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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 26 FEBRUARY 2020 9.30 AM
VENUE:	KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Members		
<u>Conservative</u> Melanie Barrett Peter Beer (Chair) Zachary Norman Adrian Osborne	<u>Independent</u> Sue Ayres John Hinton Lee Parker Stephen Plumb (Vice-Chair) <u>Liberal Democrat</u> David Busby	<u>Labour</u> Alison Owen <u>Green</u> Leigh Jamieson

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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 PL/19/24 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 12 FEBRUARY 2020

To Follow.

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

5 **SITE INSPECTIONS**

In addition to any site inspections which the Committee may consider to be necessary, the Acting Chief Planning Officer will report on any other applications which require site inspections.

The provisional date for any site inspections is Wednesday 4 March 2020.

6 **PL/19/25 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 5 - 8

An Addendum to Paper PL/19/25 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.

a **DC/19/04923 LAND NORTH OF SECOND PITS, HIGHLANDS ROAD, MONKS ELEIGH, SUFFOLK** 9 - 34

b **DC/19/00291 LAND WEST OF CHURCH ROAD, BENTLEY, IPSWICH** 35 - 64

c **DC/19/02877 LAND EAST OF LONGFIELD ROAD AND LITTLE TUFTS, CAPEL ST MARY, IP29 2UD** 65 - 80

d **DC/19/04391 LAND EAST OF THE BARN AT ASSINGTON, THE STREET, ASSINGTON, CO10 5LW** 81 - 100

Notes:

1. The next meeting is scheduled for Wednesday 11 March 2019 commencing at 9.30 a.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](#)

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.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 11 March 2020 at 9.30 am.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils Youtube page:

https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael - 01449724930 - email: committees@baberghmidsuffolk.gov.uk

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.

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.
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PL/19/25

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

26 FEBRUARY 2020

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	9-34	DC/19/04923	Land North of Second Pits, Highlands Road, Monks Eleigh, Suffolk	DC
6B	35-64	DC/19/00291	Land West of Church Road, Bentley, Ipswich	JW
6C	65-80	DC/19/02877	Land East of Longfield Road and Little Tufts, Capel St Mary	BH
6D	81-100	DC/19/04391	Land East of the Barn at Assington, The Street, Assington, CO10 5LW	SS

Philip Isbell
Chief Planning Officer

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 Acting Chief Planning Officer, 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 ACTING CHIEF PLANNING OFFICER

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

Agenda Item 6a

Committee Report

Item 6A

Reference: DC/19/04923

Case Officer: Daniel Cameron

Ward: Box Vale.

Ward Member/s: Cllr Bryn Hurren.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Change of use of land as a single pitch gypsy and traveller site for the siting of up to 1no. mobile home, 2no. touring caravans and erection of 1no. dayroom

Location

Land North of Second Pits, Highlands Road, Monks Eleigh, Suffolk

Expiry Date: 17/12/2019

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Mr D Penfold

Agent: Ruston Planning Limited

Parish: Monks Eleigh

Site Area: 0.75 hectares

Density of Development: 1.3 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application has been subject to a petition, confirmed as being representative of a wider view from the local community which strongly opposes the proposed development.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework (2019)
NPPG - National Planning Policy Guidance
PPTS – Planning Policy for Traveller Sites (2015)

Babergh Core Strategy (2014)

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS12 - Design and Construction Standards
CS13 - Renewable / Low Carbon Energy
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings

Babergh Local Plan (2006)

CR04 - Special Landscape Areas
CR08 - Hedgerows
CR10 - Change of use from Agricultural Land
CR19 - Buildings in the Countryside - Residential
CN01 - Design Standards
CN06 - Listed Buildings - Alterations/Extensions/Change of Use
CN08 - Development in/near conservation areas
TP15 - Parking Standards - New Development

Supplementary Planning Documents

Suffolk Guidance for Parking (2019)

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Town/Parish Council

Monks Eleigh Parish Council

Monks Eleigh Parish Council wishes to object to planning application DC/19/04923 Land North of Second Pits, Monks Eleigh for the following reasons:

Proposals in the Development Plan: The site is not within the Monks Eleigh or Kettlebaston settlement areas as defined in the emerging Babergh and Mid Suffolk Joint Local Plan, nor in the Babergh Local Plan 2006, nor the Core Strategy Plan in 2011 which is still current.

Core Strategy CS20 Rural Exception Sites: The application does not meet the following criteria:

- physical distance / degree of separation - a sequential approach to site selection will be used (that is, sites adjacent to the boundary need to be explored first, with sites at increasing distance being

sequentially less preferable in principle); *This site is far outside the village so does not meet this requirement.*

- the location of the site in relation to the facilities, services and other such sustainability assets (such as recreation provision, employment opportunities, etc.) of that village; *There is no school, health centre and one very small shop within Monks Eleigh.*
- accessibility to the village (primarily by non-car transport modes) and ability to improve it; *There is no public transport in the village so access to a car is essential.*
- visual impacts and ability to integrate the development into the landscape: *A mobile home and two touring caravans and a dayroom will not integrate into the landscape and will have a large negative visual impact.*

Babergh's Policies for Gypsies and Travellers: There is inconsistency in various statements from Babergh about the numbers of sites required. The cross-boundary Gypsy and Traveller Accommodation Assessment 2007 concluded that one pitch was required to meet existing need. We believe this has been provided near Sudbury.

A subsequent assessment states that sites for travellers needed were one site until 2020. It then says a further site will be required after 2031. Therefore, the need for such a site has already been satisfied within the planning time frame.

The applicant has identified that the 2 travelling caravans will be used to house his family and not for visiting travellers so it is purely for the applicant's family use. As a result, it is not clear if this application lies within the policy for gypsies and travellers or a permanent residence relying on gypsy and traveller planning guidelines. It clearly will not be used as a transit site.

Core Strategy & Policies – February 2014 60: *There is no close functional relationship to the rest of the village and its surroundings due to the distance to the middle of the village as evidenced by the policy:*

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

- i. well designed and appropriate in size / scale, layout and character to its setting and to the village;
- ii. is adjacent or well related to the existing pattern of development for that settlement;
- iii. meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
- iv. supports local services and/or creates or expands employment opportunities.

Siting caravans and a mobile home in this setting will not meet the above criteria and bears no relation to the existing patterns of development within Monks Eleigh. Any holiday home chalets or similar would be well screened from the roads and well camouflaged into the landscape which this is not.

This application does not meet the criteria for Core Strategy Policy CS20: Rural Exception Sites which states that:

- "The Council will take a flexible approach to the location of rural exception sites in the district, and will allow proposals adjacent, or well related, to the settlement development boundaries of Core and Hinterland Villages where:
 - the development complies with other relevant policies in the Core Strategy and Policies document, particularly Policy CS15;

- the proposed development by virtue of its size, scale and type will not exceed the identified local need (including need identified in other settlements within the same or adjacent / adjoining functional cluster(s));
- the type of dwellings to be provided are consistent with the needs identified by the housing needs survey and agreed in advance by the District Council.

We note that there is no previously agreed need to provide a traveller site in Monks Eleigh

Effect on listed building and conservation area: Siting caravans, a mobile home and a day room structure in close proximity to the grade II listed Wagger Farm will have a large impact, especially on its historical setting. The site falls within a Special Landscape Area designated by Babergh with landscape sensitivity and scenic quality. Neighbouring Kettlebaston is also a Conservation Area Village.

Design, appearance and materials: As above a mobile home and caravans will not be keeping with the immediate surroundings this setting or with the rest of the village which has many grade II listed buildings in its conservation area. There are no large trees or hedges to soften the impact.

Highway safety and traffic generation: The applicant proposes to live on the site permanently with his large family. There is no school, health centre or large shop within walking distance so there is no sustainability in terms of its location. There is no public transport in the village so everyone has to rely on private cars – this site will increase this on a single-track road with few passing spaces.

Brent Eleigh Parish Council:

Brent Eleigh Parish Council has considered this application and recommends refusal on the following grounds:

- Babergh's current policy in relation to the provision for gypsies and travellers (2006) and the emerging policy contained in the new draft Local Plan, requires that sites are located outside settlements, but in reasonable proximity to key services, can be adequately screened, are not in a designated landscape area and with good access to the main road and capable of being connected to utilities. The National Planning for Traveller Sites (PPTS) document published in 2015 makes the point that local planning authorities should strictly limit new Traveller site development in open countryside that is away from local settlements or outside areas allocated in the development plan. The new Babergh draft Local Plan goes further and states that access to services should be other than by car. The Planning Statement attached to the application argues that the proposed site (at 1 mile distant from the village of Monks Eleigh) cannot be said to be "away" from it. However, this contention is strongly arguable, and it can be considered that this proposal is both outside the PPTS guidelines and the Local Plan, within which at any stage no potential Traveller site has been identified within the parish of Monks Eleigh.
- Paragraph 190 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including where the setting is affected) to avoid or minimise any conflict. The application site lies immediately south of the Grade II listed Wagger Farm and in considering this application the planning authority must have special regard to the preservation of the setting of this listed building which would be adversely affected by this proposal.

Kettlebaston Parish Council

The parish council and members of the public attended an extraordinary meeting on 3 November 2019. At the meeting a number of observations and comments were made about the planning application. These are reflected in the commentary which follows.

Background

The picturesque hamlet of Kettlebaston set within the rural landscape of Suffolk has at its centre the church of St. Mary's, a Grade 1 listed, 14th century, flint and stone building. The nave is much older, dating back to the 11th century, with wall paintings circa 1100.

The church Visitors' Book lists people travelling from all over the United Kingdom and also from abroad to visit Kettlebaston and its fine church.

The planning application relates to land located between the conservation areas of Kettlebaston and Monks Eleigh. The surrounding area is open countryside and it is within this context that the issues have been raised by the parish council and parish community.

Views expressed at the meeting

In addition to the Parish Council and the district and county councillor, 15 members of the public were in attendance. They were asked to indicate whether they were for, neutral or against the proposals and all 15 indicated that they were against.

The comments submitted by the Kettlebaston Parish Council are as follows:

The Parish Council is of the view that the application should be refused as it would be contrary to the National and Local Planning policies in many respects. These being as follows:

1. Paragraph 25 of the Planning policy for traveller sites ("PPTS") requires Local planning authorities to limit very strictly new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

The proposed site is very clearly in open countryside. It is also a long way from existing settlements and would require private motor transport to reach local settlements and services.

It should also be noted that the land is outside the areas allocated in both the existing Babergh development plan and the draft joint local plan such. Any development that is in conflict with these would create a precedent that is not sustainable.

2. PPTS, paragraph 25 further requires Local planning authorities to ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and must avoid placing an undue pressure on the local infrastructure.

The proposed site is next to a cluster of only two existing rural properties. The existing two properties are themselves isolated from the nearest settlements meaning that the proposed site would dominate the immediate settled community.

On the issue of infrastructure, the land in question is located on a very narrow, single track road. The road is the principal route affording access to Kettlebaston and its surrounding area. The road already struggles to accommodate existing flows due to being single track width with many blind bends and undulations. It is not suitable for additional traffic, particularly large vehicles such as touring caravans.

3. PPTS Paragraph 25 further requires Local planning authorities to avoid placing an undue pressure on local services. In this case, the local services are very limited and private motor transport would be required to access shops, healthcare and schools.
4. Paragraph 13 of the PPTS requires the Local planning authority to ensure that traveller sites are sustainable economically, socially and environmentally. The Parish Council considers that the proposal is not sustainable as it is in direct conflict with the following sub paragraphs:

- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services

The proposal is in clear breach of the policies set out under b, c, e and f above, due to the location of the proposed site. The site is in open countryside. Health, education and other services are only accessible with the use of private motor vehicles (there being no public transport or footpaths and the distances to such services being several miles away) The nearest primary school is several miles away and middle/secondary schools are many miles distant.

As set out above, the road is narrow and already overused.

5. Paragraph 14 of the PPTS requires local planning authorities to ensure that the scale of such sites does not dominate the nearest settled community. The proposed site is next to a cluster of only two existing rural properties. The existing properties are themselves isolated from the nearest settlements meaning that the proposed site would dominate the immediate settled community both in scale and population.
6. Turning now to the National Planning Policy Framework as updated in February 2019 (“NPPF”), paragraph 79 (on Rural Housing) mandates the avoidance of isolated homes unless one of the following specific exceptions applies.
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

With this proposal, none of the above exceptions is either claimed or in point so the policy should mean the application is refused.

7. NPPF, Section15 (Conserving and enhancing the natural environment) places a requirement at Paragraph 170 that policies and decisions must meet the following conditions:

- a. protect and enhance valued landscapes

This condition is not met. Rather, the proposed development would detract from the existing open countryside and rural landscape.

- b. recognise the intrinsic character and beauty of the countryside

The proposed development would also breach this requirement as it would result in developing what is currently open countryside.

8. NPPF Section 16. (Conserving and enhancing the historic environment) then requires at paragraphs 193 and 194 that consideration is given to the loss of importance of sites of designated heritage assets.

The proposal would cause harm to the Grade II listed property Wagger Farm through development within its setting. The policy (paragraph 194 specifically) states that any such harm would require substantial justification and should only be allowed in exceptional circumstances. It was noted that the application did not contain any justification and we cannot see any reasonable justification.

We also draw the Local planning authority's attention to Babergh Council's Heritage Team's response to the earlier change of use application for the same site (ref B/15/00056/FUL). In its commentary, the Heritage team acknowledged that the erection of a stable at the time would cause some harm to the setting of the listed building. The team went on to propose detailed conditions for the materials to be used for the stables, the landscaping and the position of the stable in order to mitigate the harm.

It is clear here that the harm which would be caused by the additional building and caravans would be significantly greater than with the change of use and that the mitigating measures around materials and location on the plot that were mandated for the stable cannot be applied to this proposal. A clear consequence of this proposal would be very significant harm to the setting in a way that is not compatible with the policies on the historic environment.

9. Turning to the adopted Babergh Local Plan (the "Local Plan"), HS02 (paragraph 3.38) sets out the importance of Built Up Area Boundaries and confirms that these are to protect the open countryside.

The proposed development is a long way outside the defined boundaries of the nearest villages. Any development outside these boundaries would set a dangerous precedent and lead to the loss of important open countryside.

10. The Local Plan then goes on to state at 3.42 that "In the Countryside, new houses will not normally be permitted, except to house an agricultural worker living on an agricultural holding".

The agricultural workers exception is not claimed in the application and is clearly not in point here so the application should be refused as being in breach of this part of the policy.

11. Local Plan policy HS04 sets out that "In the interests of agriculture, rural amenity, road safety and the economy of services, new housing will be integrated into the defined areas of Towns and Villages. In the Countryside outside Towns and Villages it is intended that existing land uses will remain for the most part undisturbed."

The proposed development would clearly be in breach of this policy as it is both outside the existing development boundaries and would be a change in land use that is not in keeping with the surrounding area.

12. Also, in the Local Plan, policy HS42 sets out a number of conditions that need to be met for permanent sites for Gypsies and other Travellers to be acceptable. In particular, the conditions include the following:

- a. there must be evidence of a local need for a site.

On this condition, the adopted plan has identified no need in Babergh. We have also considered the draft local plan that is under consultation. This identifies no current need and indeed no need for the next years. The plan goes on to conclude that there is only likely to be a need for one pitch at some point in the period from 2029 to 2034.

b. If they are located outside settlements, they must be in a reasonable proximity to key services, particularly schools and shops.

This condition is not met. As set out above, the location of the site is unsustainable as it would require private motor transport to access any of these key services.

c. Any proposed development must have no adverse impact on landscape character or historic features.

As set out above, these conditions are not met as it would compromise a rural landscape and also involve development in the proximity of a listed building with consequent significant harm to the setting of that listed building.

d. The site must offer safe access and adequate off-site parking for cars, lorries and caravans.

This condition is not met as the site is on a bend in a dip on a very narrow single-track lane which is not suitable for lorries or caravans. It should also be noted that the application only contemplates parking for one private motor car and one commercial vehicle.

e. In granting planning permission, the number of caravan pitches to be accommodated must agree with the supporting evidence of local need, which has been agreed with the relevant authorities before the application is submitted.

As set out above, there is no evidence of need in the existing local plan and the draft local plan doesn't envisage any need until at least 2029.

13. The Local Plan also contains policy CR01 which states that "The landscape quality and character of the countryside will be protected by restricting development to that which is essential for the efficient operation of agriculture, forestry and horticulture and for appropriate outdoor recreation."

This is a further policy that would be breached by the proposed development. The proposal would be damaging to the landscape character and quality and clearly does not fall within any of the exceptions listed in CR01, above.

14. CR01, continues to state that any rural development must "not introduce a proliferation of buildings and structures; and must be well related to the highway network, including where possible, pedestrian links, cycle routes and public transport, and be acceptable in terms of road safety."

In this case, the proposal would introduce 4 new structures/buildings. As discussed above, is not well located for the highway network. It is also noted that the site has no access to cycle routes, pathways or to public transport.

15. Local Plan policy CR11 is also relevant here. This is a policy to protect greenfield land, including agricultural land. It sets out that development on greenfield land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing urban boundaries. In this case, there is no evidence of other possibilities having been explored or exhausted. This being the case, the application should be refused.

We also note that there are a number of points in the planning statement which accompanied the application that we consider either inaccurate or requiring of clarification. These include the following:

At paragraphs 24 and 34 of the statement, there is an assertion that the draft Local Plan has identified an immediate unmet need for an additional site in Babergh. We consider this potentially misleading as the report cited in the statement actually shows zero additional requirement in the five-year period that it covers. In fact, even the draft Local Plan only shows that there is a potential requirement for a site in the period from 2029-2034.

At paragraph 34 the statement further asserts that the proposed site has reasonable access to key services. However, in the same paragraph it continues to describe how many miles and minutes' drive away those services are. This is a tacit admission that the site is not in line with the sustainability requirements and policies as it requires private motor vehicle use to access any and all services.

Paragraph 34 also asserts that the proposal has "no adverse impact on residential amenities, the flood plain, drainage infrastructure, landscape character, historic features or biodiversity". For the reasons set out in the sections above, this assertion is manifestly in our view incorrect as it would cause substantial harm to the landscape character and historic features in particular.

Paragraph 40 of the statement then asserts that the site should not be considered to be "away from existing settlements" (as that would be against planning policy). The PC respectfully disagrees with this conclusion. Given the planning statement itself concedes that Monks Eleigh is only realistically reached by motor vehicle, the site must be considered to be "away from" the nearest settlement.

The statement then goes on to the subject of 'material considerations' in relation to the proposal. At paragraph 43 the matter of identified local, regional and national need is discussed. It is asserted again here that there is an urgent, unmet local need. However, as set out above, the adopted and draft Local Plans make clear that any local need in Babergh is neither unmet nor urgent. There is an existing site which has been assessed to meet existing demand fully. The plan further sets out that no provision over and above that existing site is likely to be required in Babergh for at least the next ten years.

Finally, on the planning statement, at paragraph 61 the following condition is suggested by the applicant's agent:

- The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annexe 1 of Planning policy for traveller sites, August 2015.

In our view, this is a clear acknowledgment by the applicant that unrestricted permission for a caravan site or other residential use should not and would not be granted in this location as it is very clearly in conflict with national and local planning policies, for the reasons discussed above.

The effect of an approval, even with the proposed condition, would be to create a permanent occupation which effectively bypasses the relevant planning laws to create a residence for single family occupation (which would be very unlikely to obtain approval).

Other matters

The Parish Council would also like to draw the Planning Authority's attention to the restrictive covenants in place in relation to the land in question (a copy of the Land Registry Transfer, contained within Title Number SK292245, is enclosed herewith for ease of reference). Whilst it is acknowledged that the covenants themselves are not material considerations, they were clearly agreed for a reason at the time of the transfer of the land. The fact that detailed requirements inter alia to maintain agricultural, grazing and/or amenity use and not to use the site for residential or commercial purposes have been agreed lends further support

to the view that the rural landscape, environmental and conservation impacts are of significant relevance and importance here.

Following advice received from a practising property lawyer we would like to draw your particular attention to the provisions of clause 12.4 of the deed, that the restrictions are perpetual in nature, i.e. they “run with the land”. Clause 12.4.2 clearly stipulates no dwelling must be placed on the land. Clause 12.4.3 goes on to say precisely (and only) what the land can be used for. Any other use is strictly prohibited. This would clearly override any planning permission granted and thus if planning permission were granted, this would be in direct conflict with what has been registered at The Land Registry. A conflict could then arise between the Land Registry and the Local Authority, whilst the provisions of this deed subsist.

We suspect the applicant is either not aware of the provisions of this deed, or is seeking to act in a way to automatically breach them by pursuing his proposed changed of use, which we consider to be fundamentally material to the proposed change of use (and thus an ancillary and reasonable consideration for you to factor into your decision).

We also note here that the PPTS sets out the Government objective that planning decisions should “reduce tensions between settled and traveller communities”. It would be at odds with this objective to grant permission for an application that is so clearly in contravention of the numerous material planning considerations outlined above and that, in its granting, would almost certainly lead to the possibility of separate litigation from the dominant land owner, against the servient land owner, to enforce the covenants contained within the deed, should an attempt be made by the applicant to breach those covenants, which are still binding on the land.

National Consultee (Appendix 4)

County Council Responses (Appendix 5)

Archaeology Service

Thank you for consulting us on this proposal. In my opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. I have no objection to the development and do not believe any archaeological mitigation is required.

