

## **Committee Report**

**Item No: 8A**

**Reference: DC/23/03652**

**Case Officer: Emily Vuyk**

**Ward: Copdock & Washbrook.**

**Ward Member/s: Cllr David Busby.**

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Application for Outline Planning Permission (Access points to be considered, Landscaping, Appearance, Layout and Scale Reserved) Town and Country Planning Act 1990 (as amended) - Erection of 24No. dwellings (including 8 no. affordable units and public open space) (following removal of existing structures).

### **Location**

Land East of Capel Road, Bentley, Suffolk.

**Expiry Date: 02/11/2023**

**Application Type: OUT - Outline Planning Application**

**Development Type: Major Small Scale - Dwellings**

**Applicant: Mixbrow Construction**

**Agent: Mr Ben Moore**

**Parish: Bentley**

**Site Area: 1.19 hectares**

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

**Has a Committee Call In request been received from a Council Member: No**

**Has the application been subject to Pre-Application Advice: Yes (DC/21/04766, advice was given that the application was unlikely to be supported and contingent on Neighbourhood Plan).**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

The Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties, as well as the location, scale, and nature of the application.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### **The Adopted Babergh Core Strategy (2014) policies – full weight:**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS19 – Affordable Homes

#### **The Adopted Saved Babergh Local Plan (2006) policies- full weight:**

CN01 - Design Standards  
CR02 - AONB Landscape  
CR04 - Special Landscape Areas  
CR07 - Landscaping Schemes  
CN08 - Development in/near conservation areas  
TP15 - Parking Standards - New Development  
EN22 - Light Pollution - Outdoor Lighting

#### **The Emerging Joint Local Plan - Part 1 policies (with inspector's report modification) - significant weight:**

SP01 - Housing Needs  
SP02 - Affordable Housing  
SP03 - The sustainable location of new development  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change

LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP18 - Area of Outstanding Natural Beauty  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP26 - Water resources and infrastructure  
LP27 - Flood risk and vulnerability  
LP29 - Safe, Sustainable and Active Transport  
LP30 - Managing Infrastructure Provision  
LP31 - Health and Education Provision

**Note: An update as to the status of the draft JLP and weight to be attached to the Plan at the time of committee consideration will be given in Tabled Papers as appropriate**

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at: - Regulation 20 Formal adoption (12 December 2022). Accordingly, the Neighbourhood Plan has full weight, and its most relevant policies are:

BEN 01 - Affordable Housing on Rural Exception Sites  
BEN 02 - Housing Mix  
BEN 03 - Development Design  
BEN 04 - Flooding and Sustainable Drainage  
BEN 05 - Parking Standards  
BEN 06 - Development Affecting the Area of Outstanding Natural Beauty  
BEN 07 - Protecting Bentley's Landscape Character  
BEN 08 - Protecting Habitats and Wildlife Corridors  
BEN 09 - Recreational Disturbance Avoidance and Mitigation  
BEN 10 - Dark Skies and Street Lighting  
BEN 12 - Buildings of Local Significance  
BEN 13 - Sustainable Transport Infrastructure and Services  
BEN 18 - Broadband  
BEN 19 - Infrastructure Delivery

### **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**

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#### **A: Summary of Consultations**

##### **Town/Parish Council**

Bentley Parish Council – 06<sup>th</sup> November 2023 - Objects on the basis that:

- (1) The Bentley House Needs Assessment dated July 2023 does not accurately reflect recently granted planning permissions during Bentley's Neighbourhood Plan period.
- (2) BPC anticipate that further windfall permissions will meet or exceed the 52 houses allocated to Bentley in Babergh's Draft Local Plan.
- (3) The Housing Land Supply position is currently 7.13 years as set out in the Five-Year Housing Land Supply Statement (2022), with the Council's 2021 Housing Delivery Test being 141%.
- (4) There is no exceptional need for development outside of the settlement boundary.
- (5) The development is contrary to the Bentley Neighbourhood Plan, as well as the Emerging Joint Local Plan Policy SP03.

##### **National Consultee**

- Suffolk Constabulary – Design Out Crime – 27<sup>th</sup> September 2023.

No objections to the development in principle. Measures have been outlined to aid with designing out potential for crime throughout the site.

- Place Services – Ecology – 24<sup>th</sup> August 2023

No objection subject to:

- (1) a contribution towards Stour and Orwell Estuaries SPA/Ramsar;
- (2) ecological mitigation and enhancement methods

- Anglian Water – 22<sup>nd</sup> August 2023.

(1) Bentley Water Recycling Centre does not have the capacity to treat wastewater flows from the development site; Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

(2) No identified connection point to the public network and, therefore, there is potential for unacceptable risk of flooding/pollution;

(3) Condition required for on-site ground water drainage.

- Place Services – Landscape – 16<sup>th</sup> August 2023.

