

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

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

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Instructions

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

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

Planning History

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

The application(s):

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

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

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

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

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

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

B/17/00122/OUT Hopkins Homes Development

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

This application was recommended for approval and approved.

5 year housing supply

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

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

Email of 27th March 2017

Dear Helen,

I am able to advise that the 5 year supply of land for housing(5YSLH) in Babergh has now fallen below 5 years. This means that the requirements of paragraph 49 of the National Planning Policy Framework (NPPF), now apply to applications for housing development. Para 49 states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

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

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

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

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

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

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

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

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

Local Policy does not support the applications.

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

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

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

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

Sequential Approach

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

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

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

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

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

Access

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

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

Need

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

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

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

Impact on services

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

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

Agricultural Land

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

Conclusion

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

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

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

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