

Committee Report

Item No: 6

Reference: DC/18/01383

Case Officer: Samantha Summers

Ward: Alton

Ward Members: Cllr Alastair McCraw and Cllr Harriet Steer

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of a single dwelling

Location

Land at Brantham Hill, Brantham Suffolk CO11 1SH

Parish: Brantham

Expiry Date: 25/05/2017

Application Type: Full planning application

Development Type:

Applicant: Barkley Projects LLP

Agent: Fisher Jones Greenwood

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason following a member call-in by Cllr McCraw and consideration at delegation panel:

The Panel considered the comments of Councillor McGraw who attended the Panel. Mindful that the application would develop an area secured for open space and which was previously permitted under delegation having regard to affordable housing and CIL considerations then relevant. It is noted that such open spaces have often been provided within CS11 applications and the Panel consider that there is a significant consistency material considerations and a decision on the application is accordingly of more than local significance then the application will be reported to committee once publicity and consultations are complete and the application has been evaluated by officers.

Details of Previous Committee/Resolutions and Member Site Visit

A panel of members visited the site on 7th November 2018.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Relevant saved policies of the Babergh Local Plan 2006:

CN01 - Design Standards

TP15 Parking Standards – New Development

HS28 - Infilling/Groups of dwellings

Babergh Core Strategy 2014:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern

CS11 - Core and Hinterland Villages

CS15 - Implementing Sustainable Development Policy

CS21 - Infrastructure Provision

Supplementary Planning Documents:

Suffolk Guidance for Parking 2015

Rural Development and Core Strategy Policy CS11 Supplementary Planning Document 2014

National Planning Policy Framework

Consultations and Representations

During the course of the application consultation and representations from third parties have been received.

A: Summary of Consultations

The following is a summary of responses received, made in respect to the revised scheme submitted November 2017.

Brantham Parish Council

Application DC/18/01383 included a supporting statement prepared by FJG Solicitors on behalf of the developer. The introduction to that document stated that BDC has provided pre application advice that it is necessary to demonstrate why, in planning terms, the complete loss of the public open space is acceptable. That statement was therefore prepared in order to justify the developers position with regard to an amendment to the consented application.

The developer has now submitted an amended Application, now providing a revised site layout involving an additional residential unit, and a consequent reduction in area of the open space. This is accompanied by further supporting information.

BPC Comments Note: The following essentially reiterates the earlier BPC comments where it is felt that these continue to be relevant and germane. Further comment has been added as it relates to the amended application and supporting argument.

1. The quantum of development proposed by this application is a single bungalow located in a natural and logical position rounding off and supporting the form and layout of the development as a whole.

BPC Comment:

The proposed bungalow is still not contiguous with the built frontages of the development currently under construction. The proposal site remains seriously compromised by a drainage easement which defines where the proposed bungalow can be sited, significantly behind the established building line of the overall development, thereby failing to support the remainder of the now completed development.

2. The provision of a further bungalow will create punctuation, a matching bookend at either end of the development leading it to appear more cohesive and well balanced.

BPC Comment:

The NPPF contains a requirement that any development is to include good design. Good design should naturally include cohesion and balance from the start, and not rely upon a later unexpected building to provide it. The amended proposal does nothing to resolve this.

3. The provision of an additional dwelling will neither appear cramped or contrived

BPC Comment:

Please refer to BPC comments (1) and (2) above. BPC considers that this proposed layout remains both cramped and contrived, for the reasons given. To simply state it not to be so is not a justification.

4. Subsequently it has been realised that the area of land is more extensive than had perhaps been perceived.

BPC Comment:

The original application contained a masterplan. Later post-approval detailed planning drawings included detailed housing and landscape layouts. The approved landscape plan, for example, was provided at 1:250 scale which is quite sufficient to inform a development team with a full understanding of the extent of the overall site. Such matters are basic industry practice in considering the viability of a development and its subsequent successful construction. It is noted however that the scale of the supplied drawing cannot fully justify the placement of the bungalow within the limitations of the site. There appears for example to be no allowance for foundations to be placed outside of the drainage easement, the proposed corner appearing to be set out from the easement line. BPC are concerned that this will require the building to be set back even further into the already limited rear garden. This is sufficiently tight to warrant justification by a detailed survey and layout.