Fire and Rescue Service

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 500m from the proposed build site and we therefore recommend that consideration is given to the provision of extra water for firefighting.

Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

Highways Authority

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

- Construction of a passing place in accordance with standard highways drawing DM06;
- The access to site to accord with standard highways drawing DM04;
- Visibility splays with x dimension of 2.4m and y dimension of 120m to be provided at the access and retained at all times; and
- Any gates to the site to be set back 10m from the public highway.

Internal Consultee Responses (Appendix 6)

Environmental Health – Land Contamination

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Environmental Health – Noise, Odour, Light and Smoke Pollution

Thank you for your consultation on the above application. The Environmental Protection team have no objections in principle to the development, subject to the following conditions:

1. No burning of waste shall take place on site at any time, in order to protect local amenity (as per condition 11 of the existing planning permission B/15/00056).
2. No external illumination shall be installed until such time as a written scheme is submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority. The scheme shall provide that each pole/wall counted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5%. The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent sensitive properties (including those within the scheme where appropriate).

The applicant's attention is drawn to the Institute of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage).

I note that the intention is to dispose of foul sewage by means of septic tank. It is unclear as to whether this would be a new system or connecting to an existing system. I would advise that the applicant's attention be drawn to the general binding rules, which will change in January 2020 - <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>

Heritage

This application involves the proposed change of use of paddock land to a single pitch gypsy and traveller site, along with the siting of a mobile home and two touring caravans, and the erection of a 'day room'. There is a Grade II listed building to the north of the site, listed as Wagger Farm, a C16th and C17th timber frame farmhouse. The issues of Heritage Team concern therefore relate to the impacts of the proposed development on the significance of the listed building.

There is no Heritage Impact Assessment supplied with this application, which means that para.189 of the NPPF has not been addressed. Nevertheless, there are clear Heritage Team concerns over the proposed development.

The site is to the south of the farmhouse and is within its setting. The setting of the farmhouse is broad and consists of arable land, paddock and woodland which separately or together surround it on all sides (along with a hardstanding to the south west which is as a result of a previous application, reference no. B/15/00056, which included the erection of a stable block).

The soft landscape contributes notably to the rural aesthetic of the place. In turn this contribution amplifies the significance of the farmhouse. This setting is historic as is evidenced by the First Edition OS maps, which illustrate the rural nature of the site. Except for the hardstanding previously noted, and a house to the south of Highlands Road, the landscape in the vicinity of the listed building has changed very little in the last century or so. A change to this setting would undoubtedly therefore have an impact upon that significance.

The proposed development would involve the introduction of alien features into the countryside, in very close proximity to the farmhouse. The hard, shiny forms of the mobile home and caravans will detract from the tranquillity and rural character of the place, which are aspects of the setting of Wagger Farmhouse. This harm is considered low, on the spectrum of less than substantial harm - and as such it must be weighed in the balance against the public benefits of the proposed development.

The development would not accord with the requirements of Local Plan Policy CN01, which states that 'All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location. Proposals must pay particular attention to... the scale, form and nature of adjacent development and the environment surrounding the site [and] the materials forming the external elevations and roofs of the buildings.'

Nor does the proposed development accord with Local Plan Policy CN06, which states that 'new work within... the setting of a listed building should... be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting... [and] retain a curtilage area and/or setting which is appropriate to the listed building and the relationship with its surroundings.' It is for these reasons I do not support the proposed development.

Strategic Housing

- This response is given with regards to the NPPF and DCLG Planning Policy for Traveller Sites, and current Babergh Local Plan Policy.
- There is a requirement for the Council to provide a demonstrable 5-year land supply for Traveller pitches in the same way as for residential housing developments.
- The SHMA (2017) Part 2 section 6 identified within the accommodation needs assessment an additional pitch need of 1 pitch for the period 2016 to 2036.

- Generally, government guidance recognises the long-standing under-provision of sites for Gypsies and Travellers and the need for identification of suitable pitches in appropriate locations.
- We note the above application is on land outside the settlement boundary, but our understanding is that this does not prohibit development, but such development would be likely to have conditions attached should any planning permission be granted. That is a planning consideration and the response from the Housing Enabling Team is regarding accommodation need only.
- There are no Local Authority public sites within the Babergh district and pitch availability on any alternative existing sites would be at the discretion of the owner of the site.
- All the sites in Babergh are in private ownership and the availability of pitches is not within the Councils control.
- All the existing traveller pitch provision in Babergh is provided through mainly smaller private sites. It is also widely acknowledged that smaller sites are generally considered to be easier to manage and maintain. We are also aware that small family sites tend to work best when integrated into local settled communities - this site is another such example.
- If granted this site would count towards the pitch provision requirements identified in the ANA.
- For the above reasons this application is supported by Strategic Housing.

B: Representations

At the time of writing this report at least 88 letters/emails/online comments have been received. It is the officer opinion that this represents 84 objections, 2 support and 2 general comments. A verbal update shall be provided as necessary.

Views are summarised below:-

Objectors note the following material planning considerations:

- The site is known to flood when the river is high;
- Development is out of character with the surrounding area;
- Access to the site is not suitable for large vehicles;
- Development will affect the setting of a nearby listed building;
- Site is removed from facilities and services;
- Impacts on the Special Landscape Area;
- Impacts on ecology and biodiversity;
- Highlands Road is a narrow country lane without passing places;
- Development is contrary to the provisions of the adopted Development Plan;
- Development is contrary to the provisions of the National Planning Policy for Travellers Sites;
- Site lacks social, economic and environmental benefits to the outweigh the harms of the application;
- Development would be highly dependent on the use of the private motor vehicle to reach facilities and services;
- The application offers parking on site out of keeping with the likely parking needs of the applicants;
- Lack of evidence within the application to demonstrate the need for the development;
- The personal circumstances of the applicant are key to the proper consideration of this application and should be open to public scrutiny;

- Application site is located in the countryside, outside of any established settlement boundaries; and
- Proposed landscaping would take too long to effectively screen the site and would still leave it prominent in long views across the landscape.

Support comments note that communities should be open to minority groups and that the site seems suitable for its intended purpose.

General comments note a lack of evidence within the emergent Joint Local Plan to underpin the Council's proposed policies outlining their approach for dealing with applications for Gypsy and Traveller sites. Comments are also received from Strutt and Parker (Farms) Ltd, noting restrictive covenants in their favour on the land. They note the construction of a hardcore driveway and access to the site has already breached these covenants and they confirm they are considering further action to enforce the covenants.

It should be noted by members of Planning Committee that the covenants referred to by Strutt and Parker (Farms) Ltd constitute a civil matter between themselves and the owners of the land in question. The granting of planning permission on the site in opposition to the intended purpose of the covenant would not serve to overrule the nature of the covenant which could still be enforced by the party it is made in favour of.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: B/15/00056 Change of use of agricultural land to equine; **DECISION:** GRA
 Erection of stables, as amplified by 02.04.2015
 landscape details submitted by Ruston
 Planning, dated 02/04/2015.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site is a roughly rectangular parcel of land measuring 0.75 ha in size. It is relatively flat and open and laid to grass. An existing element of hardstanding is located at the north-western end of the site, for the siting of stables approved under application (B/15/00056) and an access has been installed approximately halfway along its south-western boundary.
- 1.2 It is located one mile to the north of Monks Eleigh, along Highlands Road, which runs along the south-western boundary of the site and the River Brett runs along its north-eastern. The site is surrounded on all sides by agricultural fields used for both arable farming and equestrian purposes with large field patterns and dividing hedgerows apparent.

2.0 The Proposal

- 2.1 The application proposes the change of use of the land to provide one traveller pitch comprising one mobile home, two touring caravans and one dayroom. They are arranged at the westernmost point in the site, opposite the stables. A stone track is proposed within the site to connect to the

existing access. The remainder of the site would be utilised for equestrian purposes and is shown as paddock land.

- 2.2 The mobile home, touring caravan and dayroom are all single storey in height, with the dayroom being the only built form. It is arranged in a simple square form, 6m by 5m with a 4m high roof, providing a living/dining/kitchen area, utility room and bathroom and is composed of brick walls with clay tile roof. No elevational details of the mobile home or touring caravans are presented as part of this application, but it is reasonable to assume that these would be restricted to one storey in height.
- 2.3 The application form is clear that one parking space suitable for cars are to be provided on site as well as one parking space for a light goods vehicle. The form states these are already present on site.
- 2.4 The application is clear that while accommodation would be provided by means of one mobile home and two touring caravans, these would collectively form one dwelling for use by one family resulting in a site density of 1.3 units per hectare.
- 2.5 The nearest neighbouring properties are identified as Second Pits and Wagger Farm. Wagger Farm is listed at Grade II and located on the northern side of the River Brett, 96m from the proposed development. Second Pits located on the southern side of Highlands Road is located 80m from the proposed development.

3.0 The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019. The Government's 2015 policy, the Planning Policy for Travellers Sites (PPTS), is to be read in conjunction with the NPPF and provides the principal national planning framework to guide land use decisions in respect to gypsy and traveller accommodation. The PPTS seeks, amongst other things, to promote more private traveller sites and increase the number of sites in appropriate locations whilst paying due regard to the protection of local amenity and the local environment.
- 3.2 Babergh benefits from a five-year housing supply. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform with the NPPF. Where they do not, they will carry less statutory weight.
- 3.3 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.

Assessment of Core Strategy Policies

- 3.4 Babergh Core Strategy policy CS1 sets out the Council's position with regards to sustainable development. This is reflective of the general approach outlined within the NPPF which seeks to grant planning permission for sustainable development in line with the policies of the Council unless there are no policies relevant to the application or the policies most important for determining the application are out of date. In which case CS1 is clear that planning permission should be granted unless the adverse impacts of granting said permission would significantly and demonstrably outweigh its benefits.
- 3.5 Core Strategy policy CS18 commits to providing pitches and plots to meet the identified needs of Gypsies and Travellers in the district. It identifies the preferred approach to meeting these needs through strategic housing sites, mixed use development or through small sites. It is clear that proposals for new Gypsy and Traveller pitches will be assessed against the provisions of CS2 and CS15 as well as other relevant policies.
- 3.6 CS2 sets out the settlement pattern policy within Babergh directing development sequentially to form a strategy to provide for a sustainable level of growth. The policy identifies categories of settlement within the district, with Towns and Urban Areas representing the most preferable location for development, followed by Core Villages and then Hinterland Villages. The countryside is defined as the areas outside of those categories of settlement referred to above. The application site falls outside of the categories set out as part of the settlement hierarchy policy and as such forms part of the countryside where development is to be resisted.
- 3.7 The NPPF seeks to avoid the use of blanket policies which generally prevent development based on its geographic location, preferring to take a more balanced approach. The NPPF does contain a not dissimilar test, however, set out at paragraph 79, it is only engaged where development is isolated. The definition of isolation in the context of this policy has been shown within court judgements to relate to physical isolation only. The application site is not considered to be physically isolated given the proximity of other residential buildings to it. It is therefore considered that paragraph 79 does not engage in this instance.
- 3.8 CS15 sets out the Council's approach to implementing sustainable development within the district, setting out 21 criteria against which applications should be judged in order to determine whether they represent sustainable development. It is not necessary to consider whether an application would comply with all 21 criteria as not all will necessarily be applicable or relevant to a given application. These broadly reflect the social, economic and environmental aspects of sustainable development identified by the NPPF but delve more deeply into the specific local criteria against which sustainable development can be measured.
- 3.9 In light of the above, CS18 identifies that the most important policies held within the 2014 Core Strategy for the determination of this application are CS2 and CS15. In assessing these policies in terms of their compliance with the NPPF, it cannot be held that CS2 can be afforded full material weight in the decision-making process in accordance with paragraph 213 of the NPPF. Therefore, the fact that the application site falls outside of any established settlement boundary and within the countryside for the purposes of planning policy, cannot be held to be determinative in this instance.
- 3.10 That being said, CS15 is more compliant with the NPPF generally following the sustainability principles set out in that document to assess sites based on their social, economic and environmental sustainability and is therefore afforded full material weight. Analysis of the application site against these criteria follows later within this report.

Assessment against PPTS

- 3.11 Before considering the site against the policies contained within the PPTS there is a need to identify whether the applicant meets the definition of gypsies and travellers given within the PPTS. Annex 1 of the document sets out the relevant criteria for making this assessment giving the following definition:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

In determining whether persons meet this definition, the following issues should be considered:

- a) Whether they previously led a nomadic habit of life;
- b) The reasons for ceasing their nomadic habit of life; and
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 3.12 It is understood that the applicants currently reside on an existing site where a precondition of occupation is meeting the definition referred to above. There is no reason before the Council to indicate that a different conclusion should be reached in this regard.
- 3.13 Policy C of the PPTS specifically deals with sites in rural areas and countryside. It requires that when assessing proposed sites in these locations, development should not dominate the nearest settled community. This is given further detail in paragraph 25 of Policy H – Determining planning applications for traveller sites, which states that very strict control is required to limit new traveller sites in the open countryside away from existing settlements or outside areas allocated in the development plan. Proposals should also respect the scale of nearby development and should avoid placing an undue pressure on the local infrastructure.
- 3.14 With regards to the scale of development, it is considered that one pitch would not be of such a scale so as to dominate the nearest settled community and therefore no conflict with Policy C, or the relevant section of paragraph 25 is identified. Monks Eleigh is identified as the nearest settlement to the application site and would give access to a very limited range of facilities and services. However, it is not thought that the scale of the proposed development would lead to undue pressure on the few facilities and services that exist in Monks Eleigh.
- 3.15 In addition to the above, a number of other considerations should also be made, including:
- a) the existing level of local provision and need for sites;
 - b) the availability (or lack) of alternative accommodation for the applicants;
 - c) other personal circumstances of the applicant;
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 3.16 The most recent needs assessment in this area is the Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Need Assessment was completed in 2017 to underpin the work on the emergent Joint Local Plan. It shows a need of one pitch within the district within the plan period (up to 2036).

- 3.17 There is nothing within the submitted documents to suggest that there is no availability at alternative accommodation for the applicants. That being said, the supporting documents are clear there is no availability for the applicants on their present site, which is outside of the district, and comments made by the Council's Strategic Housing Team note that there availability at sites within the district would be at the discretion of the owners of the various sites. It should be noted that consideration of point e) above, gives no weight to a lack of local connection to the area on behalf of the applicants.
- 3.18 Supporting documentation notes a number of personal circumstances surrounding the applicants. These will be explored in more detail alongside the specific legal duties of the Council later within this document.

Assessment against CS15

- 3.19 As previously mentioned CS15 sets out how the Council will implement sustainable development. A number of the criteria set out under that policy will be assessed within this report. Those that will not be considered below.
- 3.20 Policy CS15 seeks to minimise the need to travel by car and to promote travel by alternative means. The site is not well connected in highway connectivity terms. It is located 1 mile from the edge of the nearest settlement and is accessed by a narrow, unlit country lane with limited passing places. Monks Eleigh does not benefit from the range of services and facilities required to sustain residential development and connection to settlements further afield would likely be required in order meet the day to day needs of any future residents.
- 3.21 With regards to the economic benefits of the site such as providing support for local services paragraph 78 of the NPPF recognises the importance of development in rural areas providing support for services in the surrounding area. However, villages in the surrounding area are similarly poorly served and moreover the contribution of one dwelling towards their economic prosperity is likely to be low.

Other Matters

- 3.22 The supporting documents make reference to a number of other duties falling upon the Council and which are of relevance to this application. These include consideration of the Human Rights Act 1998 and to the degree to which not granting planning permission would constitute an interference with their home and family life. Section 149 of the Equality Act 2010 concerns the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The status of the applicants in meeting the definition of gypsy and traveller status confirms this applies.
- 3.23 Section 11(2) of the Children's Act 2004 requires that regard is given to the need to safeguard and promote the welfare of children in the discharge of the functions of a local authority.
- 3.24 With regards to the Public Sector Equality Duty set out within the Equality Act 2010 and with regards to the Human Rights Act 1998, refusal of planning permission would constitute interference with the rights of the applicant. However, this is considered to be slight given that the applicants already have access to an existing pitch on a lawful site.
- 3.25 With regards to the Council's duty under Section 11(2) of the Children's Act 2004, it is not held that there is an immediate safeguarding or welfare need to consider in the determination of this

application. Supporting documents make clear that the applicants currently live in cramped conditions, it is not held that the level of accommodation provided within this application would lead to an immediate improvement in this situation, especially given the lack of information that accompanies this application with regards to the internal dimensions of the proposed mobile home or touring caravans.

Conclusion

- 3.26 From reading the policies of the PPTS it is clear that the application is in conformity with a number of them. The weight applied to the lack of required sites is noted and material weight applied accordingly. However, the provisions of the document still point towards the need to determine whether the site represents a sustainable location for development.
- 3.27 In directly assessing the site against the criteria of sustainable development outlined within the NPPF, regard should be given to the three dimensions of sustainability outlined. Core Strategy policies CS1, CS15 and CS18 are found to be in conformity with the provisions of the NPPF and are therefore afforded full weight, while CS2 is not, and therefore afforded no material weight.
- 3.28 *Social Dimension* – The site would provide a single traveller pitch and would allow the family to vacate their existing pitch, freeing this up for use by another family unable to currently meet their needs. Provision of private pitches is identified as an aim of the PPTS, and this application would provide such a pitch. It is considered that this aspect of the development is given positive weight.
- 3.29 *Economic Dimension* – Economic benefits stemming from occupation of the site would be slight. Monks Eleigh, Brent Eleigh and Kettlebaston are not considered to offer the range of services and facilities to support the day-to-day needs of the applicants and it is considered that any economic impacts from the occupation of the site would be diverted to settlements further away. Little development would occur on the site itself and therefore no material weight is applied to this consideration.
- 3.30 *Environmental Dimension* – The site does not enjoy a strong functional relationship to the surrounding area. Access to the nearest settlement is made down a narrow, unlit road and given the distance involved and likely conflict with traffic would make it an unappealing prospect for pedestrians, especially those travelling with young children or who are otherwise infirm or disabled and as a result is likely to be highly reliant upon the private motor vehicle. It is considered that the identified harm to the setting of the nearby listed building as well as to the Special Landscape Area (SLA) would combine to apply negative weight to this aspect of the application.
- 3.31 Attention should also be drawn to the provisions of the emergent Joint Local Plan. This has progressed to Regulation 18 stage meaning that while weight can be applied to the document, it is of limited material weight. That being said, the policy direction contained within it mirrors the need for gypsy and traveller sites to be located in sustainable locations as required by the Core Strategy and the PPTS. This indicates that future applications for similar development on this site would continue to be assessed in the same manner.
- 3.32 In conclusion, the applicant is secure in their status, and the application is considered to be one that would bring social benefits. However, the environmental harms identified, both through the reliance of the use of private motor vehicles and to the character and appearance of the area are maintained. There is no economic benefit to the site to speak of. It is therefore considered that the benefits of the application do not add up to sufficiently outweigh the harm such that any planning permission granted would be contrary to the policies of the adopted Development Plan, and to the NPPF. It is considered that planning permission should therefore be refused. In giving regard to

the consideration of the three strands of sustainability it is considered that the same conclusion would be reached regardless of the status of the applicant.

4.0 Nearby Services and Connections Assessment of Proposal

- 4.1 As previously stated, the site is located close to the villages of Brent Eleigh, Monks Eleigh and Kettlebaston. Respectively, they are located 2.5 miles, 1 mile and 1.1 mile from the application site. Routes to the various villages make use of narrow, unlit country lanes, some allowing movement of traffic in either direction, some which make use of passing places.
- 4.2 Brent Eleigh is identified as a hinterland village within the settlement hierarchy set out within Core Strategy policy CS2. It is a relatively small village with a population of 174 taken during the 2011 census, as slight reduction from its 180-population measured in 2005. A few services and facilities are recorded within the village including a café, a public house and the village hall.
- 4.3 Monks Eleigh is also identified as a hinterland village. In terms of services and facilities, a public house and community shop are noted within the village with a café and group of furniture shops with are located at Bridge Farm Barns, located on the outskirts of Monks Eleigh and close to the junction of the A1141, B1115 and Highlands Road.
- 4.4 Kettlebaston is not listed within the settlement hierarchy policy and as such is held to form part of the countryside. Its population is correspondingly small, just over 30 inhabitants. No services or facilities are recorded here.
- 4.5 No bus services operate within the area with the exception of services to schools in Hadleigh, Sudbury and Great Cornard.
- 4.6 The closest Primary Schools within the area are identified as Bildeston Primary School, Whatfield Primary School and Kersey Primary School. Respectively they are located 2.8 miles, 5.5 miles and 5.6 miles from the application site. The closest Secondary Schools are which are identified as Hadleigh High School, Thomas Gainsborough School in Great Cornard and Ormiston Academy in Sudbury. Respectively they are located 7.3 miles, 10 miles and 9.4 miles away from the application site. The closest doctors' surgery is the Bildeston Health Centre, located 3 miles away.

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development has been assessed by the relevant Highway Authority in terms of its impact on highway safety, both individually and cumulatively. They have concluded that they do not consider that the development of the site would have an unacceptable impact on highways safety such that refusal on these grounds could be supported.
- 5.2 Parking on the site does not meet the required standard set out in Suffolk Guidance on Parking and required by Local Plan policy TP15 regardless of whether the site is considered to have similar needs to that of a residential dwelling or whether it is considered to represent a number of caravan pitches. That said, the number of additional spaces required is slight and the site contains sufficient space that additional on-site parking could be achieved close the mobile home and touring caravans. Therefore, it is not considered that this deficiency is such that a refusal on these grounds could be supported.

