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COMMITTEE: **PLANNING**

VENUE: **Council Chamber, Council Offices, Corks Lane, Hadleigh**

DATE/TIME: **Wednesday, 21 September 2016 at 9.30 a.m.**

Members

Sue Ayres
Melanie Barrett
Peter Beer
Sue Burgoyne
David Busby

Derek Davis
John Hinton
Michael Holt
Adrian Osborne
Lee Parker

Stephen Plumb
Nick Ridley
David Rose
Ray Smith

AGENDA

ITEM

BUSINESS

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk who will instruct that they are not included in the filming.

PART I

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 MINUTES

To confirm and sign the Minutes of the meeting held on 24 August 2016 as a correct record (attached).

4 PETITIONS

The Interim Head of Democratic Services to report, in accordance with Council Procedure Rules, the receipt of any petitions submitted to the Chief Executive.

5 QUESTIONS FROM MEMBERS

The Chairman to answer any questions on any matters in relation to which the Council has powers or duties which affect the District and which fall within the terms of reference of the Committee of which due notice has been given in accordance with the Council Procedure Rules.

6 SITE INSPECTIONS

In addition to any site inspections which the Committee may consider to be necessary, the Professional Lead – Growth and Sustainable Planning will report on any other applications which require site inspections.

The provisional date for any site inspections is Wednesday 28 September 2016.

7 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Paper
S65

Schedule attached.

An Addendum to Paper S65 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

8 NOTIFICATION UNDER PART 16 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 – INSTALLATION OF 15M HIGH LATTICE TOWER SUPPORTING 3 ANTENNAS AND 2 600MM DISHES AT LAND EAST OF BARROW HILL, ACTON

Paper
S66

Report by the Professional Lead – Growth and Sustainable Planning attached.

9 DATE OF NEXT MEETING

Please note that the next meeting is scheduled for Wednesday 5 October 2016 commencing at 9.30 a.m.

Notes:

1. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
2. The Council has adopted a Charter for Public Speaking at Planning Committees. A link to the full charter is provided below.

[Charter for Public Speaking at Planning Committees](#)

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objector
- Supporter
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on (01473) 826610 or via email at committees@baberghmidsuffolk.gov.uk

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Agenda Item 3

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 24 AUGUST 2016 AT 9.30 A.M.

PRESENT: Peter Beer – Chairman

Sue Ayres	David Holland
Melanie Barrett	Adrian Osborne
Simon Barrett	Lee Parker
Sue Burgoyne	Stephen Plumb
David Busby	David Rose
Derek Davis	Ray Smith
John Hinton	

Michael Holt and Nick Ridley were unable to be present.

John Ward, Ward Member for Lower Brett, was present at the meeting and spoke on Application No B/16/00761/FUL (Item 2 of Paper S51) with the consent of the Chairman.

47 SUBSTITUTES

It was noted that in accordance with Council Procedure Rule No 5, substitutes were in attendance as follows:-

Simon Barrett (substituting for Nick Ridley)
David Holland (substituting for Michael Holt)

48 DECLARATION OF INTERESTS

Lee Parker declared a local non-pecuniary interest in Application No16/00629/FUL (Item 1 of Paper S51) by reason of being a member of Newton Parish Council. He stated that he would leave the Chamber after speaking as the Ward Member and did so.

49 MINUTES

RESOLVED

That the minutes of the meetings held on [29 June](#), [13 July](#) and [27 July](#) be confirmed and signed as correct records.

50 PETITIONS

None received.

51 QUESTIONS FROM MEMBERS

None received.

52 SITE INSPECTIONS

Tina Campbell, Ward Member for Hadleigh (North) requested a site visit in respect of Application No. B/16/00903/FUL – Gallows Hill, land north of Castle Road, Hadleigh to assess the potential impact of the proposal on the surrounding area and landscape.

Prior to asking Members to vote on the request, the Chairman asked the Case Officer to make a brief presentation with photographs to enable them to decide whether they considered it necessary to visit the site.

Following the presentation, the Committee agreed to hold a site visit.

RESOLVED

- (1) **That a site inspection be held on Wednesday 7 September 2016 in respect of Application No. B/16/00903/FUL, prior to its consideration by the Committee.**
- (2) **That a Panel comprising the following Members be appointed to inspect the site:-**

**Sue Ayres
Melanie Barrett
Peter Beer
Sue Burgoyne
David Busby
Derek Davis
Michael Holt**

**Adrian Osborne
Lee Parker
Stephen Plumb
Nick Ridley
David Rose
Ray Smith**

53 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Details of further comments received in respect of the Items contained in Paper S51 were reported to the meeting and considered and taken into account before decisions were made on the items.

In accordance with the Council's Charter on Public Speaking at Planning Committee, representations were made as detailed below relating to Items 1 and 2 of Paper S51 and speakers responded to questions put to them as provided for in the Charter:-

Application No.

Representations from

[B/16/00629/FUL](#)

Mrs Sandra Jones (Applicant)

[B/16/00761/FUL](#)

Dean Pearce (Agent for Applicant)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper S51 be made as follows:-

(a) EAST BERGHOLT

**Application No. B/16/00350/FUL Full application – erection of 1
Paper S51 – Item 3 single storey dwelling, land rear of
The Court, The Street.**

Philip Isbell, Professional Lead – Growth and Sustainable Planning advised Members that following a call from the applicant's Agent, it had become apparent that because an incorrect certificate had been served, the application was invalid and therefore could not be determined by the Committee at the meeting.

RESOLVED

That consideration of Application No. B/16/00350/FUL be deferred to a future meeting of the Committee to enable correction to be made to the Certification of application together with revalidation.

(b) NEWTON

**Application No. B/16/00629/FUL Full application – erection of two
Paper S51 – Item 1 detached dwellings with garaging,
Abbey House, Rectory Road.**

RESOLVED

That planning permission be refused for reasons including:-

- **Inappropriate housing mix which fails to address the needs within the area or the wider district, contrary to Policy CS18 of the Core Strategy.**

(c) POLSTEAD

**Application No. B/16/00761/FUL Full application – erection of
Paper S51 – Item 2 detached dwelling, ancillary out-
building and construction of new
vehicular access land south of
Wood Hall Farm, Stackwood Road.**

Notwithstanding the officer recommendation to refuse planning permission on the grounds that the proposal represented isolated residential development in the countryside, a motion to grant planning permission subject to appropriate conditions was proposed and seconded.

Members considered that the proposal was not contrary to Policies CS2, CS15 and Paragraph 55 of the NPPF because the property would meet a proven need for a smaller property which would represent a sustainable addition to the housing supply in this hinterland village and would help to maintain the vitality of the rural community as well as supporting nearby services.

Members were also aware that the design of the proposed dwelling was considered appropriate in this location and respectful of the wider context in which it would sit.

RESOLVED

That planning permission be granted subject to conditions including:-

- **Time limit**
- **List of plans**
- **Highways and visibility**
- **Improvement to access**
- **Flood water and surface water drainage to be agreed**
- **Water energy and resource efficiency measures to be agreed**
- **Materials details to be agreed**
- **Tree protection**
- **Biodiversity enhancements**

The business of the meeting was concluded at 10.50 a.m.

.....
Chairman



BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

21 SEPTEMBER 2016

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE

- | | | | | | |
|----|---------|--------------------------------|--|-----|--|
| 1. | 5 - 33 | B/16/00859/ROC | Land east of Artiss Close and Rotheram Road, Bildeston | GP | |
| | 34 - 42 | | Appendix A | | |
| 2. | 43 - 51 | B/16/00817/RES | Land west of Pine Dell and Ashcroft, Capel St Mary | LJB | |

Philip Isbell
Professional Lead – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager - Development Management, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:-

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

The delegation to the Head of Economy includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

(Minute No 48(a) of the Council dated 19 October 2004).

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:-

The Babergh Local Plan: <http://www.babergh.gov.uk/babergh/LocalPlan>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

**BABERGH DISTRICT COUNCIL
PLANNING COMMITTEE**

21 September 2016

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA BUT BEFORE 12 NOON ON THE WORKING DAY
BEFORE THE MEETING AND ERRATA**

PAPER S65

<u>ITEM</u>	<u>REF. NO</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
1	B/16/00859/ROC	<p>Update from case officer:</p> <p>Paragraph 97: The Local Planning Authority is now aware of a letter from the agent acting on behalf of the Brook Farm/Taylor's Garage site which indicates that the landowner will be engaging with Babergh District Council in mid-Autumn 2016 after which it is proposed that a consultation/exhibition with the local community will take place. The letter also states that a planning application is currently being prepared. However, whilst this information indicates that the site may come forward for development in the near future, there is no indication as to the scale of development proposed and therefore no certainty that the development of Brook Farm/Taylor's Garage would be able to meet the identified need for affordable housing in the village. As such officers remain of the opinion that the approval of housing under the current application would not preclude the redevelopment of Brook Farm/Taylor's Garage should an application be forthcoming later this year.</p>	GP
2	B/16/00817/RES	<p>Professional Lead – Housing Enabling:</p> <p>The open market mix whilst not meeting my original recommendations in the planning consultation response to B/14/00100/OUT does appear sufficient however our preference would be for more 2 beds in place of some of the 3 beds.</p> <p>Update from case officer:</p> <p>Application is amended by the receipt of revised plans on 14 September 2016 (Drawing Nos. 5914-03A, 5914-15F, 5914-24C and 5914-25C) to show corrected elevations to Plots 11, 13 and 19.</p>	LB

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Item No: 1

Reference: B/16/00859/ROC

Ward Member: Cllr Michael Creffield

Parish: BILDESTON

Location: Land East of Artiss Close and, Rotheram Road, Bildeston

Proposal: Application under section 73 of the Town and Country Planning Act 1990 to vary condition 29 attached to Planning Permission B/15/1433/OUT (Outline - Erection of 48 residential dwellings with detailed consideration of access) – Prior to occupation of the dwellings the replacement of those parts of the frontage boundary hedge that are to be removed will be undertaken in accordance with the details shown on Smeeden Foreman plan reference LL01 dated 13 June 2016.

Applicant: Mr Ryder-Smith

Case Officer: Gemma Pannell

Date for Determination: 7 January 2016

RECOMMENDATION: Subject to the planning conditions listed below, grant outline planning permission.

THE SITE

1. The site comprises 3.1ha of land to the east of Bildeston's settlement boundary. The site is currently farmland in arable cultivation; the land is Grade 3 (Good to Moderate) and therefore falls within the category of 'best and most versatile' agricultural land.
2. The site slopes from the south east corner of the site to the north/north west, down towards a stream to the north of the site ('Bildeston Brook'). The fall across the site is from 56m above ordnance datum (AOD) at the highest point in the south east corner adjacent to B1078 to 44m AOD in the northwest corner of the site.
3. To the west of the site are Artiss Close, a recently constructed affordable housing scheme, and residential development in Rotherham Road. Both of these developments are cul-de-sac estate layouts with properties backing onto the application site. The affordable housing scheme, with Taylor Made Joinery across the road, marks the entrance to the village delineated by the 30mph speed limit. When taken more generally, Bildeston's spatial character is one of an historic core of considerable interest, with Conservation Area status, with estate development predominately to the east. The historic core has however retained a visual affinity to the countryside and its landscape setting, particularly to the west.
4. To the east of the site is open countryside with views back into the village, which demonstrates Bildeston's situation within a shallow river valley. The site is enclosed by mature hedging of considerable landscape value to all sides.
5. There is a Public Right of Way running south to north through the field to the east, its orientation being parallel with the eastern boundary of the site. There is also a public footpath running along Bildeston Brook to the north of the site. Both afford views into the site.
6. The site is located in the countryside, is within the buffer zone of an area of high archaeological potential, is close to the Conservation Areas boundary (to the west) and is visible from a number of public vantage points.

THE PROPOSAL

7. Planning permission is sought for the variation of condition 29 of B/15/1433/OUT, as following discussions with the adjoining land owner whose land the replacement hedge will be placed, it has highlighted the need for a greater degree of certainty with regard to the works which will take place. Therefore, the scope and detail of the works which are to be undertaken are provided as part of this application and the applicant wishes the condition to be varied to enable the consideration of these details now rather than to be determined prior to commencement.
8. The original development proposed the erection of 48 homes with means of access for consideration. Layout, landscaping, scale and appearance are reserved for consideration at a later date. However, indicative details were provided in the form of an illustrative layout and street scene.
9. The mix of dwelling types and sizes have been provided and are set out below:
 - Affordable rent
 - 6 no. 1 bed
 - 4 no. 2 bed (70 sqm)
 - 3 no. 2 bed (79 sqm)
 - Shared Ownership
 - 4 no. 2 bed (79 sqm)
 - Market Housing:
 - 4 no. 2 bed
 - 4 no. 2 bed bungalow
 - 12 no. 3 bed
 - 8 no. 4 bed
 - 3 no. 5 bed
10. Parking would be in accordance with the Adopted Suffolk Parking Standards with the exact quantum and layout being resolved at the reserved matters stage.
11. Foul drainage would be to an existing public mains sewer in Ipswich Road (Anglian Water have confirmed there is capacity). Surface water drainage would be dealt with via a Sustainable Urban Drainage System (SUDS).
12. There would be a single vehicular access serving the site off the B1078, which would involve removing some of the frontage hedge. The proposal includes a 2m footway connection between the site access, along Ipswich Road, to Rotheram Road and connecting to the existing footways along Rotheram Road and along Ipswich Road (to the south west of Rotheram Road). This will require the existing hedge to be removed and replanted further from the road for a short section of the footway.
13. The proposal also includes a new connection for pedestrians with the existing Public Right of Way that crosses the stream to the north of the site, providing a further connection in context with the village facilities.
14. The application documents can be viewed on line via the planning pages on the District Council's website.