5. There were neither planning conditions nor a legal obligation to provide the public open space

BPC Comment:

This comment, and several others are included within the amended supporting statement. BPCs comments are as follows, and are a collected response to the severally repeated arguments that the open area is now not required, for whatever reason given by the developer within the supporting statement.

A planning authority is unlikely to stipulate or impose such matters prior to an application, but quite usually impose them as conditions to an approval. As in this instance, conditions were imposed on an area of open space freely offered and included by the developer within his application. The developer has, until now, readily accepted and discharged those conditions, including the

preparation of a detailed landscape plan and landscape management plan, both of which include, and take account of, the approved open space. This condition has subsequently been discharged and BPC would wish to see the consented scheme constructed as approved.

Additional Notes: The application seeks planning permission for one dwelling utilising the approved vehicular access for Planning Application B/15/01737/FUL

BPC Comment:

The supplied site and block plans show a red boundary line to the new house, but this also includes the already consented access road. This would suggest that the new application will somehow affect the approved access road. Clarification on this point may be required.

BPC Comment:

An open space is currently provided within both the original consent and in a limited form within the current amended application under discussion. BPC would advise that responsibility for dog mess will inevitably fall to BPC as this is the public view of such matters. Should this amendment be approved, and since this land will remain in private hands, BDC should ensure that the developer includes for the provision of a Dog Bin and for its maintenance within the Landscape Management Plan. Similarly for the maintenance of the relocated footpath adjacent to the southern boundary.

BPC Comments regarding the Addendum Application supporting statement.

1. The reason that this application has been referred to Committee is understood to be because it is deemed to be of more than local significance in terms of its impact. It is unclear how a small area of privately owned open space that is intended to be made available to the public can be deemed to be of more than local significance. It was never going to be adopted; it was never going to contain play equipment. It was simply an open area, with seating, nothing more. Open space and seating continues to be retained as part of this application, alongside the footpath, which is not a public right of way. These are not lost.

BPC Comments:

A planning authority is unlikely to stipulate or impose such matters prior to an application, but quite usual to impose them as conditions to an approval. As in this instance, conditions were imposed on an area of open space freely offered and included by the developer within his application. The developer has, until now, readily accepted and discharged those conditions, including the preparation of a detailed landscape plan and landscape management plan, both of which include, and take account of, the open space as now approved. This condition has subsequently been discharged and BPC would wish to see the original consented scheme constructed as approved. It is not acceptable that a developer should depart from a consented scheme in such a significant manner, and to the detriment of the open space which was freely offered by the developer within the original application.

If this amended application were to be granted, this would be setting a precedent that an applicant, having submitted for, and obtained, a Planning Permission, can then dispute any agreed provision of Public Open Space arrangements (consented under B/15/01737) and apply for further development at a later date.

2. The original application was submitted pre the adoption of CIL and where there was no requirement for any public open space.

3. In consideration of the CIL contributions for this application these can be used for offsite open space, by implication not onsite provision. The proposed new dwelling will attract CIL contributions and therefore those funds can be utilised for offsite open space provision in accordance with the adopted CIL strategy. Notwithstanding the fact that open space is retained as part of this application proposal.

BPC Comment (items 2 and 3)

The provision of other facilities elsewhere is irrelevant generally, and especially with regard to this current application.

4. Planning Policy Policies CS11 and CS15 were considered at the time of the last application; reference B/15/01737 where the proposal was considered generally compliant with Policy CS11 and CS15.

5. The criterion for Policy CS11 for hinterland villages inter alia considers layout, relationship, character. The proposed development is for a single dwelling. Greater space has been achieved onsite because the footpath (not a PROW) has been realigned. The footpath now runs along the boundary. The footpath is retained, open space is retained and a seated area for the public are all maintained as part of this application. The layout, relationship, character and other policy requirements of CS11 are met

BPC Comment Item 5.

