

Committee Report

Item No: 1

Reference: DC/17/05332

Case Officer: Lynda Bacon

Ward: North Cosford.

Ward Member/s: Cllr Clive Arthey.

Description of Development

Planning Application - Hybrid planning application - Erection of 42 no. dwellings (Full Planning Application); Erection of 9 no. self-build plots (Outline Planning Application), including access road, shared surface roads, community open space and footpath connections to existing community meadow.

Location

Land To The North West Of, Mackenzie Place, Cockfield, Suffolk

Parish: Cockfield

Site Area: 4.2ha

Conservation Area: Not in a Conservation Area

Listed Building: Not Listed

Received: 21/10/2017

Expiry Date: 24/01/2018

Application Type: HYBRID – Part Full Planning Application/Part Outline Application

Development Type: Major Small Scale - All Other

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Suffolk County Council

Agent: Rees Pryer Architects LLP c/o Mr Chris Wilkie

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1471 Location Plan as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Planning Application Forms and Certificates;

Planning Statement 1471 - Received 26/10/2018;

Plans and other drawings relevant to the planning application (including Site Location Plan received 1st March 2018 and revised elevations and floor plans received 8th February 2018);

Landscaping Plan Landscape Strategy 1471-03 A - Received 07/02/2018

Street Scene - Proposed Street Elevations 1471-04 A - Received 07/02/2018

Proposed Site Plan 1471 02 A - Received 08/02/2018

Block Plan - Proposed 1471 01 B - Received 01/03/2018
Landscape and Visual Impact Assessment LSDP February 2018 - Received 19/02/2018
Preliminary Ecological Appraisal February 2018 Version 2 - Received 02/02/2018
Flood Risk Assessment 209400 P2 - Received 31/01/2018
Land Contamination Assessment 209400 P2 - Received 21/10/2018
Traffic Statement 209400 P1 - Received 21/10/2018
Arboricultural Assessment OAS/17-095-AR01 - Received 21/10/2018
Soakaway Infiltration Test Report GC21057 - Received 22/02/2018

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a “Major” application for:

- a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site.

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

NPPF - National Planning Policy Framework

BABERGH CORE STRATEGY 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development

CS18 – Mix and Types of Dwellings
CS19 - Affordable Homes
CS20 – Rural Exception Sites
CS21 - Infrastructure Provision

BABERGH LOCAL PLAN (ALTERATION NO.2) 2006

CN01 - Design Standards
CR07 - Landscaping Schemes
HS31 - Public Open Space (1.5 ha and above)
HS32 - Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)
TP15 - Parking Standards - New Development

SUPPLEMENTARY PLANNING DOCUMENTS

Affordable Housing SPD
Rural Development & Core Strategy Policy CS11 SPD
Suffolk Guidance for Parking 2014

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

Not applicable in this case.

Details of any Pre Application Advice

Officers have given pre-application advice on matters of principle of development, housing design and layout, open space provision and access/parking. There has been planning policy input into this scheme for a number of years.

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

Cockfield Parish Council

The Cockfield Village Growth and Development Survey 2014 was well supported by the village. The respondents recognised the need for sustainable growth and identified the requirements for modest and controlled development; enabling a range of local people to remain living within the local community whilst supporting existing local businesses and services, e.g. the School, Post Office, Church and local groups; and residents expressed demands for improved and enhanced open space with links to and between other parts of what is a dispersed village settlement.

Cockfield has previously been successful in introducing a range of twenty local needs houses on four sites. Mindful that funding arrangements for such developments has changed away from the Housing Corporation/Homes and Communities Agency to self-financing projects, to progress this initiative further, the Parish Council approached both Babergh District Council and Suffolk County Council for guidance.

The 4.4479 acre site to the north west of Mackenzie Place, owned by Suffolk County Council, with the extent and shape of the development as required by Babergh District Council planners, is ideal for meeting the current and forthcoming housing needs of Cockfield. This, therefore, became the preferred site giving opportunity for a self-sustaining diverse project to bring far-reaching enhancements to an area of the village lacking in recent support.

Though submitted by Suffolk County Council, the application encompasses a partnership between that authority, Babergh District Council, Orwell Housing Association and Cockfield Parish Council. The Parish Council has worked successfully with these organisations on the earlier developments in delivering sympathetic solutions across the varied sites.

The Parish Council has continued to keep villagers informed of the scheme via the parish magazine, village Website and Parish Council meetings.

The Parish Council has worked closely with the development team to ensure that the proposed mix and style accords with the character of Cockfield. Early feasibility proposals were offered to the village at a consultation day held in the Village Hall, where in excess of one hundred residents and local people attended. The event was held with housing enablers, Orwell Housing Association, architects and members of the Councils involved. Key concerns raised were the layout, mix, overall design and style, parking and open space. Having taken on board this feedback the final layouts and designs have evolved and these were publicised at a further information event, held recently. This event was attended by over forty people who showed real enthusiasm, with many residents expressing interest in the properties for the village, themselves and family.

Whilst placed in an abutment site the overall scheme is seen as having no detrimental or detracting landscape impact. The final mix of dwellings offers real potential for villagers with the additional bonus of community space and an enhanced speed restriction on the main access road. There are genuine and tangible benefits for existing as well as new residents, not least the proximity of the eight acres of open space and managed natural habitat (Earl's Meadow).

The proposal will bring a wider contribution and greater use of our existing local services to aid their viability - the Post Office, shop, primary school, pre-school, church and public houses etc.

The development is also located on a primary bus route to local services' centres. Within the village there are good links to other areas via the 'railway' footpath and pathways along the A1141.

The developer should engage with the consultee agencies to agree matters of detail under the discharge of any planning conditions going forward and the Parish Council would wish to be involved in this process.

The Parish Council fully supports the application that is the culmination of a tremendous amount of hard work from many parties and allows the further provision of affordable homes for local people.

The Environment Agency

Offer advice on flood risk and foul drainage.

Flood Risk:

The applicant has sequentially sited all proposed development within Flood Zone 1.

Our maps show the site boundary lies within Flood Zones 1, 2 and 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a low, medium and high probability of flooding respectively. We are satisfied that the flood risk assessment, referenced 209400 and dated September 2017, provides you with the information necessary to make an informed decision.

Incorporating New Climate Change Allowances:

As the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, it is unnecessary to request the applicant to re-model the watercourse to the north of the site in order to incorporate the new climate change allowances.

Other Advice:

The Sequential and Exception Tests are not required.

Other Sources of Flooding:

The site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Foul Drainage:

It is not explicitly stated in the application documents to which sewerage network the applicants wish to connect, we assume it will be the local network at Cockfield. This is a small network and Water Recycling Centre (WRC) serving in the region of 30 houses, and as such will have a descriptive consent. The addition of 51 houses will not be enough to require a numerical permit to be issued, but the applicant should check with Anglian Water that the WRC will be able to accept the additional flows without breaching its descriptive consent.

Natural England

Natural England confirms it has no comments to make on this application. The LPA is however referred to standing advice in respect of impacts on protected species and on ancient woodland and veteran trees.

NHS England

The proposal comprises a development of 51 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

There is 1 branch surgery within a 5km radius of the proposed development. This GP practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

Anglian Water

Offer advice in relation to AWS assets affected by the development.