RELEVANT HISTORY

15. B/15/01433/OUT - Approved subject to S106 agreement April 2016. Outline - Erection of 48 residential dwellings with detailed consideration of access.

16. B/14/01435/OUT - Refused Outline - Erection of 49 residential dwellings with details of access, as amended by details received 23rd January 2015, 24th & 25 February 2015.
17. The planning application (B/14/01435/OUT) was considered by Members of the Planning Committee on 7 May 2015, where a decision was taken to refuse the application for the following reason:
- "The proposed development would be contrary to Policy CS2 of the Babergh Core Strategy which states that in the countryside, outside the towns/urban areas, core and hinterland villages ... development will only be permitted in exceptional circumstances subject to a proven justifiable need."*
- In this case, the site is located outside of the defined settlement boundary of the village and is therefore countryside as defined in Paragraph 2.1.5.1 of the Core Strategy.*
- Policy CS11 of the Core Strategy sets out the criteria against which the case for exceptional circumstance would be considered including, amongst other criteria, a locally identified need.*
- In this case, the applicant has failed to demonstrate that there is a proven locally identified need for the development, for the development at the scale and mix proposed or that this greenfield site should be developed. Furthermore, the application is unsupported by a local housing needs survey.*
- The application also fails to have an acceptable locational context as the development would not provide safe and suitable pedestrian access to the villages facilities in the absence of an acceptable footway.*
- The proposal is therefore harmful to the countryside and the spatial approach to development as set out in the Babergh Core Strategy (Policies CS2 and CS11), supporting SPD on Rural Development and the NPPF."*

NATIONAL PLANNING POLICY FRAMEWORK

18. The National Planning Policy Framework ("NPPF") sets out the Government's planning policies for England and sets out how these are expected to be applied. Planning law, and the NPPF, 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.
19. The NPPF is supported by the Planning Practice Guidance ("PPG"), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

DEVELOPMENT PLAN POLICIES

20. 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.

Babergh Core Strategy 2014

- **CS1 - Applying the presumption in favour of Sustainable Development within Babergh**
- **CS2 - Settlement Pattern Policy**
- **CS11 - Strategy for Development for Core and Hinterland Villages**

- **CS12 - Sustainable Design and Construction**
- **CS14 - Green Infrastructure**
- **CS15 - Implementing Sustainable Development in Babergh**
- **CS18 - Mix and Type of Dwelling**
- **CS19 - Affordable Housing**
- **CS21 - Infrastructure**

Saved policies of the Babergh Local Plan (Alteration No.2) 2006

- **CN01 - Design/Local Distinctiveness**
- **HS31 - Open Space**
- **CR07 - Landscaping**
- **CR08 - Hedgerows**
- **CN08 - Conservation Areas**
- **TP15 - Parking**

21. The relevant policies can be viewed on line. Please see the notes attached to the schedule.

SUPPLEMENTARY PLANNING DOCUMENTS

22. The following Supplementary Planning Documents ("SPDs"), which have adopted by the Council are relevant to the determination of this planning application:
- Suffolk Adopted Parking Standards (2015)
 - Rural Development and Policy CS11 (2014)
 - Affordable Housing (2014)
 - Bildeston Conservation Area Appraisal (2010)

CONSULTATIONS

23. **Bildeston Parish Council** – Whilst the Parish Council maintains its clear objection to the original planning application (B/15/01433), it has no objection to the variation sought in this application (B/16/00859).
24. **Local Highway Authority** – No comments received
25. **Arboricultural Officer** – No comments received

CONSULTATIONS ON THE ORIGINAL APPLICATION (B/15/01433)

26. **Local Highway Authority** – No objections, the revised application with improved pedestrian links, is now acceptable in principle in highway terms and consequently highway conditions may now be recommended. The highway authority has noted some errors within the details submitted, however are satisfied that these matters can be resolved through the conditions suggested.
27. **County Rights of Way Officer** - No objection
28. **Environment Agency** – The application falls outside the applications we should be consulted on and therefore we have no comment to make.
29. **BDC Contaminated Land Officer** – No objection
- Although originally objecting to the application given the absence of a full Phase 1 desk study and site walkover, it is concluded that this can be dealt with/secured by planning condition as per the previous application.

30. **BDC Corporate Manager – Public Realm** - This application is in outline form so my comments are necessarily limited. That said, there are two main components to the open space response which are the central green space and the boundary treatments.
- The boundaries show significant tree planting which could provide good screening of the development from surrounding countryside and footpaths. The area to the north of the site in particular appears to provide a screen planting to soften views from the footpath. This area would appear likely to take some time to establish though. A maintenance plan will need to be agreed for this area but this cannot be done at this stage as no details have been provided so this will need to be conditioned.
 - The central green space is described as providing for informal recreation and equipped children's play areas. Again, as this application is in outline form no details have been provided so I am not able to make specific comments.
 - The application should provide at least 3100m² of public open space but we will have to await further details as part of the reserved matters application. This will need to be conditioned and also provided for within the s106 agreement.
 - This is not an application where the greenspace and other public realm facilities should be transferred to the Council, therefore future management details should be provided that confirm how these are to be managed, for example, a management company or similar arrangement.
31. **Natural England** - Standard comments referring the Council to standing advice.
32. **Suffolk Fire and Rescue** – No objection
- Fire hydrants need to be provided – should be secured by condition.
33. **English Heritage** – Do not wish to offer any comments on this occasion.
34. **BDC Heritage Team** – No objection
- The site is within the setting of Bildeston Church and the Conservation Area;
 - The Church lies about 700m away from the core of the village in a prominent and isolated location;
 - There are open views from the Church and the development would be visible in these;
 - The spatial and visual relationship between the village and Church is an important part of its setting;
 - The application site, however, makes little contribution to the setting of the Church. The effect on the setting of the church is likely to be very slight;
 - The development is not considered to be within the setting of any other listed buildings;
 - The Bildeston Conservation Area is linear, following the line of the High Street;
 - Most buildings sit close to the road giving a sense of enclosure with few views of the site;
 - The modern estate between the application site and conservation area provides a buffer;
 - From most of the Conservation Area the application site will not be visible;
 - The impact on the significance of the Conservation Areas is likely to be very slight.
35. **Anglian Water** – No objection. Confirm that they would adopt the SUDs.

36. **SCC Infrastructure** - No objection subject to the following mitigation being secured via a s106 Agreement
- Secondary education - £165,195;
 - Highway works – TBC;
 - Libraries - £10,368;
 - Waste - £2,448.
37. **BDC Strategic Housing** – No objection subject to the following being secured via a s106 agreement (35% affordable housing):
38. The Housing Register had 29 applicants registered for housing in Bildeston and 19 of these have a confirmed local connection to Bildeston.
39. As Bildeston is a Core village the need of the associated hinterland villages has also been taken into account:
40. These villages include Brettenham, Chelsworth, Hitcham, Kersey, Kettlebaston, Lindsey, Milden, Monks Eleigh, Nedging with Naughton and Wattisham.
41. Including Bildeston there are 54 active applicants on the housing register indicating preference for:
- Need by Property Type:
 - 1 bed property = 30
 - 2 bed property = 23
 - 3 bed property = 0
 - 4 bed property = 0
 - 5 bed property = 1
 - Of this number there are 35 applications from people who have indicated they have a connection to these villages.
 - Considering Bildeston alone there are 29 active applicants registered on the housing register indicating preference for:
 - Need by Property Type:
 - 1 bed property = 13
 - 2 bed property = 8
 - 3 bed property = 0
 - 4 bed property = 0
 - 5 bed property = 1
42. Of this number there are 19 applications from people who have indicated they have a connection to Bildeston.
43. The affordable housing tenure mix and dwelling types and sizes recommended below take into account the Housing Register need detailed above, together with the need to create a balanced housing market and sustainable community within the locality of the proposed development.
44. Affordable Housing Requirement:
To meet planning policy 35% of 48 units = 17 affordable units
45. The required tenure mix should be 75% Rent and 25 % Shared Ownership equating to:
- Affordable Rent Tenancy = 13 units
 - Shared Ownership = 4 units

46. Mix of Affordable Rent Tenancy units:
- 6 x 1-bedroom 2-person flats at 50 sqm min.
 - 4 x 2-bedroom 4-person flats at 70 sqm min.
 - 3 x 2-bedroom 4-person houses at 79 sqm min
47. Mix of Shared Ownership units:
- 4 x 2-bedroom 4 person houses at 79 sq. m. min
48. The proposed development provides an indicative scheme layout, showing a mix of terraced, semi-detached and detached houses and bungalows for open market sale, although there are no one or two bedroom flats or apartments included in this.
49. The mix may be acceptable to the Council once the full detail of the open market housing is available and provided there is an acceptable balance between one, two, three and four bedroom terraced, semi-detached and detached houses and bungalows and flat/apartment style accommodation.
50. **Suffolk Police** – No objection. The existing housing estate does not produce high demand for policing at present, and the layout and type of housing suggested for this new scheme should not warrant an increase in Police activity.
51. **Suffolk Archaeology** – No objection
- Subject to a condition requiring further investigation.
52. **Suffolk Flood and Water Officer** – The Local Planning Authority should be satisfied that Anglian Water will be prepared to adopt the proposed system, as the Lead Flood Authority will not be prepared to adopt a pumped system.
53. **BDC Arboriculture Officer** – No objection
- The arboricultural assessment submitted with the application is generally an accurate record of the trees and hedges found in and adjacent to the application site;
 - The retention should be secured given the location on the perimeter of the application site;
 - Tree Protection would be required during construction;
 - The loss of the trees along the frontage should be mitigated by planting elsewhere.

REPRESENTATIONS

54. One letter received making the following summarised comments:
- The loss of any hedge to the rear of 10 Artiss Close would be detrimental to my privacy.
 - Concern about additional traffic
 - Excessive run off on Wattisham Road
 - These houses will be impacted upon by aircraft noise

REPRESENTATIONS ON THE ORIGINAL APPLICATION (B/15/01433)

55. One representation supporting/commenting on the application has been received stating that this site is the only site suitable for housing development, that is deliverable within a reasonable time frame. The alternative site currently occupied by 3 businesses and is in an area of considerable flood risk.
56. 14 representations objecting to the application have been received and the comments are summarised as follows:
- Infrastructure and services are unable to cope with the needs and pressures the development will bring.
 - Overlooking and loss of privacy
 - Land instability
 - Access is unacceptable in highway safety terms
 - Noise and disruption during construction
 - 10% increase in housing is disproportionate for the infrastructure in Bildeston
 - Proposed footpath is routed over a landowner's permissible right of way which could be withdrawn
 - Concerns about drainage
 - Increased traffic
 - Health Centre is close to capacity as is the school
 - There is an undeveloped brown field site in the village (Brook Farm, Chelsworth Road). This should be developed before green field sites are considered following a sequential approach;
 - Outside of the village envelope
 - Babergh have yet to prepare the site allocations document (but are in the process of), therefore this development is premature.
 - Wildlife impacts have not been properly considered;
 - Increased risk of flooding
 - Lack of exceptional circumstances or justifiable local housing need for the proposed development
 - Unwarranted scale of the proposed development
 - Poor location, setting and connectivity of the proposed development
 - Undevelopable principle of the outline planning application.
 - Bildeston's Neighbourhood Plan is at an early stage of preparation and demonstrates key principles, such as development on brownfield sites
57. The following organisations/public representatives have made representations on the application. Their comments are summarised as follows:-
58. **Keep Bildeston Beautiful**
- The applicant has failed to address the reason for refusal in any substantive way and it has relied upon the same or similar material and completely failed to address local housing need in any meaningful way.
 - No local housing needs survey has been undertaken or some other approach agreed with the Council, prior to resubmission. The supposed need for the development has not been proven.
 - The development will increase the risk of flooding in the Conservation Area contrary to the NPPF and Core Strategy. The water from the application site is to be routed to the brook to the north; this will create additional water volume. The water would discharge into an areas identified as being in Flood Zone 3.
 - There are many other deliverable housing sites within Babergh. Babergh currently has a sufficient supply of deliverable housing sites, based upon the targets in the Core Strategy. Babergh currently has a five-year housing supply. The development is therefore unnecessary.

- There is a comparatively large brownfield site known as Taylor's Garage along the B1115; this has considerable potential both for residential and small workshop development.
- The approval of the application would undermine the Babergh Local Plan, which has Policies to address these provisions.