No objection in principle:

(1) Positives of the application are: pedestrian connectivity to community facilities, retention of existing boundary treatment, mitigation planting, meadow planting, active frontage;

(2) However, the site is outside of the settlement boundary, but its proximity to the settlement enables a relationship;

(3) Concerns regarding density not in keeping with the surrounding settlement;

(4) The layout does not include sustainability elements such as SuDS;

(5) Recommendation for unbound surfaces to allow permeability;

(6) Expectation for additional street trees;

(7) Hedgerow H3 should be managed to an appropriate level and opportunities for additional planting to the hedgerow;

(8) Additional planting required to H6;

(9) Consideration should be given to stand-off areas between existing vegetation/trees and garden boundaries;

(10) Clarification is needed on the boundary finishes to garden plots, of which hedgehog holes should be included in gravel boards.

- Natural England – 15<sup>th</sup> August 2023.

An HRA (at the time of the comment) had not been submitted, this is required prior to a decision.

- Active Travel England – 7<sup>th</sup> August 2023.

No comment

### **County Council Responses**

- SCC Development Contributions Response – 01<sup>st</sup> November 2023

To be read in conjunction with letter dated 08<sup>th</sup> August 2023.

CIL contributions to be sought for Education (Primary, Secondary, Sixth Form), Early Years, Libraries and Waste. S106 contributions to be sought for Secondary school transport, Monitoring fee (per trigger) and Highways. Advises that, if the application is recommended for approval, it must be subject to securing the above obligations. If the application is recommended for refusal, reasons must include the absence of securing the obligations as this would be contrary to relevant Development Plan policies.

- Travel Plans – 27<sup>th</sup> October 2023.

No comments as below the travel plan threshold.

- Highway Authority– 21<sup>st</sup> September 2023.

Holding objection for the following reasons:

- Two pedestrian crossing points should be provided along Station Road.
- The footway to the north of Station Road should be extended and linked to the existing footway.
- Access to plots 2&4 is too wide for a single dropped kerb, it needs amendment to a Dutch Kerb.
- Access for plots 1&3 are too close and should be a single shared access.
- Turning areas for plots 1-5 needs to be provided.
- Measures need to be provided to prohibit vehicles gaining access to the adjacent playing field.
- Bin presentation areas for plots 16&17 appear to block visibility for some accesses.
- details for which roads are proposed to be adopted, if any need to be shown on a plan.

- Archaeology – 22<sup>nd</sup> August 2023.

No objection subject to conditions outlined with response (WSI and Site Investigation). Within an area of archaeological potential which groundworks have the potential to damage or destroy.

- Public Rights of Way – 15<sup>th</sup> August 2023.

No objection subject to:

- (1) definitive alignment of FP 55 depicted on all plans;
- (2) Improvements to FP 55 and improvement of the current sealed surface

- Fire and Rescue – 09<sup>th</sup> August 2023.

Buildings must meet Building Regulations Document B (2019). Fire hydrants condition required.

- Flood and Water Management – 08<sup>th</sup> August 2023.

Recommend approval subject to conditions regarding surface water drainage scheme and SuDS

### **Internal Consultee Responses**

- Public Realm 10<sup>th</sup> November 2023.

(1) We do not consider the areas to be truly usable Public Open Space –

- a. The areas immediately to the south of Plot 6 are around bin stores, parking and turning circles. This provides an aesthetic advantage but not usable Public Open Space
- b. The small strip to the SE of the public Green space south of Plot 10 could be considered part of the larger space but is unlikely to be used as such being adjacent to road, parking, and path.

c. The area to the East of the parking spaces for Plot 18 will be overshadowed by vegetation, and creates a spur from the rest of this area of POS. It is not usable public open space; the plan should be redrawn to show this as being part of Plot 18's boundary.

(2) The public open space area called 'linear park facing playing field' is in danger of becoming a narrow and dark passage (we note that the planting suggested here is for "shade mix") . If this is a dark and unwelcoming area it would not be able to be considered as usable Public Open space – careful consideration will need to be given to existing and planned planting and the treatment of the East boundary of Plot 19.

(3) Taking into account those areas that are deemed not to be truly usable Public Open Space, the area of POS is slightly under the 10% we have requested but provided that the area circled in blue is usable as Public Open space and not too overshadowed, we are content to accept the revised outline plans. Finally, please note that we would not expect the District Council to take on ownership or maintenance of these Open spaces and would expect a local solution to be found.

- Private Sector Housing – 27<sup>th</sup> October 2023.

No comments.

- Environmental Health – 25<sup>th</sup> August 2023.

No comments.

- Strategic Housing – 24<sup>th</sup> August 2023.

(1) Policy compliant level of affordable housing should be secured through planning obligation;  
(2) Evidence has not been submitted regarding housing needs;  
(3) This response has been provided on the current local plan, and not the emerging.

- Arboriculture Officer – 15<sup>th</sup> August 2023.

Proposal will include the loss of a number of trees; however, none are of a high amenity value. Additional arboricultural information will be required to assess the impact and recommend protection for retained trees.