6.0 Design and Layout

- 6.1 The layout of the built form within the site is arranged around the western boundary of the site. Submitted drawings show the stables approved under B/15/00056 forming part of the proposed layout, as such it is assumed that this will be built out with the dayroom, touring caravans and mobile home curling around the western site boundary.
- 6.2 The design of the dayroom is fairly simple, but this is considered to be acceptable considering the functional nature of the building and the design itself is not unpleasant. There is a lack of detail for the touring caravans and the mobile home. These are assumed to be single storey in height and would be typical in terms of their design.
- 6.3 Local Plan policy CN01 NPPF

7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The site is deemed to form part of a valued landscape owing to its dual designation status. Core Strategy policy CS15 requires that development respect the landscape and its features while Local Plan policy CR04 requires the maintenance or enhancement of the SLA by development within the SLA.
- 7.2 The Joint Babergh Mid Suffolk District Council Landscape Guidance (2015) identifies the site as forming part of the Rolling Valley Farmland Special Landscape Area (SLA). The SLA is formed of the valley sides along the Rivers Stour, Brett, Brad, Box, Chad Brook and Glem. The soils of the are ideal for farming, with small and medium sized historic field patterns apparent as are some disused mineral excavations and ancient woodlands. Development within this area should retain, enhance and restore the distinctive landscape and settlement character of the SLA.
- 7.3 The edge of the site is already well defined by established hedgerows and the application seeks to strengthen those hedgerows closest to the proposed development using native species. This is welcomed as it will reinforce the field patterns seen within the wider landscape.
- 7.4 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." The site is open, laid to grass with the exception of the surrounding hedgerow. It is not considered that the relative low level of development proposed within the application would not give rise to unacceptable ecological impacts. Indeed, conditions applied to the application could provide opportunity to create net gains for biodiversity within the site.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1 The application has been assessed by the Council's Environmental Health Team who confirm they have no objection to the proposed development. They only note that in the event of discovery of unexpected land contamination, the responsibility lies with the developer to remediate the land. This accords with paragraph 181 of the NPPF.
- 8.2 The site is located within Flood Zone 1 and is not of sufficient size to require a flood risk assessment to be provided. The application form shows that surface water would be dealt with as part of a soakaway. Building Regulations require compliance with Approved Document Part H which sets out the necessary works required to ensure issues surrounding drainage are adequately dealt with.

8.3 The application form shows that foul sewage is intended to be dealt with through connection to a septic tank which would not be unusual given the rural location of the application site.

9.0 Heritage Issues

9.1 Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard be given to the desirability of the preservation of the listed building, its setting or any special features it may possess. Similar requirements are placed upon development by virtue of Local Plan policy CN06 while paragraph 193 of the NPPF places great weight on the preservation of a designated heritage asset.

9.2 With regard to the application at hand, Wagger Farm is a Grade II listed building, located 96 metres from the application site. The farmhouse itself dates from C16 and C17 and its setting informed by the arable land, woodland and paddock which surrounds it on all sides.

9.3 Consultation with the Council's Heritage Team identifies a low level of less than substantial harm to the setting of Wagger Farm through the introduction of alien features associated with the touring caravans and mobile home proposed on the application site. Where a less than substantial level of harm is identified, the NPPF requires that the test, set out at paragraph 196, to balance the harm against the positive public benefits of the application, be carried out.

9.4 With regards to the positive public benefits of the application, some weight is applied to the provision of a single gypsy pitch in line with the aims of the PPTS, as is the freeing up of another pitch on another site. The fact that this lies outside of the district is noted, but is nevertheless considered to be a wider benefit of the scheme. However, this is not sufficient to outweigh the great weight that should be applied to the conservation of the setting of the heritage asset as directed by the NPPF. It is therefore considered that the application fails in this regard.

9.5 Comment has been made by the agent with regards to the comments of the Heritage Team with regards to an application at Wagger Farm. The agent notes that if they have particular issue with the materials to be utilised within the application, this could be controlled by condition if Planning Committee were so minded.

10.0 Impact on Residential Amenity

10.1 It is not considered that the development of the site would lead to unacceptable impacts upon the existing residential amenity for neighbouring properties. The intervening distances between the neighbouring properties and the application site are such that while views across the landscape are possible both from the site and towards it, no opportunities for overlooking or impinging on privacy are possible.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

12.1 The applicant enjoys gypsy status as defined within the PPTS with the application brings social benefits through the delivery of one private pitch within the district. The relocation of the applicant and their family to a home more tailored to their needs is supported. However, the application at hand does not give sufficient detail to give the Council certainty that this would be the result of this

application. Additional social weight could be given to the freeing up of another pitch in a neighbouring district were this application to be successful.

- 12.2 The site is not well physically related to the surrounding settlements. Pedestrian access is unlikely to be utilised and the occupants of the site are considered to be highly reliant on the private motor vehicle to meet their day to day needs. Local transport options are limited to school transport and few services and facilities are available within Brent Eleigh, Monks Eleigh and Kettlebaston. This conflicts with paragraph 25 of the PPTS as well as with policy CS15 of the adopted Local Plan.
- 12.3 Additional harm is identified with regards to the impacts on the setting of Wagger Farm that fails to be offset by the public benefits of the application. This, combined with the high level of car dependency arising from the location of the development, combine to apply a strong negative weight to the application.
- 12.4 Any economic benefits accruing from the proposal are, at best, marginal.
- 12.5 It is considered, on balance, that the environmental harm that would arise as a result of granting planning permission would significantly and demonstrably outweigh the social and economic benefits of the scheme. Sustainable development would not be delivered, and it is recommended that planning permission be refused.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:

1. The proposed development for the creation of one new gypsy and traveller pitch comprised of one mobile home and two touring caravans fails to accord with the requirements expected for developments within the countryside, contrary to Policy CS2 of the Babergh Core Strategy (2014). Furthermore, the development fails to comply with the requirements of paragraph 8 of the NPPF, with the proposed development not considered to form sustainable development, with particular with regards to the poor access to services and sustainable transport links.

The proposed development is situated on land outside of any settlement boundary remote from services and would lead to reliance on private car use which would not promote healthy living or sustainable transport, contrary to policy CS15 of the Babergh Core Strategy (2014) and paragraphs 8, 91, 103, 117 and 122 of the NPPF.

As such the proposal is not acceptable in principle, being contrary to paragraphs 8, 91, 103, 117 and 122 of the NPPF (2019) and Policies CS2 and CS15 of the Core Strategy (2014).

2. Further, the application would result in a less than substantial level of harm to the setting of Wagger Farm, a Grade II listed farmhouse through the introduction of both alien materials and roof forms belonging to the proposed mobile homes and touring caravans. No positive public benefits associated with proposed development are identified as required by paragraph 196 of the NPPF.

Consequently, the application is held to be contrary to policy CS15 of the Babergh Core Strategy as well as policy CN06 of the Babergh Local Plan. It would also not accord with Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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Application No: DC/19/04923

Parish: Monks Eleigh

Location: Land North of Second Pits Highland Road



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Agenda Item 6b

Committee Report

Item 6B

Reference: DC/19/00291

Case Officer: Jack Wilkinson

Ward: Copdock and Washbrook

Ward Member: Cllr David Busby

Description of Development

Outline Planning Application - Erection of up to 45 dwellings, and shared foot/cycle path and access.

Location

Site: Land West Of Church Road, Bentley, Ipswich

Parish: Bentley

Site Area: 2.89ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 21.01.2019

Expiry Date: 02.03.2020

Application Type: Outline Planning Permission

Development Type: Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr D E J Baker

Agent: Code Development Planners Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online at <https://planning.baberghmidsuffolk.gov.uk/online-applications/>

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The proposal exceeds 15 no. residential dwellings.
-

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the determination of this application.

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

Development Plan Documents

Babergh Local Plan (2011 – 2031 Core Strategy)

- CS1 - Applying the presumption in favour of sustainable development
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS11 - Strategy for Development for Core and Hinterland Villages
- CS14 - Green Infrastructure
- CS13 - Renewable/ Low Carbon Energy
- CS15 - Implementing sustainable development in Babergh
- CS18 - Mix and Type of Dwellings
- CS19 - Affordable Housing
- CR02 - AONB Landscape
- CR04 - Special Landscape Areas
- TP15 - Parking Standards

Bentley Neighbourhood Plan (2018)

On 12 July 2018, Bentley Parish Council submitted an application to define the boundary of their Neighbourhood Plan. Under the Neighbourhood Planning (General) Regulations 2012 (as amended), Babergh District Council confirmed the designated NDP area on 16 July 2018. The plan is of limited weight and is not part of the Development Plan; it is not judged to be a determinative consideration in relation to this application though regard has been paid to it.

Other material documents and Supplementary Planning Documents

National Planning Policy Framework (2019)

Suffolk Adopted Parking Standards (2015)

Suffolk Design Guide (2000)

Babergh and Mid Suffolk District Council Landscape Guidance (2015)

Rural Development & Core Strategy Policy CS11 SPD (2014)

Emerging Local Plan

Babergh & Mid Suffolk Joint Local Plan (Reg. 18 draft, July 2019)

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Pre-application discussions were held between the Applicant and Council Officers under reference DC/18/03634. Pre-application response provided on 22nd October 2018.

Consultations and Representations

During the course of the application consultation, responses have been received. These are summarised below.

A: Summary of Consultations

EDF Energy

No Objection. As an electricity and gas supplier we are only responsible for installing the meters. This occurs after all the utility infrastructure and building work has been completed. Please contact your Local Network Operator to discuss installation of services.

Arboricultural Officer

No Objection. Works to be undertaken in accordance with the measures outlined in the accompanying Arboricultural report. Although a small number of trees are proposed for removal, they are of limited amenity value and their loss will have negligible impact upon the character of the local area. If recommending approval then we will also require a detailed Arboricultural Method Statement in order to help ensure harm is not caused to the trees scheduled for retention, this can be dealt with under condition.

SCC Archaeology

No Objection. There is high potential for the discovery of belowground 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. As such conditions to include a written scheme of investigation as well as site investigation and post investigation assessment have been requested.

Lead Local Flood Authority

No Objection. Recommend Approval of the application from the documents provided, subject to a condition in relation to surface water drainage on the site.

Land Contamination

No objection to the application from the information provided. Only requested that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Fire and Rescue

No Objection. Access to buildings for fire appliances and firefighters must meet requirements specified in Building Regulations. Suffolk Fire and Rescue Service also requires a minimum capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in Building Regulations. Recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

Natural England

No Objection. This development does however fall 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', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

Place Services (Ecology)

No Objection. The ecological mitigation and enhancement measures identified Ecological Impact Assessment (Southern Ecological Solutions, January 2019) should be secured and implemented. This is necessary to conserve Protected and Priority species. The site is also located within the Zone of Influence for the Stour and Orwell Estuaries SPA & Ramsar site. As such, financial contributions will need to be sought. Conditions have therefore also been

requested to secure a proportionate financial contribution towards visitor management measures for the Stour & Orwell Estuaries SPA and Ramsar site as well as a condition to secure ecological mitigation and enhancements.

SCC Strategic Development

No Objection. Set out below are Suffolk County Council's views, which provides our infrastructure requirements associated with the development proposed within the district and this will need to be considered by the Council. This has consideration to the impacts of the development on local infrastructure with regards to Education, Transport, Libraries and Waste.

Environmental Health (Sustainability)

No Objection, subject to condition with regards to a sustainability strategy. The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Environmental Health (Noise, Odour, Light and Smoke)

No Objection. However, noise and dust from the construction phase may be apparent to existing occupiers of neighbouring dwellings. Therefore, a set of conditions is recommended to require the submission of a construction management plan as the submission of full acoustic details of the proposed pumping station to the LPA.

Environmental Health (Air Quality)

No Objection. It is considered that the likelihood of this developer causing a significant deterioration in air quality is low owing to the good existing air quality at the site and the relatively small-scale nature of the proposed development.

Environment Agency

No Comments.

SCC Travel Plan

No Comments. The existing sustainable transport infrastructure is limited for commuting purposes, in addition to the development being too small to justify a Travel Plan in accordance with national planning guidance.

Heritage Team

No Comments.

SCC Highways

No Objection. It is considered that from the information provided, this development should not be prevented or refused on highways grounds as there are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would not be severe (paragraph 109 NPPF). Subject to conditions in relation to visibility, details of estate roads and footpaths, discharge of surface water, junction widening, construction management plan and the manoeuvring and parking of vehicles.

Place Services (Landscaping)

No Objection. The site is within a Special Landscape Area. Policy CR04 Special Landscape Areas (Babergh Local Plan, 2006) states that development proposals in Special Landscape Areas will only be permitted where they maintain or enhance the special landscape qualities of the area and ensure that the proposal is designed and sited so as to harmonise with the landscape setting. The site also sits within the Suffolk Coast and Heaths AONB Project Area which is covered in the Management Plan (2013-2018); therefore, Policy CR02 AONB Landscape applies. Therefore, conditions are recommended to provide safe crossing points,

green corridor provision, incorporating the development into the existing landscape character, rumble strips, open space, sustainable drainage, and ensuring sensible design and planting.

Anglian Water

No Objection. The foul drainage from this development is in the catchment of Bentley Water Recycling Centre that will have available capacity for these flows. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.

Public Realm

No Objection. Public Realm would require either the 10% publicly accessible open space provision either on site or through an agreement with Bentley PC to provide a contribution to improve existing open space elsewhere within the village.

SCC Growth, Highways and Infrastructure

I understand the application has now been revised to remove the pupil drop-off and pick-up area for the primary school. The pupil drop-off and pick-up area was actively discussed by the applicant with the community (but not with SCC) before the application was originally submitted, and aspirations will have been raised during the community engagement. SCC is not able to fund the pupil drop-off and pick-up area, but the applicant could have delivered the pupil drop-off and pick-up area which would have been of benefit to the primary school.

This is a large development and ideally the County Council would like to see a plan-led approach to housing growth in the locality, which would also identify the infrastructure requirements based on cumulative growth. As stated in the agent's letter on the Babergh District Council's planning webpage (17 December 2019) a second proposal is linked to the success of this application proposal. Therefore, the risk here is that individual developer-led applications, including applications that may deliver future phases of the development, are granted planning permission without proper consideration being given to the cumulative impacts on essential infrastructure including highway impacts and school provision. All developer-led proposals must mitigate the impacts on education provision. The strategy discussed below has only focused on mitigating the additional 45 dwellings.

Should further proposals be forthcoming it is likely a totally new education strategy will be required which may not be achievable without additional land for the primary school.

Strategic Housing

Objection. In the current framework an affordable housing contribution will be required of 35% of the total number of dwellings. The second site (off Station Road) is a potential rural exception site. We do not endorse this arrangement. A rural exception site is a separate proposal of purely affordable homes. It is brought forward to meet a specific local need for people with a local connection to Bentley in the first instance. A local housing needs survey has evidenced the need for a rural exception scheme, however the proposal does not seek to address the conclusions reached, offering a contradictory scheme.

Planning Policy

Objection. The proposal is very speculative with no attempt to align with the emerging strategic plan led approach, which does not encourage such a large-scale proposal in this rural location. The principle of development is considered unacceptable. In consideration of the above, the proposed development is not considered a suitable location for a major housing scheme, as it does not provide satisfactory mitigation and will cause harm in infrastructure terms, as per

above. The Strategic Planning Team therefore cannot support the proposal and recommends that planning permission is refused.

Bentley Parish Council

Objection. Recommend Refusal of the application due to the proposal not meeting policy CS11 as it is outside the village envelope, not a justifiable need, disproportionate size in relation to the village and the cumulative housing numbers in the local core and hinterland villages. It is also considered to fail to meet policies CS2 due to the impact on social and physical infrastructure. Finally, the application is objected to on the grounds of CS15 and concerns at the impact on the Special Landscape Area.

B: Representations

A number of representations were received from members of the public, summarised as follows:

Letters of objection consisting of:

- Concerns with the size of the development - Especially in consideration with other developments recently granted in the village.
- Development will change the unique and rural village character; loss of village community feel and character.
- Level of growth is disproportionate for the village.
- Doesn't reflect the village needs.
- Is over and above what is required or needed and suggests overdevelopment.
- If the application is approved, then this whole area of village will become open to future development – will start to urbanise the area.
- Conflicts with local plan - Current neighbourhood plan under development which opposes this size of development.
- 45 new homes would see the village grow near to 25% (when including all other approved applications) which opposes the recommended 5-10% in the 2014/15 affordable housing assessment by the council.
- Not in character of the village.
- 2.5 storey dwellings looming down on the nearby bungalows would create a significant loss in privacy.
- 2.5 storey dwellings would be out of character with existing buildings. (Mostly bungalow and 2-storey in Bentley)
- Proposed drainage lagoons will be an 'eyesore' and a potential risk to children.
- Drainage lagoons and cycle paths seem superfluous.
- Proposed footpaths will become essentially a dark alley as it cannot be illuminated, threatening the security of the premises adjacent and safety of vulnerable people using it.
- Access to proposed site would cause huge issues (Due to problems with Church Road - noted below).
- Proposed cycle way that extends along the proposed southern boundary leads to the existing playing field, on which, cycling is not permitted. Therefore, it is believed its being proposed to serve future expansion that would follow.
- Proposal does not enhance the rural character of the location or the existing population.
- The development does not appear to be an integration as such into the village, but more of a separate housing estate.
- Unsustainable with villages current infrastructure.

- Increase of cars and traffic.
- Church Road especially considered unsuitable and unsafe with more traffic.
- Church Road often restricted as is one lane/already narrow. Its impassable at certain points if vehicles are approaching from opposite directions.
- Church Road also subject to regular flooding and in winter months can also make it impassable due to ice and snow (road is not salted or gritted).
- Church Road also regularly used by dog walkers, ramblers and horse riders that would see increased risk due to traffic.
- Roads not suitable for delivery vehicles; will cause noise, disturbance, traffic safety and congestion issues.
- Development will add pressure to existing services.
- Primary school is already at its maximum capacity; pupil admission is just 8 per year group and would mean new residents have to travel out of the village for their children's education.
- Sewage treatment plant also already under pressure.
- Medical services already in need of improvement. Concerns that this would be pushed into further decline.
- Concern that the traffic survey was carried out during school holidays, therefore, didn't reflect the true amount of traffic in the village.
- Negative effect on wildlife.
- Site is home to a large variety of flora and fauna.
- Concerns with habitat loss and its influence on the decline of native wildlife.
- Proposed drainage lagoons will be a potential risk to wildlife.
- The development will cut off a natural corridor in the hedgerow.
- Construction of the site alone would have detrimental effect on the environment: killing off vegetation and insects and scaring off mammals and birds.
- Concern with the depth and scope of the environmental impact survey and phase 1 habitat assessment, and questions as to whether this was truly an independent survey.
- Broadband, electrics and gas are currently poor in the village; development of this size will only deplete this further.
- No real employment opportunities in Bentley – More cars on the road to travel out of the village
- Limited access to public transport. – Bus service to and from the village recently cut.
- Farmland should be preserved.
- Proposed site is within a Special Landscape Area.
- Nearby woodlands are soon to be classed as an AONB.
- Development sits outside the village envelope.

A petition was also submitted with 215 no. signatures. This has been formally registered through the Councils Petition scheme as an objection.

Letters of support consisting of:

- Objections are similar to those expressed for the '28 holiday lodges'
- Village envelope is extinct
- Housing development in the countryside is a 'fact of life'
- Critic of housing enabling officer comments
- Critic of planned delivery of homes
- Critic of SHELAA assessment

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.

1 The Site and Surroundings

- 1.1 The 2.89ha application site is located at the northern edge adjoining the defined Built Up Area Boundary (BUAB) of Bentley (a Hinterland Village). The site is part of an agricultural field and is currently of arable nature.
- 1.2 To the immediate west and north is open countryside of arable nature, with long established residential dwellings of varying single and two-storey form situated east and south. Immediately east is Church Road. To the immediate south are residential dwellings accessible via cul-de-sacs from Station Road, an arterial route through Bentley village. The site forms a 'backland' route between the west and east of the village, and vice versa.
- 1.3 The landscape falls from west to north-east with Church Road towards Bentley Primary School, which itself is set on a slightly higher contour. The site is set within the Dodnash Special Landscape Area (SLA) and Suffolk Coast and Heaths AONB Project Area. The wider area is predominantly rural, located within the Stour and Orwell Estuaries SPA / Ramsar.

2 The Proposal

- 2.1 Outline planning permission is sought for the erection of up to 45 no. residential dwellings inclusive of vehicular access as proposed on the Application Form.
- 2.2 A parameters plan has been provided to demonstrate the developable areas relative to the key outline features. Key elements of the proposal are as follows:
 - 2.89ha site area
 - Up to 45 no. residential units (including 35% affordable housing (subject to 'the Station Road site') set at 15.4dpha, across a spatial area of circa 2.00ha, comprising of 2 and 2.5 storey units.
 - A new vehicular access from Church Road
 - Combined cycle / pedestrian link at circa 0.10ha
 - Public open space (including infiltration basin and associated utilities, surface water management, pumping station and green infrastructure) set across a spatial area of circa 0.39ha
 - Landscaping to southern and eastern perimeter edges at circa 0.40ha
- 2.3 As an outline application, detailed matters relating to access (insofar as internal circulation routes are concerned), layout, appearance, scale, and landscaping are reserved for formal determination at a later date. Where all matters save for access into the site are reserved, Members are tasked with considering the acceptability of the principle of the development applied for, alongside the suitability of highway access from Church Road which is included in the application.

