



**WILKINSON**  
PLANNING

## Planning Statement

### SITE

Land to the Rear of Brooke House, Old London Road, Copdock and Washbrook, Ipswich, Suffolk, IP8 3JD

### PROPOSAL FOR

Outline - Erection of 4 no. dwellings (with access)

### PROPOSAL BY

G Bridges

14<sup>th</sup> April 2021

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## 1.0 Introduction

- 1.1 This statement is prepared for and on behalf of Mr G Bridges in respect of an application for; Outline - Erection of 4 no. dwellings (with access) at Land to the Rear of Brooke House, Old London Road, Copdock and Washbrook, Ipswich, Suffolk, IP8 3JD.
- 1.2 It will consider the local and national planning policy position and provide an overview of the relevant material considerations relating to the proposed development.
- 1.3 The extract below shows the location of the site relative to its surroundings and other nearby development:

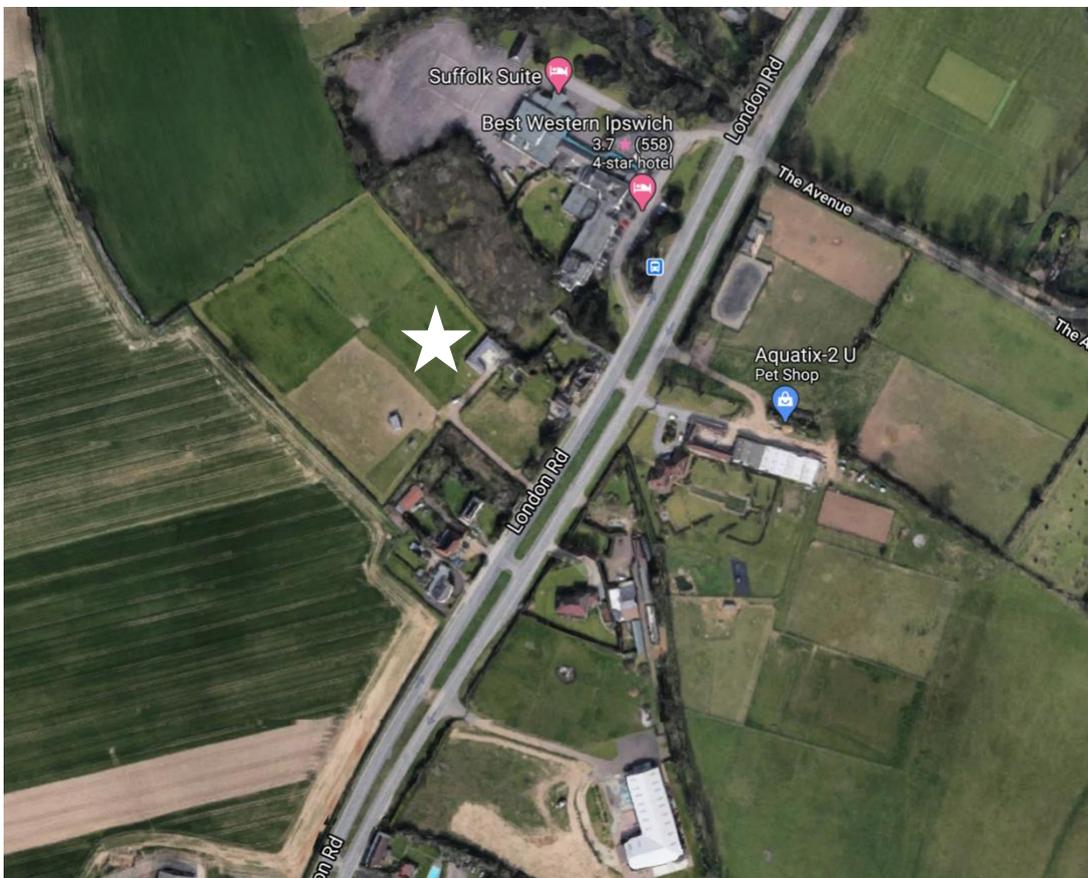


Figure 1.3.1 Aerial View

## 2.0 The Site

- 2.1 The application site is located to the north west of Brooke House, with independent access adjoining the vehicular highway known as Old London Road. To the south, south west and

west is open countryside. To the north and north east is The Cameo Hotel (which has recently been subject to residential planning permission) and woodland. To the east are residential dwellings known as Rose Cottage and Holly Cottage, including 2 no. residential plots recently approved for new dwellings. Flanking the site east is Old London Road which forms part of the 'Ipswich fringe'. The site is located within the eastern area of the District which presents excellent transport connections. The site is within close proximity of the A12, A14 and Ipswich town centre, connecting the site regionally.

