

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.