3 Policy Framework

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework (NPPF) of 2019 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.
- 3.3 The policies of the NPPF should be considered as a whole. However, the following are of particular and direct relevance to this application:
- Paragraphs 8 and 9 (Achieving Sustainable Development)
 - Paragraphs 11 and 12 (The Presumption in Favour of Sustainable Development)
 - Paragraph 77 (Rural Housing)
 - Paragraph 98 (Open Space and Recreation)
 - Paragraphs 108, 109, and 111 (Promoting Sustainable Transport)
 - Paragraph 127 (Achieving Well-Designed Places)
 - Paragraphs 163 and 165 (Planning and Flood Risk)
 - Section 15 (Conserving and Enhancing the Natural Environment)
 - Paragraph 189 (Proposals Affecting Heritage Assets)
 - Paragraph 213 (Annex 1: Implementation)
- 3.4 The NPPF is supported and complemented by the PPG. The guidance provided by the PPG is advice on procedure rather than explicit policy and is an online reference as a living document. It too is an important material consideration alongside the NPPF.
- 3.5 Paragraph 213 states that existing policies should not be considered out of date simply because they were adopted prior to the 2019 iteration of the NPPF. It goes on to state that “due weight should be given to [development plan policies], according to their degree of consistency with this Framework”.
- 3.6 Policy CS1 - Applying the Presumption in favour of Sustainable Development in Babergh
- 3.7 Policy CS1 is in-step with paragraph 11 of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. The operation known as the “tilted balance” (under paragraph 11d of the NPPF and Policy CS1) engages where the most important policies for determining an application are out of date. This does not apply here: the Council can demonstrate a deliverable housing land supply of 5.67 years and taken in the round the most important policies for determining the application are up to date.
- 3.8 Policies CS1, CS11, CS14, and CS15 are all considered to be fully consistent with the NPPF and are given full weight.
- 3.9 Policy CS2 - Settlement Pattern Policy
- 3.10 Policy CS2 has previously been found to be consistent with national policy; hence, forming part of the Core Strategy as a post 2012 NPPF development plan document. It provides a strategy for the distribution of development that is appropriate in

recognising local circumstances and its overall strategy remains sound. However, in the absence of an allocations document and settlement boundaries review (which has been absent for several years but has in practice been overtaken by the preparation of the emerging JLP) it should be afforded less than full weight. This is also the case because national policy continues to require that policies are tested for their consistency with the NPPF: the 'exceptional circumstances' threshold is not entirely consistent with the NPPF and this has been recognised repeatedly in appeal decisions following the most recent NPPF publication (see, for example, appeal references: 3219950, 3222941, 3229105 and 3211347)

3.11 While a lesser weight is given to policy CS2, its place within the development plan cannot be supplanted, however.

3.12 Policy CS11 - Strategy for Development in Core and Hinterland Villages

3.13 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.

3.14 The site is an edge-of-settlement location where the criteria set out at Policy CS11 are engaged.

3.15 Policy CS11 states that development in hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:

(a) *Core villages criteria:*

- 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);*
- iii) *site location and sequential approach to site selection;*
- iv) *locally identified need - housing and employment, and specific local needs such as affordable housing;*
- v) *locally identified community needs; and*
- vi) *cumulative impact of development in the area in respect of social, physical and environmental impacts.*

(b) *Additional hinterland village criteria:*

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

3.16 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared 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.

3.17 Emerging Joint Local Plan

3.18 The Council is developing a new Local Plan, that has recently completed a round of consultation (July – September 2019). The application site is not identified in the emerging plan at the current Regulation 18 stage.

3.19 Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to:

- “1. the stage of preparation of the emerging plan;*
- 2. the extent to which there are unresolved objections to relevant policies in the emerging plan; and*
- 3. the degree of consistency of relevant policies to the policies in the Framework.”*

3.20 Further to this it is noted that this site is not proposed to be allocated within the emerging Joint Local Plan. The matter of prematurity has been raised in relation to the NPPF. Paragraph 49 of the NPPF identifies that prematurity is unlikely to be a ground for refusal for a development unless both the following statements apply:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

3.21 Members will note that both of the above clauses need to be met to be able to refuse planning permission on the basis of prematurity. Neither the emerging Joint Local Plan (JLP) or the Bentley Neighbourhood Development Plan are at an advanced stage in their preparation for the purposes of this statement. The Emerging Joint Local Plan is, therefore, considered to carry limited weight in the consideration of the application, and as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up to-date planning policies and the NPPF.

3.22 **ASSESSMENT**

3.23 Taking the above into account, what now follows is an assessment of the application and in respect of the key issues that have been identified (with most important policies applicable), as follows:

- The Principle of Development (Policies CS2 and CS11);

- Effect on Landscape, Context, and Character (Policies CS11, CS14, and CS15);
- Highway Impacts: Access and Capacity (Policies CS11 and CS15);
- Other Matters

3.24 As will be set out, the application falls to be determined and refused in accordance with the development plan as there are no material considerations that would indicate Members should take a decision other than in accordance with that direction.

4 The Principle of Development (Policies CS2 and CS11)

4.1 The relevant local policy context is not one that is expressly prohibitive of development. This is a well-established position given the fact planning permissions for housing on greenfield sites outside of settlement boundaries across the district have been variously granted by Council.

4.2 Policy CS2 states that outside of a settlement boundary development will only be permitted in exceptional circumstances subject to a proven justifiable need. The site is outside of the settlement boundary / Bentley BUAB and therefore the policy is engaged. It is a key factor in determining the ‘in-principle’ acceptability of the application.

4.3 Policy CS11 is of similar importance. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are considered in turn below. Subject to specified criteria, it supports development beyond the existing BUAB of Core and Hinterland villages. In common with policy CS2, for Hinterland villages it states that development will be approved where (among other things) the Council is satisfied that the issue of locally identified need (for housing and specific local needs such as affordable housing) has been addressed. The policy is clear that all proposals for development in Hinterland villages must demonstrate how they meet all of the specified criteria.

4.4 The proper interpretation of planning policy is a matter of law. The meaning of “locally identified need” for housing, as a criterion of policy CS11, has been considered by the High Court (*R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin)). Taking that into account, locally identified housing need is considered to encompass the needs of a village and its functional cluster, and perhaps in areas immediately adjoining it.

4.5 As an application for up to 45 no. residential units in a Hinterland village, it is incumbent upon the Applicant to provide evidence to meet that test. Such a requirement is explained further within the CS11 SPD, which states:

“... Developers should therefore set out how the proposal meets these locally identified needs. This should include an analysis of the number and types of dwelling in the village, an assessment the need for housing in the village and the identification of any gaps in provision. Proposals should provide affordable housing in accordance with Policy CS19. Proposals should therefore be accompanied by a statement that analyses the local housing, employment and community needs of the village and how they have been taken into account in the proposal. It is anticipated that such statements should be prepared in consultation with the Council using evidence from a number of sources”.

- 4.6 The application is supported by a *CS11 Compliance Statement*, and also a *Local Housing Needs Assessment (LHNA)* dated 10th December 2019.
- 4.7 In respect of the LHNA first and the “locally identified [housing and specific local needs such as affordable housing] need” the scheme could meet the policy test and follow the guidance within the SPD. Essentially, the LHNA report outlines a local housing need at a local and district wide level, providing commentary around local housing need and highlighting that more supply is needed. In response, the scheme would (either solely or in part) reduce the deficit identified in the Applicant’s assessment. The scheme does not categorically ensure 35% Affordable Housing provision on site, as reference is made to another site on Station Road, which could also contribute to the overall need in Bentley. As the LHNA states, there is demand, and there is no reason why this site should be treated differently given the local housing needs of the locality. The motion to provide 35% across two sites as mentioned in paragraph 7.29 of the Planning Statement through appropriate S106 trigger is considered.
- 4.8 Paragraph 77 of the NPPF states: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs”*.
- 4.9 The Bergholt judgment has been clear that in respect of the relationship between policies CS2 and CS11, for developments outside of BUAB if there is to be compliance with policy CS2 then there must be both a proven justifiable need and exceptional circumstances; compliance with the requirements of policy CS11 might assist the Council with being satisfied in that respect but it does not override the requirement to meet them.
- 4.10 This report will now consider the other criteria of Policy CS11 and how they are addressed by the application. Such considerations have been informed by the guidance contained within the CS11 SPD:
- i) *The landscape, environmental and heritage characteristics of the village*
- 4.11 Policy CS11 envisages that there will be some development in the countryside and it is axiomatic that the development of a greenfield site will result in an element of adverse impact; the key question is whether the character impact of the development is reasonably contained or can be mitigated to an acceptable degree.
- 4.12 The site is within the Dodnash SLA. Policy CR04 states that development proposals in Special Landscape Areas will only be permitted where they maintain or enhance the special landscape qualities of the area and ensure that the proposal is designed and sited so as to harmonise with the landscape setting. The site also sits within the Suffolk Coast and Heaths AONB Project Area which is covered in the Management Plan (2013-2018); therefore Policy CR02 also applies. The site is not in a Conservation Area, and nor does it impact the setting of a Conservation Area, or Heritage Asset.
- 4.13 The Landscape and Visual Appraisal submitted with the application notes that the proposal would result in the loss of agricultural land and a change to public visual receptors. The Appraisal (if followed) could reduce the visual and landscape impact of a development in this area through appropriate mitigation.
- 4.14 In considering effects upon landscape character, the site would materially alter the view by receptors from Church Road, and views experienced by residents located south and east of the defined red line. Whilst the site adjoins built settlement situated south and east, the eastern boundary is partially open in places, with the western and

northern boundaries widely open. Landscape mitigation could reduce the inevitable urbanising effects of the scheme, however given the open nature, Officers consider conflict with the scheme would not maintain or enhance the special landscape qualities identified. The scheme therefore presents a degree conflict with this strand of CS11.

ii) The locational context of the village and the proposed development

4.15 This is considered in the next section; the scheme presents conflict with this strand of CS11.

iii) Site location and sequential approach to site selection

4.16 The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the Bentley settlement boundary which would enable a development of a scale commensurate with that proposed. There are no other brownfield sites being promoted for development within or around Bentley of this scale. Case law, namely *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin), has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier. The scheme does not conflict with this strand of CS11.

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

4.17 As discussed above, the scheme conflicts with this strand of CS11.

v) Locally Identified Community Needs

4.18 The CS11 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. The application is not supported by a specific community needs assessment. Officers note that the scheme proposes; an area of land for public open space, a cycle / pedestrian link, footpath improvements to Church Road, biodiversity enhancements and improvements to foul water drainage. The extent to which this represents a realistic and feasible option is unclear and the need that such land is intended to satisfy is unknown.

4.19 Regardless, 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 a community needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11. The absence of a supporting community needs assessment, whilst not weighing in favour of the application, is not fatal to it.

vi) Cumulative impact of development in the area in respect of social, physical and environmental impact.

4.20 The SPD identifies at paragraph 13, that; "*cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account*".

- 4.21 Comments received have been critical of the strain that the development would place on local services, in particular pedestrian and vehicular highways, education and health infrastructure. However, there is no technical evidence before officers to suggest the scheme would result in an unacceptable cumulative impact on the area in the context of such impacts; or, rather, it has not been evidenced that without an appropriate mitigating mechanism there will be an unacceptable infrastructural burden.
- 4.22 There is no denying that an up to 45 no. residential unit development would generate increased infrastructure demand. However, as per well-established practice, CIL contributions are expected to be used to ensure existing infrastructure capacity is supported to accommodate additional demand. This approach is consistent with that promoted within policy CS11, which states:
- “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”.*
- 4.23 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 new / expanded health and / or education facilities. Additional infrastructure need 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.
- 4.24 However, concerns raised in relation to potential infrastructure impacts are shared; this aspect is treated separately in a separate section of this report. Due to those concerns this criterion of policy CS11 is not satisfied.
- 4.25 Further criteria of Policy CS11 relating to Hinterland Villages
- 4.26 And due to the Hinterland location, that the proposed development should be:
- i) Well designed and appropriate in size / scale, layout and character to its setting and to the village
- 4.27 This is considered in the next section; the application fails to satisfy this criterion of policy CS11.
- ii) Is adjacent or well related to the existing pattern of development for that settlement
- 4.28 This is considered in the next section; the application fails to satisfy this criterion of policy CS11.
- iii) Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan
- 4.29 As above, the application fails to satisfy this criterion of policy CS11.
- iv) Supports local services and/or creates or expands employment opportunities

- 4.30 While the proposal is unlikely to directly create or expand employment opportunities, it would not hinder or prejudice them. Bearing in mind the accessibility of the site to nearby services, facilities and amenities, it is likely that the future occupiers would support local services, however such services, facilities and amenities are of limited availability. The application is limited in its ability to satisfy this criterion of policy CS11.
- vi) Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster
- 4.31 The *Bentley Neighbourhood Plan* is not an adopted document and does not form part of the development plan. An approval of this application would not therefore compromise the delivery of permissions within that village or the wider functional cluster.
- 4.32 Summary
- 4.33 In respect of the application before Members, there are no exceptional circumstances in favour of a grant of permission. The burden of showing that there is a local need for up to 45 no. new residential dwellings falls squarely on the Applicant and the evidence provided is less than satisfactory. The scheme does not guarantee a policy compliant or sufficient level of affordable housing provision, which would reduce the deficit identified in the Applicant's LHNA assessment. This is a stark contradiction, with no proven or justified need for the affordable housing shortfall proposed. Manifestly, there is a clear breach of both policies CS2 and CS11, two of the most important policies for the determination of the application and certainly as appurtenant to the principle of residential development in the location proposed.
- 4.34 The lack of exceptional circumstances or justified need for the development weighs against a grant of permission even where a lesser weighting is afforded to Policy CS2; the development clearly conflicts with that policy.
- 4.35 For the reasons set out, the application has failed to satisfy policy CS2 not least because it does not demonstrate a proven justifiable need and for that reason it also cannot find favour under policy CS11 which is the policy that would otherwise provide flexibility in the circumstances of a development for a Hinterland village.
- 4.36 Having regard for the above the application fails to satisfy criteria ii., iv., vi., of the main policy and i., ii., and iii. of the Hinterland criteria. Policy CS11 also requires that proposals score positively when judged against policy CS15 (discussed later in this report). Bearing in mind the key issues that have been identified, the applicable elements are now considered under the subsequent sections of this report. It will be demonstrated that the application does not, overall, score positively when considered against policy CS15.

5 Effect on Landscape, Context and Character (Policies CS11, CS14, and CS15)

- 5.1 With regard to this key issue, for an application to comply with policy CS11 Members must be satisfied that it addresses the issues listed under criteria i. and ii. (of both parts of CS11). Furthermore, among other things policy CS15 states that development proposals must respect local context and the landscape as well as making a positive contribution to local character, shape, and scale of the area.

5.2 Policy CS14 is clear that existing green infrastructure will be protected and enhanced and in new developments it is a key consideration, with particular attention needing to be paid to ensuring new provision establishes links with existing green infrastructure.

5.3 Paragraph 98 of the NPPF states that:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...”.

5.4 Paragraph 127 forms part of a section of planning policies that seek to achieve well-designed places. It states that planning decisions should ensure that developments, among other things:

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.5 Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by, among other things:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.6 Paragraph 1.9.1 of the Suffolk Coats & Heaths Management Plan states:

“1.9.1. Although AONB policies in national and local policy documents refer specifically to the statutory designated area, some adjacent areas share many similar landscape features. The Partnership has been managing these areas of the Shotley peninsula and the south side of the Orwell Estuary in the same way as the AONB proper, to protect and enhance their landscape and heritage”.

5.7 The *Suffolk Landscape Character Assessment* defines the majority of the site as being part Ancient Estate Farmlands and Claylands landscape character types (“LCT”). The views in this landscape are usually open and only occasionally are they contained by woodland. The *Joint Babergh and Mid Suffolk District Council Landscape Guidance* (2015) states that settlement pattern is a key sensitive element, and that special attention should be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside or on the edge of settlements. Paragraph 2.3.4 of the Landscape Guidance states:

“1. Development located on the edge of a settlement should be consistent with the form or shape of the settlement.

II. The layout of new developments should seek to retain historic landscape features such as hedges trees and respect the existing patterns of vegetation and enclosure

III. The design of domestic or small-scale buildings should be sympathetic to and reflect the characteristics of existing traditional buildings.

IV. Development should avoid dominating other buildings or landscape features around it or detract from views of listed buildings or heritage assets.

V. Measures should be taken to minimise the scale and dominance of large-scale buildings. Large buildings have the potential to dominate their surroundings and are therefore difficult to accommodate within settlements without effective screening”.

- 5.8 Where development is proposed on the edge of a village the proposal should be consistent with the way other buildings are orientated within the settlement pattern.
- 5.9 Furthermore, there is a degree of tranquillity experienced from the footpath along the eastern site boundary, as well as PRoW west and north-east.
- 5.10 As a settlement, Bentley is part of a scattered settlement area consisting of various sized small villages, dispersed hamlets and isolated farmsteads. Bentley is more of a clustered settlement surrounded by small fields with hedge boundaries and woodland, with open views north. The fields north of Bentley which the development directly affects not only contribute to the setting of the landscape, but to the setting of the village also.
- 5.11 The development represents a discordant projection into the open countryside and would pose significant urbanising effects on the landscape, principally owing to its scale, its contrasting built character and its projection into the open countryside.
- 5.12 It would result in the loss of predominantly undeveloped land that currently makes a very positive contribution to the intrinsic character and beauty of the landscape which serves as a setting to the Dodnash SLA, and to the settlement of Bentley. The rural setting of this part of the northern fringe of the village would be lost, diluting the existing strong sense of place.
- 5.13 Even with significant landscaping to the perimeter, the scale of development would result in an urban enclave bearing no visual relationship to much of the land that surrounds it. The development would not sit as a comfortable extension of the village, exacerbated by the absence of an established natural boundary to the west and north, and the proposed 2 and 2.5 storey ridge heights.
- 5.14 The Applicant indicates that landscaping would be provided along the edges of the site, effectively enveloping the residential development. However, this would not successfully mitigate the adverse impacts that have been identified from the perspective of the existing rural relationship. The introduction of new green infrastructure if successful must be related to the existing landscape pattern. The proposed cycle / pedestrian link spanning west to east and vice versa, located to the south of the application site, would not integrate with the rest of the village to a beneficial degree. It would effectively replicate Station Road, in a backland form. In addition, Bentley is not blessed with abundant services, facilities and amenities, therefore such integration would be without reward.

5.15 Summary

- 5.16 There will be a significant change in visual and experiential terms for users of the Church Road and the local PRow/footpath network. Recreational users currently enjoy tranquil and open countryside views over the site and beyond, which is integral to their outdoor experience. That experience will be transformed.
- 5.17 Due to the role of the landscape in providing a setting for both the Dodnash SLA and Suffolk Coast and Heaths AONB Project Area, and the settlement of Bentley, it is submitted that the landscape is a valued landscape with regard to paragraph 170 of the NPPF. Having regard to the nature, scale and location of what is proposed, it is considered that significant landscape (including visual / experiential amenity) and character harm is inescapable. Furthermore, it is not agreed that the development and “*would be an appropriate place for new residential built form*” or that “*the site has the capacity to absorb change*” as stated in the LVA. The development would be contrary to policies CR04, CS11, CS14 and CS15 of the Core Strategy, and paragraphs 127 and 170 of the NPPF.

6 Sustainability (Policies CS11 and CS15)

- 6.1 The site is located outside of the defined BUAB and would not find support through CS2. Policy CS11 operates inter-alia with the wide-ranging requirements of policy CS15, setting out how the Council will seek to implement sustainable development. The sustainability merits of the proposal have been assessed against the criteria, in compliance with policy taken overall and bearing in mind not all of the criteria are applicable to the application given its outline nature.
- 6.2 Policy CS15 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 criteria within policy CS15 are covered within the individual sections of this report and it is not, therefore, necessary to run through each and every one of those criteria in this section. What follows is, therefore, an overarching summary of the key points:
- The proposal would provide short term work for local contractors during the construction period, thereby providing a short term economic gain through local spend within the community. (criterion iii 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).
- 6.3 The provision of employment during the construction period would provide a short-term economic gain. Whilst this does not weigh heavily in favour of the development, it also does not result in any adverse impact to the economy. However, given the proposal is for up to 45 no. dwellings with associated works, this would be limited.
- 6.4 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Given the limited availability of readily accessible services,

facilities and amenities, future owner / occupiers of the site would be heavily reliant on the private motor vehicle, in order to access opportunities for employment, recreation and leisure. Certainly, a recent planning appeal (reference: 3229317) nearby suggests that Bentley is very limited in this regard. The Inspector states:

"I do not consider that the site is any better located with regard to Bentley than it is to Capel St Mary. In any event, based on the evidence before me, Bentley has fewer local facilities. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. In view of the distance between the site and the villages the opportunities for supporting local services is therefore very limited".

- 6.5 This follows another planning appeal (reference: 3222384) which also arrives at a similar conclusion as to the availability services, facilities and amenities, and public transport options:

"Although there is a bus service which runs through Bentley, from the evidence before me, it runs every two hours such that it would be unlikely to remove the reliance on the private car for access to services and facilities as well as to tourist attractions. . . Therefore, during periods of peak occupation, the proposal would be likely to result in significant adverse environmental effects in this regard. I acknowledge that the Framework recognises that sustainable transport solutions will vary between urban and rural areas, however, this does not override the significant harm identified above.