- Communities - 14<sup>th</sup> August 2023.

No comment but encourage application to address locally identified needs.

- Heritage Team – 14<sup>th</sup> August 2023.

No comment

- Policy – 11<sup>th</sup> August 2023.

Application is contrary to Babergh Local Plan (2006), Core Strategy (2014) and Bentley Neighbourhood Plan (2022) as it is outside of the settlement boundary. Housing Land Supply position of 7.13 years, 2021 Housing Delivery Test measurement was 141%

- Environmental Health – Land Contamination – 10<sup>th</sup> August 2023.

No objection subject to condition regarding investigating contamination prior to commencement

- Public Realm 07<sup>th</sup> August 2023.

- (1) Larger area of Public Open Space would be expected, a minimum of 10%(1900 sqm.);
- (2) Welcomed the provision of pedestrian access to the lane via playing fields.

## **B: Representations**

At the time of writing this report at least 13 letters/emails/online comments have been received. It is the officer opinion that this represents 11 objections and 1 support. A verbal update shall be provided as necessary.

Views are summarised below:

### **Objections:**

- Increase in traffic (8)
- Inappropriate density that is out of keeping with the surroundings (7)
- Poor visibility on surrounding roads/junctions (7)
- Concerns over footpath connectivity and condition (7)
- Noise pollution (5)
- Not suitable provision of public open space (4)
- Poor existing provision of public transport (4)
- Loss of privacy (4)
- Other permissions currently providing housing numbers (4)
- Light pollution (4)
- Contrary to the Local Plan (4)
- Outside of the settlement boundary (4)
- Small private amenity areas (3)
- Large amounts of hardstanding/concrete/tarmac (3)
- Poor quality/lack of housing needs assessment (3)
- Access to existing footpath connectivity would be across private land (3)
- Concerns over boundary treatment (3)
- Concerns over flooding (2)
- Site allocation was withdrawn from the Neighbourhood Plan (2)
- Departure from the Neighbourhood Plan (2)
- Affordable housing numbers are too low (2)
- Sufficient Housing Land Supply and Housing Delivery test (2)
- Overlooking
- Village will turn into a town scale
- Within a Special Landscape Area
- Existing sewage works are over capacity
- Countryside development should only be permitted to exceptional circumstances
- Land not under the applicants control is proposed to be used as visibility splays
- Located a significant distance from the primary school
- Parents would be encouraged to drive to the primary school

- Close proximity to an AONB
- Not enough facilities within the village
- Impacts on ecology

In support:

- Well thought out
- A variety of housing provided
- In-keeping with the village in comparison to other developments
- Good access

(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>REF:</b> B/0311/75/FUL	Extension to dwelling as amended by plans received on 28th July 1975	<b>DECISION:</b>
<b>REF:</b> B//89/00459	Erection of a single storey side extension	<b>DECISION:</b> GRA

**PART THREE – ASSESSMENT OF APPLICATION**

**1.0 The Site and Surroundings**

- 1.1. The site is a 1.19ha parcel of vacant agricultural land, which is a former commercial fruit farm. It is an irregular shape, with several rows of stakes set out upon the land closest to the highway that may indicate this smaller portion of the site has been used for growing vines. The remaining land appears to be unmanaged agricultural crop land that has become semi-naturalised grass land. There are four polytunnels, a pond, and two outbuildings along the southern boundary of the site, and a vehicular access with an area of hardstanding located at the southwest corner.
- 1.2. Along the site boundary with Capel Road, there are approximately 65 metres of unbroken hedgerow, and no pavement. However, there is a narrow width pavement on the south side of the road opposite. Capel Road is a classified C-road with a 30mph speed limit, and has no street lighting outside, or inside of the village’s built-up area as Capel Road becomes the main through Station Road. It is notable that once inside the village the pavement widens and tends to be unbroken to the north roadside where it ceases just before the site vehicular access opposite the Bergholt Road turning.
- 1.3. At the site’s northern boundary, there is another unbroken hedgerow approximately 85 metres in length, and at the eastern site boundary there is a well-established hedgerow approximately 100 metres long. A public footpath is routed along this eastern site boundary and separates the site from the village’s largest public open space, Bentley Parish Council’s Playing Field to the east of the site. There is an intervening belt of established tree planting that screens visibility of the playing field.