PLANNING CONSIDERATIONS

59. From an assessment of planning policies, public representations and other material considerations, the main considerations are considered to be:
- Determining section 73 applications
 - Principle of Development;
 - Consideration against Policy CS11 of the Core Strategy and adopted SPD;
 - Highway Safety & Pedestrian Links
 - Design and Layout;
 - Impact on the Landscape;
 - Impact on Listed Buildings;
 - Impact on Conservation Areas
 - Flooding and Drainage
 - Crime and Disorder;
 - Biodiversity and Protected Species
 - Land Contamination;
 - Loss of Agricultural Land;
 - Planning Obligations;
 - Conclusion - Planning Balance.

Determining section 73 applications

60. Section 73 of the Town and Country Planning Act 1990 ("the 1990 Act") concerns the determination of applications to develop land without compliance with conditions previously imposed. Such applications are often incorrectly and misleadingly referred to as 'applications to vary, or amend, planning conditions attached to an existing planning permission'.
61. An application under section 73 of the 1990 Act is an application for a new planning permission, not, in strict legal terms, an application to vary or amend one or more planning conditions imposed on an existing planning permission (for present purpose referred to as "the original permission"). A decision to grant an application under section 73 results in the grant of a fresh planning permission, which subsists concurrently with the original permission: see *Pye v Secretary of State for the Environment* [1998] 3 PLR 72, per Sullivan J; approved by the Court of Appeal in *Powergen UK plc v Leicester CC* [2000] EWCA Civ 165; (2001) 81 P&CR 5. No doubt, in lay terms, it might be thought of as an appeal against the imposition of the conditions. But that is not the true legal nature of the proceeding.
62. Moreover, as the 1990 Act makes no provision for the variation of extant planning permissions without the payment of compensation, in the context of determining applications under section 73 of the 1990 Act, references to applications to vary or amend planning conditions should be avoided, or at the very least, understood as applications for a new grant of planning permission.

63. Section 73(2) of the 1990 Act concerns the scope of the local planning authority powers when determining applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted to and provides:
- "(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."
64. In principle, the scope of a local planning authority's jurisdiction when considering an application under section 73 of the 1990 Act is more limited than when considering an application for full planning permission (see *Powergen UK plc v Leicester City Council* (2001) 81 P & C R 5). However, the local planning authority is unrestrained in its consideration of the full planning merits of a section 73 application and, as a matter of law, the result of allowing such an application is that a new planning permission is granted (see *Pye v Secretary of State for the Environment* [1998] 3 PLR 72, in which Sullivan, J (as he then was) said:
- "While section 73 applications are commonly referred to as applications to "amend" the conditions attached to a planning permission, a decision under section 73(2) leaves the original planning permission intact and unamended. That is so whether the decision is to grant planning permission unconditionally or subject to different conditions under para. (a), or to refuse the application under para. (b), because planning permission should be granted subject to the same conditions."*
65. In *R v Coventry City Council, Ex parte Arrowcroft Group plc* [2001] PLCR 7, the High Court (Sullivan, J) held that, in deciding whether or not to grant a fresh planning permission under section 73 of the 1990 Act, a local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. Therefore, a local planning authority is empowered to impose different conditions upon a new planning permission, but only if they are conditions which it could lawfully have imposed upon the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application.
66. The statutory test in section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act) applies to the determination of all planning applications, including the determination of applications to develop land without compliance with conditions previously attached under section 73 of the 1990 Act. Accordingly, section 38(6), requires a local planning authority to determine all section 73 applications in accordance with the development plan, unless material considerations indicate otherwise.
67. In *Powergen*, Schiemann LJ stated (at paragraph 47), when applying section 73, that:
- "... the authority must take into account the provisions of the development plan and any other material considerations. If one asks 'material to what?' the answer is material to the application under section 73. Thus, for instance, if the application is to retain a use of land without complying with a condition imposed on a previous permission that the use should cease after five years it must be right to examine that application in the light of facts and policies as they are at the time of the decision on the new application."

68. A consideration of the need for the condition will involve a consideration of section 70 of the 1990 Act, as well as section 38(6) of the 2004 Act, and the decision is to be taken on the basis of current considerations. Section 70(2) provides that:
- “The authority shall have regard to the provisions of the development plan so far as material to the application and to any other material considerations.”*
69. When considering a section 73 application, the extent to which a local planning authority must (as opposed to may) take account of the wider planning merits will depend upon the facts and circumstance relevant to the particular case as they exist at the time. In addition to considering the question of the conditions subject to which planning permission should be granted, the local planning authority must also take account of any material change in the planning circumstances relevant to the 73 application, as compared to the circumstances prevailing at the time of granting the original permission.
70. Accordingly, in this case, when the Committee consider whether to grant planning permission for the development granted permission in April 2016 (B/2015/01433) without compliance with Condition 29, although the Committee may take account of the full planning merits, the focus of the Committee's consideration should be on the conditions that should be imposed on that permission. Specifically, whether the proposed development should be granted outline planning permission subject to the same conditions as the original permission (B/15/01433/OUT), save for condition 29 (Action required before commencement of development – landscaping scheme) and whether additional planning conditions should be imposed. Importantly, in the absence of a very significant material change in relevant planning circumstances, such as a change in development plan policy affecting the principle of development, it is very unlikely that proper grounds will exist to refuse planning permission, without compliance with Condition 29.

Principle of Development

71. The development proposed would be new residential development in the Countryside. The principle of development can be supported within the context of Policies CS2 and CS11 subject to the planning balance on the assessment of the criteria contained within them.
72. Planning permission has been granted for the development, however this decision is currently being challenged in the courts. The applicant is now seeking a revised application to take into account precise details of the boundary hedge which is to be replaced to accommodate the footpath link. When granting outline planning permission for this development in April 2016, the LPA was satisfied that these details could be agreed by condition and, therefore, such matters should not stand in the way of a granting permission
73. Since April 2016, there has been no material change in relevant planning circumstance relating the principle of development.

Consideration against Policy CS11 of the Core Strategy

74. Consideration against Core Strategy Policy CS11 and the adopted SPD

Policy CS2 (Settlement Pattern Policy) identifies Bildeston as a Core Village that will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre, or core, of a ‘functional cluster’ of smaller settlements (see Core Strategy, paragraph 2.1.1.5).

75. 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:*
- i) the landscape, environmental and heritage characteristics of the village;*
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
 - iii) site location and sequential approach to site selection;*
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;*
 - v) locally identified community needs; and*
 - vi) cumulative impact of development in the area in respect of social, physical and environmental Impacts.*
76. 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.
77. Subject to the satisfaction of specified criteria, Policy CS11 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.
78. The Council adopted the 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") on 8 August 2014, which provides guidance on the application of Policy CS11. The SPD acknowledges 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, means that it is a material consideration when planning applications are determined.
79. 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).
80. Accordingly, the correct meaning of Policy CS11 requires an objective interpretation of the policy text considered in the context of relevant development plan policies and the wider context of national planning policy in force when the Core Strategy was adopted in February 2014. As the SPD was not adopted until August 2014, the proper interpretation of Policy CS11 cannot be influenced by the guidance within the SPD.
81. However, to the extent that it is consistent with the proper interpretation of Policy CS11, the planning guidance within the SPD will be relevant to the Council's application of Policy CS11 when determining planning applications. In this respect, under the subheading 'Scale of Proposal in Relation to Existing Settlement', paragraph 12 of the SPD states (so far as relevant) that:

"12. ... The size and scale of any proposal should be proportionate to the settlement in which it is located. Because each village is different it is not possible to prescribe standard proportions of development that would be acceptable. A judgment will need to be made on the basis of the size and character of the village, the services and facilities that are available and their capacity to accommodate further development ... Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it."

82. As it relates to proposals "for development for Core Villages", the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11. Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located.

83. The matters listed in Policy CS11, which proposal for development for Core Villages must address, are now considered in turn.

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

This is interpreted to mean whether the site is well related to the village having regard to the landscape, environment and heritage of the settlement and surrounding landscape / countryside (i.e., would the development reinforce the defining characteristic of the village or be unacceptably harmful to the landscape/countryside). This is discussed in more detail in the 'Landscape' and 'Heritage' sections of this Report but the conclusion is, on balance, that the development would be compatible with the character of Bildeston village and would not lead to unacceptable harm to the landscape, environmental or heritage characteristics of the village and surrounding area.

85. The application site is not located within a Conservation Area or landscape designation. It is however located within the setting of a Conservation Area. The impact on the setting of the Conservation Area is considered in the 'Heritage' section of this Report. The conclusion reached in that section is the proposals would not lead to unacceptable harm to the setting of the Conservation Area.

86. Since April 2016, there has been no material change in relevant planning circumstance relating to The landscape, environmental and heritage characteristics of the village

87. (ii) The locational context of the village and the proposed development

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.

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

89. In terms of spatial connection, the application site can be read as a natural extension to Bildeston village, abutting the village envelope with a modern housing estate to the west – it would not project into open countryside in an incongruous way given that it is contained by hedgerows and by virtue of the topography of the valley side.

90. Connectivity to the village is discussed in more detail in the 'connectivity' section of this report. The conclusion reached is that the proposal is reasonably connected to facilities being within an 800m walk of most everyday facilities.

91. Concerns have been raised that Bildeston provides insufficient employment opportunities for the level of growth proposed. This may be correct as Babergh has a high level of commuting given the rural character of the District. However, there is no requirement in Policy CS11 for new development to be mixed-use (including employment and housing). Bildeston does, however, provide everyday services and is reasonably well located and connected by road to larger service centres such as Hadleigh, Ipswich, Needham Market and Stowmarket for employment. Some employment opportunities are also available within Bildeston village itself, such as Taylor Made Joinery, service businesses (e.g., public houses/hotels) and at other facilities such as the school and doctors surgery. It is therefore a more 'sustainable' settlement for development than others in the District and the functional cluster it serves. In any event, these concerns must be considered in the context of the development plan policies that identify Bildeston as core village, to which most new development should be directed.

92. Since April 2016, there has been no material change in relevant planning circumstance relating to the locational context of the village and the proposed development.

93. (iii) Site Location and Sequential Approach to Site Selection

The application site abuts the housing settlement boundary and is considered a logical extension to the village.

94. Whether or not any sequentially preferable sites exist that could accommodate this form of development involves the exercise of planning judgement. The considerations relevant to that judgement include whether those sites are developable and deliverable. The terms "*developable*" and "*deliverable*" should be considered in the context of the NPPF, specifically, the policy within Section 6 'Delivering a wide choice of high quality homes'

95. The meaning of the term "*developable*" is provided by in footnote 12 to paragraph 47 of the NPPF, which states:

"12. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."

96. Footnote 11 addresses the meaning of "deliverable" to paragraph 47 states that,
- "11. To be considered deliverable, sites should be available now offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires.*
97. The Council is aware of a brownfield site within Bildeston village, Brook Farm Garage (also known as Taylors Garage), High Street, Bildeston, that was the subject of pre-application discussions in 2014, concerning residential development. However, the final pre-application meeting took place in October 2014. The agent representing the owner of the BIL02 site submitted representations in response to the original application (B/15/01433/OUT) dated November 2015, which states that *"the landowner is now at an advanced stage in securing a developer to bring forward the Taylor's Garage site and there is considerable interest in bringing the site forward quickly in a manner that is consistent with the aims and objectives of the emerging neighbourhood plan ... It is important to note that the Taylor's Garage site would be developed on land entirely within flood zone 1"*. However, since that time there has been no further contact with the LPA regarding the submission of a planning application to develop the Brook Farm/Taylors Garage site, nor has any further request for pre-application discussions has been made. Considerable uncertainty exists, therefore, as to whether a proposal to develop the Brook Farm/Taylors Garage site for housing will come forward in the foreseeable future. Consequently, there is no evidence upon which the LPA could conclude, reasonably, that his site is deliverable within the meaning of paragraph 47 of the NPPF.
98. The Brook Farm/Taylors Garage site is also wholly within the Bildeston Conservation Area, in close proximity to a number of Grade II listed buildings and partially within the flood zone. This site is currently in employment use and any development of this site is likely to be costly in terms of remediation. In those circumstances, it may not be possible for this site to deliver affordable housing at 35% (in accordance with the development plan) and, as such, cannot be relied upon to meet the locally identified need for social housing. In addition, the access into the site is a limiting factor to the scale of development possible on the site as pre-application discussions with the LHA. In 2014, the LPA indicated via their pre-application consultation that a small number of properties may be supported but only if local improvements can be made to address highway and sustainability issues.
99. The Brook Farm/Taylors Garage site is also allocated in Policy EM23 (and Para 4.56) of the Local Plan 2006 for 'workshop scale' employment uses with some small scale residential enabling development, if considered necessary. Therefore, the principle of some form of redevelopment has been established. This allocation, however, has not come to fruition and the NPPF states in Paragraph 22 that employment allocations should be regularly reviewed and not retained if there is no reasonable prospect of the site being used for its allocated purpose.
100. As such whilst, preference should be given to the development of brownfield sites, the site at Brook Farm/Taylors Garage is not considered available due to its current use for employment and that alternative sites within the village would still be required to deliver the affordable housing required in Bildeston even if that site came forward for development and as such its re-development would not be precluded by the current application.

