide adequate on-site turning and manoeuvring space to enable vehicles to turn on-site and re-enter the highway in forward gear.

The proposed vehicular access and on-site parking and manoeuvring arrangements are therefore considered to be in accordance with current standards and would not significantly endanger the safety of highway users (subject to compliance with conditions as suggested by County Highway Engineers).

Impact upon residential amenity

The northernmost of the proposed dwellings (Plot 1) would be set to the southeast of the side boundary of the adjacent neighbouring property 'Connaught Cottage' at a minimum distance of approximately 23 metres from this dwelling. The proposed side elevation of Plot 1 has been designed to accommodate the first floor accommodation within the roof space with no first floor windows in the north or west elevation facing Connaught Cottage.

The southernmost of the proposed dwellings (Plot 4) would be set a minimum distance of approximately 14.7 metres from the side boundary of the adjacent dwelling 'Homeleigh' on the opposite side of Back Lane. The proposed side elevation of Plot 4 includes a bedroom window and whilst that window could afford views towards the public side of Homeleigh across Back Lane, the 'L' shaped configuration of Homeleigh restricts views into its private rear garden area.

Existing boundary trees and hedging would also screen the development when viewed from neighbouring property and given the separation to existing dwellings, the development would not result in a significant loss of light or over-shadow neighbouring property.

Having had regard to the proposed sitting, scale and fenestration layout, the development proposal is not considered to result in demonstrable, adverse harm to the amenities currently enjoyed by occupants of neighbouring properties so as to justify refusal of planning permission on these grounds.

Impact on protected species

In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15 in particular requires new development to safeguard ecology. To that end, the application site is within the zone of influence for the Stour Estuary SSSI and the Stour and Orwell SPA to the south, but the site is not part of the designated areas. The application submission is supported by a Tree Bat Roost Assessment.

The Tree Bat Roost Assessment concludes that potential roost features of low value were identified and that no further bat roost survey work is required. However, if the proposed removal of the trees does not occur for several years a repeat inspection will be required.

The Council is preparing a Habitats Regulations Assessment (HRA) Screening Report in relation to the potential impacts resulting from the development on the Stour and Orwell Estuaries Ramsar Site and SPA. It is anticipated that a financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA, secured by a s106, will be required to ensure the implementation of a package of mitigation measures to avoid a likely significant effect on the Stour and Orwell Estuaries SPA/Ramsar. The applicant has confirmed agreement to the imposition of a planning condition to secure the contribution towards the mitigation package.

Impact on trees

There are no objections to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Although a number of trees are proposed for removal they are either of low amenity value and/or poor condition and their loss will have negligible impact upon the character of the local area.

Contaminated land

The applicant has submitted documentation with the application which provides an environmental assessment of the site including an assessment of any contamination which may have an impact on future occupants of the property.

The reports conclude that there is no significant contamination risk posed to future occupants and the Council's Environmental Protection Officer has concluded that the risks posed by the former uses of the site is low and that further investigations are not warranted.

Planning obligations

The application is liable for CIL. The application, if approved, would require the completion of a S106 agreement to secure the contribution towards the Recreation Avoidance and Mitigation Strategy (RAMS) expected to be identified in the HRA. The requirement can be secured by planning condition.

In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

Details of Financial Benefits / Implications (\$155 Housing and Planning Act 2016)

Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

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

When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

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

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

Planning Balance

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).

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.

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.

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. The site comprises a sustainable location within the Built Up Area Boundary of a Hinterland village, served by local amenities within the village and the wider functional clusters.

The development will contribute to the local housing stock which is currently in undersupply. 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. Although these are minor benefits, they are nevertheless still a benefit.

The existing site is of some visual amenity value being within the locally designated Special Landscape Area however, the site is visually contained by existing hedgerow screening. There will be a change in character as result in the increase in the number of dwellings on the site change although the landscape effect will be localised with limited effect on the wider landscape.

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.

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.

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.

The application is therefore recommended for approval.