Wastewater Treatment:

The foul drainage from this development is in the catchment of Cockfield Mckenzie Place Water Recycling Centre which currently does not have capacity to treat the flows from this development. 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.

Foul Sewerage Network:

The sewerage system at present has available capacity for these flows via a gravity regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal:

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

SCC – Flood and Water Management

Maintain a holding objection because the applicant has not provided sufficient detail of the surface water drainage system for a full application element of this hybrid application. They also have not address points from previous comments and the amendment to the surface water drainage plan show a direct discharge to the River Brett without any treatment stages.

The Applicant has submitted additional information in response to the above comments and the SCC – Flood and Water management have been reconsulted. Any response received will be reported via the Addendum Paper.

SCC - Travel Plan Co-ordinator

SCC Travel Plan Officer confirms that a Travel Plan would not be required for this development and there is therefore, no objection to this development.

Highways England

Highways England offers no objection.

BMSDC - Planning Policy

There has been planning policy input into this scheme for a number of years. The proposal developed following a local needs survey in 2010 and there has been ongoing local consultation on the proposals which are understood to have support from the majority of the local community. Following the adoption of the Babergh Core Strategy in 2014, planning policy advice was provided through the Steering Group on the current proposal (DC/17/05332).

The Planning Statement submitted in support of the application sets out that the scheme should be judged in the context of Babergh Core Strategy CS11. However, whilst there are elements of the proposal that could be related in context to Policy CS11 (as well as policies Core Strategy 1, 15, 18, 19 and 20), it is advised that the scheme should simply be considered in accordance with the NPPF and as a departure from local policy, considering the proposal on its merits and in accordance with other material considerations.

The NPPF sets out the presumption in favour of sustainable development. This is a scheme developed with the intention of addressing housing requirements in accordance with NPPF and Core Strategy objectives (including affordable requirements). It has been developed with community engagement and input. The principle of the development therefore meets a number of policy objectives.

Overall there spatial policy support the principle of the proposed development as an exception to planning policy.

Please note that the proposal include starter home provision on a number of plots. It is advised that advice is sought from the CIL team to check that the proposal accords with the regulatory exemptions.

BMSDC Landscape (Place Services)

In terms of the likely visual effect on the surrounding landscape, the proposal will inevitably have an impact on the existing character of Cockfield. From a landscape standpoint the main development constraint is the requirement to ensure the development is "sensitively designed with high standards of landscaping, layout and careful choice of materials to minimise impact" (according to Babergh Local Plan 2006 CR01).

The following points highlight our key recommendations for the submitted proposals:

- 1) There is no clear justification of allocation of POS within the development area. Should the intention be to offset within the northern land we would not deem this accessible open space.
 - 2) As outlined above, the landscape approach requires further justification. It would be encouraged that a stronger landscape proposal within the residential development is needed to enhance its rural character.
 - 3) The landscape strategy needs expanding to include the following sections:
 - a. Context and character
 - b. Landscape Design strategy
 - c. Landscape masterplan (already included)
 - d. Public open space
 - e. Boundary treatments (inc. sections)
 - f. Hard landscaping specification
 - g. Soft landscaping specification
 - 4) If approved, a detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), We recommend a landscape maintenance plan for the minimum of 5 years, to support plant establishment. This is to ensure appropriate management is carried out and to maintain functionality as well as aesthetics.
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5) If approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition, if the application is approved.

The Applicant has submitted additional information in response to the above comments and BMSDC – Landscape have been reconsulted. Any response received will be reported via the Addendum Paper.

BMSDC Ecology (Place Services)

No objection subject to conditions to secure ecological mitigation and enhancements.

The submitted Preliminary Ecological Appraisal includes sufficient ecological information to assess the impacts of development on designated sites, protected species and priority species/habitats.

Recommendations:

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. The recommendations within the ecological report will particularly benefit bats, nesting birds, swifts and hedgehogs. A Lighting Design Scheme has also been advised to be implemented prior to occupation. This will mitigate the potential impacts of lighting on foraging and commuting bats which may potentially use the boundary features.

Impacts will be minimised such that the proposal is acceptable subject to the above conditions based on BS42020:2013. In terms of biodiversity net gain, the proposed integrated swift boxes and hedgehog friendly fencing will contribute to this aim.

Conditions should be imposed to secure compliance with the recommendations in the submitted Ecological Report and to require the submission of a lighting design scheme for approval and implementation.

BMSDC Urban Design (Place Services)

Based on the submitted documents there are concerns surrounding several aspects of the layout proposal as outlined in the overview below:

Frontage - Further review and justification is required regarding the layout of the property arrangement fronting Lavenham Road. It is felt units 1-8 require setting back to mirror that of neighbouring development and the western layout. Parking deterrents can be designed into the scheme to satisfy concerns.

Access - It is understood as to the justification of access from a single point. Further review is required regarding the entrance design including feature housing units.

Road layout - There are concerns regarding the design of a single access point feeding several cul-de-sac areas. It would be encouraged a loop road is explored along with mews court developments. These will create destinations rather than dead ends, parking courts and turning heads.

The Applicant has subsequently amended the scheme in response to the comments made above.

BMSDC Environmental Health - Land Contamination

The Environmental Protection Team have reviewed the Phase I investigation undertaken by Canham Consulting (ref. 209400).

The report concludes that additional investigations are recommended however it is believed that given the evidence presented this is largely a precautionary recommendation given the history of the site being agricultural for as long as records are present. In light of this there is no objection to the proposal from the perspective of land contamination. It is however requested that the Environmental Protection Team are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the safe development of the site lies with them. If the developer wishes to undertake the precautionary investigations then Environmental Protection would be willing to review the documents but do not feel that we can require this by means of a condition.

BMSDC Environmental Health - Noise/Odour/Light/Smoke

The Environmental Protection Team confirms that with respect to noise and other environmental health issues there is no objection to the proposed development.

It is however, recommend that construction hours for the site are restricted to those hours between 08:00 hours and 18:00 hours Monday to Friday, 08:00 hours and 13:00 hours Saturday and no working on Sundays and Bank Holidays in order to protect the occupiers of existing dwellings and future noise sensitive premises from adverse noise of construction work.

BMSDC Environmental Health - Sustainability Issues

There is no objection to this proposal but note that sustainability issues connected to the dwellings themselves (ie construction materials, sources of heating, renewable energy generation, design and orientation provision for electric vehicles) have not been mentioned.

Therefore request that either; the applicant provides information and assurances in this regard or a condition is included in any grant of permission to secure environmentally friendly dwellings are constructed.

BMSDC Strategic Housing

No objection – strongly supported as will meet a wide range of local housing needs across several tenures as identified in Community Action Suffolk Local Housing Needs Survey, the and the Council's CBL housing register data.

The application although submitted by Suffolk County Council is a partnership scheme to provide a varied range of tenure options and deliver housing to meet local housing needs. The application has been made following extensive partnership work between Orwell HA, Suffolk County Council, the Parish Council and the Strategic Housing service of the Council.

SCC - Corporate S106 and Education

Detailed comments in relation to the requirements for CIL including;

1. Education. Refer to the NPPF paragraph 72 which states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education'.