101. Save for the additional information, which demonstrates with greater certainty that there are no sequentially preferable deliverable sites that could accommodate this form of development, since April 2016, there has been no material change in relevant planning circumstances relating to the Site Location and Sequential Approach to Site Selection.
102. iv) Locally identified need - housing and employment, and specific local needs such as affordable housing
- Members will be aware that the Planning Court will consider two claims for judicial review challenging the Council's decision to grant planning permission for development proposed for the Core Villages of Bildeston and East Bergholt, at hearings listed in late October and early December 2016, respectively. Both claims include grounds of challenge concerning the proper interpretation of Policy CS11; specifically, the meaning of "*locally identified need*" as one of the matters that a proposal for development for a Core Village must address to the satisfaction of the local planning authority.
103. The Council defends both claims for judicial review on the basis that the decisions to grant planning permission proceeded upon a proper interpretation of Policy CS11, as it relates to "*locally identified needs*" and a lawful application of relevant development plan policies, including Policy CS11, having regard to the particular facts and circumstances relevant to each decision.
104. The Council contends that "*locally identified needs*" must be construed having regard to Policy CS2 (Settlement Pattern Policy), Policy CS3 (Strategy for Growth and Development) and Policy CS11 (Strategy for Development for Core and Hinterland Villages), which require Core and Hinterland Villages to make a contribution towards meeting the District's housing needs. As stated above, these policies provide for a minimum of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031.
105. Paragraph 2.8.5.4 of the Core Strategy notes that the total requirement of 1,050 new dwellings to be accommodated in Core and Hinterland Villages should not be viewed as a sum simply to be divided equally or randomly between the number of villages listed. 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.
106. 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.
107. Without prejudice to the Council's defence to the two extant claims for judicial review, until such time as the Planning Court delivers judgment, it would be prudent for the Council to adopt a cautious approach to the determination of planning applications involving proposals for development for Core Villages. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Bildeston, and the functional cluster of smaller rural settlements which it serves.

108. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
109. 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.
110. 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.
111. 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 needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.
112. As set out above, in May 2015 Members resolved to refuse planning permission on this site, citing that the development failed to demonstrate that there is a proven locally identified need for the development, and this was clarified by the lack of a local housing needs survey. This ground of refusal was based on a concern that there was a lack of need in Bildeston for this scale of development.
113. The local housing need for affordable dwellings is set out in detail in the comments provided by the Council's Strategic Housing Team (see above), which demonstrate that, when considered as a Core Village serving the functional cluster of Hinterland Villages identified, there are 54 active applications, with 35 having a connection to the cluster. In Bildeston alone there are 29 active applications and 19 with a connection to Bildeston. The development proposed will enable the provision of 17 affordable units which will go some way to meeting the local need.
114. The 'Balancing Housing Markets – Housing Stock Analysis' (2008) identified a shortfall of 130 1-bedroom market houses in the Babergh East Area. The Bildeston Parish Profile (January 2016) indicates that there is a higher number than average of 1-bedroom dwellings (10.1% against the Babergh average of 6.3%) and the number of 2-bedroom dwellings are in line with the Babergh average, with a 2% lower than average stock of 3-bedroom dwellings. Bildeston also has a 4% lower than average stock of 4+ bedrooms. Of the 455 occupied households in Bildeston, 332 of are under-occupied.

115. The Suffolk Housing Survey (2014) shows that, across the District, 12% of all existing households contain someone looking for their own property over the next three years who are interested in flats, apartments and smaller terraced properties, or semi-detached houses. The Survey shows that 2- and 3-bedroom properties are most sought after by existing households looking to move.
116. Having regard to the fact that in addition to the affordable units, the mix proposed includes 8 x 2 bed and 12 x 3 bed dwellings for general market housing. Therefore, it is considered that there is an identified local need for this type of development in this location and that the proposal is in accordance with policy CS11.
117. It is also considered that the level of housing proposed in the application will also help to meet the District's wider needs in terms of both small accommodation and housing delivery generally. For the avoidance of doubt, this is not a factor that is relevant to whether the proposal will meet locally identified need but is nevertheless a factor that weighs in favour of granting planning permission. It certainly should not be considered as a reason for refusing planning permission as policy CS11 does not restrict housing development proposals that exceed the minimum level of locally identified housing needs which otherwise accord with development plan policies, including policies CS11 and CS15.
118. Save for the more detailed information relating to market and affordable housing needs locally and in the District, since April 2016, there has been no material change in relevant planning circumstances relating to Locally identified need - housing and employment, and specific local needs such as affordable housing

119. (v) Locally Identified Community Need

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).

120. 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 indicated that they engaged with the Parish Council regarding community needs and that no requirements or requests were made, partly because of the modern well used community hall – Chamberlin Hall.
121. Since April 2016, there has been no material change in relevant planning circumstances relating to Locally Identified Community Need.

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

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"*.

123. In terms of existing commitments and other proposals in the relevant cluster of Bildeston, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the following applications have been either delivered or have planning permission (see appendix a).
124. The table shows that 57 dwellings were approved in the cluster over the last 3 years, of which 13 were in Bildeston itself. 14 were within Nedging and Naughton, 6 were in Lindsey, 5 were within Brettenham and 4 in each of the villages of Milden and Monks Eleigh. The other villages within the cluster where 1, 2 or 3 dwellings were approved were Felsham (1), Wattisham (1), Chelsworth (2), Hitcham (3), Kersey (3). It is therefore not considered that additional development in Bildeston itself would be detrimental taking into cumulative impacts as the level of growth has been low, and a number of the villages within the cluster would also look to Boxford for many of its services (Kersey, Milden and Lindsey).
125. Concerns have been raised that Bildeston would suffer cumulative impacts – on the school, traffic congestion and the character of the settlement overall from too much rapid growth. As discussed later in the report the impact on the school is not considered a problem if mitigation, as set out in the responses from SCC, is provided. The LHA has raised no objection in terms of congestion and traffic generated from the development is not considered to have an adverse cumulative impact.
126. The character of the village being changed by extensive incremental growth is an important issue. The historic level of growth is higher than in other Core Villages (e.g. Boxford) but the Strategic Planning Team have concluded that the growth is not disproportionate given the villages status as a Core Village. There would be no adverse cumulative impacts from the existing community being ‘over powered’, unsettling community cohesion with a sudden influx of people. The development could increase the population of the village by approximately 100 people (based on an average of 2 people per home) – the current population is c. 960 people.
127. As it relates to proposals *"for development for Core Villages"*, the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11. Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located.
128. Therefore, whilst, concerns have also been raised that there has already been a high level of development in the village with 10% growth in the village since 2001. There is no specified cap on the size of development that can come forward under Policy CS11, especially in Core Villages such as Bildeston, which are to act as a focus for development in the functional cluster. Therefore, the scale of development in itself cannot be objectionable per se; it is only whether the scale proposed has any adverse impacts.
129. Save for since April 2016, there has been no material change in relevant planning circumstances relating to the cumulative impact of development in the area in respect of social, physical and environmental impacts.

Summary

130. For the reasons explained, the development proposal has addressed each of the six matters identified in Policy CS11 to the satisfaction of the LPA. Overall it is considered that the proposal accords with Policy CS11.

Assessment against Policy CS15

131. Policy CS11 requires compliance with Policy CS15. This is a long, criteria-based policy. The main criteria relating to highway safety, ecology, design and landscape impact are discussed throughout this report.
132. In summary, the case presented is adequate in that there is a local need and the locational context is such that the development is considered to be reasonably connected to the settlement both spatially and in terms of accessibility. On balance, and as a matter of planning judgement, the site is considered suitable for the development proposed. The principle is considered acceptable under Policy CS11.

Highway Safety and pedestrian links

133. The access arrangements are for detailed consideration and the design of the new access from the site on to Ipswich Road is included. The vehicular access to the site will be provided through a new priority junction with the B1048 Ipswich Road on the site's southern boundary.
134. The visibility splays would be 4.5m x 105m to the east i.e. cars exiting the site will be able to see for 105m giving sufficient time for them to see approaching cars, which may be speeding. The presence of dwellings would also change the character of the area and drivers may therefore slow down.
135. The implication of the enlarged visibility splays is that the hedge along the front would have to be shortened; much of it would need to be removed and replanted behind the splay. Subject to a planning condition securing precise details of the compensatory hedge, on balance, this aspect is considered acceptable.
136. With regards to parking, there would be sufficient space at the quantum and density of development proposed to achieve off road parking in accordance with the parking standards. Likewise, there is no reason why a safe internal layout could not be achieved. The detailed layout and design would be dealt with at the reserved matters stage. A condition has been recommended that parking is in accordance with the County Councils parking standards.
137. A footpath is to be provided as part of the proposal to link the site with the village – via Rotherham Road - and that to meet Manual for Street guidance, this footpath should be 2m wide (allowing wheelchairs to pass). Following a site meeting, the LHA has confirmed that the footpath could be accommodated within the public highway at the width specified and that they would not object to the application on this basis.
138. The applicant has, therefore, designed a layout which incorporates the footpath link (which would be secured by planning condition) and this will include the replacement of the existing hedge behind the new footpath. The current application now provides precise information relating to the hedge to provide greater assurance for the landowner.
139. In addition, the applicant has undertaken a useful analysis that demonstrates that the development is part of a 'walkable neighbourhood' as defined in Manual for Streets:-

"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas, which residents may access comfortably on foot."

140. Whilst the only 'facility' within a 400m walk of the site is Taylor Made Joinery (employment opportunity) when the 800m route (actual walking route not a buffer) is applied then most of the village facilities are within walking distance including pubs, the school, retail and bus stop. The village hall is just outside this at 1000m. It must also be acknowledged, however, that the site is 200m deep so those properties further into the site will be further from facilities.
141. Subject to the footpath being provided, the site is considered to be well connected to facilities and therefore in this respect, is a sustainable form of development.
142. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Design and Layout

143. 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. The NPPF also encourages the use of local Design Review.
144. The application is submitted in outline with the layout and building design as reserved matters. However, it is good practice for an applicant to demonstrate that the site can be developed in an acceptable way.
145. The indicative layout, supported by images, shows a simple layout with housing facing onto the road to create a sense of enclosure and natural surveillance. The buildings would also form/create the street and echo the pattern and orientation of development in the centre of the village with a strong north - south alignment. The properties at the front of the site would face onto the B1078 so the development has a 'public face' whereby dwellings would not turn their back on the public realm at this point.
146. The low density of the development at c. 16 dwellings per hectare (dph) is considered appropriate for this edge of village location and will be secured by a planning condition (which will limit the number of homes to be constructed to 48). This low density allows space for landscaping and an open space; it also ensures that the development will not have a cramped appearance but a spacious roof scape broken up by trees. This allows 'garden suburb' principles to be followed, as encouraged in Paragraph 52 of the NPPF and considered appropriate in this edge of village location. The density/quantum of development also enables the proposals to be of a size which can assimilate into the settlement.
147. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Impact on the Landscape

148. The NPPF states that the intrinsic character and beauty of the countryside should be recognised in decisions. Policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.
149. The site is a 'Greenfield' site on the edge of the village. It is inevitable that developing the field for housing would have some adverse impact on the openness and character of the site. However, Policy CS11 envisages that there will be some development in the countryside; the key question is whether the impact of the development is reasonably contained.
150. As part of the application a Landscape and Visual Impact Assessment (LVIA) was prepared. The main findings/conclusions of the LVIA are that with the mitigation proposed (planting, low density housing, central open space) the impacts would be:-
- The development would have a moderate adverse impact on the site with a minor adverse impact on the wider landscape;
 - The expansion of the village to the east is not out of character as there is another development (to the north) that is both further east and at a higher level;
 - The site is well screened making it visually contained with the majority of views restricted to rights of way and the B1078 close to the sites boundary;
 - Only the tops of houses/roof scape would be visible from the public footpaths. The site would be more visible from the B1078;
 - Long term impacts, beyond 100m, are likely to be negligible.
151. As part of the previous application, officers commissioned an independent review of the LVIA by SCC's Landscape Team. This assessment remains relevant to the consideration of this application and their comments can be summarised as follows:-
- The LVIA is prepared to Landscape Institute guidance;
 - The nine viewpoints demonstrated that the site would be visible or part visible in all of them (some of these views are greater than 100m);
 - The impacts were considered to be greater than outlined in the LVIA;
 - The visual impact will be greater than described, but this will depend on the detailed layout and design;
 - Key elements of the design that would need careful consideration to reduce the impact is the roofscape, materials, boundary hedgerow management/protection, space for trees within the development, layout (to work with the contours with lower density houses on the highest land), lighting and the highway access.
152. The LVIA is generally considered to be a robust assessment of the impacts although the categorisation of the impact appears to have been underplayed to some extent. The assessment shows that Bildeston, as a settlement, predominantly sits within the river valley so most long-distance views are of the valley sides rather than the settlement. Furthermore, where the settlement is seen, it is of roofs amongst trees. The main exception to this rule is the mid 20th Century estate to the north of the site, Brookfield, which stands out in the landscape.
153. Housing within the site would not break the skyline (due to topography and a woodland backdrop created by the mature hedge) and could be designed in a way which incorporates the recommendations from SCC in that conditions can be added to control the quantum of development thereby keeping the density low (allowing space for mature trees to break up the roof scape). Conditions could also be added keeping the housing at 2 storeys and not exceeding 9m.