2.2 The established use of the site is as a domestic garden as per the planning history, which this statement will go on to discuss. The site is bound to perimeter edges by a combination of small trees and hedgerows, and is predominantly mown grass. The site is served by a LHA compliant access / egress, which has been established over many years with the permitted use.

2.3 The site is not within close proximity of any Listed Building, Conservation Area status, Article 4 direction or Special Landscape Area designations. The site is in flood zone 1 and is unconstrained for the purposes of planning:



Figure 2.3.1 Site Location Plan

### 3.0 The Proposal

3.1 The proposal is for; Outline - Erection of 4 no. dwellings (with access). The following plan provides context:



**Figure 3.1.1** Indicative Site Plan

3.2 The application is supported by a suite of plans and documents including:

- Application Form
- Planning Drawings
- Planning Statement
- Ecology Report
- Phase I Land Contamination Report
- Design Expectations Form

### 4.0 Planning Policy

4.1 The National Planning Policy Framework 2019 (NPPF) contains the Government’s planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance

with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers in interpretation the NPPF.

4.3 The Development Plan for Babergh consists of:

#### **Babergh Local Plan (2011-2031)**

- CN01 – Design Standards
- CR07 – Landscaping Schemes
- CR08 – Hedgerows
- TP15 – Parking Standards

#### **Babergh Core Strategy (2014)**

- CS01 – Presumption in Favour of Sustainable Development
- CS02 – Settlement Pattern Policy
- CS03 – Strategy for Growth and Development
- CS11 – Core and Hinterland Villages
- CS12 – Sustainable Design and Construction Standards
- CS13 – Renewable / Low Carbon Energy
- CS14 – Green Infrastructure
- CS15 – Implementing Sustainable Development in Babergh
- CS17 – The Rural Economy
- CS18 – Mix and Types of Dwellings
- CS21 – Infrastructure Provision

#### **Supplementary Planning Documents**

- Nationally Described Space Standard (2019)
- Suffolk Adopted Parking Standards (2015)
- Suffolk Design Guide (2000)

#### **Copdock and Washbrook Neighbourhood Plan (2020)**



The Parish Council have begun the process of preparing a Neighbourhood Development Plan (NDP). The plan is at Reg 14 stage, and therefore remains of 'limited weight'.

Emerging Joint Local Plan – Preferred Options (Regulation 18) Consultation (July 2019)

**National Planning Policy Framework (2019)**

- Para 7: Achieving sustainable development
- Para 8: Three dimensions to sustainable development
- Para 10: Presumption in favour of sustainable development
- Para 11 – 14: The presumption in favour of sustainable development
- Para 38: Decision making
- Para 47 – 50: Determination of planning applications
- Para 59: Housing delivery
- Para 68: Small and medium sized housing sites
- Para 77 – 79: Rural housing
- Para 117 – 121: Making effective use of land
- Para 124 – 132: Achieving well designed places
- Para 170 – 183: Conserving and enhancing the natural environment

4.4 The proposed development has been primarily assessed having had regard to core policies CS01, CS02, CS11 and CS15. Access is also considered under highways policy TP15 also. However, these policies present 'limited weight', as this statement will now go on to discuss.

4.5 This statement will consider other material planning policies in turn.

## 5.0 Planning History

5.1 The site has been subject to a single planning application submission in the past:

Change of use of agricultural land to domestic use. Erection of stable block.

Ref. No: B/08/01549 | Status: GRA

5.2 As discussed in introductory paragraphs, the immediate area has been subject to several planning permissions for the erection of dwellings. These include:



Outline application (all matters reserved) - Erection of 2 no. dwellings

Ref. No: B/16/01410 | Status: Granted on Appeal

Outline Planning Application (All matters reserved) - Erection of up to 7 no. dwellings.

Ref. No: DC/18/00765 | Status: Granted

Hybrid Planning Application - Outline Planning Application (all matters reserved) - Erection of 9 No dwellings. Full Planning Application - Erection of two storey/part three storey extension to provide function room and guest accommodation and linked extension to existing hotel (following demolition of existing function/garden rooms). Erection of extension to provide leisure facilities. Extension to car park.