The NPPF at paragraph 38 states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'

SCC anticipates the following **minimum** pupil yields from a development of 51 dwellings, namely:

- a. Primary school age range, 5-11: 12 pupils. Cost per place is £12,181 (2017/18 costs).
 - b. Secondary school age range, 11-16: 8 pupils. Cost per place is £18,355 (2017/18 costs).
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c. Secondary school age range, 16+: 2 pupils. Costs per place is £19,907 (2017/18 costs).

The local catchment schools are Cockfield CEVC Primary School, Ixworth Free School, and Thurston Community College.

Based on existing forecasts SCC will have surplus places available at the catchment schools to accommodate all of the pupils arising from this scheme.

The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs. The figures quoted will apply during the financial year 2017/18 only and have been provided to give a general indication of the scale of contributions required should residential development go ahead. The sum will be reviewed at key stages of the application process to reflect the projected forecasts of pupil numbers and the capacity of the schools concerned at these times.

2. Pre-school provision. Refer to the NPPF 'Section 8 Promoting healthy communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4-year-olds. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2-year olds. From these development proposals SCC would anticipate up to 6 pre-school children arising.

This development falls within the ward of North Cosford and there is a predicted surplus of 14 places in September 2017. Therefore, the 6 children this will generate will be accommodated within existing provision

From September 2017, working families may get an additional 15 hours' free childcare entitlement per week on top of the current 15 hours, giving a total of 30 hours a week for 38 weeks of the year.

3. Play space provision. Consideration will need to be given to adequate play space provision. A key document is the 'Quality in Play' document fifth edition published in 2016 by Play England.

4. Transport issues. Refer to the NPPF 'Section 4 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via section 38 and section 278. Suffolk County Council FAO Sam Harvey will coordinate this.

Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014.

5. Libraries. The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e. £11,016, which will be spent on enhancing provision at the nearest library. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of $(30 \times £3,000) = £90,000$ per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling. Refer to the NPPF 'Section 8 Promoting healthy communities'.

6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

7. Supported Housing. In line with Sections 6 and 8 of the NPPF, homes should be designed to meet the health needs of a changing demographic. Following the replacement of the Lifetime Homes standard, designing homes to the new 'Category M4(2)' standard offers a useful way of fulfilling this objective, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the local planning authority's housing team to identify local housing needs.

8. Sustainable Drainage Systems. Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems.

On 18 December 2014 the Secretary of State for Communities and Local Government (Mr Eric Pickles) made a Ministerial Written Statement (MWS) setting out the Government's policy on sustainable drainage systems. In accordance with the MWS, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. The MWS also provides that, in considering planning applications:

"Local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."

The changes set out in the MWS took effect from 06 April 2015. A consultation response will be coordinated by Suffolk County Council.

9. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow SCC to make final consultations at the planning stage.

10. Superfast broadband. Refer to the NPPF paragraphs 42 – 43. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability. As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

11. Legal costs. SCC will require an undertaking from the applicant for the reimbursement of its reasonable legal costs associated with work on a S106A for site specific mitigation, whether or not the matter proceeds to completion.

SCC - Highways

The County Council as Highway Authority does not object to the proposal subject to a S106 Agreement to its satisfaction and inclusion of conditions to secure provision of specified visibility splays, access details, estate road/footpath details and submission of a Deliveries Management Plan for the construction period.

The existing bus stops on Lavenham Road would benefit with the following improvements:

- New raised kerb to DDA standards on both stops
- New Bus shelters

Total Public Transport contribution from this development - £15000

The following additional comments are also provided.

The proposal to extend the 40mph speed limit to the north of the site will be for the developer to enter into an unilateral undertaking with SCC to create the Traffic Regulation Order (TRO) to extend the speed limit in advance of determination of a planning application. Once implemented, the visibility splay distances can be as conditioned below.

The parking provision is to be to The Suffolk Guidance for Parking 2015 - although the guidance does not state that tandem layout is acceptable in front of a garage on a 4-bedroom dwelling, this is to be discouraged as it will lead to on-street parking.

The parking philosophy is to provide spaces where demand is likely. The design submitted suggests that sufficient overall numbers of visitor spaces are provided but many spaces are positioned where demand is least required. Also, unsupervised cars left in laybys away from the properties and are not visible from dwellings, can be prime targets for vandals and thieves. We feel the current proposal will only result in on-street and nuisance parking.

SCC - Fire & Rescue

The plans have been inspected by the Water Officer and advice is offered to the applicant in relation to access and fire fighting facilities, and water supplies.

Suffolk Police

Observations are that the recently extended 40mph speed restriction along the A1141 may not prove sufficient protection for the new access road, particularly in the initial stages of the build when materials are being delivered to site. I would suggest that a speed survey is carried out prior to the build start date to identify whether motorists are adhering to the speed limit in place. Given the nature of the road and its layout, there could be a tendency for motorists to fail to adhere to the restriction.

The width of the road and potential obstruction points should be considered if residents or their visitors choose to park on the roadside. More and more newer developments provide off road parking for at least one car per household, however, as families grow, or others visit the site, roads can become congested with parked cars, or cars obstructing corners and pavements. The layout suggests a winding road, so it may be worth considering whether some physical barriers, or yellow lines are considered early on.

B: Representations

Responses received from 6 neighbours summarised as follows:

June 2014 Cockfield Parish Council survey results concluded that the village should grow larger with a preference for development to be close to existing built up area boundaries and a stronger preference for that development to be spread around the village rather than concentrated on large sites. This application ignores these results as houses are concentrated on a single site.

The concentration of housing means the new development will not be integrated into the village.

By placing this density of houses on the outskirts of the village there is no way for residents without a car to access their relatives on the other side of Cockfield. Cockfield garage is now closed, meaning the nearest petrol station is at Bury. Limited facilities are spread across a 5-mile radius and the only general store is not within easy walking distance. Community facilities in the development appear inadequate, mentioning only 'community open space'.

Density/number of homes proposed is not in keeping with either the present number of houses on surrounding estates or throughout the whole of Cockfield village. Cockfield does not have any infrastructure or community facilities to support this volume of houses in one location.

51 properties on one site represents an increase of 13% and is the easy option to meet a quota of houses built ASAP and not what the residents of Cockfield want. This number is completely out of proportion with the village particularly when the site has no access to the limited village facilities. It is much more like an urban development within a town not a rural village.

The village has one small post office which is not within safe or easy walking distance of the site. The only "community" facilities (school, park, playing fields etc.) are not within a safe or easy walking distance and do not have a bus route to them from the proposed site.

This also begs the question of shop/supermarket, post office, GP, none of which are adequate now for residents, how will an extra 150 residents manage.

The A1141 is not a safe road for pedestrians or car drivers. There have been several road traffic accidents and 2 fatalities along this stretch of road. The recent fatality outside Crowbrook Cottages in 2015 has been omitted and there was also another fatality near the junction of the A1141 and Howe Lane in 2007 which is before the surveys scope. Many vehicles regularly exceed the 40mph speed limit and combined with no street lighting, high and wide hedgerows that regularly force pedestrians to walk in the road and a long stretch of road with no pathway, results in an unsafe walking environment for residents. If the school is considered to be viable then the footpath issue needs to be dealt with as a matter of priority or these families will get in their car and drive to other schools instead.