154. Conditions are also recommended to secure management of the boundary hedge. It is recommended that this is not placed in the ownership of individual houses as management would be sporadic, the boundary hedged should be retained with the management company which takes on the public open space – a condition requiring a management plan is recommended. Discussions can also take place at the reserved matters stage to ensure a sensitive layout with appropriate materials including dark roof materials such as slate.
155. A significant impact of the scheme is that much of the hedge to the front (south) of the site along the B1078 would need to be removed to establish the visibility splays required by the LHA. This would be contrary to Policy CR08 which seeks to safeguard and protect hedgerows. The visibility splays need to be greater than normally required as there is clear evidence of speeding and visibility is needed past the 30mph zone. A condition would therefore need to be attached that the hedge is replanted behind the visibility splays. The hedge would take time to mature resulting in a significant short term impact, but this would diminish over time subject to the design of the planting.
156. Although a short term adverse impact, there is an opportunity for long term improvements with a new hedge incorporating different species, to the benefit of ecology and landscape character.
157. The potential for street lighting has also been identified as a significant impact given the elevated location of the site. Conventional street lighting would be inappropriate in this location. A condition is therefore recommended that all street lighting must be approved by BDC.
158. In summary, whilst the application is in outline form it is possible to envisage the impacts that would arise from developing this site. Policy CS11 activity encourages rural growth and the consequence of this is some impact on the countryside. However, the impacts should be minimised. In this case, the development would have an adverse impact on the undeveloped character of the field and the development would be visible in the wider landscape, it would not, however, be prominent with visual containment achieved due to the retention of landscaping. The design and layout at the reserved matters stage would also be very important as this would further mitigate the impacts in the way described above. Consequently, on balance, and subject to the mitigation identified, the development is considered to have an acceptable impact on the countryside/landscape.
159. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Impact on Heritage Assets

160. By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.
161. Section 72(1) of the Listed Building Act imposes a duty upon the local planning authority to give *"special attention ... to the desirability of preserving or enhancing the character or appearance"* of conservation areas.

162. In *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137, the Court of Appeal treated "the nature of the duty" as "the same under both enactments" and that "'preserving" in both [sections] means doing no harm."¹
163. In *Barnwell Manor* the Court of Appeal also held that: "decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise" in cases which involve heritage issues.² By implication, the same approach would apply in relation to s. 72(1) such that "considerable importance and weight" should be given also to the desirability of preserving or enhancing the character or appearance of conservation areas.
164. Historic England have declined to comment on this application and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice. The Council's Heritage Team agree that the site is within the setting of Bildeston Church, which is consistent with the comments received from Historic England, as part of the earlier application. Bildeston Church's significance lays in the quality of its architecture and also its relationship with the landscape. It was designed to be seen in the landscape. It also sits in an isolated location away from the settlement and this rural isolation needs to be safeguarded. The development would not interrupt views of the Church. It may just be visible in views from the Church but the impact on significance is not considered to be harmful having regard to the distance from the development site to the Church. Likewise, no harm has been identified to the significance of any other listed buildings, or other heritage assets.
165. The Council's Heritage Team comment that the visual containment of the site relative to the Conservation Area is such that there would be no harm. The modern estates to the west of the site act as a buffer with the Conservation Area and when considered spatially, most of the villages growth is to the east rather than then west so the development would read as a natural extension of the village. In terms of traffic and parking, the centre of the village is a comfortable walk/cycle from the proposed development so there are alternatives to driving. The level of activity is not considered to be harmful to the character of the Conservation Area, which already has traffic passing through it.
166. In term of undesignated heritage assets, the County Archaeologists have not recommended refusal but have requested an archaeological investigation condition is attached as the site is close to the medieval core where early occupation is a high probability. Any undesignated archaeology/heritage would need to be recorded.
167. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Flooding and Drainage

168. The dwellings proposed would be served by a Sustainable Urban Drainage System (SUDS), which has been subject to detailed discussions with Environment Agency (previous application), County Flood Officer (current application) and Anglian Water in order to determine the suitability of the scheme and its impact on surface water drainage. The scheme proposed will need to incorporate a pumped system as the land within the applicant's control does not give sufficient fall to enable a gravity fed system to be achieved.

¹ *ibid*, at paragraph [16] per Sullivan, LJ

² *ibid*, at paragraph [29] per Sullivan, LJ

169. Suffolk County Council's Local Surface Water Drainage (SUDs) Guidance, Standards and information regarding designing for maintenance considerations states on p.165 that pumping stations should be the last resort and only allowable in situations where guaranteed maintenance of the pumps can be ensured. In addition, S12 of the DEFRA Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems states that pumping should only be used where it is not reasonably practicable to drain water by gravity.
170. Whilst the site is located adjacent to a field to the north west in which Bildeston Brook, the landowner here will not permit a gravity connection to the watercourse and therefore agreement has been reached to the northeast to a point of discharge into Bildeston Brook. The topography of the land would require a pumped solution and whilst this is not a preferred means of discharge, the applicant has no reasonable prospect of being able to achieve an alternative. The ground conditions are also unsuitable for surface water disposal. Anglian Water have also confirmed that the existing Artiss Close system does not have capacity to accept additional surface water from this system. Therefore, the matter for consideration is whether or not the proposed solution (i.e. the pumped system) provides an acceptable drainage solution.
171. The site attenuation has been agreed with Suffolk County Council to accommodate up to a 1 in 100 year return period with an additional 30% allowance for anticipated climate change. In addition there is additional onsite attenuation to accommodate a 6-hour pump failure. The attenuation would be a mixture of open detention basin and swales which will be adopted as part of the public open space by Suffolk County Council and underground attenuation will be adopted by Anglian Water.
172. Therefore, the County Flood Officer has advised that the system would need to be adopted by Anglian Water under a S104 agreement. Confirmation has been sought as to whether this would be acceptable to Anglian Water and they have confirmed that they would be willing to adopt system. Suffolk County Council have also suggested a condition that would prevent occupation beyond 51% until either; an adoption agreement is in place with Anglian Water for any pumped system (with normal operational output restricted to current greenfield run-off rates) or a gravity based system is put in place. Therefore, it is considered that this matter has been satisfactorily addressed.
173. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Crime and Disorder

174. 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. The detailed design would be checked at reserved matters stage to ensure there are no issues with the design and layout which would unduly increase the risk of crime. Suffolk Police have raised no concerns.
175. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Biodiversity and Protected Species

176. 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.

177. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15 in particular requires new development to safeguard ecology. To that end, the applicant was requested to undertake a phase 1 ecology survey as part of the earlier application and at that time was reviewed by SCC's Ecology Team and the findings validated. The site has a low level of ecology value being mainly semi improved grassland. The hedgerows are of importance and will be retained on the eastern, northern and western boundaries. Some of the hedge to the south would also be retained (those elements lost would be replanted). It is recommended that an ecological enhancement plan is secured by condition so that enhancements are maximised e.g. wildflower planting, bird and bat boxes, planting of trees than can mature.
178. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Land Contamination

179. The applicant has submitted a 'site check' report which has considered the historic use of the site. The report has not identified any historic land uses on or near the site that could result in contamination. A site-walk over has shown that the site is an agricultural field without any identifiable sources of contamination on the surface (e.g. oil tanks etc...). The risk from land contamination is therefore considered low. Whilst the Councils Land Contamination Officer originally requested a full Phase 1 assessment, in this instance they are content to secure this by a planning condition.
180. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Loss of Agricultural Land

181. 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. The Core Strategy has no direct reference to the loss of agricultural land so the application is primarily assessed against the test in the NPPF. Within this context, the development is not considered to be 'significant'¹ so the test is not enacted. Notwithstanding this, Bildeston is surrounded by best and most versatile agricultural land so any development would erode this natural resource. The benefits of delivering housing in this instance outweigh the harm that would be caused from permanently developing best and most versatile agricultural land.
182. The meaning of the term "significant" in this context was considered at the Tattingstone solar farm public inquiry. 'Significant' is not defined; it is down to the decision maker to consider what is significant. The Inspector in this appeal considered the development would need to be 'large scale' to be 'significant'. Large scale in this context being more than 5MW/ The NPPF test is therefore not enacted for the loss of all agricultural land, just where the development/loss would be significant/large scale. As a matter of fact, and degree, the loss is not considered significant/large scale in this case being 3ha of land.
183. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.

Planning Obligations and CIL

184. Planning permission has already been granted for the development, and this was subject to a section 106 agreement to secure:
- Provision and management of Public Open Space
 - Secondary education - £165,195;
 - Highway works – pending LHA comments but will include the gate features;
 - Libraries - £10,368;
 - Waste - £2,448;
 - 35% affordable housing at a mix prescribed by the Council's Strategic Housing Team.
185. 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.
186. Since granting outline planning permission in April 2016, there has been no material change in relevant planning circumstances relating to this issue.
187. Clause 3.4 of the section 106 planning obligation completed on 5 April 2016 in connection with B/15/01433/OUT states as follows
- "If the District Council agrees pursuant to an application under section 73 of the Act to any variation or release of any condition in the Permission or if such condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission*
188. Thus all of those matters which were required to be secured by way of a section 106 obligation under the 15/01433/OUT application **will** carry forward to any permission granted under this section 73 application and there is no need for there to be a new section 106 obligation as there are no new matters to be secured. Consequently, in the circumstances, the officers' recommendation (see below) need only refer to granting of permission subject to planning conditions.

CONCLUSION AND OVERALL PLANNING BALANCE

189. The intention of Policy CS11 is, in part, to allow proposals for development for Core Villages to be permitted on the edge of Core Villages, on land outside existing BUABs that is currently designated as 'countryside', subject to adherence to the matters identified in Policy CS11 being *"addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal"* (my emphasis).
190. Whether this proposal addresses the matters listed in Policy CS11 to the satisfaction of the LPA is a matter of planning judgement for the Committee. However, notwithstanding the availability of additional information in the Report relating to the absence of a sequentially preferable site and locally identified housing need, in the absence of any material change in relevant planning circumstances since the Council granted outline planning permission on the original application (B/15/01433) in April 2016, there are no grounds upon which the LPA may conclude, reasonably, that this proposal does not accord with Policy CS11.

191. In any event, for the reasons set out in this Report, the matters identified in Policy CS11 have been broadly met, in particular, the proposal would provide housing development for the Core Village of Bildeston (including its functional cluster) to meet a locally identified need in a location abutting the BUAB of Bildeston village, where the houses would be part of a 'walkable neighbourhood'. Any harm caused by developing the site is capable of mitigation via a sensitive design and layout, including landscaping. Highway safety, ecology and heritage interests would be safeguarded as part of the development. Against these positive aspects, there is the no unacceptable planning harm to the site from its development and the replacement of the frontage hedgerow as detailed in this variation of condition.
192. For the reasons explained in this Report, the proposal accords with relevant development plan policies, which are consistent with the NPPF and should be accorded full weight when determining the application. Applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, as this development proposal accords with the development plan, the application should be approved without delay.
193. Without prejudice to that conclusion, in the event the Committee came to a different conclusion about the proposal's accordance with relevant development policies, in particular Policy CS11, for the reasons explained in this Report, any failure to comply with one or more aspects of Policy CS11, would not be sufficient to justify the conclusion that the proposal fails to accord with Policy CS11, or other relevant development plan policies, such that it would be reasonable to conclude that the application is not in accordance with the development plan for the purposes of section 38(6) of the 2004 Act. Moreover, in that unlikely event, other material considerations, including the delivery of housing and much needed affordable housing to meet locally identified needs and the wider housing needs of the District, that would be secured by granting outline planning permission in this case, indicate that the application should be allowed.
194. In any event, applying the proper approach to the determination of section 73 applications, the Committee should focus upon whether the proposed development, which the Committee concluded was an acceptable form of development by granting outline planning permission in April 2016, should be granted permission without complying with Condition 29. For the reasons stated in this Report, there is no proper basis for withholding a grant of planning permission in this case.

RECOMMENDATION

That the Professional Lead – Growth and Sustainable Planning be authorised to grant outline planning permission subject to conditions including:-

- Submission of reserved matters;
- Commencement within 3 years;
- Development to be implemented in accordance with submitted details;
- Foul drainage to public sewer;
- Surface water to be a SuDS system, with details and management to be approved;
- Adoption of pumping station prior to 51% occupation of the site
- Implementation of the approved replacement of those parts of the frontage boundary hedge removed;
- A pavement connecting the site to Rotherham Road prior to occupation;
- 10% reduction in predicted carbon to be achieved with details to be approved;
- Fire hydrants to be provided;

- Tree and hedgerow protection fencing to be installed with details to be approved;
- As recommended by SCC Archaeology;
- Parking to be in accordance with the Suffolk Parking Standards;
- All external lighting, including any street lighting, to be approved;
- Tree planting plan to be submitted and approved along with reserved matters relating to landscaping (with space identified for feature trees to mature);
- Boundary hedge management plan;
- Scale of houses to be two storeys with the height limited to 9m;
- Ecological enhancement strategy to be approved;
- Land contamination assessment and remediation if required;
- Provision and management of public open space including boundary hedge to the east and south;
- As recommended by the LHA.