- 1.4. Fortuna, a large detached two-storey dwelling is the neighbour at the site's northwestern corner, and at the southwest corner the neighbouring Nursery Cottages are two-storey and semi-detached. Nursery Cottages are outside of the built-up area boundary (BUAB), they were approved under planning reference B/16/00949 to be built within garden land subdivided from Ivy Cottage. Similarly, Fortuna has been built outside of the BUAB, within a garden subdivided from Wayside under outline planning permission B/14/01330, and reserved matters B/16/00595. Both of these adjacent dwellings were assessed against the adopted Babergh Policy CS11.
- 1.5. Further to the west of the site, the street neighbour Pemberley House is another large two-storey detached dwelling. Also outside of the BUAB, within a garden subdivided from Rowan Acres, under outline planning permissions B/16/00021 and reserved matters DC/18/05149. Rowan Acres formerly a modest bungalow has been rebuilt following application DC/18/01357, as a very large four-bedroom two-storey detached dwelling that has the appearance of a Georgian Country House.
- 1.6. From there on the remaining street neighbours to the west are West Dene, Leslie View, Berry Farm, The Old Orchard, and Windy Farm. These detached properties are late 20<sup>th</sup> century built. In general, they are large countryside dwellings set back at least 15 metres north of the highway and have retained large residential curtilages that are more than 20 metres wide and more than 50 metres deep.
- 1.7. In contrast, the cluster of neighbouring dwellings inside of the BUAB situated off branch road Case Lane to the southeast of the site, are set closer to highway with small irregular shaped curtilages. These two-storey properties include The Ferns, The Green, Angel Cottage, and Claire Cottage. Most are of vernacular appearance, which the newly built Nursery Cottages mimics the design of.
- 1.9. The wider landscape surrounding the site is agricultural land, typically enclosed by hedgerows. As the topography is level it allows for far reaching views as the highway approaches the village.

## **2.0 The Proposal**

- 2.1. This application seeks outline planning permission for the erection of twenty-four dwellings, including eight affordable units and public open space, following removal of existing structures.
- 2.2. Access only is considered here; with landscaping, appearance, layout, and scale are reserved matters. A block plan has been submitted *suggesting* how a housing scheme could work. Members are reminded, however, that these details cannot be secured here:

### Plots 1 and 2

Two open market units shown as two-storey detached four-bedroom dwellings, each  $\approx 204\text{m}^2$ .

### Plots 4 and 10

Two open market units shown as detached two-bedroom bungalows, each  $\approx 102\text{m}^2$ .

### Plots 3, 5, 7 and 9

Four open market units shown as detached three-bedroom bungalows, each  $\approx 130\text{m}^2$ .

### Plots 6, 8, 11 and 12

Four open market units shown as semi-detached three-bedroom dwellings, each  $\approx 87\text{m}^2$ .

Plots 13, 14, 22 and 23

Four open market units shown as semi-detached two-bedroom dwellings, each  $\approx 70\text{m}^2$ .

Plots 17 and 18

Two affordable units shown as semi-detached two-bedroom bungalows, each  $\approx 74\text{m}^2$ .

Plots 15 and 20

Two affordable units shown as attached two-bedroom dwellings, each  $\approx 70\text{m}^2$ .

Plots 19 and 21

Two affordable units shown as three-bedroom terraced dwellings, each  $\approx 87\text{m}^2$ .

Plots 16 A and 16 B

Two affordable units shown as one-bedroom flats in a two-storey block, each  $\approx 50\text{m}^2\text{sqft}$ .

2.3. The proposed site block plan details the following parking provision and garaging arrangements:

Plots 1 and 2 (Open Market four-bedroom dwellings)

Each served by a detached garage with bike storage and three on-plot parking spaces.

Plots 3, 5, 7 and 9 (Open Market three-bedroom dwellings)

Each served by a detached garage with bike storage and two on-plot parking spaces.

Plots 4 and 10 (Open Market two-bedroom dwellings)

Each served by a detached garage with bike storage and two on-plot parking spaces.

Plots 6, 8, 11 and 12 (Open Market three-bedroom dwellings)

Each served by a shed for bike storage and two on-plot parking spaces in tandem or side by side.

Plots 13, 14, 22 and 23 (Open Market two-bedroom dwellings)

Each served by a shed for bike storage and two on-plot parking spaces in tandem or side by side.

Plots 17 (Affordable two-bedroom dwellings)

Each served by a shed for bike storage and two on-plot parking spaces in tandem or side by side.

Plots 15 and 16 A (Affordable two-bedroom dwelling / one-bedroom Flat)

Each served by a shed for bike storage and two on-plot parking spaces in tandem.

Plots 16 B, 18, 19, 20 and 21 (Affordable one-bedroom flat and two- or three-bedroom dwellings)

Each served by a shed for bike storage and two off-plot parking spaces in tandem or side by side.

This off-plot parking provision is arranged around the turning head for the branch road created.

All the housing, regardless of tenure, is shown to have electric vehicle charging points. In total, there are fifty private parking spaces shown, and seven visitor parking spaces; one of which is a disabled sized space. Shown positioned near to the affordable plots, or around the open space.

2.4. The net site area is considered to be approximately 0.92ha discounting the public open spaces, and therefore the net housing density for this proposed development is 26 dwellings per hectare.