No greater space has been achieved on site since the overall site area has always been established. It was always possible for the developer to design the original scheme with the old footpath being relocated. The position of the old footpath was after all on private land, as noted by the supporting statement.

6. Policy CS15 criterion (ix) discusses making provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the District and where criterion (x) discusses creation of green space. When the previous application was objectively assessed it made no requirement for the indicated open space to be retained as such, by a planning condition, nor did it identify with or require it to be controlled for retention through the imposition of a Section 106 obligation.

BPC Comment:

As noted previously, the area of open space was freely included and defined by the developer within the original approved application, this then being subject to conditions, one of which was the creation and maintenance of the landscaping etc of that area noted as open space.

The developer has presumably accepted that as a valid condition as landscaping details have recently been submitted in order to discharge that condition. It is understood that that condition is now discharged, thereby requiring its creation as approved, being a direct requirement of the scheme as approved and now constructed.

7. It is noted that in respect of the Application Reference 15/01737 the Corporate Manager - Public Realm/Open Space made no response to the application submission and where it was further noted that the District Council would not normally adopt areas of open space such that proposed on the master plan layout.

BPC Comment:

See Note at Item 6 above.

8. The Section 106 and associated Deed of Variation make no provision for public open Space

BPC Comment:

See Note at Item 6 above

9. With the previous scheme the public open space again was intended to be privately owned and privately maintained, but available for public use. It was not going to be adopted by the Council.

10. In planning policy terms the site is simply not large enough to warrant onsite public open space.

BPC Comment:

BPC would question why open space was offered within the original approved scheme, and also now as a token gesture, if that were the case.

11. There is open space that is retained as part of this application, alongside the footpath. It will be privately maintained, but intended to be made available for the public in perpetuity.

12. There was and is no requirement, should this application be refused, for the open space to be made publicly available. The area can simply be retained as an open area with public access denied.

BPC Comment:

This appears at odds with the preceding item. BPC note that the developer appears to be reserving the right, should this amended application be refused, to prevent public access to the open space. BPC would request that the LPA investigate the legality of that stance as it appears to be at odds with the approval and the now discharged condition regarding the landscaping and its maintenance.

13. In its revised form it is considered that the proposal, no longer set at an angle, does reflect the surrounding form of development, including the new housing development of Poppy Field.

BPC comment Items 16-17

As noted previously, the proposed bungalow is still not contiguous with the built frontages of the development generally. The proposal site remains seriously compromised by a drainage easement which defines where the proposed bungalow can be sited, significantly behind the established building line of the overall development, thereby failing to support the remainder of the now completed development. The amenity space might meet with requirements but it is cramped and uneasy within the site.

14. The revised open space proposes 205 square metres. This is not a small inconsequential area given the proposal was/is only for 13 + 1 dwellings and does not provide an unreasonable standard of public open space when taking into account the quantum of development. The proposal is considered compliant with Policy HS28

BPC Comment:

The original approved application was for 13 units. The current application is for one unit, not 13+1 as noted. The resultant proposed open area will thereby be significantly less than submitted within the scheme as approved.

15. In summary the approved scheme for the 13 dwellings made no requirement for public open space and whilst offered it is now proposed in a revised format. It was always, either by virtue of the previous scheme, or as provided for with the application proposal, going to be adjacent to the public highway where the same considerations must apply. The seated area has moved marginally closer to the road in a position that it is far more likely to be utilised looking outward to where greater activity is occurring. Previously it looked inward at an oblique angle where views of the surrounding countryside would have been limited.

BPC Comment:

See our response at Item 6 above. Since this is fundamental to the current application, and is repeated here. The area of open space was freely included and defined by the developer within the original approved application, this being subject to certain conditions, one of which was the creation and the landscaping etc of that area noted as open space. The developer has presumably accepted that as a valid condition, as landscaping details have recently been submitted in order to discharge that condition and to legalise the development as a whole. It is understood that that condition is now discharged, thereby requiring its creation as approved, being a direct requirement of the scheme as approved and essentially completed.