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Bildeston Cluster Report

Application Total: 39

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/14/00297 Bildeston	Tankard Farm, Wattisham Road, Bildeston, IPSWICH, IP7 7EG	Erection of 9 No. single-storey dwellings and construction of shared vehicular access (following demolition of existing buildings on the site).	FUL	Q13	GRA	22/12/2014	Bildeston
B/15/00626 Bildeston	West View, High Street, Bildeston, IPSWICH, IP7 7EF	Erection of 2 No. detached dwellings (following demolition of 1 No. bungalow), as amended by drawing numbers MGS/SK/01C, MGS/SK/04B, MGS/SK/20, MGS/SK/21, MGS/SK/22 and MGS/SK/23 received 30 September 2015.	FUL	Q13	GRA	29/10/2015	Bildeston
B/15/01110 Bildeston	Redwick House, High Street, Bildeston, IPSWICH, IP7 7EX	Erection of 1 No. two-storey dwelling following demolition of existing buildings & structures.	FUL	Q13	GRA	11/11/2015	Bildeston
B/15/01433 Bildeston	Land East of Artiss Close and, Rotheram Road, Bildeston	Outline - Erection of 48 residential dwellings with detailed consideration of access.	OUT	Q07	GRA	05/04/2016	Bildeston

B/16/00026 Bildeston	West View, High Street, Bildeston, IPSWICH, IP7 7EF	Erection of 2No detached dwellings including garaging and improvements to existing access (following demolition of existing bungalow, alternative scheme to previously approved planning permission B/15/00626/FUL).	FUL	Q13	GRA	05/04/2016	Bildeston
B/16/00809 Bildeston	Church Farm, Church Road, Bildeston, IPSWICH, IP7 7EE	Conversion of existing farm buildings to 2 no. residential units and the removal of all grain silos	FUL	Q13	GRA	16/08/2016	Bildeston
B/14/01297 Bildeston	Church Farm, Buxhall Road, Brettenham, IPSWICH, IP7 7PE	Erection of a two-storey dwelling following demolition of modern agricultural buildings within a Conservation Area.	FUL	Q13	GRA	11/05/2015	Brettenham
B/15/00362 Bildeston	66 The Street, Brettenham, IPSWICH, IP7 7QP	Outline - Erection of detached 1 & 1/2 storey dwelling, and construction of new vehicular access to serve existing dwelling.	OUT	Q13	GRA	02/10/2015	Brettenham
B/15/00916 Bildeston	Dux Hill, Brettenham Park, Brettenham, IPSWICH, IP7 7PF	Erection of 1 no. detached two-storey dwelling and detached single-storey garage (following demolition of existing dwelling), and associated works.	FUL	Q13	GRA	18/09/2015	Brettenham

B/16/00661 Bildeston	F A Brinkley, Breakers Yard and Premises, Old School Corner, Brettenham, IPSWICH, IP7 7PA	Erection of 3 No. one and half storey dwellings with detached garages and vehicular accesses.	FUL	Q13	GRA	28/07/2016	Brettenham
B/15/00050 Bildeston	Chelsworth Hall, Hall Road, Chelsworth, IPSWICH, IP7 7HX	Sub-division of property into two dwellings	FUL	Q13	GRA	06/03/2015	Chelsworth
B/16/00202 Bildeston	Land to the North of The Old Manor, The Street, Chelsworth, IPSWICH, IP7 7HU	Erection of single-storey detached dwelling.	FUL	Q13	GRA	21/07/2016	Chelsworth
B/14/00126 Bildeston	Hitcham Garage, The Causeway, Hitcham, IPSWICH, IP7 7NE	Erection of 2 No. two-storey dwellings and associated garages (following demolition of existing commercial buildings).	OUT	Q13	GRA	24/04/2014	Hitcham
B/15/00690 Bildeston	Mill Hill Farm, Finborough Road, Hitcham	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) and Class Q(b) Change of use and associated works from Agricultural Building to Dwellinghouse (C3). As amplified by Drawing nos. BYE-D-03 and BYE-D-04, received 19/06/2015 and Land Contamination Questionnaire and Drawing nos. BYE-D-01 and BYE-D-02, received 22/06/2015.	AGDW	Q27	GRA	27/07/2015	Hitcham

B/15/00768 Bildeston	Hitcham Garage, The Causeway, Hitcham, IPSWICH, IP7 7NE	Erection of 2 no. two-storey detached dwellings with integral garages, and construction of new shared vehicular access.	FUL	Q13	GRA	30/09/2015	Hitcham
B/14/01635 Bildeston	Rushes Farm, Hadleigh Road, Kersey, IPSWICH, IP7 6DS	Change of use and conversion of two barns to holiday letting use; erection of dwelling including workspace accommodation (following demolition of existing agricultural building); dismantling and relocation of barn to north of holding for continued agricultural use together with associated hard and soft landscaping works.	FUL	Q13	GRA	02/07/2015	Kersey
B/15/01074 Bildeston	River House Farm, Church Hill, Kersey, IPSWICH, IP7 6DY	Change of use of principle barn to residential dwelling (Class C3) and associated alterations; extension and alteration of existing smaller barn building to form garage and annexe in relation to proposed dwelling; and removal of another smaller timber barn building to form car parking area.	FUL	Q13	GRA	29/02/2016	Kersey
B/16/00507 Bildeston	Land to North East of 2 Vale Corner, Vale Lane, Kersey, IPSWICH, IP7 6EH	Erection of 1 no. two-storey dwelling, new access driveway and associated landscaping for the improved use of the small holding.	FUL	Q13	GRA	21/06/2016	Kersey
B/13/01448 Bildeston	The Wrens, The Tye, Lindsey, IPSWICH, IP7 6PP	Erection of 1 No. detached two-storey dwelling (following demolition of existing buildings). Alterations to existing vehicular access.	FUL	Q13	GRA	10/03/2014	Lindsey

B/15/00052 Bildeston	Old Rectory, The Tye, Lindsey, IPSWICH, IP7 6PP	Erection of 1 no. detached dwelling.	FUL	Q13	GRA	29/05/2015	Lindsey
B/16/00386 Bildeston	Lodge Farm, Kersey Road, Lindsey, IPSWICH, IP7 6QA	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a & b) Change of use from agricultural building to 2 No. dwellings and for operational development (C3).	AGDW	Q27	GRA	03/06/2016	Lindsey
B/16/00542 Bildeston	Land adjacent Birdsfield, Rose Green Road, Lindsey, IPSWICH, IP7 6PX	Erection of 2 no. semi-detached one-and-a-half-storey dwellings and construction of new shared vehicular access	FUL	Q13	GRA	20/06/2016	Lindsey
B/13/00693 Bildeston	Rushbrooke Farm, Church Road, Milden, IPSWICH, IP7 7AH	Conversion of and extensions to redundant Hay Barn to create a single residential dwelling.	FUL	Q13	GRA	03/12/2013	Milden
B/15/01192 Bildeston	Barn Two, Pound Farm Barn, Boxford Road, Milden	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from Agricultural Building to 1 No. Dwellinghouse (C3) only.	AGDW	Q27	GRA	14/10/2015	Milden

B/15/01193 Bildeston	Barn One, Pound Farm Barn, Boxford Road, Milden	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from Agricultural Building to 2 No. Dwellinghouses (C3) only.	AGDW	Q27	GRA	14/10/2015	Milden
B/13/01223 Bildeston	The Bungalow, Brent Eleigh Road, Monks Eleigh, IPSWICH, IP7 7JG	Erection of 1 No. one and a half storey dwelling with detached double garage, following demolition of existing bungalow and garage.	FUL	Q13	GRA	24/12/2013	Monks Eleigh
B/14/00273 Bildeston	Coronation Hall, Church Hill, Monks Eleigh, IPSWICH, IP7 7JH	Erection of a pair of semi-detached dwellings, 2 No. detached dwellings and 4 No. garages (following demolition of village hall).	FUL	Q13	GRA	29/10/2014	Monks Eleigh
B/14/01538 Bildeston	Willows Bungalow, The Street, Monks Eleigh, IPSWICH, IP7 7AU	Erection of dwelling (following demolition of existing). Revised scheme to that approved under planning permission B/13/00480/FUL to include a raised platform and stairs to the rear elevation.	FUL	Q13	GRA	03/03/2015	Monks Eleigh
B/16/00205 Bildeston	Land south west of Hill View, The Street, Monks Eleigh, IPSWICH, IP7 7JE	Erection of 1 no. dwelling with attached garage and improvements to existing vehicular access.	FUL	Q13	GRA	08/04/2016	Monks Eleigh

B/14/00240 Bildeston	Naughton Mill House, Nedging Road, Nedging with Naughton, IPSWICH, IP7 7HW	Erection of detached chalet bungalow	FUL	Q13	GRA	27/05/2014	Nedging with Naughton
B/14/00426 Bildeston	Chilton Cottage, Nedging Road, Nedging with Naughton, IPSWICH, IP7 7HW	Demolition of existing cottage; erection of replacement two-storey dwelling; erection of detached two-storey, two bay, cart lodge building; construction of new vehicular access; and associated works. As amended by revised drawing no. 4818:102 Rev A received 02/06/2014.	FUL	Q13	GRA	01/08/2014	Nedging with Naughton
B/14/00960 Bildeston	Canada Cottage, Ipswich Road, Nedging with Naughton, IPSWICH, IP7 7BN	Erection of single-storey dwelling.	FUL	Q13	GRA	19/01/2015	Nedging with Naughton
B/15/00621 Bildeston	Land west of Crowcroft Road, Nedging with Naughton	Erection of 6 No. detached single-storey dwellings with garages, 2 No. semi-detached single-storey dwellings with parking and provision of public open space. Construction of new vehicular access. As amended by Drawing Nos. 4569 PA01E, PA04B, PA10E, PA12D, PA13B and PA15 received 24 August 2015 to show revised layout and design. As amplified by Phase 1 Geoenvironmental Assessment received 14 July 2015; agent's email received 1 September 2015 confirming Plots 3 & 4 as affordable dwellings and agent's email received 15 September 2015 confirming proposed drawing schedule.	FUL	Q13	GRA	31/03/2016	Nedging with Naughton

B/15/00843 Bildeston	Barn opposite Tye Farm, Crowcroft Road, Nedging with Naughton	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from Agricultural Building to Dwellinghouses (C3), and Prior Approval Under Class Q(b) building operations necessary to convert the building.	AGDW	Q27	GRA	24/08/2015	Nedging with Naughton
B/15/01612 Bildeston	Land adjacent to 1, Crowcroft Road, Nedging with Naughton	Erection of 1 no. two-storey detached dwelling (resubmission of previously withdrawn application B/15/00901).	FUL	Q13	GRA	23/03/2016	Nedging with Naughton
B/15/01674 Bildeston	The Hawthorns, Nedging Road, Nedging with Naughton, IPSWICH, IP7 7HW	Erection of 1 no. one and a half-storey 3 no. bedroom detached dwelling (following demolition of existing detached double garage/studio); Erection of 2 no. detached double garages (one to serve proposed dwelling and one to serve existing dwelling); and construction of new vehicular access.	FUL	Q13	GRA	27/01/2016	Nedging with Naughton
B/15/01694 Bildeston	The Massing, Crowcroft Road, Nedging with Naughton, IPSWICH, IP7 7HR	Erection of 1No. single-storey dwelling (following demolition of existing single-storey side extension, carport and outbuilding to South side of existing dwelling at 'The Massing').	FUL	Q13	GRA	01/02/2016	Nedging with Naughton
B/13/00850 Bildeston	Cottage Farm Barn, Wattisham Stone, Wattisham	Conversion of redundant Barn into 1 No. dwelling; new shared access to new 3-bay cart lodge	FUL	Q13	GRA	29/05/2014	Wattisham

B/14/01281 Bildeston	Brick Kiln Cottage, Hitcham Road, Wattisham, IPSWICH, IP7 7LB	Erection of replacement single-storey dwelling with associated works (existing bungalow to be demolished), as amended by drawings received 16 December 2014.	FUL	Q13	GRA	24/12/2014	Wattisham
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<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
3148/15 Bildeston	Valley Farm, Brettenham Road, Felsham IP30 0PS	Conversion of existing barn to new independent dwelling-house comprising of the demolition of existing stables, outbuilding and lean-to structures with extension of barn to north to provide 2 storey accommodation. Erection of new cartlodge. (Revised scheme to that approved under 2732/14).	FUL	Q13	GTD	27/10/2015	Felsham
2732/14 Bildeston	Valley Farm, Brettenham Road, Felsham	Conversion of existing barn to new independent dwelling-house comprising demolition of existing stables, outbuilding & lean-to structures with extension of barn to north to provide 2 storey accommodation. Erection of new cartlodge.	FUL	Q13	GTD	21/11/2014	Felsham
2816/15 Bildeston	Moat Farm Bungalow, Dakings Lane, Felsham IP30 0QW	Erection of 1no. two storey detached dwelling (following demolition of existing bungalow). Erection of two bay cartlodge. Creation of new vehicular access.	FUL	Q13	GTD	19/08/2016	Felsham

Application Total: 3

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Item No: 2

Reference: B/16/00817/RES

Ward Members: Cllr Sue Carpendale
and Cllr Fenella Swan

Parish: CAPEL ST MARY

Location: Land west of Pine Dell & Ashcroft, London Road, Capel St Mary, IPSWICH, IP

Proposal: Submission of details under PP B/14/00100/OUT (Condition 3) - For the erection of 22 dwellings; Details submitted regarding the appearance, scale and layout of the buildings and the landscaping of the site with accompanying details relating to a market housing assessment (Condition 20) and public open space provision (Condition 21).