Consequently, the proposed development would not be in a suitable location having regard to the accessibility of services and facilities. It would therefore conflict with CS Policy CS15 which among other things requires development to that ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development".

- 6.6 The appeals cited are material to the consideration of the application site. Clearly, both make reference and relevance to what is available in Bentley, which notwithstanding the limited options identified by this report, appear to be very limited as assessed by the Inspector. Officers do acknowledge the location of the site relative to the settlement of Bentley, including nearby amenities; Primary School, Public House, Community Shop, Stores, Hairdressers and Baptist Church. Future owner / occupiers would be reliant on other nearby settlements such as Capel St Mary, Brantham, Colchester and Ipswich to fulfil day to day living and working needs. The identified amenities would not be sufficient to sustain a 45 no. housing development as proposed.
- 6.7 Public transport accessibility from the site is poor, and whilst bus stops are available on Station Road, which is within walking distance of the site, the service is inadequate. Bentley is not subject to a frequent or regular public bus service (only route 94B pickup at 1623 hours Monday to Friday to Colchester, with no service at weekends). There is virtually no option to utilise sustainable public transport. Furthermore, it is an unrealistic expectation for all future owner / occupiers to cycle to the more well-served areas. Indeed, cycling is not available to everyone either. As such, there is a finite opportunity for residents to choose more sustainable modes of transport than the private vehicle, which is staunchly in conflict with the NPPF.
- 6.8 SCC Growth, Highways and Infrastructure have assessed the scheme also. The approach for primary pupils from this development in the future should be successful in securing places at the catchment school but in the short term pupils will likely need to be bussing to surrounding schools with places. This period of transition has been

factored in as 7 years but some of the out of catchment children may well have siblings who move into the school and they will have a high priority against the admissions policies and therefore 7 years may not be long enough for adjustments to the balance of places. In addition, once an out of catchment pupil is attending Bentley CEVC Primary School they are unlikely to move from the school until parent's apply for a secondary school place.

6.9 It should be noted that costs for the county council will be ongoing regarding the secondary school transport, but the calculation of the contribution has been limited to 5 years. It is recognised that the pupils forecast to directly arise from the proposed development will not all live in the new housing from the outset, or all start secondary school in year 7 – but nonetheless this is a reliable, robust and reasonable way of calculating the contribution, noting that the county council will have responsibilities to provide 'free' home to school transport for secondary pupils on an ongoing basis for the life of the development.

6.10 Notwithstanding the recommendation made and should Members resolve to approve, the securing of a School Transport Contribution by the approaches as set out above have been confirmed in appeal decisions, as a matter of principle, to be compliant with Regulation 122 of the CIL Regulations (references: 3179674, 3161733, 3182192, and 3173352).

6.11 Summary

6.12 No exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified in the sustainability respect. The proposal lacks demonstrable social, economic and environmental benefits, and undermines the essence of the NPPF further through no justifiable need or mitigating measures, falling short of the key criterion of policy CS15 and paragraph 8 of the NPPF.

7 Highways Impacts: Access and Capacity (Policies CS11 and CS15)

7.1 Access is a detailed matter. The site has been assessed by the LHA, who are content that safe and sufficient access / egress can be delivered, subject to conditions without severe detrimental impact.

7.2 Officers acknowledge the highway safety concerns raised by 3rd party objections. In this regard, careful consideration has been applied. The access layout is endorsed by Officers. Furthermore, the scheme is unlikely to present 'severe' adverse highways impact resulting in unacceptable congestion or obstruction. The visibility concerns are noted, and the applicant has submitted requisite plans in order to secure a complaint scheme that provides safe and sufficient access for pedestrians, cyclists and vehicles. Visual obstruction is not created as a result of development.

7.3 The LHA have assessed the proposal, and support the scheme subject to the imposition of planning conditions which include: visibility splays, details of estate roads and footpaths, discharge of surface water, junction widening, construction management plan and the manoeuvring and parking of vehicles.

7.4 Summary

7.5 There is nothing before Officers to suggest a LHA compliant scheme could not be delivered, reflective of Policy TP15.

8 Other Matters

8.1 The report will now turn to the consideration of the proposal against other development plan policies:

8.2 Design and Layout

8.3 Policy HS28 states that planning applications for infilling or groups of dwellings will be refused where; the site should remain undeveloped as an important feature in visual or environmental terms; the proposal, in the opinion of the District Council, represents overdevelopment to the detriment of the environment, the character of the locality, residential amenity or highway safety. Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. This is further emphasised by Policy CN01.

8.4 Detailed design (scale, appearance, layout etc.) is a consideration for the reserved matters stage. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey new build. However, Officers also note the inclusion of 2.5 storey scaled units. This would raise concern given the nature and extent of Bentley. The proposal would detract in this regard, creating an overly urban area in what is a rural Suffolk village. Whilst the design precedent of Bentley is mixed, there are no 2.5 storey units which would give rise to development of this scale and form.

8.5 Layout is also a reserved matter, however consideration must be afforded as to the effectiveness of the site inclusive of access, public open space, the amount of homes proposed, and landscaping. Irrespective of mix and tenure issues outlined, the site is capable of accommodating the amount proposed albeit in parameter form. However, as discussed above, there would be clear harms to the character and surrounding landscape. The potential for adverse residential amenity experienced by occupants of neighbouring property cannot be ignored either.

8.6 The outline nature of the application does not engage detailed design and layout consideration. Therefore Officers uphold the requirements of core design policy which seek functionally efficient design and layout, which is reflective of policies CN01, HS28 and the NPPF. Based on the locational context discussed in earlier paragraphs, Officers are not satisfied that the scheme would achieve an appropriate design and layout.

8.7 Inner Site Access, Parking and Highway Safety Considerations

8.8 Policy TP15 requires development to be delivered with safe and sufficient highways access and function. Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.9 Parking on site is offered in accordance with the Suffolk Parking Standards (2015) such that enough spaces are to be provided that future residents will be able to avoid on street parking.

8.10 Public Rights of Way

- 8.11 The proposed development will not have an adverse impact on the function of the local public rights of way (PRoW) network. The impact on visual receptors (i.e. people walking along the footpath) adjoining the site has been considered above in the landscape impact assessment. Public Rights of Way provisions are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. Whilst the footpath route would not be altered, the experiential offering would significantly change on the approach to Bentley. Officers consider this to be an adverse impact as discussed earlier on in this report.
- 8.12 Public Open Space
- 8.13 The parameter plan provides a circa 0.39ha area of public open space consisting of:
- infiltration basin and associated utilities
 - surface water management
 - pumping station
 - green infrastructure
- 8.14 Based upon the current outline submission, Officers raise concern with whether the public open space provision is truly useable and a viable option as a means of recreation. The details provided within the application listed above suggest the area is mainly service based, and not devoted to public use which one may consider beneficial. In any event, these detailed elements would remain reserved matters.
- 8.15 Ecology, Biodiversity, Agriculture and Protected Species
- 8.16 Paragraph 170 of the NPPF seeks to conserve and enhance biodiversity and the natural environment, among other things.
- 8.17 Place Services (Ecology) resolved to support the proposal subject to ecological mitigation and enhancement measures identified Ecological Impact Assessment (Southern Ecological Solutions, January 2019). These matters could be secured through conditions if Members are minded to approve, and are wholly necessary to delivering a scheme which is reflective of Paragraph 170(d) of the NPPF.
- 8.18 The Best and Most Versatile (BMV) agricultural land is sought to be retained under Paragraph 170 of the NPPF. Land is graded on a scale of 1-5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor quality agricultural land. In this instance the 2.89ha site comprises of Grade 2 land. In reviewing the agricultural land classifications for Babergh, the majority of the land within the district is classified as Grades 2 and 3, with limited land in the lower categories. Accordingly, Officers thereby consider there to be limited poorer quality land available that would represent a preferable location and the extent of loss of 2.89ha would be minimal to the wider agricultural land available and so would not be sufficient to merit a reason for refusal for this development.
- 8.19 Land Contamination
- 8.20 No issues are identified within the submitted land contamination studies and the Environmental Health Officer (EHO) is satisfied that development could go ahead without the need for further investigation or remediation at this stage.
- 8.21 Flood and Water

- 8.22 The site is not located in a vulnerable flood zone area, therefore the risks of flooding are considered to be low. Nonetheless, the Lead Local Flood Authority (LLFA) were consulted as part of the consultation process, recommending a solitary condition relating to surface water drainage. The scheme does not present concern in this regard, and there is little before Officers to suggest a flood and water-compliant scheme could not be delivered.
- 8.23 Archaeology
- 8.24 This site lies within an area of archaeological potential recorded on the County Historic Environment Record. Cropmarks are recorded across the site itself (STY 006) and a Roman coin was found to the south (STY 005). It is also in a favourable location for archaeological activity from all periods, situated on light soils and overlooking a tributary of the River Stour. Geophysical survey of the site has detected a number of anomalies which may be archaeological in origin. 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 archaeological remains which exist.
- 8.25 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 paragraph 199 of the NPPF, 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.
- 8.26 Affordable Housing
- 8.27 The Strategic Housing Officer (SHO) has objected to the application.
- 8.28 As discussed above, should this scheme be delivered within the current policy framework an affordable housing contribution of 35% of the total number of dwellings will be required. Based on 45 no. dwellings, this equates to 15.75 affordable dwellings for a district wide allocation to those applicants on the housing register within Babergh.
- 8.29 The housing needs report (provided by Pioneer dated 10th December) outlines in the Executive Summary at point b), stating:
- “The applicant is also seeking to deliver eight affordable homes on a rural exception site within Bentley (linked to the calculation of affordable homes on the application site). The delivery of this second proposal is linked to the success of the application proposals i.e. the former cannot proceed without the latter)”.*
- 8.30 Officers do not endorse the split arrangement (two separate sites) as a means of affordable housing delivery, and there is no current local policy in support of this. A rural exception site is brought forward to meet an exceptional specific local housing need, for people with a local connection to the Parish in the first instance. The homes remain in perpetuity. This secures much needed affordable homes for future generations and is very much a separate consideration to the application hereby recommended for refusal. Rural exception sites are not for local housing needs subsidy, and should not therefore be used to offset the deficit identified in Bentley or indeed this application.

- 8.31 The SHO has resolved to conclude that the scheme is not acceptable in its present form, conflicting with policy CS19, however Officers have considered the mechanics of potential delivery as discussed below.
- 8.32 Scheme Benefits
- 8.33 It has already been set out that by law that Members must have regard to material planning considerations and that this application should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the development must therefore be taken into account.
- 8.34 The benefits of the proposed development principally extend to the provision of new housing (including affordable housing). Of itself this is an important consideration as while the Council can demonstrate a five-year housing land supply such a requirement is a minimum target, and not a maximum threshold. However, there is clearly not a pressing requirement for the development and no evidence that it is needed when having regard to local circumstances and so this tempers the weight to be applied to that benefit.
- 8.35 The Applicant has identified a local housing need deficit. The proposal holds regard to the local circumstances, and offers an affordable housing provision which could be policy CS19 compliant, which is however subject to the approval and delivery of a site which is for rural exception housing. There are no guarantees that 'the Station Road site' will come forward or indeed be granted, therefore should Members be inclined to approve this development, any future S106 agreement crafted should include appropriate trigger / 'fall away' provision.
- 8.36 The Applicant points to the economic benefits to be derived from the development which includes construction spend / jobs, and stimulus through the future occupation of the development. These considerations also weigh in favour of the scheme albeit are intrinsically linked to the supply of housing proposed and do not provide specific justification for the development by themselves.
- 8.37 Benefits would also accrue through the New Homes Bonus and collection of Council Tax payments. Whilst such considerations are positive they should be afforded little weight; the PPG is clear that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body (*Determining a Planning Application: Paragraph: 011 Reference ID: 21b-011-20140612*).
- 8.38 The development would also generate a return in terms of CIL receipts which is of itself is an economic benefit, albeit of limited weight. Whilst the primary purpose of the CIL is to mitigate the impact of new development, it would nevertheless allow for improvements to existing services and facilities that could result in wider public benefit.
- 8.39 In the event that permission were granted (and notwithstanding the deficiencies of the application) it would be expected that the development would provide for policy-compliant measures including open space provision (indicated to be 10% as required by policy HS31), ecological / biodiversity enhancement, and the potential for 35% affordable units. These benefits have also been factored into the planning balance.

PART FOUR – CONCLUSION

9 Planning Balance

- 9.1 Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
- 9.2 The circumstances of this application are not exceptional. Among other issues identified the development represents a discordant projection into open countryside and the immediate setting of the Dodnash SLA and Suffolk Coast and Heaths AONB Project Area, undermining the way that it is experienced, at odds with established built settlement and within a sensitive landscape context; it would be an unwelcome intrusion into the countryside backdrop of Bentley.
- 9.3 Accessibility is also an aspect for which this application fails. Future owner / occupiers would be heavily reliant on the use of the private motor vehicle as a means of accessing services, facilities and amenities required for living and working needs. This is staunchly against the principles of the NPPF. The site does not benefit from sustainable connectivity to such areas, and does not benefit from sustainable transport options / modes.
- 9.4 The application largely conflicts with policies CR04, CS2, CS11, CS14, and CS15 which are among the most important policies for the determination of the application; it offends the development plan when taken as a whole.
- 9.5 Officers wish to highlight commentary around the “*tilted balance*” under Paragraph 11(d) of the NPPF following *Wavendon Properties v SSHCLG & Milton Keynes Council [2019] EWHC 1524 (Admin)*; as to whether the “*tilted balance*” is engaged for some reason other than the land supply position of the Council. Paragraph 56 of the ruling provides sound summary:
- “To answer the question posed by paragraph 11(d) it is necessary, having identified those policies which are most important for the determination of the application, to examine them individually and then consider whether taken in the round, bearing in mind some may be consistent and some in-consistent with the Framework, and some may have been overtaken by events and others not, whether the overall assessment is that the basket of policies is rightly to be considered out-of-date. That will, of course, be a planning judgment dependent upon the evaluation of the policies for consistency with the Framework (see paragraph 212 and 213) taken together with the relevant facts of the particular decision at the time it is being examined.”*
- 9.6 The Council can demonstrate that it has a five-year housing land supply and taken in the round its most important policies remain up to date. The application therefore cannot benefit from the “*tilted balance*” set out under policy CS1 and the NPPF.
- 9.7 Assessed against the policies of the NPPF taken as a whole, the application performs no better. It would be contrary to the development plan and national planning policy and there are no material considerations that justify a departure from those policies;

the harm that has been identified significantly and demonstrably outweighs the benefits.

9.8 Members are therefore invited to refuse planning permission.

RECOMMENDATION

That Members resolve to:

- (1) Refuse planning permission, for reasons including:
 - i. Policy CS2 of the Core Strategy seeks to direct new development sequentially to the towns / urban areas, and to the Core Villages and Hinterland Villages. Policy CS11 of the Core Strategy requires development to consider the landscape characteristics of the village, and also requires the identification of local housing need. Policy CS15 of the Core Strategy seeks to ensure that development respects landscape features. Furthermore, the LPA is able to demonstrate a 5 Year Housing Land Supply, thus the “tilted balance” of Paragraph 11(d) of the NPPF is not engaged.
 - ii. The circumstances of the application and the proposed development are not exceptional and are without a proven justifiable need, contrary to policy CS2. The application fails to adequately demonstrate how the proposal responds to a locally identified housing need, contrary to policy CS11 and paragraph 77 of the NPPF, which requires development in rural areas to be responsive to local circumstances and reflect local needs.
 - iii. The proposed development, by virtue of its scale, siting and location, would cause significant harm to the open countryside and the way that it is experienced and would fail to respect the local context and character, and the rural setting, of Bentley and its settlement, contrary to policies CR04, CS11, CS14 and CS15 of the development plan and paragraphs 98, 127, and 170 of the NPPF.
 - iv. The site is poorly connected and does not integrate with sustainable transport modes. Future owner / occupiers would therefore be heavily reliant on the use of the private motor vehicle, as sustainable accessibility to key services, facilities and amenities is not readily available to meet the living and working needs of future owner / occupiers. Furthermore, the proposal lacks demonstrable social, economic and environmental benefits, and undermines policy CS15 and paragraph 8 of the NPPF through no justifiable need or mitigating measures.

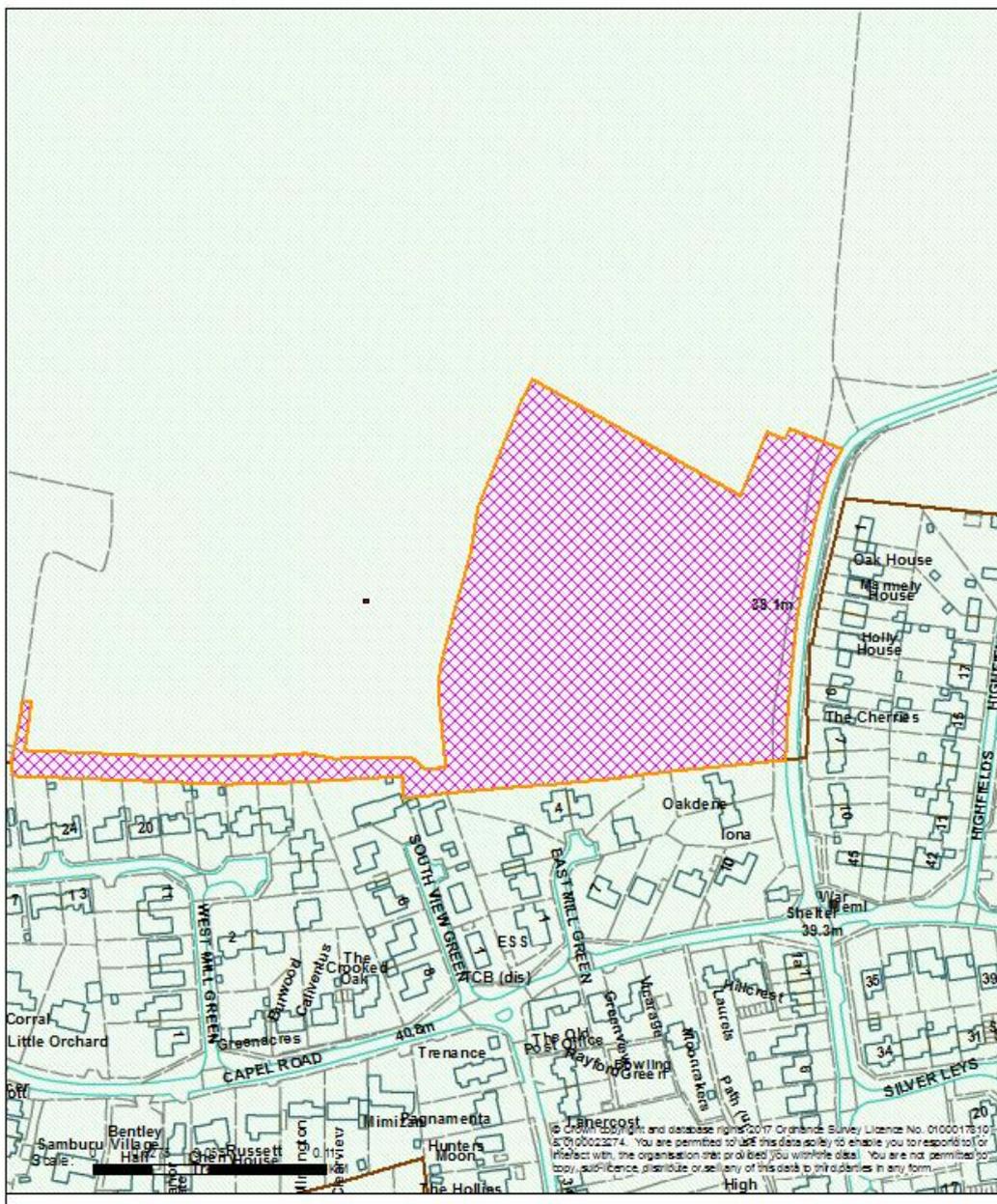
The development conflicts with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

- (2) In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out under (1) above, being amended and/or varied as may be required.

Application No: DC/19/00291

Parish: Bentley

Location: Land West of Church Road



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Agenda Item 6c

Committee Report

Item 6C

Reference: DC/19/02877
Case Officer: Bradly Heffer

Ward: Capel St Mary.

Ward Member/s: Cllr Susan Carpendale.

RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS

Details of Development

Description of Development

Submission of details for appearance, scale, layout and landscaping for approved application DC/17/06318 - Outline Planning Application (means of access to be considered) -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.

Location

Land East Of Longfield Road And Little Tufts , Capel St Mary, IP9 2UD,

Expiry Date: 14/09/2019

Application Type: RES - Reserved Matters

Development Type: Major Large Scale - Dwellings

Applicant: Persimmon Homes Ltd & Donald Edward Baker & Carol Dorothy...

Agent: Mr Stuart McAdam – Persimmon Homes

Parish: Capel St Mary

Site Area: 4.74 hectares

Density of Development:

Gross Density (Total Site): 20 dwellings per hectare.

Net Density (Developed Site, excluding open space and SuDs): 38 dwellings per hectare.