16. This application appears to have become linked to the failure to provide onsite affordable housing. The simple fact as to why this was not provided onsite was because the Housing Departments stircasing clause was not acceptable to many registered providers including the Council's own Housing Department who eventually declined the site. This stircasing problem lost the applicant's time in their determined effort to find a registered provider to take the site

BPC Comment:

This is perhaps correct, but irrelevant.

17. The scheme of the 13 as built and nearing completion, with all plots reserved provides a well-balanced, highly attractive scheme to the benefit of Brantham village comparable to that of Summers Park at Lawford, but on a smaller scale.

BPC Comment:

This is perhaps correct, but irrelevant.

18. The provision of the single additional dwelling provides a natural infill commensurate to the spatial context of the area

BPC Comment:

Please refer to our original comments as above, which BPC considers still relevant. The proposed bungalow is still being shoe-horned into a space left over after the planning of the development.

19. In conclusion it is considered firstly, that this matter is not of more than local significance because there was no requirement for public open space in consideration of planning policy, it was a voluntary offer. This offer is retained, but in an alternative format. The resultant scheme in total (13 + 1 dwellings) provides for a well-designed, well planned scheme to the benefit of the street scene. The application meets planning policy requirements, contributes to the supply of housing, is fully sustainable and completes the development of Poppy Field retaining the design principles of the main scheme.

BPC Comment:

1. A decision in favour of the amended plan, both from the point of view of an additional unit and the consequent reduction of green space would not reflect well on the LPAs authority in applying and enforcing planning conditions, in this case for freely offered open space within a housing application.

2. The additional unit might contribute to the supply of housing, but it is not a necessity given that the LPA has apparently met its 5 year requirement.

Summary to amended application

BPC remain of the opinion that the developer has failed to demonstrate within the amended layout that, in planning terms, the loss of the open space is acceptable.

BPC do not agree, for the reasons given, that the proposed bungalow is a suitable or adequate design response to this residual and restricted area. The offer of an open landscaped space within the original application was welcomed by BPC, as was the inclusion of an element of affordable housing, both of which prompted a kindly response from BPC to this development. Should this application be approved the LPA should perhaps consider the devaluing of, and potential precedents created by, a planning process in which worthy planning conditions are clearly set, considered in depth by others, and then are not enforced or capable of being bypassed.

SCC - Highways

No objection subject to standard conditions.

SCC Archaeology Service

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.

B: Representations

Three objections received on the following grounds:

- Development set behind the established neighbouring front building line
- Small seating area and no countryside views from seating area
- Proposed footpath connects to an illegal footpath

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site, measuring 1744sqm, is located on the western side of Brantham Hill between the residential property 'Windyridge' and a development of 13 dwellings under construction, approved pursuant to planning permission B/15/01737/FUL. The site is outside of, and adjacent to, the settlement boundary of Brantham. Brantham is a designated Hinterland Village.
- 1.2. The site contributes to the linear form of development along the western side of Brantham Hill. Farmland is located west of the site. On the opposite side of Brantham Hill is established residential development. A 1.2m wide pedestrian footpath is located to the rear and southern side of the site.
- 1.3. The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area. There are no nearby listed buildings.

2. The Proposal

- 2.1 The full application seeks planning permission for the erection of a three bedroom bungalow and detached double garage. The bungalow is set to the rear of the site, with the double garage set forward of the bungalow. Vehicle access is via the recently constructed internal road approved pursuant to B/15/01737/FUL. Proposed building envelopes are set outside of the 3m wide drainage easement that traverses the site.

- 2.2 The bungalow would be finished in light grey composite cladding, natural slate hipped roof and feature uPVC windows. These materials have been agreed as part of planning permission B/15/01737/FUL.
- 2.3 Proposed to the front of the site, south of the road hammerhead, is a public open space area which will comprise a grassed area with seating. It will be privately maintained, but intended to be made available for the public in perpetuity. The public open space area connects with the 1.2m pedestrian route.