The alternative path being created through the woodland and fields behind the development site is unlit, uneven ground and very remote and is highly impractical and unsafe.

Local authorities have a responsibility under the 1996 amended Education Act to provide alternative means for pupils to access schools if a safe walking route is not available.

Suggest a properly designated route to the school is provided by extending and widening footpaths, with visible school warning signage and appropriate traffic control measures.

The Suffolk County Council Rights of Way Committee meeting (25/01/17) approved a Traffic Regulation Order of a 40mph limit for traffic travelling south without considering alternative options put forward in the residents' consultation, including a 30mph limit, traffic control measures and access to alternative routes.

The development will generate at least 100 cars bringing an extraordinary increase of volume of traffic to this small site, increasing noise and traffic pollution and a larger risk on an already dangerous main road. There would not be room for additional off road parking and it would be dangerous for cars to park on the A1141.

A smaller development of between 20 and 30 houses is suggested with the remainder of houses being built spread throughout the rest of the village. A bus route that goes into Cockfield village could be considered too? The foot paths need to be made wider and safer for residents to get to and from the main part of Cockfield village.

Existing pedestrian access from the rear of properties in Mackenzie Place should be retained.

Why, now do we have several flats being proposed?

Why are the proposed bungalows only for 'downsizers'?

What about local residents who are currently living in a 2 or 3 bed council property and have lived in it for most of their life....do they have to move away from the village when they can no longer afford or manage to live in their family home and will not be in a position to buy a 'downsizer' bungalow? Isn't this development supposed to be helping residents like this?

Local Needs?

How is the sewerage/waste from this site going to be dealt with? The waste site at the back of Mackenzie Place is not adequate to deal with the size of this proposed development. Has this been looked at yet? The smell from this area is quite overpowering and unpleasant on an average day weatherwise.

Various parties are obviously keen to push ahead with the proposed development. However, misrepresenting the facts and selective use of the information available is not the way forward.

Ecological Preliminary Appraisal incorrectly states there is "no evidence of latrines, tracks or setts was observed during the survey and there are no records of Badger within 1Km of the survey area". Badgers are in the area where the North West end of the railway footpath exits onto the field edge and also Earls Meadow where several badger setts have been taped off for public protection.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site is comprised of an area of agricultural land located to the north-western side of Mackenzie Place, which itself is situated to the west of Crowbrook Place; both are existing cul-de-sac developments of two-storey semi-detached properties that were originally constructed by the local authority in the immediate post-war period and form a small cluster of housing development, along with earlier properties in the immediate vicinity.
- 1.2. The site fronts onto the A1141 Lavenham Road between Mackenzie Place and the property known as Mill Farm and extends north-east wards towards the former railway line located to the rear of the application site. There are bus stops providing connections to Bury St Edmunds, Lavenham and beyond on either side of the A1141 located near to the site. The former railway line is now maintained by the Parish Council and provides a pedestrian connection to the village centre, approximately 1.0km away, which includes the village primary school, church village hall and post office. To the south is located the Horseshoes Pub, also within 1.0km of the site.
- 1.3. The site area totals 4.2 hectares and is owned by Suffolk County Council as part of the county farmland and is currently grassland. Generally the site falls from west to east, a total of 13 metres to the bottom of the valley to the north-east. The fall through the proposed residential development is approximately 5 metres from the A1141 to the existing woodland behind 8 Mackenzie Place.
- 1.4. To the north-west of the site is Mill Farm which includes the recently converted former windmill, now bed and breakfast. The opposite southern side of Lavenham Road is open agricultural land.
- 1.5. The landscape generally in the vicinity is agricultural, predominantly arable, with some pockets and ribbons of woodland. Field patterns are irregular. A native field hedgerow fronts the site onto Lavenham Road.
- 1.6. Cockfield is a village made up of 4 separate 'settlements', each with their own defined Built Up Area Boundary (BUAB). The application site adjoins the western extent of the Crowbrook/Mackenzie Place BUAB for the village. Cockfield is identified as a Hinterland Village by policy CS2 of the Council's adopted Core Strategy with the village falling within two wider 'functional clusters', centred on the Core Villages of Lavenham and Long Melford.

2. The Proposal

- 2.1. The application seeks planning permission for the erection of 51 dwellings with associated parking, landscaping and an area of open space and community land to the north (rear) of the housing development. The proposal has been submitted as a hybrid planning application whereby full planning permission is sought for the erection of 42 dwellings together with a proposal for 9 self-build dwellings that seeks outline planning permission with all matters reserved for future consideration. The application comprises a range of detached, semi-detached and terraced houses, with flats and bungalows, including both market and affordable units.

The housing mix consists of 4 No. 1 bed flats, 2 No. 2 bed flats, 20 No. 2 bed units, 12 No. 3 bed units and 4 No. 4 bed units as follows:

- 6 no. affordable rented flats
 - 6 no. affordable rented houses
 - 6 no. shared ownership/discounted market houses
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- 10 no. detached 3 and 4 bedroom open market houses
- 4 no. semi-detached open market houses
- 5 no. first time buyer open market houses
- 5 no. open market bungalows (targeted for 'down-sizing')
- 4 no. self-build plots for larger houses
- 5 no. self-build plots for smaller houses

In addition, the application also proposes:

- 2no. parking spaces to be provided for each 2 and 3 bed dwellings
- 3no. parking spaces to be provided for each 4 bed dwelling
- 1no. parking space to be provided for each 1 bed dwelling
- Minimum 12no. visitor parking spaces required; total of 21no. provided
- Total of 126 car parking spaces provided across the development for 51 dwellings
- Secure cycle parking
- Pedestrian/cycle link to dismantled railway footpath and Earls Meadow

Community space:

Creation of additional community open space connected to Parish Meadow to the rear of the proposed housing development; the larger area to the northwest will be retained as a grassed field and includes an attenuation pond for a Sustainable Drainage System and will be enclosed by native hedgerow. The grassland will be managed by grazing, or as meadow cut twice annually. The Community Land area is to the north eastern side and is an area of grassland that will be retained and planted with occasional trees, and subsequently managed to encourage wildlife and to provide a quiet public green space connected to the local footpath network.

2.2. The submitted Design and Access Statement explains that the proposed layout is a response to

- The position of the access road to the development, set by visibility splays and topography of the A1141
- The required visibility splay and presentation of a strong development frontage
- An agreed rear development boundary to preserve rural views from adjoining property

The visibility requirement resulted in the development being set back from the main road and natural traffic calming would be provided by siting the new houses to the splay. The existing speed limit zone is also to be extended via a Traffic Regulatory Order, already approved by the Highways Authority subject to a time limit and development of the proposed dwellings.

The southern end of the site layout fronting the A1141 follows a similar grain and pattern to Mackenzie and Crowbrook Places, being a more rectilinear arrangement permeated by pedestrian routes from Lavenham Road and with vehicle access from the rear. The remainder of the site layout adopts a 'softer' more informal approach. The scheme layout provides access and permeability with connections to the existing footpath on Lavenham Road (and hence adjacent development, bus stops and pub) and the dismantled railway footpath which in turn connects to Cockfield village.

