

Committee Report

Item No:

Reference: DC/19/04391

Case Officer: Samantha Summers

Ward: Assington

Ward Member/s: Cllr Lee Parker

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

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

Location

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

Expiry Date: 31/01/2020

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr T. Thain

Agent: Mr Nick Peasland

Parish: Assington

Site Area: 0.86ha

Density of Development: 22dph

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

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a 'Major' application for:

- a residential development for 15 or more dwellings.
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PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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

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

NPPF - National Planning Policy Framework
Suffolk Design Guide

Neighbourhood Plan Status

This application site is within the Assington Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:

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

Consultations and Representations

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

A: Summary of Consultations

Parish Council

Assington Parish Council

Strongly object to this application on the following points:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

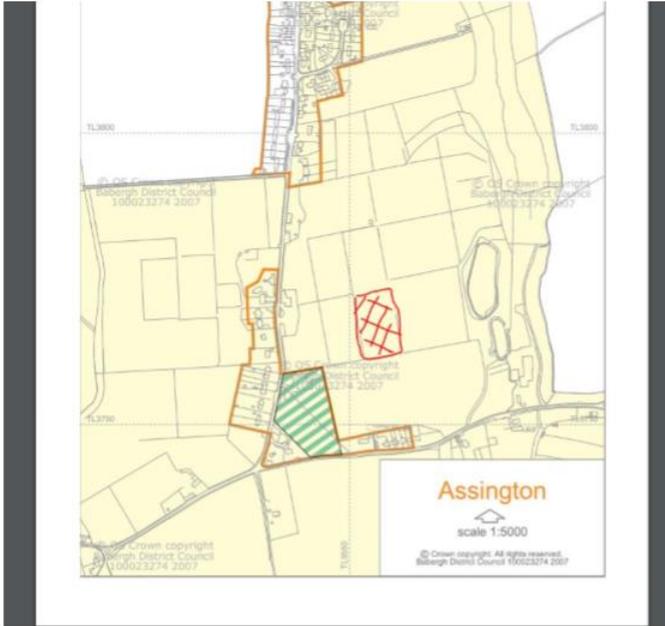
8) The application is in a special landscape area that enhances the rural and tranquil nature of the location and is highly valued by the local population. It should be preserved. This application is different from the previously granted applications DC/18/00687 and DC/18/05178 because it infringes far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

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

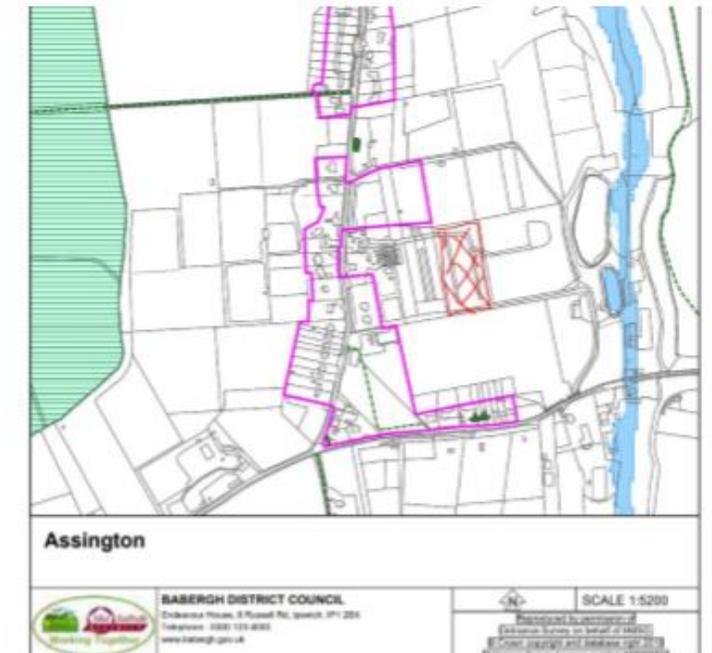
10) Infrastructure: Assington has a lack of physical infrastructure in relation to public drainage and water systems. There is no main sewerage in most of the village. The drainage is constantly under pressure already, with roadworks to try to address road flooding issues.