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes – ref. DC/18/04523

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” reserved matters submission for:

- a residential development 15 or more dwellings

Details of Previous Committee / Resolutions and any member site visit

None

Has a Committee Call In request been received from a Council Member?

No

Details of Pre-Application Advice

Discussions/meetings have taken place with the landowner and applicant regarding the proposals. These were in relation to the proposed layout and design, and the roads and parking areas that would serve the development.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

Core Strategy

- CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS11 - Core and Hinterland Villages
- CS12 - Design and Construction Standards
- CS13 - Renewable / Low Carbon Energy
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development
- CS18 - Mix and Types of Dwellings
- CS19 - Affordable Homes
- CS21 - Infrastructure Provision

Local Plan

- HS31 - Public Open Space (1.5 ha and above)
- CR07 - Landscaping Schemes
- CR08 - Hedgerows
- CN01 - Design Standards
- CN04 - Design & Crime Prevention
- TP15 - Parking Standards - New Development

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 2: Preparing a draft neighbourhood plan

Accordingly, the Neighbourhood Plan has little weight as a material planning consideration in the determination of this proposal.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

Capel St Mary Parish Council has made two representations – the first advised of local residents' concerns with regard to drainage issues on site and the detrimental impact this may have on the planned new homes. A second representation recommends that the application is refused on the following grounds:

- Inappropriate density of development and housing mix
- The scheme requires adequate street lighting
- The play equipment provision for the site should be agreed before the development is approved
- There are local concerns about drainage and run-off provision across the site. The SuDS pond could be unsafe
- Parking will occur in the road and private drives are out of keeping with the village
- All roads should be adopted including street lighting
- Access to the agricultural land to the rear will mean large agricultural vehicles using the roads
- A Construction Management Plan is required
- Collection of household refuse has not been addressed – litter and smells will be an ongoing problem

National Consultee

Anglian Water has no objection to the proposal.

Natural England has advised it has no objection to the proposal.

NHS Suffolk Clinical Commissioning Group has advised that it would not be requesting a CIL contribution for this development.

County Council Responses

Suffolk County Council Strategic Development team has identified that infrastructure implications arising from the proposals were established at the time of the determination of the outline planning application (ref. DC/17/06318) and these would form the basis of a future CIL funding bid.

Suffolk County Council Travel Plan Officer has no comment to make on this reserved matters submission.

SCC Lead Local Flood Authority requested the submission of additional information following the initial submission of this application. This has been received and considered, and the LLFA has advised that it now recommends an approval of the application. It is also noted by the LLFA that the recommendation does not constitute the discharge of any planning conditions that were imposed under the outline planning application.

SCC Highway Authority did raise some concerns with regard to the initially-submitted scheme. Following on from the submission of the revised scheme it has been confirmed that there is no objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

SCC Public Rights of Way Team has identified that the site does not contain any public rights of way, and accept the proposal based on the current drawings submitted by the applicant. Various advisory comments are also provided in relation to statutory controls applicable to public rights of way

SCC Archaeology has requested the imposition of two conditions in the event that planning permission was granted for the proposal. However, Members are advised that identical conditions were imposed at the outline application approval stage, and therefore there is no need to reimpose these conditions on a reserved matters approval.

Essex County Council Place Services – Landscape has no objection to the proposal, but requested various minor amendments to the proposed scheme of landscaping. The applicant's agent has agreed these and this issue can be properly addressed through the discharge of relevant conditions that are attached to the grant of outline planning permission.

Essex County Council Place Services – Ecology confirms it has no objection to the proposed application.

Internal Consultee Responses

Environmental Health – Noise/Odour/Light/Smoke has identified that an acoustics report was submitted with the outline application, and a condition was imposed to address the need for sound insulation for properties on the eastern side of the development. It is stated that ‘...I can only state that I would have no objection to the proposed layout, on the assumption that compliance with condition 19 is confirmed later...’ Post submission, additional details of noise levels arising from the pumping station and electricity substation were submitted, and it has been confirmed that the officer is content with the proposed location of both facilities. Lastly it is identified that details of the proposed play area should be agreed with the Local Planning Authority.

Environmental Health – Land Contamination has no comment to make on the application submission, and confirms that there are no outstanding land contamination issues arising from the outline planning permission.

Environmental Health – Sustainability has no comment to make on the application, and identifies that a condition was imposed on the grant of outline planning permission.

The **Heritage Team** has identified that heritage impact comments made at the time of the outline planning application (by Place Services) are still pertinent to this reserved matters proposal. The comment is reproduced in full in the heritage impact section of this report.

The **Public Realm** team has advised that it supports the level of public open space associated with the development. It is identified that Capel St Mary is currently deficient in amenity green space and the level of greenspace proposed is welcomed. It was also identified that the provision of a LEAP needs to be indicated on plan, and this has been addressed. It has been confirmed that the details of the area could be agreed via condition.

Communities (Major Development) concurs with the comments made by the **Public Realm Team**.

Strategic Housing Officer has confirmed that the proposed affordable housing mix in the revised submission is acceptable and its previous holding objection has been removed.

B: Representations

Other representations received are summarised as follows:

- Inadequate access
- Insufficient car parking spaces and bin storage
- Drainage problems on private roads
- Poor energy efficiency
- Butchers Lane is unsuitable to accept traffic
- Inappropriate site for the use of SUDS. There are flooding issues on site.
- Dwellings out of keeping and poor layout/cramped development
- No street lighting
- Loss of privacy and noise nuisance
- The village is already over-developed and existing facilities will not be able to cope.
- Existing hedging should be retained.
- Concerns expressed by the Parish Council are supported

PLANNING HISTORY

REF: DC/17/06318	Outline Planning Application (means of access to be considered) -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.	DECISION: GTD 05.07.2018
REF: DC/19/02877	Submission of details for appearance, scale, layout and landscaping for approved application DC/17/06318 - Outline Planning Application (means of access to be considered) -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.	DECISION: PCO
REF: DC/19/02930	Discharge of Conditions Application for DC/17/06318- Condition 7 (Surface Water Drainage Scheme), Condition 8 (Implementation of Surface Water Drainage Scheme) and Condition 10 (Construction Surface Water Management Plan).	DECISION: PCO
REF: B/0863/77/OUT	Residential development and construction of vehicular access.	DECISION: REF 29.12.1977

REF: 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)	DECISION: REF 21.07.2017
REF: BIE/15/00620	Residential Development - 130 dwellings	DECISION: PCO
REF: B/88/00584	OUTLINE - RESIDENTIAL DEVELOPMENT	DECISION: REF 27.05.1988
REF: B/88/00733	OUTLINE - RESIDENTIAL DEVELOPMENT (DUPLICATE APPLICATION)	DECISION: REF 19.07.1988

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site for this proposal is an irregularly-shaped area of agricultural land that is located to the north-east, and abutting the settlement boundary, of the village of Capel St Mary. It is a relatively level site, with a given area of approximately 4.7 hectares. The boundary of the site, to the west and south, abuts the residential curtilages of established dwellings, whereas the northern and the majority of the eastern boundaries are adjacent to open, undeveloped rural land. Some boundaries of the site (where they abut the established settlement edge) contain established trees and hedging.
- 1.2. The village of Capel St Mary is identified as a Core Village within the adopted Babergh Core Strategy. Further, the Core Strategy inter alia advises that ‘...The larger villages (called Core Villages) provide services and facilities for their own residents and for those that live in smaller villages and rural settlements in a hinterland around them...The settlements identified as Core Villages have been defined as such not because of size or potential opportunities for growth, but because of the role they play, providing a number of essential services and facilities to a catchment area of smaller villages and rural settlements...’

2. The Proposal

- 2.1. Members are advised that under planning application ref. DC/17/06318, outline planning permission was granted for the following development on the identified site:

‘Outline Planning Application (means of access to be considered) -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’

Members will note that the application, although submitted in outline, did seek full planning permission for the proposed means of access. Permission was granted for the proposal via notice dated 5th July 2018, and included 29 no. conditions. These included a condition that required the

submission of reserved matters no later than three years from the date of the outline application approval. This current application submission accords with the identified conditional requirement.

- 2.2 The reserved matters submission provides the detailed proposals for the erection of 100 no. dwellings on the site, in relation to appearance, landscaping, layout and scale. The submitted scheme shows the provision of dwellings arranged in loose perimeter blocks, accessed via a series of culs-de-sac leading from the main access to the site off Little Tufts. The proposed dwellings would comprise a mix of detached, semi-detached and terraced units, mainly 2 or 2 ½ storeys in height. There is also an instance of single storey development, located in an enclave at the north-western end of the site. In addition, a single building located in a central position on the site, and containing apartments, would achieve three storeys in height. Parking spaces for dwellings would be either provided on plot, or within parking court areas. The submitted plans also show the provision of open space areas, to the north (containing a play area) and south of the proposed dwellings, as well as incidental areas within the residential development itself. A further significant undeveloped area (that would form part of the SuDS provision on the site) would be located at the northern end of the site – immediately adjacent to the rural land to the north. Another notable feature of the proposed development is the creation of footway and cycleway routes which would link to Little Tufts and also Butchers Lane to the south.
- 2.3 In terms of appearance, the scheme put forward for consideration follows a traditional vernacular architectural approach for individual buildings, with the use of external materials that would include bricks, render and tiled roofs.
- 2.4 For Members' information, the following extracts are taken from the submitted Design and Access Statement, in order to provide some context in relation to the development proposals:

'...The overall layout responds to the site's topography, its existing features and neighbouring development. Vista points/stops and important views into, out of and within the site have been considered. In response to comments at pre-application stage, character areas have been considered...The layout includes generous areas of managed open space. Approximately 35% of the gross site area is given over to public open space/recreational open space in accordance with planning policy...Planting is proposed to be enhanced on the western boundary to help protect the amenity of existing residents. Green spaces are linked where possible to provide for biodiversity connectivity, as well as providing opportunity for pleasant walking areas for residents...Where possible, an informal perimeter block arrangement is used as they are efficient in land use and contextually appropriate...The exception to the perimeter block approach is at the site's main western boundary. Here, the orientation and design of properties has been carefully considered to reduce impacts upon the amenity of residents, particularly those living on Penn Close and The Pightle...'Secured by Design' principles have influenced the layout in relation to natural surveillance, perimeters, physical security, landscaping and lighting, helping to create a safe and attractive environment...The scheme will also connect with the footpath network via Little Tufts. In addition, the Butchers Lane link will be made suitable for cycles. The scheme also includes its own footpath links which connect the various areas of open space, and provide the opportunity for circular walks around the new neighbourhood, including a route around the main drainage attenuation feature which is intended to be a landscape feature of interest in its own right, and have a village pond feel...The open spaces have both a visual function as well as a focus for healthy activities. Existing landscape features are limited, but boundaries trees and hedgerow are retained...'

- 2.5 Members are also advised that since the initial submission of this reserved matters proposal a set of revised plans have been submitted which, inter alia, incorporate the following changes:

- The size of the public open space area to the north of the site has been increased by 1 acre
- Improved design detailing for the proposed dwellings
- Amendments to the road layout to reflect comments made by the Highway Authority
- Increase in the size of affordable housing units to meet the requirements of the Council's Strategic Housing team
- Relocation of some dwellings further east, with a managed strip of land between these plots and the houses in Penn Close, creating a buffer. A 3 metre high native hedge is proposed to be planted along the western boundary of the site.

Full re-consultation has taken place on the revised proposals, prior to this submission being brought to Members for consideration.

3. The Principle Of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 3.2. The site for this proposal is located outside of the settlement boundary for Capel St Mary, as defined in the adopted development plan. Nevertheless, as a matter of planning principle, it is considered that the outline planning permission granted by the Council under application ref. DC/17/06318 establishes the acceptability of up to 100 dwellings being erected on the site in planning terms. In addition, the acceptability of the vehicular access to the site is also established – this having been granted full planning permission under the identified application.
- 3.3. It is also noted that the emerging Joint Local Plan (JLP) does propose the allocation of the identified site for residential development purposes – for approximately 100 dwellings. This reflects the fact that the Council has granted outline permission for the development in 2017. While it is acknowledged that the weight that can be attached to the JLP at this point is limited, it does at least provide a 'direction of travel' for the Councils' preferred intended use of the identified site in the future.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. Within the adopted Development Plan, Capel St Mary is identified as a Core Village; the Plan states that '...Core Villages will act as a focus for development and, where appropriate, site allocations to meet housing and employment needs will be made in the Site Allocations document...'
- 4.2. Capel St Mary does benefit from a range of services, including various A1 (retail) services, school, doctors surgery, public house etc. In addition, the settlement is served by a regular bus service. Clearly the issue of availability of nearby service provision etc. would be an issue that would have been considered at the outline stage. Nevertheless, the status of Capel St Mary as a settlement able, in principle, to accept additional development is established in the current Development Plan.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. The proposed vehicular access to the site, through Little Tufts, has the benefit of full planning permission. Suffolk County Council as highway authority were consulted on this reserved matters submission – in order to ensure that the details of the proposed road layout, parking provision etc. were acceptable to that authority. When consulted on the initial submission, a number of issues were highlighted that required amendment of the proposals. These included the position of frontage treatments on some plots, the location and position of some proposed parking spaces etc.
- 5.2. As part of the amended submission presented to Members, the applicant's agent has sought to address these issues and this has led to the Highway Authority confirming it has no objection to the proposals, subject to the imposition of conditions. Some recommended conditions repeat those that were imposed on the outline planning permission so it would be unnecessary to re-impose on a reserved matters approval. However, the remaining conditions would be imposed as requested. The conditions would inter alia require the submission of a Construction Management Plan. A number of representations received from local residents have identified the perceived inadequacy of the access off Little Tufts to serve the development. While this concern is fully acknowledged and appreciated it is the case that the means of vehicular access to the site does have the benefit of full planning permission, and therefore is not an issue for further consideration under this reserved matters application submission.
- 5.3. In relation to vehicle parking provision it is advised in the application submission that the adopted Suffolk Parking Standards would require that 214 no. spaces are provided for occupiers of the proposed dwellings, with a further 25 no. visitor spaces. Members are advised that the submitted scheme proposes to provide a total of 221 no. spaces for residents and 26 no. visitor parking spaces; thereby exceeding the adopted requirement. As regards cycle parking spaces, the application submission advises that '...Cycle parking will be accommodated within garages for those properties with them or sheds for those without. Cycle parking will be available for the apartments and located within the bin store zone.'

6. Design And Layout [Impact On Street Scene]

- 6.1. Members are advised that following submission of the application, significant liaison has taken place with the applicant to address identified issues in relation to the layout and design of the proposed development. These discussions have sought to improve the overall appearance and design quality of the proposals, not least to ensure accordance with the requirements of the NPPF (as identified in Chapter 12 – Achieving well-designed places) and policies CS11, CS15 and CN01 of the current Development Plan.
- 6.2. It is noted that the majority of the established residential development in the vicinity of the site for this reserved matters proposal is mainly two storey detached and semi-detached dwellings; particularly the estate areas to the west of the site. Much of this estate development appears to have been constructed post 2nd World War. The approved vehicular access to the identified site, via an existing cul-de-sac serving the adjacent estate, means that the main initial visual 'experience' of the proposed housing would be through such an estate area. It is considered that the proposed development would not appear visually incongruous in this context. The access point would lead to a modest open space area that would be visually enclosed by a small enclave of housing. Further groups of houses, in the form of loose perimeter blocks would be accessed via a series of culs de sac and private drives. Generally, the arrangement of development is such that dwellings have a frontage on to either a road, or a private drive, and this approach assists in creating a clear demarcation of public and private space. This general approach to layout repeats the form of development that is found on the adjacent housing estate.

- 6.3 As mentioned previously in this report, the design approach taken with regard to this submission incorporates predominantly two-storey vernacular buildings, incorporating a range of traditional design features that underpin this approach. These include pitched roofs in conjunction with either brick or rendered walls, use of features such as plinths, brick banding, head and cill details, chimneys etc.
- 6.4 In terms of overall density of development, it is acknowledged that the density proposed on the site is greater than that found on the adjacent estate to the west. However, a recent development of similar density has been approved on land abutting the site to the south-east. Under planning application ref. B/14/00100 outline planning permission was granted for the erection of 24 no. units on land to the west of London Road. This development is now completed. The density of development achieved on that site equated to 30 dwellings per hectare (gross density) whereas under this proposal a gross density of 20 dwellings per hectare would be achieved. In this regard, Members will be aware that the outline planning permission granted by the Council did establish the acceptability of up to 100 dwellings being erected on the site. Clearly elements such as the associated road network and open space areas etc. will also use available space within the site. Nevertheless, the layout of development proposed in this case is considered to be of similar visual character to that approved on adjacent land. On this basis of the above it is concluded that the overall density, layout and proposed design of the development is an appropriate response to local context.

7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 7.1. The application submission is accompanied by an Arboricultural Report and a Tree Protection Plan. The identified application site does have trees and hedgerows on some boundaries, and in this regard it is noted that these would be retained. In addition, the submitted plans to indicate the provision of significant additional planting across the site. In relation to the proposed landscaping scheme the Design and Access statement advises as follows:
- ‘...A detailed landscaping scheme is submitted with the reserved matters application. The scheme uses open space corridors in conjunction with strategic planting and undeveloped green buffers to create a landscape into which the building will sit. The landscape scheme also responds to the natural topography of the site. The attenuation pond on the site’s northern boundary is intended to be a landscape feature in its own right, and have a village pond feel. The landscaping scheme sets out the various boundary treatments...’
- 7.2 As a planning judgement, it is considered that the landscaping scheme would be an appropriate response to the overall built form arrangement proposed for the site, and would help to add visual character. Detailed comments received from the Council’s Landscape consultant have been considered and where revisions have been requested, these have been agreed with the applicant. It is proposed that the final details of landscaping for the site can be properly addressed through the relevant conditions that were imposed at the outline stage.
- 7.3 Lastly, in relation to ecological and biodiversity impacts, Members are advised that the outline planning permission granted by the Council included a number of conditions that require the submission of a Biodiversity Enhancement Strategy, details of a wildlife sensitive lighting design scheme and also works to take place in accordance with the recommendations made in the Phase 1 Survey submitted as part of the outline planning application. On this basis it is noted that the Council’s Ecological Consultant does not object to the proposals.

8. Land Contamination, Flood Risk, Drainage and Waste and Sustainability Issues

- 8.1. Members will note that in relation to Land Contamination the submission does not give rise to concerns in this regard – as confirmed by the relevant Council officer. In addition, in relation to flood risk, the whole site (and indeed the built up area of Capel St Mary) is within Flood Zone 1 and therefore is land assessed as having less than 1 in 1000 annual probability of river or sea flooding (< 0.1%).
- 8.2. NPPF paragraph 165 identifies that ‘...Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate...’ This requirement is reflected in Development Plan policies CS15 and EN15 – both of which identify the Council’s requirement that new developments will be required to incorporate sustainable drainage systems.
- 8.3. Members are advised that the method of surface drainage for the site was considered in some detail at the outline planning application stage, and the approved methodology would consist of a hybrid SuDS and piped system. Following initial submission of this reserved matters proposal the LLFA issued a holding objection to the proposals. However, following the submission of additional information and clarification (including a Flood Routeing Plan and details/cross-sections of the proposed SuDS attenuation pond), the LLFA has now confirmed that the submission is acceptable. Members will also note that the submission has not given rise to objection from Anglian Water.
- 8.4. In relation to issues of sustainability and waste, a specific condition attached to the grant of outline planning permission (no. 4) requires the submission of details in relation to water, energy and resource efficiency measures. Nevertheless, supporting information accompanying the reserved matters submission identifies that inter alia the following elements are included within the proposals:
- Sustainable material selection
 - Targeted measures to reduce water and air pollution during construction
 - Site Waste Management Plan
 - Energy efficient measures in dwellings including high levels of insulation, thermal bridging to avoid heat loss, use of eco-sanitary ware etc.

The final approval of sustainability measures rests with the agreement of a condition imposed at the outline approval stage and this fact is acknowledged by the relevant Environmental Health officer in their consultation response.

9. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 9.1. There is a heritage asset within the vicinity of the identified site, namely a grade II listed building located on London Road, and the impact of the proposed development on this asset was considered at the outline application stage. At that time, the following comment was made by Place Services:

‘The only heritage asset that might conceivably be affected by this proposed development is the Gd II listed ‘Old Hadleigh’. However, even this is some distance from the proposed site and, with screening from existing trees and boundary’s (sic) taken into account, the proposed development will have negligible impact upon the setting and character of this building. Accordingly there is no objection.’

- 9.2 To this end, it is noted that the Heritage Team, in its consultation response in regard of this reserved matters proposal, does refer to the above response and has no further comments to make in this regard. The setting of the identified listed building, known as 'Old Hadleigh', is relatively constrained by surrounding development at the present time – forming as it does an element of an established ribbon of development that extends along the north-western side of London Road. The likely impacts upon that designated asset remain consistent with those anticipated when outline planning permission was granted. Therefore, while considerable importance must still be attached to the negligible harm identified, this was not sufficient to warrant the refusal of planning permission previously and does not warrant refusal to approve this reserved matters submission now.