2.3. The new primary access from Lavenham Road is positioned towards the centre of the site frontage and is an adoptable road with formal footpaths to either side. Private, on plot parking is proposed for most dwellings with some shared/lay-by parking and visitor spaces and a total of 126 car parking spaces (for both full and outline elements) are proposed comprising 83 allocated parking spaces for the 42 'full' dwellings including 15 visitor spaces. The proposed development provides areas of private amenity space for each unit, as well as cycle and refuse storage, and hard and soft landscaping.

- 2.4. The majority of the proposed dwellings are two storeys in height although single storey dwellings are also proposed. The dwellings are generally arranged in informal clusters of varying density. The dwellings have been designed to incorporate elements of traditional Suffolk features and materials – steeply pitched roofs, gables, brick, render, etc. but uses them to create a contemporary style of architecture rather than a pastiche of Suffolk vernacular.
- 2.5. Proposed facing materials comprise a varied palette of traditional materials to include two types of brick (red and buff/white), traditionally coloured render, slate and pantiled roofs to reflect the materials found elsewhere in the locality with simple and modern detailing. Chimneys are included to some plots to punctuate elevations and promote the link to a vernacular style.
- 2.6. The application was amended following receipt of additional information and revised plans in February and March 2018, which sought to address issues raised by consultees in terms of urban design and requested alterations to the layout and design of individual dwellings; the parking has been amended parking to provide spaces adjacent to each dwelling with layby parking areas located where good surveillance is possible; additional ecology information has been submitted and a revised landscape strategy and drainage strategy information has been submitted. Re-consultations have been carried out on the amended plans and any outstanding consultee responses will be reported on the Addendum Sheet circulated prior to the meeting.

Main Considerations

The following are identified as the main considerations in assessing this application.

3. The Principle of Development

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
 - 3.2. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
 - 3.3. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
 - 3.4. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies.
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However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 3.5. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...' The NPPF (Paragraph 49) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. For sites to be considered deliverable they have to be available, suitable, achievable and viable.
 - 3.6. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
 - 3.7. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.
 - 3.8. A summary of the [BDC] Council's 5 year land supply position is:
 - i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.1 years
 - 3.9. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.
 - 3.10. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
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- *"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*

- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

3.11. In the light of all of the above, this report will consider the proposal against the policies of the development plan to determine whether the proposal is in accordance with the development plan as a whole. If it is not, and there are policy conflicts, they will need to be weighed against other material considerations to see whether a decision which does not accord with the development plan is warranted. in the light of the presumption in favour of sustainable development, and in the context of the authority not being able to demonstrate a 5 year land supply.

4. Sustainability Assessment Of Proposal

4.1. As detailed above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

4.2. Policy CS2 (Settlement Pattern Policy) identifies Cockfield as a Hinterland Village within both the Lavenham and Long Melford functional clusters. This policy also provides that Hinterland Villages will accommodate some development to help meet the needs within them. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. The application site is outside of the defined Hinterland village and needs to satisfy these tests to comply with Policy CS2.

4.3. Policy CS3 of the Core Strategy identifies 1050 homes for rural areas, this quantum of development is unallocated at present (in either district development plan documents or Neighbourhood Plans) so there is a reliance at present on windfall sites to deliver this growth.

4.4. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:

"Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:

1. *the landscape, environmental and heritage characteristics of the village;*

2. *the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
3. *site location and sequential approach to site selection;*
4. *locally identified need - housing and employment, and specific local needs such as affordable housing;*
5. *locally identified community needs; and*
6. *cumulative impact of development in the area in respect of social, physical and environmental Impacts.*

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

1. *is well designed and appropriate in size/scale, layout and character to its setting and to the village;*
2. *is adjacent or well related to the existing pattern of development for that settlement;*
3. *meets a proven local need such as affordable housing or targeted market housing identified in an adopted local plan/neighbourhood plan;*
4. *supports local services and/or creates or expands employment opportunities; and*
5. *does not compromise the delivery of permitted/identified schemes in adopted community/village local plans within the same functional cluster.*

The cumulative impact of development both within the Hinterland Village in which the development is proposed and within the functional cluster of villages in which it is located will be a material consideration when assessing such proposals.

All proposals for development in Hinterland Villages must demonstrate how they meet the criteria listed above.

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day-to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

- 4.5. 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. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies.
 - 4.6. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
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- 4.7. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
- 4.8. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

i. The landscape, environmental and heritage characteristics of the village

Impact on Landscape

- 4.9. The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. In addition, the NPPF provides (para 187) that *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”*
- 4.10. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district. Also of relevance to this proposed development is the Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015), which seeks to improve the quality of development coming forward ensuring that it fits with its surroundings, but also helps to retain and enhance the distinctive character of the area.
- 4.11. The Planning Practice Guidance advises that *“The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape”*.
- 4.12. The Suffolk County Landscape Character Assessment (SCLA) shows the site located at the intersection of two ‘Landscape Character Types’: Area Type 4: Ancient Rolling Farmlands and Area Type 18: Rolling Valley Farmlands. The key characteristics of Ancient Rolling Farmlands are identified in the SCLA as: rolling arable landscape, dissected widely, and sometimes deeply, by river valleys with regular fields associated, native hedges and a dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin. The key characteristics of Rolling Valley Farmlands are gentle valley sides with some complex and steep slopes, well-drained soils and areas of regular field patterns.
- 4.13. As part of the application submission, the applicant prepared a Landscape Strategy, which was been expanded into a Landscape and Visual Appraisal in response to the comments received from BMSDC Landscape (Place Services). The Landscape and Visual Appraisal describes existing key features from various viewpoints and goes onto explain the proposed landscape design strategy in relation to the existing context. For example the proposed dwellings to the west of the access will be set back behind a new roadside green area that will extend the recently formed roadside green area fronting Mill Farm. The area to the north of the housing development is proposed to be retained as an open meadow/ field area with augmented and new boundary hedgerow planting and occasional trees will be planted in the community land area and subsequently managed to encourage wildlife and to provide a quiet public green space connected to the local footpath network.
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- 4.14. The site is not within a nationally designated landscape such as an Area of Outstanding Natural Beauty (AONB) or a locally designated Special Landscape Area (SLA). Therefore, the main development constraint is the requirement to ensure the development is sensitively designed with high standards of landscaping, layout and careful choice of materials to minimise impact. The broader strategy, including the siting of the open spaces areas to the north of the proposed built development instead of being incorporated within the development is considered acceptable in this context given the relationship of the site to existing built development at Makenzie/Crowbrook Place and in order to connect with the existing footpath to the dismantled railway walk. Full details of the planting specification and future maintenance of the landscaped areas will be secured by condition.
- 4.15. In summary, Policy CS11 activity encourages rural growth and the consequence of this is some impact on the countryside. However, the impacts should be minimised and the key question is therefore whether the impact of the development is reasonably contained. In this case, whilst the development would have an adverse impact on the undeveloped character of the site itself, it would not appear prominent in the wider landscape setting as the site is visually connected with the adjacent built form. Furthermore, the design approach of the development has been influenced by the sensitivities identified in the Landscape and Visual Appraisal to further mitigate impacts. Consequently, on balance, and subject to the mitigation identified, the development is considered to have an acceptable impact on the countryside landscape.