- 2.5. Although PPG3 encourages local planning authorities to promote housing developments with a net density of between 30 and 50 dwellings per hectare, the NPPG for Effective Use of Land, July 2019 acknowledges that the dwellings per hectare calculation may not relate well to housing needs, local character, and appropriate building forms over other density calculation methods.
- 2.6. There is an area of public open space measuring approximately 540m<sup>2</sup> shown central of the proposed block plan and an L-shaped area of public open space approximately 420m<sup>2</sup> at the east site boundary.
- 2.7. The proposed site block plan details the following garden provision sizing and arrangements (again, these cannot be secured here – the application in outline, with access only):

Plots 1 and 2 (Open Market four-bedroom dwellings)

Each served by front to side gardens and a private garden approximately sized 15 metres x 25 metres.

Plots 3, 5, 7 and 9 (Open Market three-bedroom dwellings)

Each served by private gardens approximately sized 10 metres x 18 metres and small front gardens.

Plots 4 and 10 (Open Market two-bedroom dwellings)

Each served by private gardens approximately sized 7 metres x 15 metres and small front gardens.

Plots 6, 8, 22 and 23 (Open Market two- or three-bedroom dwellings)

Each served by private gardens approximately sized 8 metres x 9 metres and small front gardens.

Plots 11, 12, 13 and 14 (Open Market two- or three-bedroom dwellings)

Each served by private gardens approximately sized 9 metres x 10 metres and small front gardens.

Plots 15, 17 and 18 (Affordable two-bedroom dwelling)

Each served by private gardens approximately sized 9 metres x 11 metres and small front gardens.

Plots 16 A + B (Affordable one-bedroom flats)

Shared use of a private rear garden approximately sized 9 metres x 11 metres and small front gardens.

Plots 19, 20 and 21 (Affordable two-bedroom dwelling)

Each served by private gardens approximately sized 6 metres x 10 metres and small front gardens.

- 2.8. The proposed site block plan generally shows the housing to be arranged in a manner where properties do not face back-to-back. Plot 10 is the only clear exception and plot 7 has a closely built relationship with The Ferns from Case Lane, but the gardens would mitigate overlooking.
- 2.9. No proposed floor plans and elevations are supplied to indicate the scale of buildings and heights. Or specification details for the proposed materials palette for the external finishes of the dwellings.

### **3.0 The Principle Of Development**

- 3.1. When making planning decisions, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that regard is to be had to the Development Plan and that the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 3.2. The National Planning Policy Framework (NPPF) provides that the NPPF “does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.
- 3.3. Babergh District’s adopted development plan comprises a combination of the Babergh Core Strategy 2014, the saved policies of the Babergh Local Plan 2006, and the Bentley Neighbourhood Plan 2022. These considerations, alongside adopted Supplementary Planning Documents, apply to development in Bentley parish.
- 3.4. On the 19<sup>th</sup> September 2023, Babergh and Mid Suffolk District Councils received the Inspector’s report for the examination of the draft Joint Local Plan (JLP). The Inspector has concluded that, subject to the recommended modifications, the JLP is regarded to be sound.
- 3.5. Babergh is, therefore, at a point of transition between the adopted and emerging plans.

In this situation, we are advised at Paragraph 48 of the NPPF that:

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

At the time of writing, the emerging JLP is at a very advanced stage, with adoption expected prior to committee. Therefore, the JLP and its policies are a material consideration of significant weight, with full weight expected by the time committee meets – and update will be provided.

That said, at the time of writing, the current development plan is the current adopted document. Our consideration must turn to any tension between this and the JLP, and a clear commentary as to the direction of travel of any given issue. As will be seen below, there is no fundamental tension between the two documents concerning the principle of the proposal – namely that it should be refused.

- 3.6. Therefore, this outline proposal is assessed against the following current development plan policies CS01, CS02, CS11, CS15, and CS19 of the adopted Babergh Core Strategy 2014, and BEN02 from the adopted Bentley Neighbourhood Plan 2022 which are considered to be of most relevance to the site location, scale, and type of development. As well as the policies SP01, SP02, SP03, SP09 and SP10 from the emerging Joint Local Plan which carry significant weight.

- 3.6.1 The Babergh Core Strategy policy CS01 - Applying the presumption in Favour of Sustainable Development in Babergh - is given full weight when assessing this proposal. CS01 requires that a positive approach is taken when proposals improve the economic, social, and environmental outcomes in Babergh District. Evidence should be provided to support the proposal and should be approved unless there are adverse impacts that would significantly outweigh a schemes benefits.
- 3.6.2 The Babergh Core Strategy policy CS02 - states that most new development in the Babergh district will be directed sequentially to the towns/urban areas, and then to the Core and Hinterland Villages. The policy acknowledges that the countryside is the least sustainable location to host new development, but also contains a clause which says: "In the countryside, outside the towns / urban areas, Core and Hinterland Villages defined above, development will only be permitted in exceptional circumstances subject to a proven justifiable need."
- 3.6.3 Policy SP03 of the emerging JLP underlines the spatial strategy set out within Policy CS02, and only allows for development outside of settlement boundaries where they are either allocated for development, are in a made Neighbourhood Plan, in accordance with paragraph 80 of the NPPF (2023) or are specifically permitted by other relevant policies that allow for countryside development within the emerging Joint Local Plan. There is no fundamental tension here.
- 3.6.4 Babergh Core Strategy Policy CS11 sets out a criterion to measure the circumstances of when new development for a hinterland village. The policy requires that the new development is able to demonstrate that the criteria related to the core villages of the functional cluster, in this instance Capel St Mary, are addressed to the satisfaction of the local planning authority, and the further criteria related to hinterland villages, are also met. The expectations relevant to this proposal are drawn out below:

*“Core Village Criteria*

*iv) locally identified need - housing and employment, and specific local needs*

*vi) cumulative impact of development in the area social, physical and environmental impacts.*

*Hinterland Village Criteria*

*i) is well designed and appropriate in size / scale, layout and character to its setting and the village;*

*ii) is adjacent or well related to the existing pattern of development for that settlement;*

*iii) meets a proven local need, 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.”*

Although the location of the site is immediately adjacent to Bentley’s built-up area boundary and already served by a vehicular access from the public highway Capel Road. It is not generally demonstrated that the site is well related to the existing pattern of development.

A key criterion test of this policy is whether the development demonstrates that it would meet an identified local housing need. This expectation is aligned with that of the emerging JLP Policy SP01 which directs across the plan area that the mix of tenure, size and type of new housing development

should be informed by the local housing needs surveys where relevant. For this site location, the adopted Bentley Neighbourhood Plan Policy BEN02 details the appropriate housing mix for new housing schemes of ten or more dwellings to be a higher proportion of two-bedroom properties no greater than two-stories and bungalows, unless otherwise publicly demonstrated. It should be noted that this proposal would deliver a high proportion of three-bedroom properties, and a housing needs assessment has been supplied to justify the need for larger sized dwellings.

However, that CS11 circumstance for local need does not fully align with the very limited allowances for new development in the countryside under the emerging JLP policy SP03, as there is no equivalent policy to CS11 in the JLP that would permit new market housing such as this outside of the settlement boundary. The only exception for this would be if the market housing formed part of either a community-led, or rural exception housing scheme under JLP policy LP07; for which rural exception site housing proposals that include an element of open market housing, must then be justified by a viability assessment which convincingly demonstrates that the open market housing is the minimum necessary to cross-subsidise the affordable housing delivery.

The proposal is not deemed to be a rural exceptions site housing scheme, and thus does not engage the Neighbourhood Plan Policy BEN01, that supports such housing outside the BUAB.

Consequently, this scheme is considered to be in conflict with and be contrary to the adopted Bentley Neighbourhood Plan policies, and the direction of the emerging JLP policies.

- 3.6.5 It should be noted that Core Strategy policy CS15 is also applied in conjunction with the assessment of the proposal by CS11. The Babergh Core Strategy policy CS15 “Implementing Sustainable Development in Babergh” is a wide-ranging policy covering a large range of Development Management considerations, and CS15 criteria can be tailored as relevant to the type and scale of the proposed development.

Some policy CS15 criteria have been found to be not fully compliant in all aspects with the NPPF; however, the policy is largely compliant in so far as it is relevant to the particulars of this proposal.

Although there is no obvious successor policy to CS15 in the JLP; the relevant criteria are instead spread across other policies within the JLP – covering matters of landscape (SP09, LP17, LP18); biodiversity (SP09, LP16); climate change (SP10, LP23, LP26); flood risk (LP27, SP10, LP23); design quality and amenity (LP24), heritage (LP19), environmental health (LP15), and travel (LP29). This list is by no means exhaustive as the various considerations of the currently adopted policy CS15 interweave with one another through the different policies of the emerging JLP.

The content of all of these new policies does not appear to offend the central thrust of CS15 and what it intends to achieve but can be described as being more stringent in matters such as sustainable construction and climate change. The transition from the current development plan to the JLP does not change your Officers’ consideration of, or recommendation for this application.

#### **4.0 Nearby Services and Connections Assessment of Proposal**

- 4.1. It is feasible that this site can be linked to the village by the extended pavement shown by the proposed block plan, to allow occupants to be within reasonable walking distance of village services, most notably the village pub/shop approximately 150 metres to the east, which in turn the new occupants would help support. It is also considered that the development, if approved, would

help to support and be reliant upon other services found in the nearby core village of Capel St. Mary, approximately 1.8km away, such as the shopping parade, doctors' practice and dentists' surgeries.

- 4.2 However, from the proposed site access point, the walking distance to the nearest bus stop within Bentley village is approximately 550 metres at South View Green served by the 94-bus route between Ipswich and East Bergholt via Tattingstone, Bentley and Capel St. Mary. The Monday to Friday timetable offers a limited choice of hours for travel and therefore it is considered to be likely that the new occupants will be heavily reliant on private motor vehicle use for day-to-day travel needs.
- 4.3 It is worth noting that this site was part of a larger site considered as a site allocation (SS1138) under the most recent SHELAA (2000). This was excluded for having poor connectivity to the existing settlement.