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

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



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



National Consultee (Appendix 4)

Natural England

No objection subject to appropriate mitigation being secured.

County Council Responses (Appendix 5)

Highways

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

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

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

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

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

Archaeology

No objection.

Flood and Water

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

Development Contributions

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

Internal Consultee Responses (Appendix 6)

Strategic Planning Policy and Infrastructure

1. Policy position

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

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

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

2. Infrastructure Delivery Plan (IDP) position

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

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

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

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

There are infrastructure needs for Assington that are identified:

• Education

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

• Transport

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

- **Health**

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

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

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

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

Strategic Housing

This is a development proposal for up to 19 dwellings

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

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

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

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

The recommended affordable home mix for this scheme is:

Affordable Rent = 4 dwellings

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

Shared Ownership = 2 dwellings

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

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

Heritage

No comments.

Communities Major Development

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

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

Land Contamination

No objection.

Public Realm

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

B: Representations

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

*Grounds of objection are summarised below:

*Outside of the BUAB

*Adverse impact on a Special Landscape Area

*Scale inappropriate for local facilities

*Insufficient local infrastructure for scale of development proposed

*Adverse impact on local schools

*Traffic congestion

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

*Insufficient notice of application to neighbouring residents

*Light pollution

*Wildlife impacts

*No supporting housing need analysis

*Detrimental landscape impact

*Overdevelopment

*Lack of proposed green space

*Estate layout inconsistent with village's ribbon development

*Highway safety

*Contrary to the Neighbourhood Plan

*Subject application is different to the previously granted applications.

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

PLANNING HISTORY

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

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

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

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

2.0 The Proposal

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

3.0 Policy Context

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

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

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

4.0 Policy CS11

- 4.1 Development in hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and the additional criteria related to hinterland villages are also met.
- 4.2 Consideration against Policy CS11 and the SPD:
 - the landscape, environmental and heritage characteristics of the village;
 - the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - site location and sequential approach to site selection;
 - locally identified need - housing and employment, and specific local needs such as affordable housing;
 - locally identified community needs; and
 - cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 4.3 The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a minimum of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031.

The landscape, environmental and heritage characteristics of the village

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

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

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

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

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

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

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

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

The locational context of the village and the proposed development

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

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

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

Locally Identified Community Needs

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

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

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

5.0 Policy CS15

- 5.1 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion in Policy CS15 are covered in the individual sections of this report and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report.
- 5.2 What follows is, therefore, an overarching summary of the most relevant issues.
- 5.3 Policy CS15 (xviii) seeks to minimise the need to travel by car using alternative means and improving air quality. There has been an appeal decision and various recent approvals for housing within the vicinity of the site along The Street, whereby the Planning Inspector and Council have judged that the location is sustainable having regard to its proximity to services within the village and surrounding centres. There will be a level of car dependency, as there always is in rural settlements, however the extent of essential local services on offer does limit, to a degree, the environmental harm that would result. This policy conflict is not attached significant weight.
- 5.4 The scale of the proposal would provide significant work for local contractors during the construction period, thereby providing economic gain, through local spend within the community. (criterion iii of CS15).
- 5.5 The proposed development would support local services and facilities, a public benefit weighing positively in the planning balance.

5.6 The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for residential development (criterion xi of CS15).

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

5.8 The proposed dwelling would be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).

6.0 Highway Safety (Parking, Access, Layout)

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

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

7.0 Residential Amenity

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

8.0 Landscape Impact and Trees

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

9.0 Ecology

9.1 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

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

10.0 Planning Obligations / CIL

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

PART FOUR – CONCLUSION

11.0 Planning Balance and Conclusion

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

RECOMMENDATION

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

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

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