Applicant: Mr & Mrs Southgate

Case Officer: Lynda Bacon

Date for Determination: 1 October 2016

RECOMMENDATION: Approve Reserved Matters

This application is referred to Planning Committee as the proposal is of a scale that requires consideration by Members.

Members of the Planning Committee visited the site on 13th August 2014 in connection with the consideration of the outline planning application (B/14/00100/OUT).

THE SITE

1. The application site is 0.79 hectares in size and lies at the rear (west) of two existing residential properties known as 'Pine Dell' and 'Ashcroft', which front onto London Road, a classified 'C' road. London Road is no longer a through road and is now accessed via the carriageway that becomes the slip road onto the A12.
2. Further residential properties situated to the front of their long plots lie to the north of the application site and a public footpath linking London Road with Butchers Lane to the west adjoins the site to the south. Immediately to the west is agricultural land, beyond which lies an established residential area of Capel St Mary. The western and northern boundaries are defined by a line of existing trees and hedging. The land is currently unused although it has previously been utilised as a paddock for the keeping of horses.
3. The application site is situated in close proximity to the defined built up area of the village but is designated as countryside for Local Plan purposes. A Tree Preservation Order covers two groups of trees within the grounds of Pine House adjacent to the public footpath and the southern site boundary. An individual Oak Tree on the western boundary is also protected by a Tree Preservation Order.

THE PROPOSAL

4. Those matters reserved following the grant of outline planning permission relate to appearance, landscaping, layout and scale of the development, which is for the erection of 22 dwellings, with associated infrastructure and public open space.

5. The site is accessed from London Road over a new access road, laid out to adoptable standards to provide turning for refuse, emergency and delivery vehicles within the site. The details of the access were approved at outline stage.
6. The dwellings proposed consist mainly of detached and semi-detached properties and comprises 6 No. bungalows, 14 No. houses and 2 No. flats; of which 5 No. will be available as affordable housing as agreed under application B/16/00348/ROC to modify the affordable housing requirements. The type of property proposed and the gross internal area (GIA) of the dwellings and garages is as follows:

Plot number	Accommodation	GIA (m2)	Garage (m2)
1	3 bed detached bungalow	102	21
2 & 3	1 bed terraced two storey	58	none
4 & 5	1 bed flats	50	none
6	3 bed semidetached two storey	93	21
7	2 bed semi detached two storey	72.5	none
8	3 bed semi detached two storey	93	21
9	2 bed semi detached two storey	72.5	none
10	3 bed semi detached two storey	93	21
11	4 bed detached two storey	121	21
12	3 bed semi detached two storey	93	21
13	4 bed detached two storey	121	21
14	3 bed detached two storey	93	21
15	2 bed detached bungalow	83.5	none
16	3 bed detached bungalow	102	21
17 & 18	3 bed detached two storey	93	21
19	4 bed detached two storey	121	21
20	3 bed detached bungalow	104	18
21 & 22	2 bed detached bungalow	83.5	18

7. The application is supported by the following documents:-
 - Design and Access Statement
 - Materials Schedule
 - Market Housing Assessment Report
 - Planning Statement
8. It should also be noted that a separate application for the approval of details reserved by conditions has been submitted in respect of a number of other conditions imposed on the outline planning permission – B/14/00100/OUT.
9. The application documents can be viewed on line via the planning pages on the District Council's website.

RELEVANT HISTORY

10. 2014 - Outline planning permission granted for the erection of up to 24 No. dwellings, incorporating new access road (B/14/00100/OUT).
11. 2015 - Application under Section 106BA - removal of affordable housing requirements (second schedule) refused by letter dated 18 December 2015 (B/15/01640/ROC).
12. 2016 - Application under Section 106BA - modification of affordable housing requirements (second schedule) approved by letter dated 11 April 2016 (B/16/00348/ROC)

NATIONAL PLANNING POLICY FRAMEWORK

13. 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, and the NPPF, 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.
14. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

PLANNING POLICIES

15. 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:

Babergh Core Strategy 2014

- CS1 - Presumption in favour of sustainable development
- CS2 - Settlement pattern policy
- CS3 - Strategy for growth and development
- CS11 - Strategy for development for core and hinterland villages
- CS15 - Implementing sustainable development in Babergh
- CS17 – Infrastructure Provision
- CS18 – Mix and types of dwellings
- CS19 – Affordable Homes

Babergh Local Plan (Alteration No.2) 2006

- CN01 – Design Standards
- HS32 – Open space
- TP15 – Parking

16. The relevant policies can be viewed on line. Please see the notes attached to the schedule.

CONSULTATIONS

17. **Capel St Mary Parish Council** – Recommend REFUSAL: This is on the grounds of the density of the site not being in-keeping with its surroundings, the question over trees with tree protection orders, the access / junction to the site being unacceptable for the level of proposed housing and no report from Anglian Water regarding the proposed sewage system on an already strained network.
18. Should this application be approved the Parish Council would request conditions be placed on building work only taking place Monday to Friday 8am to 5pm and deliveries between the hours of 10am to 2pm.
19. A great deal of concern was raised by both residents and councillors in relation to the comments made under planning application B/14/00100 not being addressed which in turn impacts the current application.

20. Under B/14/00100 it was agreed a full arboriculture survey would be undertaken due to the high density of trees on the boundary of the site which would interfere with any development including some with TPO's. It is believed this is yet to be done? There was talk of a large amount of trees being removed to accommodate a development which is of great concern. The density of the site is not in-keeping with the layout of the village, particularly the properties abutting the proposed development.
21. The access road of London Road is single lane towards the top of the blocked end with restricted vehicular access. Whilst this is sufficient to accommodate the current properties it is expected would struggle with a high increase in traffic movement and if required, emergency access. The refuse vehicle struggles to access this road and is required to reverse down, if there were parked cars on this road access would not be possible.
22. Our initial refusal of the outline application was due to highways issues. It should be noted that when the Parkins (a nearby new build) was developed they were unable to provide more homes due to a dangerous junction, this has not been changed nor improved since then, only worsened.
23. **Local Highway Authority** - In highway terms there is no involvement with the housing mix proposed (Condition 20). The layout of the buildings is acceptable (Condition 3).
24. **Corporate Manager – Heritage** - The Heritage Team has no comment to make on the design of the dwellings at the above site.
25. **SCC (Archaeology)** - The proposed development lies in an area of archaeological interest, as recorded in the County Historic Environment Record (HER). The site is located adjacent to a known Roman road (CSM 014), and there is potential for Roman road-side settlement and burials to be discovered at this location. Archaeological evaluation at this site has detected a Roman oven, so there is a likelihood that further Roman remains will survive within the development area. As a result, there is high potential for the discovery of additional below-ground heritage assets of archaeological importance within this site, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
26. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
27. **Anglian Water** – no comments received.
28. **Suffolk County Council Flood & Water Team** - no comments received.
29. **Corporate Manager – Public Realm (Arboricultural Officer)** - no comments received.
30. **Professional Lead – Housing Enabling** - no comments received.

REPRESENTATIONS

31. Three representation(s) objecting to the application have been received and the comments are summarised as follows:

- Concerns about proposed access
- Impact on existing sewage system
- Other sites are coming forward with better accesses
- Half the number of dwellings should be proposed
- Impact on protected trees
- Land grabbing
- London Road/A12 slip road junction is dangerous
- Construction will involve increase in HGV movements along London Road and working hours should therefore be restricted.
- Inadequate parking

PLANNING CONSIDERATIONS

Main Considerations

32. Given that the principle of developing the site for up to 24 dwellings has been established outline permission granted on 01/06/2015 (Ref:B/14/00100/out) and in light of the above planning policy context and the representations/consultation responses received, the following are identified as the main considerations in assessing this reserved matters application for 22 dwellings:

- Appearance
- Landscaping
- Layout
- Scale
- Market Housing Mix (Condition 20)
- Public open space provision (Condition 21)

Appearance

33. The area is characterised by a mix of property design and types. Two storey dwellings are situated at either end of London Road and in the wider area, whilst single storey and chalet style bungalows predominate along the immediate approach to the site along London Road. The dwellings proposed follow the traditional Suffolk vernacular and have a palette of materials comprising a mixture of brick, render and weatherboarding with pantile and slate roofs. The built form is compatible with the adjacent residential developments and delivers a well-conceived layout of built form and spaces using a variety of materials.

34. The proposed development develops the principles established by the outline approval, which were based on an assessment of the existing area and character. The result is a design and architectural response, which responds to the context of the site and the character of the residential developments surrounding the site. The existing housing surrounding the application is of a traditional character, using traditional forms and materials. These characteristics have been taken forward into the proposed development so that the development is complimentary to the wider area rather than a stand-alone estate at odds with its surroundings.

Landscaping

35. The Outline Planning Permission included provision (via a completed section 106 Agreement) for public open space to be either provided on site or for a financial contribution to be made towards off-site provision for public open space and/or maintenance. The application proposes to pay the financial contribution instead of on-site delivery. A detailed landscaping proposal has been prepared which retains and supplements existing boundary planting and includes a new hedgerow to the north east boundary and shrub planting within the front gardens of individual properties.

In addition, the proposed development provides suitable private amenity space and sufficient garden sizes for each of the dwellings proposed. Furthermore, the area around the protected oak tree on the western boundary of the site has been left as an open grassed area to provide a visual link to the adjoining countryside but also to provide an appropriate setting for this tree.

Layout

36. Paragraph 56 of the NPPF highlights the importance of design in the built environment. Saved Policies HS28 and CN01 of the Babergh Local Plan Alteration No 2 (2006) seeks to resist development that would have a materially adverse impact on residential amenity and seeks well designed layouts that provide an appropriate scale, density and form and relate well to their surroundings.
37. At outline application stage and at the request of Officers, the Suffolk Design Review Panel undertook a high level desktop review of the indicative layout plan and an informative report was prepared by the panel. The report commented on issues such as the appropriateness of the development; its accessibility; character; landscaping and sustainability and was produced to inform and guide both the LPA and the applicant with respect to the site specific design response that is expected to be referenced at this detailed 'reserved matters' application stage.
38. The application is accompanied by a Design and Access Statement which confirms that the applicants have considered the Design Review Panel Report which commented, inter alia, that the open countryside to the rear should be seen as an 'opportunity' and not be used to enclose the site. The applicants are however, firmly of the view that to have dwellings facing the countryside to the west would have a harmful effect on the character of the development and the sense of place that can be achieved within it, as some dwellings would otherwise 'turn their backs' on the core of the site. The design concept is therefore, to provide an inward looking, cohesive residential environment where interaction and integration is encouraged whilst still retaining a visual link to the countryside beyond by focusing the termination of the access road on the preserved oak tree at its north western end.
39. In terms of density, the NPPF states that Local Planning Authorities should set their own approach to housing density to reflect local circumstances. Policy HS27 is not a 'saved' policy of the local plan having been replaced by Core Strategy Policies CS15 and CS18. Prior to the adoption of the Core Strategy, Policy HS27 required all new developments to provide a residential density of at least 30 dwellings per hectare, unless the environmental quality or character dictated otherwise.
40. The Core Strategy does not specify a target housing density for the district. Policy CS15 states that proposal must respect the local context and should make a positive contribution to the local character, shape and scale of the area. Policy CS18 requires the mix, type and size of housing developments to reflect established needs in the Babergh District. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.
41. The proposed development would provide a total of 22 dwellings within a site area of 0.79 hectares. The proposed development would therefore have a density of approximately 28 dwellings per hectare, which can be considered as a medium density. At this density the development exceeds that of the immediate area but relates well to that of the wider surrounding area, which is considered appropriate within this urban context.