3. Planning History

- 3.1 The site forms part of a much larger site that benefits from planning permission B/15/01737/FUL issued in April 2016 for a 13 dwelling development. The approved development includes a southern public open space area, adjoining the residential property Windyridge. The public open space area was put forward by the applicant, it was not a requirement of Council. If implemented in accordance with B/15/01737/FUL, the public open space area will be privately maintained, but intended to be made available for the public in perpetuity. The subject site generally comprises the area forming the approved public open space area.

4. The Principle of Development

- 4.1 At the time of the grant of planning permission B/15/01737/FUL, Council could not demonstrate a five year housing land supply as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF was engaged.
- 4.2 Council now benefits from a five plus year housing land supply position. The tilted balance at paragraph 11(d) of the NPPF is no longer engaged. Therefore there is not a requirement for 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 policies of the Core Strategy generally conform to the aims of the NPPF. Where they do not, they will carry less statutory weight.

Policy CS2 Settlement Pattern Policy

- 4.3 Policy CS2 (Settlement Pattern Policy) designates Brantham 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 and therefore Policy CS2 applies.
- 4.4 The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up to date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within 6 months of the Core Strategy having been adopted. This has not to date happened. The current LDS, published in July 2018, now indicates that the Joint Local Plan, including site allocations, will be adopted in February 2020.
- 4.5 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated.

For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.

- 4.6 Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 4.7 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1, CS11, CS15 and CS21 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework applying to the subject application. An additional policy of particular relevance is saved Policy HS28 as the site constitutes an infill plot, albeit outside the settlement boundary.

Policy CS1 Presumption in Favour of Sustainable Development

- 4.8 Policy CS1 takes a positive approach to new development that, as noted above, reflects the presumption in favour of sustainable development. It seeks to secure development that improves the economic, social and environmental conditions in the Babergh district.

Policy CS11 Strategy for Development in Core and Hinterland Villages

- 4.9 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.
- 4.10 The site is located on the western fringe of Brantham, an edge-of-settlement location where Policy CS11 applies.
- 4.11 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.
- 4.12 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.
- 4.13 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn. Policy CS15 matters, which an application must score positively against, are addressed later in this report.

The landscape, environmental and heritage characteristics of the village

- 4.14 The site is not in a designated landscape of special significance. The site contributes to ribbon development that is common to the village and the district. There are no special landscape qualities evident. The site is visually well contained, framed by well-established residential properties to the south and recently constructed dwellings to the north.
- 4.15 The addition of one dwelling in a location that is framed by residential development on either side raises no landscape issues of note. The development will not project into open countryside.
- 4.16 As already noted, the site is not in or near a Conservation Area and there are no listed buildings nearby. The proposal has no heritage character consequences. Saved Policy CN06 is not engaged.
- 4.17 In environmental terms, as noted by the applicant, there is no further loss of agricultural land, or land of environmental value as a result of this proposal. The agricultural land was lost through the grant of planning permission B/15/01737/FUL. The site is not identified as having archaeological potential. There is no evidence to suggest the land is contaminated.

Site location and sequential approach to site selection

- 4.18 To be acceptable under Policy CS11 proposals should adjoin and be well related to the built up area boundary of the village. The SDP acknowledges that some sites even though they adjoin a settlement boundary may not be well related to the village and a judgement will need to be made taking into account issues such as:
- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development
 - Whether the proposal constituted a logical extension of the built up area of the village
 - Whether the proposal is self-contained and has logical natural boundaries.
- 4.19 The site abuts the settlement boundary. The site is visually well related to the body of the village, essentially an infill plot where logical and natural boundaries are evident. The site is well connected to the village in visual and physical terms.