Impact on Heritage Assets

- 4.16. There are no designated heritage assets in the vicinity of the application site that would be affected by the development in terms of impacting the setting of a listed building or harming the character or appearance of a conservation area; the nearest listed building is Ivy Cottage; a grade 2 thatched building to the south at Willow Bridge, whilst further away to the north there are listed buildings in Cockfield village at the junction of Church Lane with Howe Lane and also off the A1141 to the north west of the Howe Lane/Lavenham Road Junction. The nearest conservation area is at Lavenham.
- 4.17. There is therefore, no impact on heritage assets and it is considered that the proposal would comply with this element of policy CS11.

Impact on Environment

- 4.18. The application has been reviewed by the Environmental Protection Team and it is confirmed that the submitted land contamination information is such that there is no objection to the proposal from the perspective of land contamination. In addition, neither The Environment Agency or Natural England have objected to the proposal and, subject to conditions to secure appropriate mitigation and enhancements, there is no ecological impact to warrant refusal.
- 4.19. The surface water drainage strategy and landscape strategy has recently been amended and is under current review by consultees; it is anticipated that the consultation responses received will be reported via the Addendum papers circulated prior to the meeting.
- 4.20. In view of the above, the proposal is considered to comply with policy CS11 and criterion vii of policy CS15 insofar as it relates to land contamination and impact on the Environment.

ii. The locational context of the village and the proposed development.

- 4.21. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
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4.22. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:

- *Whether the proposal would constitute ribbon development on the edge of the village*
- *How the site is connected to the exiting settlement, jobs, facilities and services including location of site access and availability of sustainable transport links*
- *The scale, character and density of the proposal in relation to the existing adjoining development*
- *Whether the proposal constituted a logical extension of the built up area of the village*
- *Whether the proposal is self-contained and has logical natural boundaries"*

4.23. The application site is adjacent to the north western extent of the defined BUAB for the Mackenzie /Crowbrook Place area of Cockfield and is well related to that part of the settlement and could be viewed as a logical extension to it. However, the site is located approximately 1km from those services available within the village to the north (Church, School, Post Office and Village Hall) and about 750m from the village pub in the opposite direction to the south. Cockfield is within the Lavenham and Long Melford functional clusters; both area core villages with a range of services including shops, libraries, post office, primary schools, doctors surgery, chemists, dentist surgery, pubs/cafes/restaurants and employment opportunities.

4.24. Paragraph 15 of the SPD explains that "the availability of and access to local services and facilities is a key consideration in determining whether a proposal is sustainable" and that "It is the range of services and facilities available that is important as this will have a bearing on the size and scale of development that can be accepted i.e. a village with a wide range of services and facilities is more sustainable and can potentially accommodate a greater amount of development".

4.25. The range of services available in Cockfield village is limited, therefore the size and scale of acceptable development for this village is expected to be commensurate in size and scale. Cockfield is a village comprised of 4 separate settlements dissipated across a wider geographical area. The village contains approximately 400 existing dwellings and the proposed development of 51 new dwellings amounts to a 12.75% increase in the size of the village, which is considered to be acceptable increase in size and scale when considering the village as a whole. However, given the spatial arrangement of the village this increase is significantly greater in relation to the size and scale of existing development within the Mackenzie/Crowbrook Place built up area boundary of the village.

4.26. Para 15 goes on to state that "The availability and frequency of public transport is also an important consideration" and that the preferred maximum walking distance to services and facilities is 1200m (400m is desirable; 800m is acceptable) and that "these distances should be considered alongside the quality and continuity of the footpath connection. Connections between any proposal and village services and facilities should be continuous and have a good quality surface. The need for and appropriateness of street lighting will be considered on a case by case basis".

4.27. There is an hourly weekday bus service, between Colchester, Lavenham, Long Melford, Sudbury and Bury St Edmunds and in this regard the site is well connected to services and facilities available outside of the village. In terms of access to services and facilities within the village, there is a surfaced footpath along the A1141 that starts just South of the pub, which passes the application site, providing access to bus stops, before terminating at the junction of Lavenham Road with Howe Lane however, the width of pavement is narrow and does not benefit from street lighting and is not therefore a considered to be a suitable connection to the village for all potential

users. Furthermore the footpath does not continue along Howe Lane, where village services are located. The application proposal offers an alternative pedestrian link to village services via the provision of a new footpath (with a bound surface) that heads north from the development through the proposed community land where it connects with the existing dismantled railway footpath that runs into the village from the east. In practical terms, however, it is Officer's opinion that neither pedestrian route offers a suitable year round option for all residents to be able to walk into the village and the development is therefore considered to be remote from services to meet everyday needs.

- 4.28. In summary, in terms of the locational context of the village, there are elements of the proposal that could be related in context to Policy CS11 equally however, there are also material conflicts with this policy such that the proposal cannot be considered to comply with Policy CS11.

iii. Site Location and Sequential Approach to Site Selection

- 4.29. The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside of but adjoins the BUAB and is considered to be reasonably well related to the existing built form. There are no sequentially preferable allocated sites within Cockfield, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
- 4.30. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier. On balance, therefore, the proposal is considered to be acceptable in terms of this element of policy CS11.

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

- 4.31. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does not mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
- 4.32. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
- 4.33. The Core Villages are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications. Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Hinterland village identified in the application, namely Cockfield and its wider functional cluster of Lavenham and Long Melford.
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- 4.34. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
- 4.35. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.
- 4.36. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the wider needs of the function cluster. In this case the Applicant has not submitted a housing needs assessment however, the submitted Planning Statement explains that a 'local needs survey was carried out in 2010 which highlighted a further need for at least twelve affordable homes. The Cockfield Village Growth and Development Survey also highlighted a demand for between 50 and 100 new homes to ensure the long term sustainability of the village by enabling a range of local people to remain living within the local community.'
- 4.37. BMSDC Strategic Housing have confirmed strong support for the development as it will meet a wide range of local housing needs across several tenures as identified in Community Action Suffolk Local Housing Needs Survey, the and the Council's CBL housing register data. In this regard the proposal is considered to comply with policy CS11.

v. Locally Identified Community Needs

- 4.38. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).
- 4.39. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the Applicant has not submitted a community needs statement but has instead indicated that they engaged in a comprehensive public consultation exercise with the local community. The Parish Council have confirmed that The Cockfield Village Growth and Development Survey 2014 was well supported and that in addition to respondents recognising the need for sustainable growth in the form of modest and controlled development, residents also expressed demands for improved and enhanced open space with links to and between other parts of what is a dispersed village settlement. Whilst the community needs cannot be considered to have been robustly considered in this way, the proposal is considered to accord with this element of policy CS11. Furthermore, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural
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communities, local services and facilities. In this regard, the proposal delivers benefits through CIL that are also considered to satisfy this element of policy CS11.

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

4.40. The SPD identifies, at paragraph 13, that "cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account". 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.

4.41. This is the largest housing development for Cockfield with any other developments for the village itself being considered as modest and therefore unlikely to result in a cumulative impact. However, there are also further developments planned or approved in the wider functional clusters of both Lavenham and Long Melford that could, in conjunction with the application proposal, result in cumulative impacts.