Ref. No: DC/19/04308 | Status: Granted

5.3 The resultant area is therefore predominantly residential, bound by LPA and Planning Inspector approvals:



Figure 5.3.1 Planning permissions (residential) approved nearby

## 6.0 Material Planning Considerations

### 6.1 Principle of Development

6.2 At a local level, policy CS1 identifies a settlement hierarchy to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. Whilst through the eyes of planning policy the site is technically located in the countryside, the site is bound either side by built form and is well related to established settlement.

6.3 Furthermore, the presumption in favour of sustainable development is set out in policy CS1 of the development plan and seeks to replicate the terms of the presumption as found within paragraph 11 of the NPPF. It is clear, therefore, that the presumption is set out within the development plan and, as such, the application of the presumption is not simply weighed as a material consideration within the NPPF but is a consideration against which all proposals must be determined. The LPA cannot choose not to apply it because they consider they have a 5-year housing land supply, as that test does not exist in policy. The development plan has primacy, and the LPA would be incorrect in law if they chose not to apply it.

6.4 **Policy CS2** designates Copdock and Washbrook as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. However, this approach is not consistent with the NPPF, which favours a more balanced approach to decision making.

6.5 This has been reflected in several recent planning appeal decisions affecting the LPA and was notably the view expressed by the Secretary of State in *Long Melford, Suffolk* (*reference: APP/D3505/W/18/3214377*) which was recovered by the Secretary of State and issued on 1<sup>st</sup> April 2020. In respect of policy CS2, paragraph 166 of the Inspectors Report states;

*“It’s development management test for development in the countryside is out of date as the Council accepts that the requirement to demonstrate exceptional circumstances for development in the countryside conflicts with the NPPF. That conflict means that the policy must have the weight afforded to it reduced. To reduce the weight to the policy from substantial to significant as a result of the lack of a five year supply, which is the Council’s approach, shows that it affords too great a weight to the policy with its defective development*

management test. The NPPF does not contain a blanket approach to development in the countryside, still less does it impose a test of exceptional circumstances for such development”.

6.6 The view taken by the Inspector at appeal has been strengthened further by Brantham (reference: APP/D3505/W/19/3241261) issued on 25<sup>th</sup> January 2021.

6.7 These appeal decisions follow on from a materially consistent scheme for 4 no. dwellings in Greenlawns Bonsai Nursery, Boxford (reference: APP/D3505/W/19/3240526) issued on 11<sup>th</sup> March 2020. At paragraph 24, the Inspector states:

*“I have identified conflict with Policy CS2 of the Core Strategy. However, this is a restrictive policy that offers support to development in the countryside only in exceptional circumstances. It is not wholly consistent with the Framework in terms of its approach to rural housing. Indeed, the Framework is less restrictive and sets out that housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Thus, the fact that the site is located outside of any defined settlement boundary is not a determinative factor in this case and I apportion limited weight to the proposal’s conflict with Policy CS2.”*

6.8 This is emphasised further through concessions by Officers in Delegated Reports. A scheme issued on 3<sup>rd</sup> July 2020 in Hadleigh (reference: DC/20/01467) states:

*“The application site is situated outside the settlement boundary however it is within close proximity to Hadleigh itself which is a Town and therefore has sufficient facilities and services to meet daily needs. Whilst it is noted that there is no pavement/footpath and that the road which serves the existing residential properties is 40mph and other parts the national speed limit of 60mph, however the proposed dwelling would be in a similar situation the existing neighbouring properties adjacent to the site and along Stone Street”.*

6.9 It is clear therefore that if a proposal is of a ‘similar situation’ to existing neighbours, that the principle is acceptable even if there is no pavement or footpath serving the site.



- 6.10 There is therefore a consistent pattern of limited weight attributed to policy CS2 by the LPA and Inspectors, including concerns around the LPA's 5 Year Housing Land Supply position, which one may consider to be marginal at best. The fact that the location of the application site is outside of the defined settlement boundary prescribed by policy CS2, is not a determinative factor in the consideration of this proposal, and there is nothing to suggest otherwise.
- 6.11 **Policy CS11** seeks to provide greater flexibility in the location of new housing development in Core and Hinterland Villages. The site is an edge of settlement location where the criteria set out at policy CS11 are engaged, as is consistent with other nearby approvals (references: DC/19/04308, DC/18/05359, DC/18/00765).
- 6.12 Policy CS11 states that development in Core and Hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement, and which score positively when assessed against policy CS15, relevant to the scale and location of the proposal.
- 6.13 It is therefore necessary to perform the test of policy CS11:
- i) the landscape, environmental and heritage characteristics of the village;
- 6.14 The Old London Road corridor, within which the site is located, is characterised by a dispersed development pattern. There is little in the way of uniformity, with clusters of housing and commercial developments dominated by the dual carriageway environment. Two storey dwellings flank the eastern boundary and opposite. This neighbouring development, coupled with the commercial hotel building to the north east, means the site does not appear isolated in a visual sense. The site is certainly not considered to form part of the open countryside, contrasting with the open agricultural fields to the west. The site is very much part of the built form of the locality.
- 6.15 The site does not contribute to a designated landscape warranting special protection measures. The application site is not in an AONB, SLA, Conservation Area, or any other protected landscape. However, the inevitable urbanising effects of built form would be mitigated by a bespoke landscaping scheme at reserved matters. As such there would be no