42. The proposal provides for a mixture of one and two storey dwellings across the site, mainly served by dedicated on-plot parking (garages, driveways and parking) with visitor parking spaces being provided on street within both perpendicular and parallel parking bays. The Local Highway Authority has commented that the layout of the buildings is acceptable.
43. The site is accessed from London Road over a new access road, laid out to adoptable standards to provide turning for refuse, emergency and delivery vehicles within the site. The details of the access from the highway onto site were approved at outline stage and these have been retained in the approved form in the reserved matters application. The proposed development has been designed to create a shared environment for pedestrians, cyclists and motorists. Routes have been defined by the built form and include provision of a 1.8m wide footway into the site that also incorporates the existing public footpath through the site, which connects to Butchers Lane to the west.
44. When assessing the proposal against these urban design principles the conclusion has been reached that the proposal would be of an acceptable quality providing a good environment for future residents and connectivity with the existing area. The proposal therefore adheres to the guidance in the Local Plan and NPPF

Scale

45. The parameters of the scale are accepted through the approval of the outline planning permission which demonstrated that up to 24 dwellings could be accommodated within the developable area. The development provides a mix of single storey and 2 storey dwellings reflecting the adjacent built form and has sited the single storey properties adjacent to the north east and south east boundaries with neighbouring property providing a visual transition between the new and existing developments. The scale is considered to be compatible with surrounding development.

Market Housing Mix (Condition 20)

46. The application is supported by a Market Housing Assessment Report prepared on behalf of the applicants. The application proposes that 17 No. dwellings will be available for purchase on the open market. The market housing is described as below;
- 3 x 3 bedroom detached bungalows
 - 3 x 2 bedroom detached bungalows
 - 1 x 2 bedroom semi-detached house
 - 6 x 3 bedroom semi-detached houses
 - 1 x 3 bedroom detached house
 - 3 x 4 bedroom detached houses
47. The submitted Market Housing Assessment Report has analysed the range of properties that are currently available for sale; that have sales agreed and have otherwise been offered for sale since January 2015. In addition, the mailing register of a local estate agent has been examined to establish the type of local demand for property in the village. The report demonstrates that there is an imbalance between demand and supply; weighted in favour of demand and identifies a shortage of bungalows in particular. The report also examines the Parish Plan Survey and the follow-up feedback report and concludes that there is a requirement for 2 and 3 bedroom semi-detached houses, 4 bedroom detached houses and bungalows, as proposed by the application. The mix of market housing proposed is considered appropriate in this instance.

Public open space provision (Condition 21)

48. Condition 21 of the outline planning permission required precise details for the provision and future maintenance of public open space associated with the development to be included with the reserved matter submission. The completed s106 Agreement provides for either on site provision or for a financial contribution to be made towards off-site provision for public open space and/or maintenance elsewhere. The application proposes to pay the financial contribution instead of on-site delivery and this considered acceptable.

Other Matters

Highway Safety

49. Access to the site was determined at the outline application stage. Access in to the site is not therefore a 'reserved matter' for consideration and the site access remains in its previously approved form. In terms of access arrangements and the road layout within the site, the reserved matters application is considered to have improved on the indicative layout put forward in the outline application. The Local Highway Authority has no objection in principle to the reserved matters application.
50. While representations from neighbouring occupiers have been received concerning the access and the suitability of the London Road/A12 slip road. **Given the comments above, there are no grounds to refuse the submission on access grounds.**

Impact on Residential Amenity

51. A Core Planning Principle in the NPPF (Paragraph 17) is that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
52. Dwellings have been designed so as not to impact upon existing neighbouring amenity. There would be sufficient separation distance between neighbouring properties, both existing and proposed. There are no concerns with regards to the living conditions of future occupants. Furthermore, there would be ample outdoor amenity space and no loss of light, overlooking or overbearing impact between the dwellings.

Affordable Housing

53. Policy CS19 requires residential development to provide 35% affordable housing and the signed Section 106 agreement associated with the Outline Planning Permission defines the affordable housing requirements on site, which was modified under application B/16/00348/ROC. The modified Section 106 agreement now provides for 23% of the dwellings to be occupied as 'affordable' as follows; 2 no. 1 bedroom (2 person) flats and 3 no. shared equity dwellings (2 no. 1 bedroom (2 person) flat or house and 1 no. 2 bedroom (3 or 4 person) dwelling).

Representations Received

54. Three letters have been received from neighbouring occupiers as summarised above. The representations, relate primarily to the 'principle' of the development which has already been established following the grant of outline planning permission and not to the reserved matters under current consideration.

Crime and Disorder

55. 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.

Biodiversity and Protected Species

56. 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.

CONCLUSION - PLANNING BALANCE

57. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The reserved matters application is therefore recommended for approval.

RECOMMENDATION

Approve Reserved Matters.

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Agenda Item 8

BABERGH DISTRICT COUNCIL

From: Professional Lead – Growth and Sustainable Planning	Report Number: S66
To: Planning Committee	Date of meeting: 21 September 2016

NOTIFICATION UNDER PART 16 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 – INSTALLATION OF A 15M HIGH LATTICE TOWER SUPPORTING 3NO. ANTENNAS AND 2NO. 600MM DISHES AT THE LAND EAST OF BARROW HILL, ACTON

1. Purpose of Report

- 1.1 To determine whether prior approval of details is required as to the siting and appearance of the mast.
- 1.2 The matter is referred to the Planning Committee following a request for this from Councillor Margaret Maybury.

2. Recommendations

- 2.1 That prior approval is required.
 - 2.2 That prior approval be given.
- The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 None.

4. Legal Implications

- 4.1 None.

5. Risk Management

- 5.1 There are no significant risks arising from this report.

6. Consultations

- 6.1 Consultations were carried out with the following consultees:-
 - Acton Parish Council – No objection. Concerns raised about the prominence of the mast in the site proposed and would have preferred it to be located within the church spire.
 - The Archaeological Service – No comments received.
 - Suffolk Wildlife Trust – No comments received.

6.2 No additional representations have been received.

7. Equality Analysis

7.1 There are no equality and diversity implications arising from this report.

8. Shared Service / Partnership Implications

8.1 There are no Shared Service or Partnership Implications arising from this report.

9. Links to Joint Strategic Plan

9.1 The development would provide a mobile telecommunications network for users of mobile phones and other devices to provide new 2G, 3G and 4G network coverage.

10. Key Information

Background

10.1 There is no relevant planning history relating to this site.

The Site

10.2 The application site is on the land east of Barrow Hill, Acton which comprises primarily of farm land.

10.3 A public footpath is located behind a row of trees to the west of the site. Allotment gardens are located to the South. Residential properties are located 67.7m to the west of the site and 69.2m to the northeast of the site.

The Proposal

10.4 The submitted application is for notification under Part 16 of the Town and Country Planning (General Permitted Development (England) Order 2015 – installation of a 15m high lattice tower supporting 3no. antennas and 2no. 600mm dishes 2 No cabinets and a pallisade fence to enclose the plant. The Local Planning Authority may only consider matters of siting and design under the prior approval process.

10.5 The application has been submitted by CTIL & Telefonica UK Ltd. who have also entered into an agreement with Vodafone to jointly operate and manage a single network grid across the UK. A requirement for this particular site for the tower has been highlighted on grounds that the existing sites within the area are unable to provide the required level of 4G coverage. It is suggested that the proposal will allow both Telefonica & Vodafone to enhance 2G and 3G coverage, whilst also introducing 4G coverage to the surrounding area.

10.6 Confirmation that the tower is ICNIRP compliant has been submitted with the submission.

10.7 The proposed site was selected following a site search in the area around Acton. The application includes supporting information setting out the consideration of alternative sites.

10.8 The application documents can be viewed on line via the planning pages on the District Council's website.

National Planning Policy Framework

- 10.9 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 with the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 10.10 Paragraphs 42-46 of the NPPF set out the Government's position on telecommunications development. It states that advanced high quality communications infrastructure is essential for sustainable economic growth. It goes on to advise that numbers of masts should be kept to a minimum consistent with the efficient operation of the network and that existing masts, buildings and other structures should be used unless the need for a new site has been justified. Where new provision is required, equipment should be sympathetically designed and camouflaged where appropriate. Proposals for new equipment should be supported by the necessary evidence to justify the proposed development including:
- Outcome of consultations with interested organisations including schools and aerodromes
 - Compliance with ICNIRP guidelines
 - Evidence of exploration of alternative sites and buildings
- 10.11 It concludes with advice that applications should be determined on planning grounds and the LPA should not question the need for the equipment nor questions health implications if the proposal meets ICNIRP guidelines.

Planning Considerations

- 10.12 In the light of the above planning policy context and the representations/consultation responses received, the following are identified as the main considerations in assessing this application:
- The Principles of Development
 - Alternative Site Locations
 - Design, Layout and the Impact on the Character and Visual Amenity of the Site and Area

The Principle of Development

- 10.13 The proposed tower is not permitted development, as set out by the General Permitted Development (England) Order 2015 Part 16 Class B, by virtue that the length of the antennas on the proposed tower, exceed 1.3m in length. The LPA's approval on matters of siting and design are required before the proposal can be installed.

10.14 Saved policy EN26 is the most relevant policy against which proposals for masts should be assessed. It recommends approval of such approvals so long as they are satisfactory in terms of height and visibility; scales and design of mast structure; impacts on heritage assets, consideration of existing radio sites and buildings as alternative locations; scope for landscaping and screening; technical and operational needs of the proposal and health impacts. All these criteria are assessed later in this report as well local wildlife and archaeological issues relevant to this particular site.

Alternative Site Locations

10.15 The Applicant has submitted a schedule of alternative sites that were considered before making this approval submission. The list identifies 9 alternative sites surrounding Acton and that they were all discounted for various reasons such as exposure, inferior coverage, the landowner being unwilling to agree to a mast on their land, lack of proximity to the village, and rooftop issues preventing installation of the antennas. Consideration was also given to locating a mast within the tower of All Saints Church. Upon investigation it was established that the small louvres would prevent the installation of the required antennas and prevent suitable coverage. This option was therefore discounted. An option to share a mast at Bambergh Heath Farm, Acton has been rejected as it is not close enough to the village.

10.16 An objector has suggested that the site is unsuitable on grounds that the site has evidence of children at play, that the concrete hardstanding is used for storing materials. Furthermore the objector suggested that the proposal would be detrimental to the landscape, visual amenity of the area, local wildlife and also the neighbouring footpath and allotments. The objector has also highlighted that the emergency services mast at heath farm is also due for renewal with an increase in height and that a more ideal alternative site would be on top of the local church tower. The applicant has highlighted in their report that the potential rooftop solution on the All Saints Church tower was further investigated and issues were identified with the small louvres that would prevent the installation of the required antennas to provide suitable coverage. Therefore this was not found to be a viable option to provide the required 2G, 3G and 4G coverage sought after.

Design, Layout and the Impact on the Character and Visual Amenity of the Site and Area

10.17 With regard to topography which is relatively flat, it is acknowledge that, the tower would be sited in a somewhat visually prominent location with respect to views from the northeast and northwest of the proposed location. The mast has been restricted to 15m in height to ensure that it does not dominate the skyline. Screening to the west of the proposed location would be provided by tree planting (approximately 5m to 11m in height) which help to mitigate views of the tower from this perspective. The site is not within any designated protection area.

10.18 Notwithstanding impacts on the character and visual amenity of the site and area, the level of harm on the surrounding area arising from the tower would be acceptable when considered against the public benefits that the proposal would bring i.e. improving a functional communications network within the Acton area.

Conclusion

10.19 It is considered that on balance that the potential harm is outweighed by the public benefits of the proposed tower in terms of the increase in network coverage for the area. It is therefore recommended that approval is given for the proposed tower and that the tower may be erected.

11. Appendices

11.1 Site Plan

12. Background Documents

12.1 Relevant papers – Planning Application Ref: B/16/01110

Authorship:

Matthew Harmsworth
Development Management Officer

01473 825877
matthew.harmsworth@babberghmidsuffolk.gov.uk

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BABERGH DISTRICT COUNCIL

From: Professional Lead – Growth and Sustainable Planning	Report Number: S66A
To: Planning Committee	Date of meeting: 21 September 2016

NOTIFICATION UNDER PART 16 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 – INSTALLATION OF A 15M HIGH LATTICE TOWER SUPPORTING 3NO. ANTENNAS AND 2NO. 600MM DISHES AT THE LAND EAST OF BARROW HILL, ACTON

Additional Information

Representations received from Cllr. Maybury during the consultation period are set out below:

“Where there are merits for a telecommunications proposal within the area for better access etc., I would object to the tower position as proposed on both its siting and its appearance.

The proposed position is beside a well-used footpath and also where there is evidence of children at play making use of the great outdoors. The area may have an old concrete hardstanding used probably for sugar beet years ago adjacent to it and it does have an amount of builders waste there too but this is used, I would suggest, by the farmer for his field entrances and the amount and type varies. The area is also home to the much loved allotments and a village wildlife area. I do not have wildlife figures for this area, but I would suggest that the wildlife here is well established and should be protected. The visual appearance of the mast, I believe, would be detrimental to the landscape being an area of peace and calm with established wildlife and with also magnificent views over the fields. It is just the wrong site.

It should also be remembered that the emergency services mast at Heath Farm is also due for renewal with an increase in height.

I am still a firm believer that the ideal site would be on top of the church tower (once rejected) which would bring much needed income to the church community and become an iconic symbol of both the historical and contemporary nature of the village.”

Philip Isbell
Professional Lead – Growth and Sustainable Planning

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