RECOMMENDATION

Grant Planning Permission subject to conditions including:

- Standard time limit
- Accord with approved plans
- As recommended by Highways
- Accord with Arboricultural Report
- Accord with Tree Bat Roost Assessment
- Secure mitigation and ecology enhancement measures
- Lighting scheme – biodiversity
- Construction Management Plan
- Construction hours
- Implementation of landscaping scheme
- Withdrawal PD rights

Application No: DC/17/06250

Parish: Tattingstone

Location: Summercourt, The Heath

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



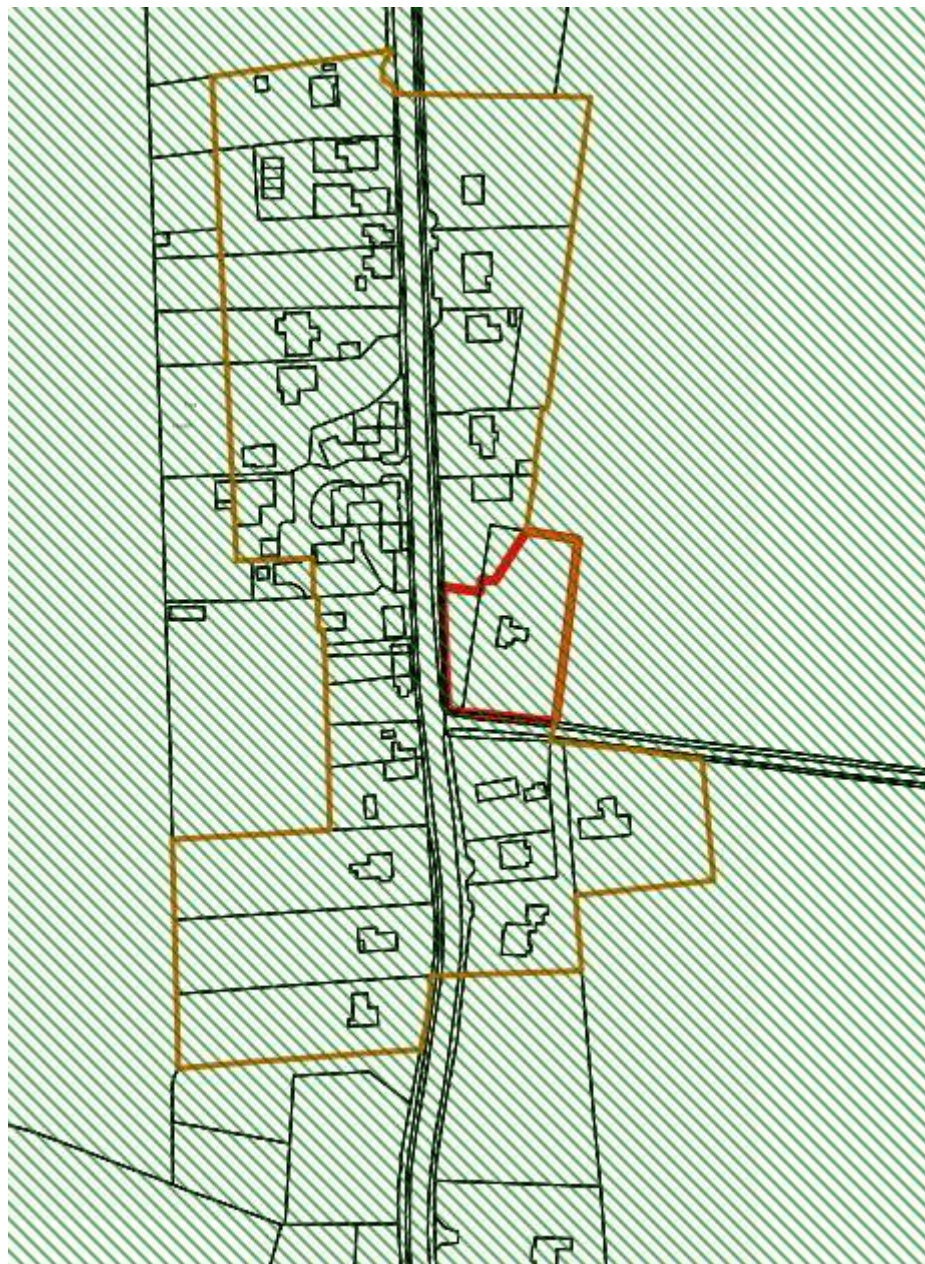
Grade 2 *



The Site



Built up Area Boundary



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