anticipated detrimental adverse effects on the landscape as a whole, as a result of the proposed development. In considering effects upon landscape character, what amounts to a limited change on a small part of a view (as receptors travel along Old London Road), would not detrimentally or materially affect the experience of the landscape. The development will not appear isolated in a visual sense, owing to the enclosed nature of the north, north east and eastern boundaries set amongst established built form and woodland.

ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);

- 6.16 The site does not contribute to a designated landscape warranting special protection.
- 6.17 The scheme will be read as a logical addition owing to the settlement pattern of this part of the village. Copdock and Washbrook (and the remainder of the Ipswich ‘fringe’) provides services, facilities and amenities, and with transport connections to services and employment hubs found in Ipswich and beyond, the site is not considered to be isolated given the proximity to services and other dwellings.
- 6.18 Scale and layout are reserved matters. The indicative layout shows that the proposal is sensitively considered, with a quantum of development that is balanced and deliverable. The site is contained at its north, north east and eastern extremity, with the addition of landscaping which can be secured through planning condition.

iii) site location and sequential approach to site selection;

- 6.19 The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the settlement boundary which would enable a development of a scale commensurate with the proposal. There are no other brownfield sites being promoted for development within or around the locality of this scale. Case Law handed down by the Courts through *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin) has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier.

iv) locally identified need - housing and employment, and specific local needs such as affordable housing;

- 6.20 It is not reasonable for a proposal of this nature and extent to present a full Local Housing Needs Assessment (LHNA) consisting of primary and / or secondary source data. It is not proportionate for a proposal of this scale to be expected (in each and every case) to provide a LHNA. Such requirement would be entirely unreasonable. Certainly, this is the view shared by Officers in Delegated Reports throughout the District for schemes of a materially consistent nature.
- 6.21 A materially consistent Hinterland Village proposal was approved by the LPA on 3<sup>rd</sup> August 2020 for a site in *Hitcham* (reference: *DC/20/01794*). The Delegated Report states:
- 6.22 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of Policy CS11. However, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that counter-balances to some extent this policy conflict. The absence of a supporting needs assessment is therefore not, in its own right, fatal to the application.
- 6.23 The stance taken by the LPA is apparent in numerous Delegated Reports. Another example (again, a proposal of a materially consistent Hinterland Village nature and extent) can be found in *Elmsett* (reference: *DC/19/01949*) where the Officer states:
- “The relevance of a housing needs survey to a two dwelling development is very limited. In strict policy terms there is a conflict however it is not fatal to the application”.*
- 6.24 Nonetheless, whilst the applicant is evidently not required to present a LHNA, there is no reason to suggest that the proposal couldn't meet the identified needs of the locale. Such potential should be endorsed through the presumption in favour of sustainable development, when assessed in conjunction with policy CS18 which encourages suitable housing mix and tenure. The mix, type and size of the housing development will be expected to reflect established needs in the District through policy CS15 also.

6.25 The modest proposal offers the opportunity to provide a sought after homes of a desirable form, which are suitable for young, middle aged or elderly occupants. The proposal clearly connects with the expectations of policy CS18, and would make a positive contribution to the overall thrust of providing local needs housing required by both policy CS11 and CS15.

v) locally identified community needs; and

6.26 It is not reasonable for a proposal of this nature and extent to present a full Locally Identified Community Needs Assessment (LICNA) consisting of primary and / or secondary source data. Such requirement would be entirely unreasonable, and this is the view shared by Officers in Delegated Reports throughout the District for schemes of a materially consistent nature. Nonetheless, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of a LICNA, the proposal delivers abundant benefits through CIL.

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

6.27 The availability of transport connections and key services is a clear indicator that the site is well served. It is considered that the cumulative impact of the development can be accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village or wider locality.

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed and where the proposed development:

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

6.28 The modest scale of development is consistent with that of neighbouring development. The setting of the village will not be overwhelmed or adversely impacted in a visual sense, and

could in any event be mitigated through appropriate planning conditions delivered at Reserved Matters.