## **5.0 Site Access, Parking and Highway Safety Considerations**

- 5.1. Although this site benefits from an existing vehicular access point from Station Road, the proposed block plan removes this provision and shows a new means of access approximately 35 metres to its northwest for the creation of a new branch road with a turning head to serve the housing.
- 5.2 Suitable lengths of visibility splays have been shown and can be provided free from obstruction. However, Suffolk County Council's Highway Authority has raised an objection and concerns. In particular, that the linear public open space at the east site boundary does not include measures for prevention of motor vehicle access onto the adjacent public playing field, and a lack of road crossing points. But the issues can be addressed by amendments to layout as reserved matters.

## **6.0 Design and Layout [Impact On Street Scene]**

- 6.1. The properties to the west of the site along Capel Road are predominately large, detached dwellings that are set out in a linear pattern fronting towards, and at a consistent setback to, the north of the highway within their large plots with paddocks. This spaces the dwellings apart from one another generously and characterises the street as a gentle transition from the settlement's built-up area. There is also a visually appreciable difference in character between these much larger properties in the countryside, and the properties of Case Lane to the east of the site which is branched off from the village's main through road and forms the settlement's historic edge.
- 6.2. Some of these properties have been locally listed and are orientated in dense layout that is clearly related to the straight route of the public footpath which adjoins Case Lane and borders the site. The dwellings inside of the BUAB along the through road Station Road are setback less to the north fronting onto the highway and are spaced close together tight with those of Case Lane.
- 6.3. There is an obvious difference in the pattern of development between the western half of the settlement from Mill Green onwards where there is relief given to the built form of the branch roads by the playing field, and the linear housing that flows along the village's main through road. This makes the pattern of development of the western half of the village feel looser and more open, whilst the eastern half of the settlement has branching roads of more modern built housing that is very dense packed and set out in a regimented manner perpendicular to the through road.

- 6.4. Although matters of scale and layout are reserved, the proposed erection of twenty-four dwellings at this site would expand the western half of the village in a way that is not obviously well related to the existing pattern of development and would result in the closure of the undeveloped gap between the village and those countryside dwellings along Capel Road. The number of dwellings sought is considered to result in a housing scheme that is disrespectful and would diminish the character of the western half of the village by extending the settlement beyond the Bergholt Road.
- 6.5. By consequence, this proposal would overdevelop the site and in effect elongate the settlement. The existing settlement boundary at the west would then be entirely diluted and indistinguishable.

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

- 7.1. The site is not located within or adjacent to the AONB, but it is within a Special Landscape Area.
- 7.2. These details would be considered as reserved matters. However, there is no doubt that the formation of the new branch road as shown would lead to the loss of countryside hedgerow. This would need to be compensated for as part of the landscaping to strengthen the other hedgerows. Ecological mitigation and enhancement measures need to be delivered alongside development by condition and the financial contribution towards the RAMS provided per new dwelling in advance.

## **8.0 Land Contamination, Flood Risk, Drainage and Waste**

- 8.1. There are no concerns raised in regard to these matters by the technical consultees that would warrant the refusal of outline planning permission. The site is located in flood zone 1 and has a very low risk of surface water flooding. Although, Anglian Water's comment raised that there is insufficient capacity available for the local infrastructure to serve this new development. They are obligated to provide the necessary infrastructure capacity to serve the proposed development. Therefore, the proposal can meet the expectation of the Babergh Policy CS15 criterion iv).

## **9.0 Heritage Issues [Including the Impact on the Character and Appearance of the Conservation Area and on the Setting of Neighbouring Listed Buildings]**

- 9.1. Although this site is not within a conservation area and there are no listed buildings nearby, it should be noted that there are locally listed buildings under the Neighbourhood Plan close by:
- 9.2. The Case Is Altered Pub was bought by the village in 2014. It is operated by volunteer labour, as is the Bentley Community Stores, which is a separate entity built in the pub car park during 2016. Case Lane still provides a convenient footpath to Capel St Mary, and the wider path network links to Ipswich to the north and to the Stour River to the south, whilst the current road network goes east to west. It is probably safe to assume that the pub serviced travellers at a nexus of roads. Case Lane itself was probably a drover's road connecting Ipswich to Cattawade and Colchester.
- 9.3. Witchstep Cottage is described as a unique, quirky, and at least partially very old, building; that sits in a series of possibly 17<sup>th</sup> century terraced cottages behind the pub and has a stepped roof specifically to allow a returning witch a place to rest before transforming back to human form. Link House has a 16<sup>th</sup> century core, and is part of the cluster of houses that surrounded the pub.