10. Impact On Residential Amenity

- 10.1. Bearing in mind the location of established residential development in relation to the application site, the impact of the proposed development is of course a fundamental planning consideration. It is important to reiterate that the means of vehicular access to the site, which is via the cul-de-sac of Little Tufts, is now established through the permission granted by the Council for the outline application submission. Therefore, the impacts arising from the use of this access have been considered, and found to be acceptable in planning terms.
- 10.2 Clearly, a key consideration is the location of new built form in relation to established residential development to the west and southeast of the site, and the impacts that could arise. In this regard it is noted that the north-eastern corner of the site would contain a pumping station – located away from the shared boundary. The facility itself would be located underground and would be enclosed by a brick wall. The green area in which this building would be located would contain additional soft landscaping. In overall impact terms, it is considered that this particular facility would not cause an unacceptable level of amenity disturbance. In addition, an electricity substation would be located on land adjacent to No. 7 Little Tufts. This apparatus would be fully enclosed within a brick building with a pyramidal tiled roof. Members are advised that acoustic information in relation to these facilities has been provided, and considered by the relevant Environmental Health officer, and no objection has been raised to either on grounds of noise disturbance.
- 10.3 In relation to the position of new dwellings along the shared western boundary, it is considered that although these would have an impact on amenity, this is judged to be acceptable. The orientation of dwellings would mean that direct overlooking of private amenity areas of adjoining property, from first floor windows, was avoided. In the case of plots 18, 19 and 20 these units nearest the shared boundary would be bungalows. As regards the dwelling proposed for plot 8, although this is a 2 storey unit, its position and orientation is such that direct overlooking of the nearest dwelling (no. 8 Penn Close) would be avoided. First floor windows nearest the boundary would serve an ensuite (south-facing) and a bathroom window in the west-facing flank wall, and therefore these windows would be obscure glazed. In addition, it is noted that the proposed landscaping scheme would include the provision of approximately 80 metres of new hedging along the western boundary of the site, which would further reduce impact over time.
- 10.4 In relation to the interface between the site and the residential development to the south-east, it is noted that the gardens of dwellings on London Road are of significant length. In addition an established hedgerow and trees are located on the boundary. The combination of these elements would mean that the proposed development facing towards these dwellings would not create an unacceptable degree of overlooking nor create an overbearing impact. Furthermore the arrangement of open space at the southern end of the site would mean that this was adjacent to

the newer housing enclave served by the access road leading off London Road, known as Boundary Oaks.

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

- 11.1. The outline planning permission granted by the Council did establish a level of mitigation of impacts arising from the proposed development. Members are advised that the s.106 agreement secured the provision of affordable housing in accordance with the Council's policy requirement of 35%, and the provision management and maintenance of open space on the site.
- 11.2 In addition, the outline application identified a series of payments for education that would be secured through CIL – as identified below:
- 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),
 - Sixth form provision at a minimum cost of £79,628 (2017/18 costs).
 - £216 per dwelling £21,600 which will be spent on enhancing provision at the nearest library.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. As the Council has previously granted outline planning permission for up to 100 dwellings to be built on this site, the acceptability of the development in planning terms is established. Furthermore the full planning permission for the means of access establishes the acceptability of this element of the proposal.
- 12.2 Having regard to the above, it is considered that the details submitted for reserved matters approval represent an appropriate proposed form of development that responds positively to the context of the site's surroundings. In reaching this conclusion the characteristics of the adjoining residential areas have been considered, as has the fact that this site, once developed, would form a new interface between the edge of Capel St Mary and the wider countryside to the north-east.
- 12.3 Importantly, it is considered that the impacts of the development on the amenity of existing residents in the vicinity would not result in material detriment. It is therefore recommended that the scheme of reserved matters as submitted for consideration by Members is agreed.

RECOMMENDATION

That the reserved matters are APPROVED subject to the following conditions:-

- Reserved matters permission is given in accordance with the terms of the outline planning permission relating to this site and the conditions attached thereto remain in force.
- Approved Plans (Plans submitted that form this application)
- SuDs conditions
- Construction Plan to be agreed.

- Level access to enable wheelchair access for all dwellings/buildings.
- Final details of the location and equipment for the proposed LEAP to be agreed
Conditions as requested by the Highway Authority
Development in accordance with the proposed affordable housing mix

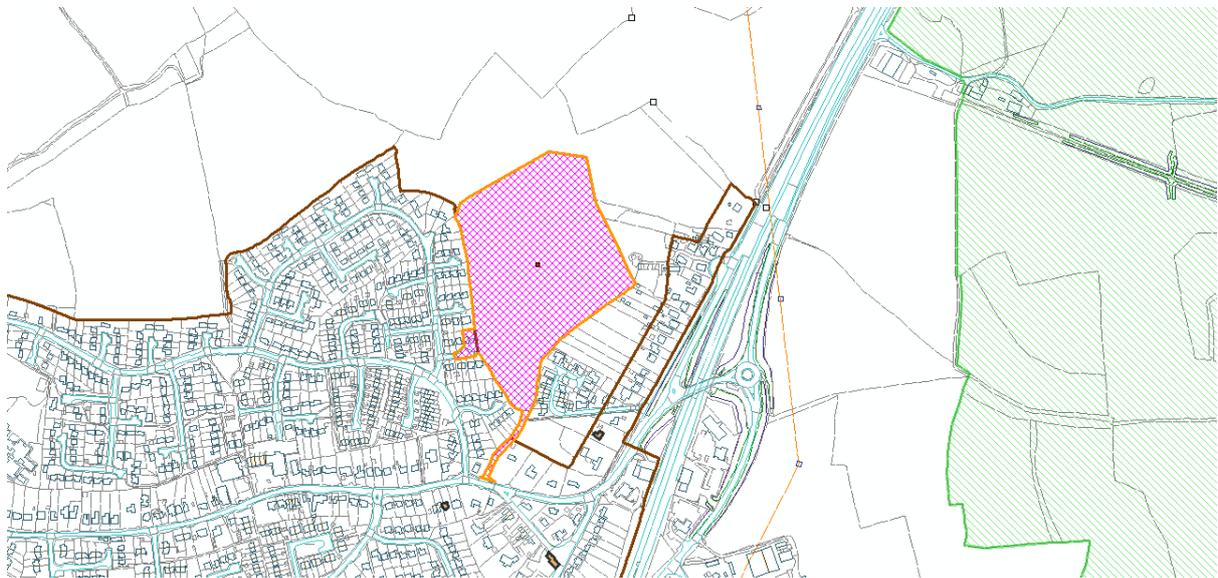
(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

Application No: DC/19/02877

Parish: Capel St Mary

Location: Land East Of Longfield Road And Little Tufts



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Agenda Item 6d

Committee Report

Item No:

Reference: DC/19/04391

Case Officer: Samantha Summers

Ward: Assington

Ward Member/s: Cllr Lee Parker

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline planning application (some matters reserved - access to be considered) - erection of up to 19 dwellings.

Location

Land east of the Barn at Assington, The Street, Assington, CO10 5LW

Expiry Date: 31/01/2020

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr T. Thain

Agent: Mr Nick Peasland

Parish: Assington

Site Area: 0.86ha

Density of Development: 22dph

Details of Previous Committee / Resolutions and any member site visit: Members carried out a site inspection on the 29th January 2020.

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Local Plan Alteration No.2 (2006):
CN01 - Design Standards
CR04 – Special Landscape Areas
TP15 - Parking Standards - New Development

Babergh Core Strategy 2014:
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes

NPPF - National Planning Policy Framework
Suffolk Design Guide

Neighbourhood Plan Status

This application site is within the Assington Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:

Stage 2: Preparing a draft neighbourhood plan. The Pre-Submission Consultation is likely to start in February 2020.

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

Parish Council

Assington Parish Council

Strongly object to this application on the following points:

1) The applicant suggests that Babergh's five year land supply is not in place. This is not correct. Babergh has its five year land supply of housing land to meet the requirements of the core strategy. As a result, any overriding presumption in favour of development does not apply.

2) Impact on the highway: this development would considerably increase the volume of traffic onto a road which has no capacity for any additional traffic. The additional traffic will not only be the vehicles of the owners of the proposed new properties but also their visitors and deliveries.

Suffolk Highways have, in their comments to the previous applications DC/18/00687 and DC/18/05178, stated that this location in The Street is “not a sustainable location from a transport policy perspective. The increase in trips and traffic [from new development] would present a detrimental impact to the road network and landscape character of the area.” DC/19/004391 proposes using the same access. Speeding traffic and the considerable increase in volume of traffic is already causing significant problems and dangers in

the (often single file) road through the village centre. Any additional traffic will be dangerous to all road users.

3) The emerging neighbourhood plan has obtained high quality evidence from both consultation events and a village-wide questionnaire returned by 52% of the adult population (<http://assington.onesuffolk.net/assets/Neighbourhood-Plan/Consultations/April-19-Consultation-Boards-Final.pdf>, slide 3), showing that:

- 89% do not support larger developments of 10+ houses
- 77% do not support developments of more than 5 dwellings
- 75% say we have enough, or too much housing already in the village
- Less than 3% support having more than 50 houses built in the village between 2018 and 2036
- 97% said any new development should respect the landscape of The Brook, south from the Church, and past The Vicary and the Reservoir, including its valley-side slopes.
- 94% thought that new development should provide additional public access, green space and wild places in Assington. Far from creating it, this application destroys green space.
- 76% thought that the volume of traffic is a problem for us in the village (we have a narrow main street with cars forced to park on the road)

4a) The site is not even close (and certainly not in or adjacent to) to the existing built up area boundary or the proposed new BUAB in the emerging local plan (see diagrams below). There is a need for any planning application to evidence exceptional circumstance and need for development in 'Countryside'. Policies CS2 and CS 11 refer:

From a planning policy perspective this application therefore should be treated as a development in countryside, and approval should only be granted if exceptional circumstances can be proved AND subject to a proven justifiable need for the housing (policy CS2 of Babergh Core Strategy 2014 and NPPF paragraph 79). This is NOT the case currently, as no 'exceptional circumstances' justification whatsoever have been presented as part of this application.

4b) The applicant needs to give evidence and prove that there is a local need for this housing; a full detailed housing needs survey would be required.

5) Babergh's emerging joint local plan identifies a need for 38 properties in Assington parish between 2018 and 2036. There have already been 54 properties granted in 18 months, almost 50% more than the amount Babergh have stated to be needed in 18 years! In addition to these 54, the emerging neighbourhood plan is likely to allocate additional sites, in sustainable locations (which this application is clearly not in) to be developed in a graduated way with community support between now and 2036. Assington has had 54 houses granted planning permission since 2018, 33% increase in housing with no investment in infrastructure. This is totally unacceptable to the PC.

6) The scale of the development: and character of the village: The proposed plan is a clear overdevelopment of a small site and would fundamentally change the character of the area, particularly when taking in combination with the 23 houses already approved but not yet commenced in the barn area. This would have a major impact on the social, economic and environmental aspects of the village.

Policy CS11 states very clearly that the cumulative impact of development within villages and within the functional cluster of villages is a material consideration when assessing proposals in respect of "social, physical and environmental impacts." Therefore this application should be considered at least in light of the 54 houses granted planning permission since 2018, a 33% increase in housing compared to the 164 houses in the village at the 2011 census. 33% is an exceptional and transformational amount of new housing for any location; it has come with no investment in infrastructure, and will damage the village character for present and future generations. A further 19 houses as proposed by this application will destroy it.

AECOM have been commissioned, and have recently completed a report (attached) for the Assington neighbourhood plan stating clearly that housing density in Assington is “below 15 dph and often below 10 dph”. This planning application would represent a significant increase in density - of approximately 22 dph.

7) This development does not demonstrate how it would achieve the three sustainable requirements as identified in CS15 and NPPF para 8., social, economic and environmental. This application makes no attempt to address these issues, or to demonstrate how it would achieve them. CS11 requires a site in hinterland villages to be: - “A close function relationship to the existing settlement”. – it is nowhere near the existing or proposed BUABs - “Well designed and appropriate in size/scale, layout and character to its setting and to the village” – it clearly fails this test as described above - “Adjacent to or well related to the existing pattern of development for that settlement” and; - it is not – the site juts out away from the traditional ribbon form of development of the village into open countryside - “Meets a proven need such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan” – application makes no attempt to do this.

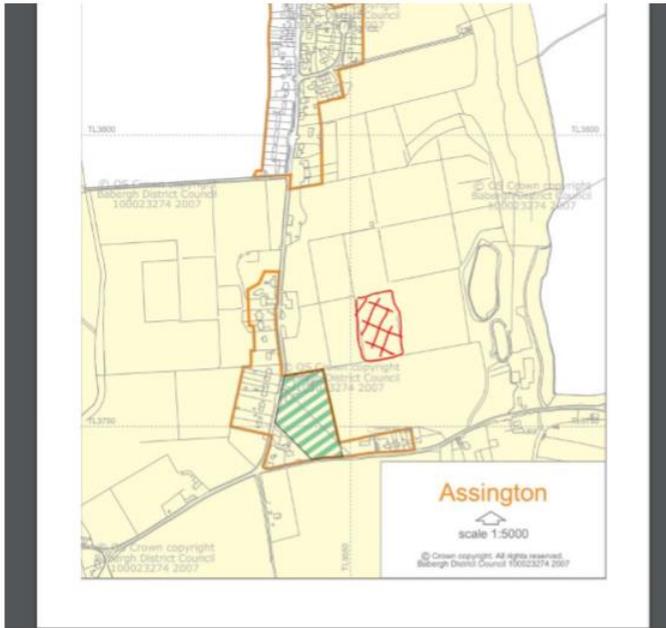
8) The application is in a special landscape area that enhances the rural and tranquil nature of the location and is highly valued by the local population. It should be preserved. This application is different from the previously granted applications DC/18/00687 and DC/18/05178 because it infringes far more on the highly valued valley area of Assington, protruding starkly into the countryside in a position that will be visible both from other dwellings and from public footpaths in the area. It was (tenuously) arguable that DC/18/00687 and DC/18/05178 protruded out only as far as the existing Vicary Estate development; this application protrudes far further. The impact of such development on this site on the nature, wildlife and environment would be disastrous for the long-term view of conservation in this area.

9) While the site has permission for touring, seasonal and static caravans for temporary occupation, none of these structures are greater than c. 2.5m in height. Replacing these with permanent buildings of 6 and 7m in height is therefore a fundamental change to the landscape, and one that cannot be screened by existing hedging or indeed additional landscaping. It will fundamentally change the landscape. There is a row of Listed cottages close, and adjacent to the site, in addition to the separate (and mentioned) Centuries Listed Village House. There is no possibility of this proposal sitting comfortably next to these village icons. Furthermore, whilst the wildlife (eg tawny owls) still live in this location, any actual new building would destroy the habitat and therefore the actual presence of the wildlife.

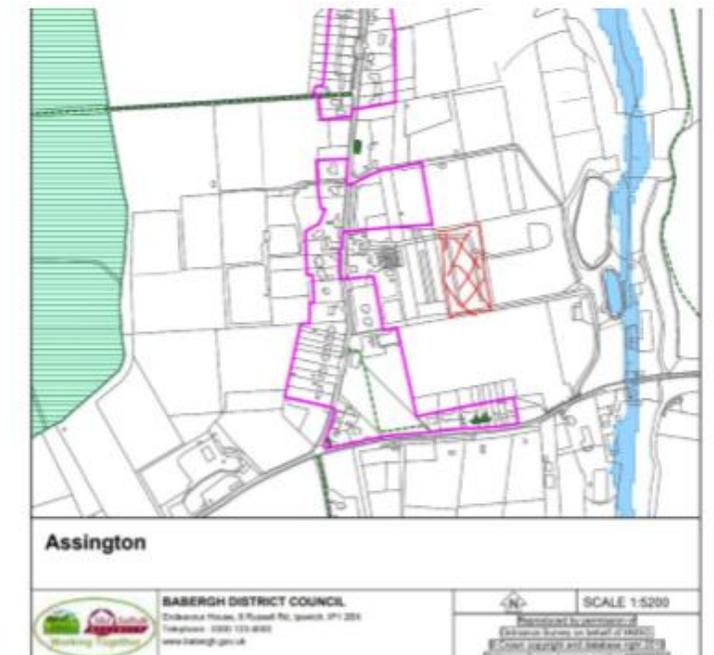
10) Infrastructure: Assington has a lack of physical infrastructure in relation to public drainage and water systems. There is no main sewerage in most of the village. The drainage is constantly under pressure already, with roadworks to try to address road flooding issues.

11) Assington has few facilities (eg schools, surgeries, bus services) and all the neighbouring schools are already full.

For information the existing BUAB in the 2006 local plan is below (BUAB in orange, application site in red):



The proposed new BUAB in the emerging joint local plan (site is in red, BUAB is in purple):



National Consultee (Appendix 4)

Natural England

No objection subject to appropriate mitigation being secured.

County Council Responses (Appendix 5)

Highways

The proposed site is accessed off an approved application for 8 dwellings (DC/18/00118) which also have another site being served by the access road for 7 dwellings (DC/18/05178). With this application, this creates a development of up to 34 dwellings. A Transport Statement has not been supplied with the application. We would expect to see a transport statement for this site to take in the cumulative impact of all three sites and others within the village that have been approved.

The NPPF focuses on the importance of promoting sustainable transport and give priority to pedestrian and cycle movements;

- The bus stops are approximately 500m from to the north of the site which is considered acceptable distance to walk to catch public transport but there are minimal bus services .
- There is a disjointed footway network from the site to the bus stops and village hall; part unbound, and behind hedging. This could be considered unattractive for the vulnerable user to walk to the facilities within the village.
- The primary school is approximately 3.4 miles and the high school is 5 miles from the site therefore, not within walking distance.
- as this is within a rural location with limited services within walking distance and limited bus service, residents will be reliant on their own vehicles for commuting to work, travelling to school and shopping.

The proposal is not considered a sustainable location from a transport policy perspective.

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include conditions and obligations.

Archaeology

No objection.

Flood and Water

Holding objection because the applicant has failed to submit any relevant information with regard to assessing any predicted or known flood risk.

Development Contributions

CIL	Education	
	- Primary school expansion	£82,980
	- Secondary school expansion	£90,952
	- Sixth form expansion	£22,738
CIL	Libraries improvements	£4,104
CIL	Waste infrastructure	£2,090
S106	Education	
	- Primary school transport	£33,600
	- Secondary school transport	£19,200
S106	Highways	tbc

Internal Consultee Responses (Appendix 6)

Strategic Planning Policy and Infrastructure

1. Policy position

Assington is progressing through the emerging Joint Local Plan as a Hinterland village so very low on the hierarchy scale. Assington is currently adopted as non-sustainable settlement (Babergh, LP policy HS03). Therefore, the emerging joint local plan does not significantly plan to increase this area for development due to the issues in lack of services and facilities, poor connectivity and all the necessary infrastructure requirements that are needed and required with major development such as this proposal.

It is apparent through the existing pattern and form of existing development within Assington that constitutes generally linear form along The Street. Also, there is a very rural character where you will find the narrow rural highway abuts grass verges and front gardens. The majority of built form aligns with the linear highway.

This proposal would expand major development away from the main built form cluster of existing development and significantly disrupt the general linear pattern and form of development into open countryside. This is completely incongruous and would be at odds with the areas character and landscape, which would erode local distinctiveness. The location and scale of the proposal combined would be unsuitable and unsustainable for new residential development.

2. Infrastructure Delivery Plan (IDP) position

The IDP (July 2019) sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 22nd July 2019 as evidence which supports the Joint Local Plan and is an iterative document which will change over time dependant on changing infrastructure capacity, requirements and priorities.

The proposed development is not part of the proposed site allocations of the emerging Joint Local Plan. For the purpose of this response, and to understand the impact on infrastructure capacity, the content of the IDP has been considered together with the existing planning permissions and responses from infrastructure providers.

The current approved planning applications and land allocations in Assington are as follows:-

- B/16/01167 - Land North Of The Hollies, The Street – 10 dwellings (under construction)
- There are no proposed site allocations for Assington in the Joint Local Plan.
- There are small developments that were recently approved for development in Assington, which include a site to the north for 6 dwellings allowed at appeal in May 2019, a site of 4 dwellings to the south granted in June 2019, and a site for 8 dwellings towards the centre granted in March 2018.

There are infrastructure needs for Assington that are identified:

• Education

There are no primary school within the settlement. The catchment primary school is Boxford CEVC Primary School, which is unable to expand to provide for this development, as stated by the County Council in their response of the 26/09/2019. Therefore, the primary school pupils from this proposed development would be provided for at the Bures CEVC Primary School or Nayland Primary School, as either could accommodate the growth of this development and the planned growth of the Joint Local Plan. In either case, school transport developer contributions (s106) would need to be secured, as required by the County Council. The catchment secondary school is Thomas Gainsborough School, Great Cornard.

• Transport

The IDP refers to the A1071 / A134 Assington Road junction, as an essential priority, where safety mitigation measures will be required to address the impact of cumulative growth in the area (from Sudbury, Hadleigh, Boxford, Newton, Assington, Leavenheath, Nayland, Colchester). Specific site details and required contributions would be provided through the County Council Highway response.

- **Health**

The nearest practices are Boxford (Branch of Hadleigh) and Bures (Branch of Hardwicke House), where the IDP refers to expansion of the practice and CIL contributions may be required to create additional capacity.

It will be essential that the above points are considered in conjunction with the current application process and infrastructure needs are addressed in accordance with the respective infrastructure providers consultation replies, this response and the IDP.

From an education infrastructure point of view, the pupils deriving from this development will primarily be driven or bused to their primary and secondary schools. Although this is already the case for the existing pupils within Assington, this additional growth would create unnecessary adverse harm in respect of social and environmental conditions.