4.42. Technical responses received from consultees to date demonstrate that the development can be accommodated within the village and that existing facilities and infrastructure (including improved provision through CIL) have the capacity to accommodate the level of development proposed. In terms of school provision and based on existing forecasts, it is confirmed that SCC will have surplus places available at the catchment schools to accommodate all of the pupils arising from this scheme. The development will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster and the proposal therefore complies with this element of CS11.

Additional CS11 Criteria for Hinterland Villages

4.43. While the above criteria are relevant to developments in both Core and Hinterland Villages, policy CS11 also provides additional criteria relevant to development in Hinterland Villages. These are considered further below.

Is well designed and appropriate in size, scale, layout and character to its setting and to the village

4.44. The size and scale of the development should be proportionate to the settlement in which it is located. According to the Council's Socio – Economic Profile (2016) for Cockfield, the village has approximately 400 houses and the proposal for 51 additional dwellings would represent an increase of 12.75% which is considered an acceptable scale of development for the village when taken as a whole. However, given the disparate spatial arrangement of the village across 4 (BUAB) settlement areas and the fact that this development is concentrated in one of those settlement areas, this increase is significantly greater in relation to the size, scale and setting of existing development within the Mackenzie/Crowbrook Place built up area boundary of the village, which comprises 28 dwellings.

4.45. The submitted layout does however, demonstrate that the site could accommodate this level of development and that it will relate to neighbouring properties and for this reason, the development is considered to be in accordance with policy CS11 on the basis that the development is well designed and appropriate in size/scale, layout and character to its setting within the village as a *whole*; notwithstanding the fact that the development is of a scale that is out of character with, and not proportionate to, existing development within the adjoining built up area boundary.

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

4.46. In addition, the proposal is well related to the existing pattern of development for the settlement and there are no other sequentially preferable sites which the Local Planning Authority considers is in a more favourable location, in terms of its relationship to the main part of the village and the services upon which it relies. Therefore, the proposal also complies with this part of policy CS11

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

4.47. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered elsewhere in this report. Cockfield does not have a neighbourhood plan, therefore the conclusion is that the proposal does not demonstrate that the proposal meets local needs, contrary to this element of CS11.

4.48. The proposal is to develop 51 no. new dwellings of which 35% would be affordable in the form of 12 no. affordable rented dwellings and 6 no. shared ownership/discount market sale dwellings. The development also makes provision for 5 no. first time buyer open market houses and 5 no. open market bungalows that are targeted for 'down-sizing', all of which adds to the choice and supply of housing in the district, such that the proposal can be considered to fall within the social dimension of sustainable development.

Supports local services and/or creates or expands employment opportunities

4.49. The proposal would provide new dwellings that would support the existing facilities in the village and the wider functional clusters through the generation of new occupants using those services, enhancing, and maintaining the vitality of village life. As such, the proposal meets this element of policy CS11.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

4.50. The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

Summary of Assessment Against Policy CS11

4.51. For the reasons set out above, the development proposal has addressed most matters identified in Policy CS11 applicable to Hinterland Villages, with the exception of the locational context of the village, remoteness from services and facilities and the scale of development in relation to existing development within the adjoining Mackenzie/Crowbrook Place BUAB. As such, the proposal cannot be said to comply with policy CS11.

4.52. The consultation response received from BMSDC - Planning Policy advises that the proposal is considered to contravene development plan policies CS11 and Core Strategy policies 1, 15, 18, 19 and 20. It is therefore advised that the scheme should simply be considered in accordance with the NPPF and as a departure from local policy, and the proposal should be considered on its merits and in accordance with other material considerations. In this regard the application has been publicised as a 'departure' i.e. an application that does not accord with the provisions of the Development Plan.

4.53. Consequently, and whilst the above assessment of the proposal against policy CS11 was both important and necessary, the proposal must also be considered in accordance with the NPPF and against other policies of the Development Plan.

5. Consideration against other development plan policies.

- 5.1. The Council cannot currently demonstrate a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. As a result the policies for the supply of housing in the Core Strategy are, in line with paragraph 49 of the NPPF, deemed to be out-of-date for as long as this remains the case. This brings into play Policy CS1 (as well as paragraph 14 of the NPPF). The presumption in favour of sustainable development applies, unless it is excluded by either the consequence of applying the 'tilted balance' or the operation of restrictive policies in the NPPF. The 'tilted balance' is capable of affecting the weight to be given to other Core Strategy policies, although the weight they should be given remains a matter for planning judgment.
 - 5.2. Similarly, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that whilst this policy can be afforded weight, the amount of weight that can be afforded is limited.
 - 5.3. Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
 - 5.4. Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
 - 5.6. As a Hinterland Village, Cockfield is recognised as providing limited service and facilities for its own residents and is dependent on the nearby Core villages of Lavenham and Long Melford to meet many of its everyday needs. However, Cockfield is served by a range of facilities including a primary school, the Village Hall, Church, public house, and Post Office.
 - 5.7. Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Cockfield benefits from a regular (hourly) bus service between Colchester, Lavenham, Long Melford, Sudbury and Bury St Edmunds and from which onward connections to destinations by rail. Future residents will therefore, have access to a number of public transport connections that provide the choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.
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- 5.8. It is acknowledged however, that there will be a high proportion of car travel from Cockfield, as people travel out of the village to work, however it is also important to take into consideration both the provision of and accessibility of public transport in Cockfield as discussed, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation (criterion xviii of CS15). Consequently, it is likely that anyone living in the homes would be heavily reliant upon car journeys to access local services. This would be contrary to Paragraph 17 of the NPPF which supports the transition to a low carbon future; seeks to reduce pollution; and says that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling Design and Layout. Moderate weight can be attached to this harm as the Framework recognises that the opportunities to maximise sustainable transport will vary from urban to rural areas.
- 5.9. It is considered that the development proposed will enhance the vitality of the existing community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Cockfield, underpinning social capacity, providing affordable housing and widening the housing mix overall.
- 5.10. This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the connectivity and access to services and green infrastructure (criteria xviii, iv and ix of CS15). The following issues are also noted in respect of other criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development includes smaller and single storey properties that would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - The proposal will deliver a mix of dwelling sizes, including those suitable for older people (criterion vi of CS15)
 - The application incorporates a SUDs mean of drainage. The development will meet the relevant sustainable design and construction standards (criterion viii of CS15).
 - The proposal creates open spaces that connects with an existing public footpath providing community benefits, for the occupiers of the site and for the wider community in general.
 - Surface water run-off from the development will be conveyed to an attenuation pond/storage feature within the landscape (criterion xii of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
- 5.11. Environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

6. Surface Water Drainage

- 6.1. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. The applicant has provided additional information to demonstrate evidence of a viable surface water drainage strategy for the proposed development and this is currently under scrutiny by SCC – Floods and Water Management Team, until such time as SCC removes its holding objection, the application proposal has not complied with the requirements of both policy CS15 and the NPPF. As such, the recommendation on this proposal reflects the need
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for the applicant to satisfy the Local Lead Flood Authority on the viability of a drainage scheme on this site.