- 9.4. The stature of the public house as the building marking the arrival into the village can still be appreciated. It should be considered that this vacant site, acts as an important gap in the streetscape between the distinguishable extent of the historic village boundary, and the infill housing development that has occurred gradually along Capel Road creeping towards the village. If this gap is closed, and built form is introduced adjacent to the public footpath from Case Lane routed along the east site boundary, then the pub's last link to the agrarian landscape will have been diminished and lost.
- 9.5. Therefore, the proposal is considered to be disrespectful to the historic environment under CS15. This issue cannot be obviously overcome by amendment to layout and scale as reserved matters.

#### **10.0 Impact on Residential Amenity**

- 10.1. These details would be informed by layout and scale as part of the reserved matters submission. The re-consultation comments from the council's Public Realm team have raised the issue that the linear public open space at the eastern boundary adjacent to the public footpath route would create a heavily shaded area with little surveillance. However, this could be adjusted by an amended layout to re-orientate plots 19, 20 and 21.

#### **11.0 Planning Obligations / CIL**

- 11.1. Suffolk County Council advises that CIL contributions are required to be sought for Education (Primary, Secondary, Sixth Form), Early Years, Libraries and Waste services. Also, S106 contributions sought for Secondary school transport, Monitoring fee (per trigger) and Highways.
- 11.2. SCC advises that if approval is recommended, it must be subject to securing the above obligations. If refusal is recommended, reasons must include the absence of securing the obligations as this would be contrary to relevant Development Plan policies.
- 11.3. None of the required contributions by CIL or via S106 agreements have been invited to date.

#### **12.0 Parish Council Comments**

- 12.1. The matters raised by Bentley Parish Council have been addressed in the above report, your Officer concurs with most of the points raised, the proposal for a market led housing scheme is contrary to the adopted Bentley Neighbourhood Plan Policy BEN1 - Affordable Housing on Rural Exception Sites. Although a housing needs assessment is provided, Policy BEN 1 and SP03 together are given more weight than CS11, and there are other considerations of CS11 criteria which are not met.

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## **PART FOUR – CONCLUSION**

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### **13.0 Planning Balance and Conclusion**

- 13.1. Overall, in consideration of the relevant material planning matters, the proposed erection of twenty-four dwellings including eight affordable units and public open space, is considered to be contrary to the adopted Development Plan, and the direction of the emerging JLP.
- 13.2. The proposal does not represent a rural exception site or community led housing scheme in respect of the exceptional circumstance that the Bentley Neighbourhood Plan Policy BEN1 would support when new housing is outside of the settlement boundary such as this site -.
- 13.3. Nor does the proposal demonstrate to the satisfaction of the planning officer that the twenty-four houses sought can be accommodated upon this parcel of land, in a manner that is well related to the settlements existing pattern of development by assessment of outgoing Babergh Policy CS11, in conjunction with the considerations of CS15. Or the emerging JLP policies LP15, LP16, LP17, LP19, LP23, LP24, LP26, LP29, LP29, LP30, and LP31 that have similar consideration to CS15.
- 13.4. Therefore, although this site has some merit in that it is acknowledged to be adjacent to the settlement boundary with the benefit of an existing vehicular access. On balance, the significant weight and clear instruction of the emerging JLP Strategic Policy SP03 to only allow new development outside of the settlement boundary in exceptional circumstances where it is specifically permitted by other relevant policies of the development plan such as BEN 1, or those shown in Table 5 of Policy SP03, is considered to tilt the decision making away from the acceptable circumstances of CS11, and on that basis, the recommendation is to refuse outline planning permission for the development.

### **RECOMMENDATION**

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

- The proposed new development within the countryside is contrary to the emerging JLP Policy SP03.
- The proposed new development outside of the settlement boundary, is poorly connected and does not represent either a rural exception site for affordable or community led housing under the Neighbourhood Plan Policy BEN01.
- The proposed development does not relate well to the village's existing pattern of development, and the new built form would result in the closure of an important gap in the streetscape that would be disrespectful to the historic environment, namely the nearby locally listed pub The Case is Altered. Which is not in accordance with the expectations of Babergh Core Strategy Policies CS11 and CS15.
- The number of units sought would over develop the site and in effect elongate the settlement. The existing settlement boundary at the west would then be entirely diluted and indistinguishable.

Consequently, the new development will diminish the local distinctiveness of the village by not paying due regard to the scale, form and nature of adjacent development and the environment surrounding the site; and is considered to not demonstrate accordance with Babergh Local Plan Policy CN01.

- The occupants would have a heavy reliance upon private motor vehicle use for their transport needs.
- The proposed new vehicular access point to the site would require the loss of countryside hedgerow.
- Lack of RAMS contribution for the Stour and Orwell Estuaries SPA/Ramsar sites.
- Lack of CIL contribution for Education (Early Years, Primary, Secondary, Sixth Form), Libraries and Waste services and S106 contribution for Secondary school transport, Monitoring fee (per trigger) and Highways.