Further to the above consideration are the school transport contributions, required from the County Council for a period of 7 years for primary school pupils, and a period of 5 years for secondary school pupils. These justified contributions are indicative of the relative remoteness of the proposal from key social infrastructure which, in line with paragraphs 103, 104a) and 108a) of the NPPF, weighs against the proposal.

Strategic Housing

This is a development proposal for up to 19 dwellings

The policy position is for a 35% affordable housing contribution on any site of 10 or more units or site area in excess of 0.5 hectares.

The affordable housing requirement of 35% on this scheme proposal based on 19 dwellings would equate to 6.65 dwellings.

In this instance we require 6 dwellings on site and a commuted sum for the remaining 0.65.

We note that the scheme proposes an open market mix of 2,3,4 and bedrooms. The proposed mix shows the majority are 3 and 4 bedrooms. We recommend less 4 bedroom homes and an increase in 2 bedroom homes.

The recommended affordable home mix for this scheme is:

Affordable Rent = 4 dwellings

- 3 x 2p 4p houses @ 79 sqm
- 1 x 3 bed 6p house @ 102sqm

Shared Ownership = 2 dwellings

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

The 0.65 remaining should be provided as a commuted sum and would be based on a 2b 4p house @ 79sqm. The commuted sum is £49,358.

Heritage

No comments.

Communities Major Development

The proposed development is almost adjacent to the village hall and recreation ground where the Parish Council/VH Committee are currently seeking to develop an equipped play area on that site. It would be

sensible for the developer to liaise with them to consider potential funds/enhancements to that site rather than on the development site, where any open space should be more informally based ie. no equipment.

Land Contamination

No objection.

Public Realm

The proposed development at The Street, Assington appears to be an overdevelopment of the site. There is no public open space provision and Public Realm would like to see an appropriate area of public open space incorporated into the development to reduce the sterility of the proposed scheme.

B: Representations

At the time of writing this report at least 29 letters/emails/online comments have been received. It is the officer opinion that this represents 28 objections and one supporting submission. A verbal update shall be provided as necessary.

*Grounds of objection are summarised below:

*Outside of the BUAB

*Adverse impact on a Special Landscape Area

*Scale inappropriate for local facilities

*Insufficient local infrastructure for scale of development proposed

*Adverse impact on local schools

*Traffic congestion

*Results in cumulative 42 dwelling estate out of proportion with village

*Insufficient notice of application to neighbouring residents

*Light pollution

*Wildlife impacts

*No supporting housing need analysis

*Detrimental landscape impact

*Overdevelopment

*Lack of proposed green space

*Estate layout inconsistent with village's ribbon development

*Highway safety

*Contrary to the Neighbourhood Plan

*Subject application is different to the previously granted applications.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

B/15/01348 - Change of use to caravan and camping site including provision for static, seasonal and touring caravans, tented camping and winter storage of caravans – granted April 2016.

B/16/01448 - Vary condition 6 (occupation restriction) of B/15/01348 – granted February 2017.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The site lies to the rear of the Assington Barns complex, located east of The Street in Assington, a designated Hinterland Village. The land is developed in accordance with planning permission B/15/01348 which allows for a caravan site. Creation of hardstandings and the storage of caravans is evident at the Assington Barns complex. Condition 5 of planning permission B/15/01348 restricts the number of units on the site, "No more than 22 touring/seasonal caravans or tents, 19 static caravans and 22 storage caravans shall be present on the site at any one time and these caravans shall only be sited strictly in accordance with the areas and plots indicated for their use as shown on approved drawing number 24519/04 Revision B received 3rd February 2016, unless otherwise submitted to and approved in writing with the local planning authority."
- 1.2. Located between the Assington Barns complex and the subject site is a plot used as a certified caravan and camping site. This land benefits from two outline planning permissions (DC/18/05178 and DC/18/00687) allowing for a total of 15 dwellings. These permissions have not yet been implemented.
- 1.3. There are existing hedgerows to the southern and eastern boundaries of the site with agricultural fields beyond. To the north lies an existing orchard with the Grade II listed dwelling, Centuries, fronting The Street located approximately 120 metres to the northwest. West of the site, at the frontage to The Street and immediately south of the vehicle access serving the subject site, are three recently constructed double storey detached dwellings (B/15/01393).
- 1.4. The site lies within the countryside and is designated as a Special Landscape Area. The site is not in a Conservation Area. The site is in Flood Zone 1.

2.0 The Proposal

- 2.1. Outline planning permission is sought, with all matters reserved except access, for the erection of up to nineteen dwellings. The indicative design is illustrative only and shows a conventional estate type layout. It includes a row of eight terraced dwellings at the site's south-eastern corner. Proposed vehicle access is via the existing arrangement from The Street. As noted above, this access is shared with the Assington Barns complex.
- 2.2. For clarity, the applicant confirms that if approved, the proposed scheme would replace the current caravan complex at the site.
- 2.3. The proposed housing density is 22dph.

3.0 Policy Context

- 3.1 The Assington Neighbourhood Plan is only in its infancy, at the preparatory stage, and is not sufficiently advanced to offer any meaningful land use planning guidance in respect to the application. However it is noted that the Pre-Submission Consultation is likely to start in February 2020.
- 3.2 Babergh benefits from a five year land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged. This said, there is a need for Council to determine whether relevant development plan policies generally conform with the aims of the NPPF. Where they do not, they will carry less statutory weight.
- 3.3 The emerging Joint Local Plan identifies Assington as a non-sustainable settlement (LP policy HS03). This policy carries limited weight given the stage at which the Joint Local Plan is currently at. However it does give an indication of the intended direction of strategic land use policy for

Assington. The emerging Joint Local Plan proposes a revised built-up area boundary for the settlement. The subject site is some distance from the proposed built up area boundary.

- 3.4 Policy CS1 seeks to secure development that improves the economic, social and environmental conditions in the Babergh district. Policy CS1 essentially repeats the same 'tilted balance' test as that set out at paragraph 11(d) of the NPPF.
- 3.5 Policy CS2 (Settlement Pattern Policy) designates Assington as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary. Policy CS2 therefore applies.
- 3.6 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, is therefore deemed out-of-date and attached limited weight. The fact the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.7 Unlike the blanket approach adopted by Policy CS2, Policies CS1, CS11 and CS15 are consistent with the NPPF. Policies CS11 and CS15 are most relevant and most important, carry full statutory weight, and therefore provide the principal assessment framework against which the application is to be assessed.

4.0 Policy CS11

- 4.1 Development in hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and the additional criteria related to hinterland villages are also met.
- 4.2 Consideration against Policy CS11 and the SPD:
 - 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; and
 - cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 4.3 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.

The landscape, environmental and heritage characteristics of the village

- 4.4 Assington is a village with a prevailing linear development pattern. Much, although not all, of the residential development comprises dwellings on plots 'one deep' fronting The Street. One noteworthy development recently approved that departs from the prevailing character is that immediately north of the Assington Barns complex. That development (DC/18/00188) comprises

eight dwellings fronting an internal access road which runs perpendicular to The Street. It is noteworthy because although not reinforcing the ribbon development pattern, it is limited in terms of its projection eastward into the valley, with its eastern boundary aligning with the eastern boundary of the approved developments adjoining the application site.

- 4.5 The subject site is positioned beyond the rear of the single plots fronting The Street, extending substantially eastward beyond the Assington Barn complex. This is because the site sits to the rear of plots that benefit from outline housing approvals which too are located behind the plots fronting The Street. As a result, unlike much of the development in the village, the application site is visually divorced from The Street.
- 4.6 The site benefits from a relatively recent planning permission that allows for the stationing of seasonal, static and storage caravans. Some caravans occupy the site however it is not yet at full capacity. Some hardstands have been developed for static caravan purposes. It is acknowledged that the site is a developed one.
- 4.7 The applicant relies heavily on the existing caravan park permission in justifying the scheme. The applicant contends that the introduction of housing at the site would not result in significantly greater landscape harm than the development of the approved caravan park. Officers disagree. A caravan park is starkly different in character and appearance than a modern housing estate:
- Caravans are modestly proportioned; permanent houses, in particular blocks of terraced housing, are not.
 - Usually flat roofed, caravans are low slung, of limited height, and visually recessive. Housing, usually adopting pitched roofs, are much taller, bulkier and more prominent.
 - Caravans do not have extensive domestic curtilages like permanent dwellings.
 - Unlike housing estates, caravans do not have detached garaging and outbuildings.
 - Unlike permanently fixed housing, caravans have a sense of transience about their appearance.
- 4.8 A housing estate of 19 dwellings, at this stage with unknown building heights but at least taller than your standard flat roofed caravan, would result in a significantly greater degree of prominence in the landscape than a caravan park. This degree of prominence, combined with its distance from The Street, and the not insignificant 19 dwelling scale, would adversely impact the local landscape setting.
- 4.9 The scale and intensity of development is substantial in the context of neighbouring development. The scheme essentially doubles the number of dwellings surrounding the Assington Barns complex (located to the east and south). When considered cumulatively alongside the 15 dwellings approved adjacent, plus the three dwellings recently constructed at The Street frontage, the resulting 37 dwelling development takes on the appearance of a suburban housing estate of some scale. The proposal creates a not insubstantial non-linear housing estate on the edge of a small scale linear settlement. The scale, intensity and permanence of development is significantly greater than the existing caravan park, at odds with local distinctiveness.
- 4.10 There is screening of the site offered by perimeter vegetation. This may well conceal to some good extent the low level caravans. However the existing screening, or even additional landscape planting, will not conceal houses irrespective of their scale, in views from either neighbouring properties or the public domain. The screening may soften the presence of the development to some extent, it will not offset the identified landscape harm in any significant way.

- 4.11 The applicant's planning agent, in correspondence provided to Council post consultation, contends that the Strategic Planning Policy and Infrastructure (SPPI) consultee comments are 'significantly flawed' and should be 'retracted/withdrawn'. Officers consider the comments offered by SPPI in respect to local character to be well-considered and on point, such that they are worth repeating:

'This proposal would expand major development away from the main built form cluster of existing development and significantly disrupt the general linear pattern and form of development into open countryside. This is completely incongruous and would be at odds with the areas character and landscape, which would erode local distinctiveness.'

- 4.12 The above landscape assessment findings are supported by the Parish Council who sharply observe:

'While the site has permission for touring, seasonal and static caravans for temporary occupation, none of these structures are greater than c. 2.5m in height. Replacing these with permanent buildings of 6 and 7m in height is therefore a fundamental change to the landscape, and one that cannot be screened by existing hedging or indeed additional landscaping.'

- 4.13 Residential development of the site does not raise heritage concerns owing to the separation distance to the nearest designated heritage asset which is approximately 120m northwest of the site. The impact will be even less if the eight intervening dwellings (DC/18/00188) north of the Assington Barns complex are constructed.

The locational context of the village and the proposed development

- 4.14 The site is not well related to the Assington's built up area boundary. This said, development can sometimes be well related to a settlement in physical, social and transport terms without having to be situated close to the designated boundary. In other words, a development might still appear as a logical edge-of-village extension even though it doesn't sit near the designated boundary. In this instance however that is not the case. The scale of development proposed, the extent of the development site area, its position beyond the settlement corridor, and the extent of its eastward projection out of the village means it does not appear as a logical edge-of-village extension. The development does not pay due respect to the established locational context of the village.

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

- 4.15 Strategic housing support the provision of affordable housing to a standard compliant position. Officers agree that smaller market dwellings should be provided however this is more a consideration for reserved matters, rather than a scheme element that would weigh negatively in the planning balance.
- 4.16 The applicant has not provided a local housing needs assessment. This is a policy conflict that must be weighed in the planning balance.

Locally Identified Community Needs

- 4.17 The applicant has not demonstrated a local community need, a policy conflict that must be weighed in the planning balance.

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

- 4.18 Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy.
- 4.19 As already stated, the development is of scale. It is more than twice the size of either of the housing schemes approved adjacent. Being adjacent to these housing schemes, there is a clear cumulative impact to be considered should the application be granted (assuming the two adjacent approved schemes are brought forward – there is no evidence to suggest otherwise), as ultimately the overall development would comprise 37 dwellings.
- 4.20 There is no meaningful separation between the subject site and the adjoining approved schemes, with approved house plots backing directly onto proposed house plots. Nor is there any intervening topography. Intervening vegetation is limited to an existing hedgerow. The hedgerow, to be part removed to enable construction of the access road, would offer little in visibly separating the developments. The proposed development will share the access that forms part of the approved adjoining scheme, with the additional access road appearing as a natural extension of that already approved. For these reasons there is no doubting that if all three schemes were constructed, they would read as one large housing development.
- 4.21 As already noted, the cumulative landscape impact would be significant. Unlike the caravan developments, which are less permanent in appearance, a 37 dwelling development could not be absorbed into the landscape without resulting in serious landscape harm. Taken as a whole the developments would not reflect the qualities of the Special Landscape Area. The significant and permanent cumulative landscape harm, in clear conflict with Policy CS11 and saved Policy CR04, weighs heavily against the proposal.

5.0 Policy CS15

- 5.1 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 in Policy CS15 are covered in the individual sections of this report and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report.
- 5.2 What follows is, therefore, an overarching summary of the most relevant issues.
- 5.3 Policy CS15 (xviii) seeks to minimise the need to travel by car using alternative means and improving air quality. There has been an appeal decision and various recent approvals for housing within the vicinity of the site along The Street, whereby the Planning Inspector and Council have judged that the location is sustainable having regard to its proximity to services within the village and surrounding centres. There will be a level of car dependency, as there always is in rural settlements, however the extent of essential local services on offer does limit, to a degree, the environmental harm that would result. This policy conflict is not attached significant weight.
- 5.4 The scale of the proposal would provide significant work for local contractors during the construction period, thereby providing economic gain, through local spend within the community. (criterion iii of CS15).
- 5.5 The proposed development would support local services and facilities, a public benefit weighing positively in the planning balance.

5.6 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 residential development (criterion xi of CS15).

5.7 During construction methods will be employed to minimise waste. (criterion xiv of CS15).

5.8 The proposed dwelling would 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).

6.0 Highway Safety (Parking, Access, Layout)

6.1 The Highway Authority does not object to the access noting the proposal seeks to utilise an existing, well established access. There is nothing to suggest access and parking could not be adequately managed through reserved matters applications.

6.2 Local concerns are raised about the potential for a cumulative highways impact given the number of approved developments, two others of which will use the same access. There is no technical evidence before officers to indicate that the cumulative traffic impact on The Street would overall result in unacceptable harm to highway safety or conflict with relevant policy. There is no reason to resist the proposal on highway safety grounds.

7.0 Residential Amenity

7.1 The development is sufficiently set in from all side boundaries that the residential amenity of neighbouring residents can be readily safeguarded. This would be more carefully considered by the reserved matter submissions relating to layout.

8.0 Landscape Impact and Trees

8.1 Landscaping is a reserved matter and therefore need not be assessed in detail at this time. There are no trees of note proposed for removal.

9.0 Ecology

9.1 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.

9.2 The application is supported by an ecology report that has been reviewed by Council's Ecology Consultant. The consultant raises no objection subject to conditions. Biodiversity considerations are not fatal to the application and could be conditioned if an approval was recommended.

10.0 Planning Obligations / CIL

10.1 The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.

PART FOUR – CONCLUSION

11.0 Planning Balance and Conclusion

- 11.1 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Core Strategy for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 11.2 Council does not have an identified housing shortfall. Paragraph 11(d) of the NPPF does not engage. In other words, the presumption in favour of sustainable development does not apply. Local housing supply policies, principally CS11 and CS15, carry full statutory weight.
- 11.3 There will be some environmental harm associated with the development's likely reliance on the motor vehicle. However, local essential services will lessen the number of vehicle journeys. Conflict with Policy CS15 in this regard is attached less than moderate weight.
- 11.4 The development does not constitute a logical edge-of-village extension. The change to landscape character brought about by the introduction of 19 dwellings, set well away from the ribbon development along The Street, would be adverse and significant. The cumulative landscape effect, when considered alongside the two approved schemes adjacent, would be substantial. These elements of the scheme conflict with Policies CS1 and CS15. There is harm to the qualities of the Special Landscape Area which conflicts with Saved Policy CR04. These considerations weigh heavily against the scheme.
- 11.5 Concerns are not raised in respect to a number of scheme elements, noting the proposal's ability to safeguard highway safety, maintain residential amenity, not detract from heritage assets or unacceptably impinge biodiversity values. However acceptability in these regards is a neutral factor rather than a public benefit.
- 11.6 There is conflict with the most important relevant development plan policies, policies which carry full statutory weight. The housing supply benefit is attached limited weight given the district does not have an identified housing shortfall. The neutral/positive scheme elements are outweighed by the policy conflicts identified above.
- 11.7 The applicant relies heavily on the fact the site is developing in line with a caravan park approval. A caravan park is a significantly less obtrusive landscape outcome than a permanent 19 dwelling housing estate. The decision permitting the caravan park is of limited relevance given the material differences that exist between the approved scheme and the current proposal.
- 11.8 There are no material considerations justifying approval of a scheme that otherwise departs from the most important, relevant and up-to-date development plan policies. Recommendation is therefore to refuse outline planning permission.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:

1. The proposed development, by virtue of its scale, density and location, would adversely impact the character and appearance of the area, including the landscape qualities of the Special Landscape Area, contrary to Saved Policies CN06 and CR04 of the Babergh Local Plan 2006, Policies CS11 and CS15 of the Babergh Core Strategy (2019) and the National Planning Policy Framework.

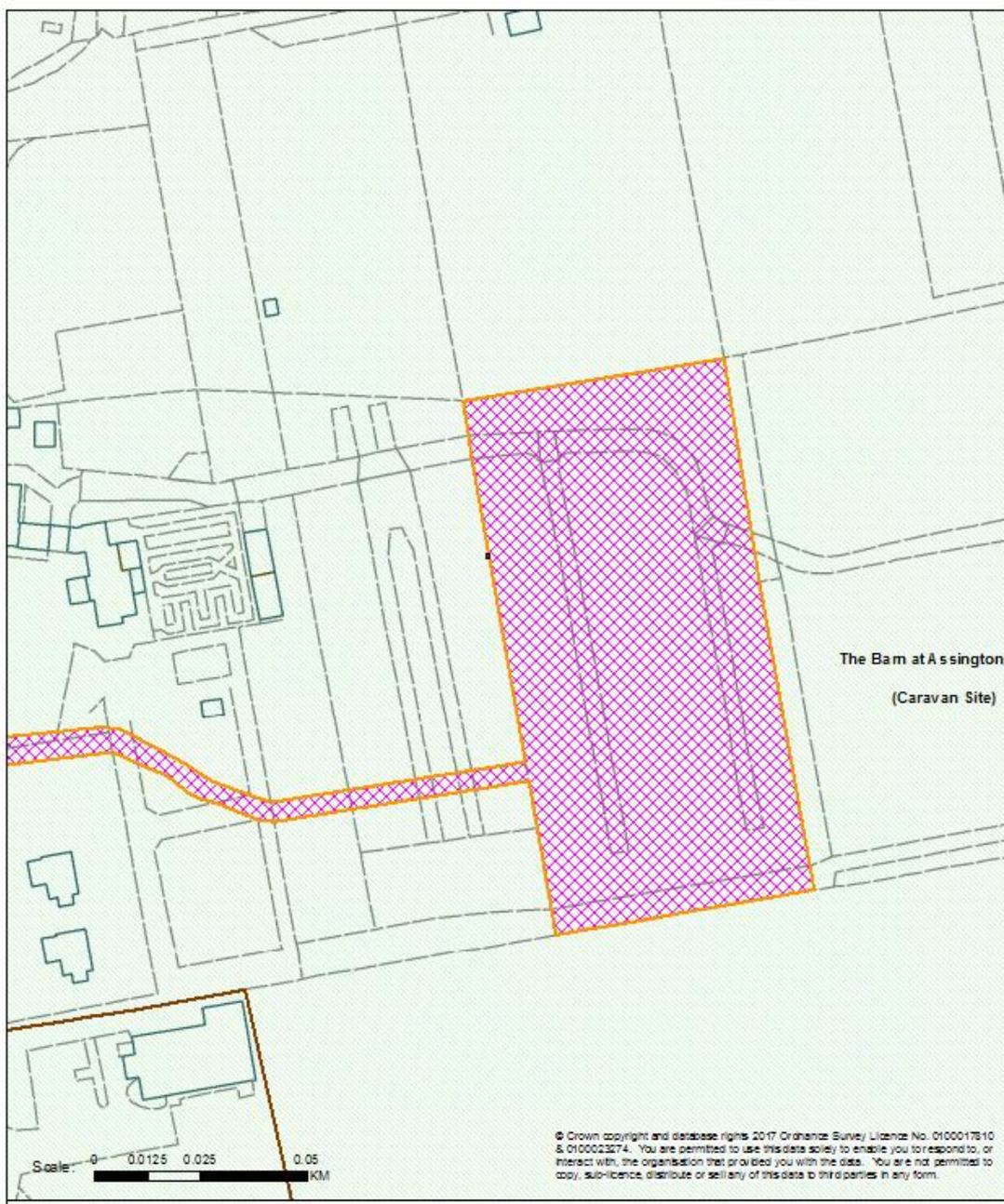
2. The proposal would fail to deliver sustainable development, contrary to Policies CS1, CS11 and CS15 of the Babergh Core Strategy (2019) and the National Planning Policy Framework.

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Application No: DC/19/04391

Parish: Assington

Location: Land East of the Barn At Assington, The Street



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