7. Site Access, Parking and Highway Safety Considerations

- 7.1. The development has facilitated the extension of the 40mph speed limit to the north along the A1141 (subject to a Traffic Regulation Order) and improved visibility across the site and neighbouring land. The layout of the proposed estate road, together with the pavements will be designed to adoptable standards, which will be subject to formal agreement with the Highway Authority in due course.
- 7.2. In light of the above, the proposal is considered to be acceptable in highway safety terms. Sufficient parking is provided on site in accordance with the Parking Standards. The proposal therefore accords with the provisions of saved policy TP15.
- 7.3. Highways England offers no objection to the development. The Local Highway Authority is satisfied that the development, subject to conditions, is acceptable and will not lead to an adverse impact on highway safety. As such, and in light of the connectivity aspects also having been found to have been acceptable, the proposal accords with criteria xviii and xix of policy CS15.

8. Biodiversity and Protected Species

- 8.1. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
- 8.2. The application has been considered by the Council's appointed ecologist and the submitted Preliminary Ecological Appraisal demonstrates that the development will not result in any damage or loss of protected species or habitats and, with the inclusion of appropriate conditions, it is considered that this matter has been addressed satisfactorily.

9. Loss of Agricultural Land

- 9.1. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
- 9.2. Natural England advises that the best and most versatile agricultural land should be protected, and the agricultural land within the application site is classified as Grade 3 using the Agricultural Land Classification (ALC) data. The Core Strategy makes no direct reference to the loss of agricultural land, so the application must be primarily assessed against the test in the NPPF. In the context of the test set out within the NPPF, the development is not considered to be 'significant' so the test is not enacted.
- 9.3. As such, this issue does not weigh against the development.

10. Land Contamination

- 10.1. The applicant has submitted an assessment of the potential contamination risks on this site, which has been assessed by the Council's Contaminated Land Officer. It is considered that the assessment made is sufficient to identify that there would be no unacceptable risks from contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.
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11. Design and Layout and Impact on Residential Amenity

- 11.1. Delivering quality urban design is a core aim of the NPPF stating, in Paragraph 56, that good design is a key aspect of sustainable development and indivisible from good planning and in Paragraph 64 it states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions. Saved policy CN01 of the Babergh Local Plan requires that “All new development proposals will be required to be of appropriate scale, form, detailed design and construction materials for the location” and sets out criteria as to how this should be achieved.
- 11.2. One of the core principles as set out in Paragraph 17 of the NPPF is that planning should always seek to secure high quality design and good standards of amenity for all existing occupants of land and building. Saved policy HS28 of the Babergh Local Plan states that applications for infilling or groups of dwellings will be refused where ‘the site should remain undeveloped as an important feature in visual or environmental terms and seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 11.3. The proposal has been designed to incorporate a range of house types across the site. Construction materials reflect the local palette, including slate and pantiled roofs, red and buff/white brick and traditionally coloured render. The scheme includes a mix of single storey properties, and two storey detached, semi-detached and terrace dwellings adding visual interest and enhanced permeability through the site.
- 11.4. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. It is considered that the proposal does not give rise to concerns of loss of neighbour amenity by reason of its form and design, given the degree of separation of existing adjoining property to the boundary and the arrangement of space and built form at Mackenzie Place and Mill Farm.
- 11.5. The properties each have reasonably sized private amenity space and the density or development is considered appropriate for the rural location. Off street parking is provided in accordance with SCC Guidance for Parking and includes provision for visitor parking within the development. The scheme also includes community open spaces for public access and green infrastructure.
- 11.6. It is considered the overall design and layout of the scheme is acceptable and complies with policy CN01.

12. Planning Obligations / CIL

- 12.1. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries. The improvement to the existing bus stops on Lavenham Road would also be bid for via CIL as would the improvements to Healthcare provision required by NHS England.
- 12.2. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report. SCC Highways have asked that the funding required for bus stop improvements be secured via a s106 agreement however, Officers have been advised that this falls within the definition of provision of passenger transport on the Babergh Regulation 123 list and should be delivered by CIL.
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12.3. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

13. Crime and Disorder

13.1 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

14. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

14.1 Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

15. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015

15.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

16. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

16.1. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.
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17. Planning Balance

17.1. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

17.2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

17.3. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

17.4. Paragraph 14 of the NPPF states;

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted”.

17.5. As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date

17.6. As set out at paragraph 21 above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

- 17.7. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.
- 17.8. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, those specific policies which may indicate that development should be refused and none are relevant to this proposal.
- 17.9. In terms of benefits in accordance with the three dimensions of sustainable development set out in the NPPF, the proposal would give rise to social and economic benefits. There would be social benefits resulting from the mix of housing proposed enhancing the vitality of the existing community and economic benefits both while the houses were being constructed and resulting from future residents using local facilities contributing to the local and wider economy. The economic benefits from construction would however, be temporary. With regard to environmental impact the scheme, subject to the recommended conditions, is judged not to have an adverse impact on landscape character of the area and would bring benefits in terms of greater access to an area of community open space.
- 17.10. In this instance, the public benefits of the proposal is the delivery of 51 dwellings that are of an appropriate housing mix, including the delivery of 18 affordable homes. In the wider context the applicant contends that;
- The site is well connected to the village heart via a footpath link
 - The site is well served by existing public transport
 - The scheme is well designed and appropriate in scale, layout and character
 - The site is deemed to be a sustainable location
 - The design takes into consideration environmental impact and energy efficiency to reduce its footprint within the landscape
 - The scheme has developed as a result of a variety of public and planning consultations
 - Parking provision exceeds the minimum criteria set out by the Highway Authority as a result of consultation and site location.
 - The proposals are strongly supported by and indeed driven by the Parish Council
- 17.11. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of affordable housing and economic, social and infrastructure benefits which arise from the development, it is considered that the proposal would make a significant contribution to the Council's housing land supply.
- 17.12. Further, and in any event, as the Council does not have a five year housing land supply, it is considered therefore that limited weight should be attached to policies CS2, CS11 and CS15. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving "exceptional circumstances" or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
- 17.13. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report.
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- 17.14. The NPPF sets out the presumption in favour of sustainable development. This is a scheme developed with the intention of addressing housing requirements in accordance with NPPF and Core Strategy objectives (including affordable requirements). It has been developed with community engagement and input. The principle of the development therefore meets a number of policy objectives.
- 17.15. Overall there is support for the principle of the proposed development as an exception to planning policy.
- 17.16. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

RECOMMENDATION

That, subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms;

- Affordable Housing

and that such permission be subject to the conditions including as set out below:

- Commencement within 3 years (Full)
 - Submission of reserved matters (Outline)
 - Development to be implemented in accordance with submitted details
 - As recommended by the LHA
 - As recommended by SCC Flood and Water Management
 - Sustainability
 - All external lighting, including any street lighting, to be approved
 - Fire hydrants to be provided
 - Hard and soft landscaping to be submitted and agreed
 - Boundary enclosure details to be submitted and agreed
 - Levels to be submitted and agreed
 - Tree and hedgerow protection fencing to be installed with details to be approved
 - Implementation of mitigation and enhancement measures identified in the Preliminary Ecological Appraisal
 - Provision and management of public open space including boundary hedge to the east and south
 - Construction Management Plan
 - Provision of open space
 - Maintenance of open space
 - Details of Materials
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