- 4.20 The site is a sustainable location for residential development, as already well established by the grant of planning permission B/15/01737/FUL. The site is within a short walking distance of a convenience store, post office and Primary School. Brantham Leisure Centre, a public house, and a garage are also located nearby. All of these facilities can be easily accessed from the application site through the use of the public footpath network. The site benefits from a regular bus service throughout the day, noting a bus stop is directly outside the site. It is concluded that future occupants of the dwelling will not be solely reliant on the car to access local services.
- 4.21 The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

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

- 4.22 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. Case law dictates that the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves.
- 4.23 The application is not supported by a housing need statement. This said, the NPPF recognises that small sites can make an important contribution to meeting the housing requirement of an area as they are often built-out relatively quickly, a factor that is to be considered when assessing the application's non-compliance with this criterion.

Locally Identified Community Needs

- 4.24 Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).
- 4.25 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. A community needs assessment as not been provided. The modest scale of development is such that a community needs assessment is of limited value.

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

- 4.26 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*".
- 4.27 Policy CS11 requires the cumulative impact of development, both within the Village, and its functional cluster, to be a material consideration. Given the responses from statutory consultees and the small scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts as a result of the development in combination with others completed/committed to in the cluster.

CIL provides a mechanism to address additional infrastructure demand and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be adversely impacted by the development.

Development scale, layout and character

- 4.28 The bungalow development is consistent in scale with the adjacent southern bungalow. The finishing materials are consistent with the recent northern residential development. The bungalow is sited further back from the front boundary than its neighbours. This does not constitute an unacceptable design response. Existing residential character is appropriately respected.

Is adjacent or well related to the existing pattern of development for that settlement

- 4.29 The site has a close functional relationship to the body of the village. The existing linear form of development is continued and reinforced. The scheme is therefore well related to the existing development pattern.

Meets local need identified in neighbourhood plan

- 4.30 There is no Neighbourhood Plan.

Supports local services and/or creates or expands employment opportunities

- 4.31 The proposal would make a modest contribution to supporting the existing facilities in the village.

Delivery of permitted schemes

- 4.32 The proposal would not compromise delivery of permitted or identified schemes.

Policy CS15 Sustainable Development

- 4.33 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape and heritage asset impacts, and it is not therefore necessary to run through each and every one of those criteria in this section of the report.

- 4.34 Of particular relevance to this application is the matter of public open space, more specifically, the loss of public open space that was approved as part of planning permission B/15/01737/FUL. Criterion ix) of Policy CS15 states that all new development should make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district. This is reinforced by Policy CS21, which requires Council to work with developers to develop sustainable places with safe and healthy communities, securing the appropriate social, physical and green infrastructure needed to support these places and safeguard the environment. The supporting text in the Core Strategy at section 3.6.2.3 is of particular relevance:

'However, the general public is making it increasingly clear that where new development takes place, it expects that associated infrastructure will be provided contemporaneously. By this, it is meant not just vehicular access and drainage, but all of the amenities that the occupiers of the particular land use have a right to expect.'

If it is a residential use, then green infrastructure in the form of landscape corridors and play areas is expected, and social infrastructure in the form of education, healthcare, policing and so on is provided.....All of these elements contribute towards the objective of sustainable communities and affect quality of life.'

- 4.35 The provision of public open space was a positive planning benefit that weighed in favour of the scheme assessed under planning application B/15/01737/FUL. There is a community expectation that the public open space offered as part of the previous approval will be developed for the benefit of local residents.
- 4.36 The loss of the majority of the approved public open space would be detrimental to village amenity. The loss of a green space of meaningful proportions, one very well oriented to the public footpath network, would adversely affect the amenity levels enjoyed by future village residents. The proposed public open space area is a significant compromise in terms of the quantum and amenity value of the space, now concentrated to the road frontage. The approved public open space area was particularly attractive in a visual amenity sense given its direct abuttal with open countryside. The same cannot be said for the proposed public open space area, divorced from the open countryside by the intervening bungalow that is now proposed. These observations demonstrate that the proposal does not accord with paragraph 127 of the NPPF which requires development to create places that have a high standard of amenity for existing and future users.
- 4.37 The following issues are noted in respect to other Policy CS15 criteria:
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community (criterion iii).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v).
 - The application site is situated within Flood Zone 1, land not identified as being subject to significant flood risk.
 - During construction, methods will be employed to minimise waste (criterion xiv).
 - The proposed dwelling 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).
 - Highway (criterion xix) considerations are considered below.

Saved Policy HS28 – Infilling and Groups of Dwellings

- 4.38 Policy HS28 does not support infilling or groups of dwellings if an important feature in visual or environmental terms exists, for example a locally important gap, the proposal represents overdevelopment, the layout results in unreasonable amenity and public open space standards, and the scale, density or form would be out of keeping with neighbouring development.
- 4.39 The site does not contribute to an important undeveloped visual gap. The site is the principal contributor to the visual gap that has been created via planning permission B/15/01737/FUL, however it is not important in a landscape sense to an extent that if it were lost, there would be serious harm to landscape values. A bungalow on a 1744sqm plot does not constitute overdevelopment. Also for the reasons already outlined above, the scale, density and form of development is consistent with the surrounding development and built form character of the village.
- 4.40 There is no obvious conflict inherent in the scheme with Policy HS28.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 The existing access arrangement will be utilised, noting the Highways Authority raises no objection. Parking provision is standard compliant. Highway safety is not at issue.

6. Impact on Residential Amenity

- 6.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 6.2 The single storey scale of development provides for adequate amenity interfaces. There will be no undue overlooking, overshadowing or overbearing effect for neighbouring occupants. Daylight and sunlight access levels are maintained. Residential amenity is safeguarded.

PART FOUR – CONCLUSION

7. Planning Balance

- 7.1 Council benefits from a five year housing supply. The tilted balance at paragraph 11(d) of the NPPF no longer applies.
- 7.2 The site is in open countryside for planning purposes and therefore conflicts with Policy CS2. However, Policy CS2 carries reduced statutory weight because of the age of the settlement boundaries and inconsistency with the NPPF. The site's edge-of-settlement location is such that it is not isolated and paragraph 79 of the NPPF is not engaged.
- 7.3 Policies CS1, CS11 and CS15 are attached full statutory weight given their strong alignment with the NPPF. The site has a close functional relationship to the village. The site is essentially an infill plot where a dwelling would continue the linear development along this section of Brantham Hill. Landscape harm is limited. There is no discernible heritage character harm. Scale is commensurate with neighbouring built form. The site is a sustainable location, with effective pedestrian connectivity and highly accessible bus services. The application's performance against Policy CS11 is favourable.
- 7.4 The application also performs well in respect to a number of Policy CS15 criteria. There is however conflict in respect to green infrastructure provision. The community expects level of public open space to be provided as part of the implementation of planning permission B/15/01737/FUL. The proposed bungalow reduces, substantially, the quantum of public open space approved previously. The resultant public open space area appears as an after-thought, perched at the roadside not well integrated into the approved development. This is not reflective of a positive planning outcome nor good design, the latter a key principle of the NPPF (at paragraph 124). The effect on local village amenity will be adverse. This element of the scheme does not contribute positively to Policy CS15 and fails to support Policy CS21.
- 7.5 Highway safety, residential amenity and compliance with Policy HS28 are all positives of the scheme.
- 7.6 On the whole however, the benefits are outweighed by the identified harm associated with the substantial reduction in public open space approved as part of the previous development.

- 7.7 The application fails to deliver a sustainable development, contrary to the overarching thrust of the Core Strategy and the NPPF. The planning balance does not weigh in favour of the proposal.

RECOMMENDATION

That the Acting Chief Planning Officer be authorised to refuse Planning Permission for the following reasons:

1. The proposed development, by virtue of its location, scale and siting, would result in a reduced quantum and amenity value of public open space approved pursuant to planning permission B/15/01737/FUL, a poor design outcome that is harmful to the amenity of village residents and contrary to Policy CS15 and CS21 of the Babergh Core Strategy (2014) and paragraph 127 of the National Planning Policy Framework.
2. The proposal would fail to deliver sustainable development, contrary to Policy CS1, CS11 and CS15 of the Babergh Core Strategy (2014) and the National Planning Policy Framework.