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

6.29 As noted above, the site relates very well to the existing development pattern, sitting amongst the backdrop of established built form.

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

6.30 As noted above, the proposal delivers sought after housing of a desirable form. The Copdock and Washbrook NP has not progressed beyond Reg 14 and remains of 'limited weight', and does not therefore play heavily in the determination of this proposal.

iv) supports local services and/or creates or expands employment opportunities; and

6.31 The development would create employment opportunities through the construction phase, and will enhance the spending power of the village through the introduction of new residents. Local services will be supported through occupation.

v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster".

6.32 The modest scale of development will ensure there will be no adverse cumulative impact on the village or other nearby settlements. The proposal will not compromise other approved developments either.

6.33 **Policy CS15** is a detailed policy setting 19 individual criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and is compliant with the policy taken overall (bearing in mind not all of the criteria are applicable to the application given its outline nature).

- 6.34 The policy seeks to minimise the need to travel by car using alternative means and improving air quality. Owing to the Ipswich ‘fringe’ location of the site, there is evident connectivity that exists presented through a sustainable transport mode. The bus stops immediately adjacent to the site makes public transport readily available, and the highways connectivity sits positively in the overall consideration of site connectivity.
- 6.35 This statement has already considered other inter-alia policies which overlap with elements of policy CS15. The scheme scores extremely well against the policy CS15, for which the key considerations can be summarised:
- The proposal would provide work for contractors before, during and after the construction period, thereby providing positive economic impacts through local spend within the community (criterion iii of CS15)
  - The proposed development would enhance spending power locally and would support local services, facilities and amenities, and protecting the economic and social vitality of the rural community (criterion v of CS15).
  - The application site is situated within Flood Zone 1. It is therefore considered that the application site is sequentially appropriate for residential development (criterion xi of CS15).
  - During construction, methods will be employed to minimise waste (criterion xiv of CS15).
  - The proposed dwellings would be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
- 6.36 The environmental aspects relating to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be discussed later in this statement.
- 6.37 Notwithstanding the fact that the site is acceptably in accordance with the underlying aims and spatial strategy of policy CS15, the policy has been shown to be out of date by numerous Inspectors. One such case is *Copdock and Washbrook (reference: APP/D3505/W/20/3246576)*, where the Inspector states at paragraph 39:

*“Such an approach would apply to Policy CS15 of the CSP, which is multifaceted. Although it is consistent with the Framework in terms of its aims to achieve well designed places and the accessibility of services and facilities, it fails to acknowledge the balancing exercises required by paragraphs 195 and 196 of the Framework. Whilst the Council did not find harm in respect of heritage, a policy should be assessed as a whole. Accordingly, Policy CS15 is out-of-date for the purposes of the Framework. Hence, I attach only moderate weight to the conflict of the proposal with this policy, which lessens the magnitude of that conflict”.*

6.38 In summary, it is evident that the most important ‘basket of policies’ CS1 and CS15 are out-of-date, and that CS2 and CS11 conflict with the NPPF. Furthermore, the marginality of the LPA’s 5 Year Housing Land Supply cannot be relied upon, and with the emerging Joint Local Plan over a year away, it is clear that paragraph 11(d) of the NPPF is engaged.

6.39 The scheme cannot therefore be considered ‘isolated’ based upon the precedent set within the District, but also when applying Case Law precedent:

*Braintree District Council v Secretary of State for Communities and Local Government & Others [2018] EWCA Civ 610*

6.40 A High Court judgment dated 15th November 2017 has shed light on the correct interpretation of the NPPF when it comes to determining whether a development is isolated. It related to a case at Wethersfield in the district of Braintree. The following is a concise summary taken from the Planning Resource website (note that reference to Paragraph 55 should now be read as Paragraph 79):

*“Developer Granville Developments had been refused planning permission to build the new homes off Lower Green Road, Blackmore End, Wethersfield, but successfully appealed to a planning inspector who granted consent in February this year.*

*He found that, even on the most favourable interpretation, the area's deliverable sites for new housing fell well below the five-year supply required by the National Planning Policy Framework (NPPF). The development would not cause material harm to the character and appearance of the area and, although it was not within an established settlement boundary,*

*there were a number of houses nearby and the bungalows could not be viewed as isolated dwellings in the countryside.*

*In challenging the inspector's decision, Braintree District Council argued that he had wrongly interpreted the NPPF. Given the paucity of services and amenities in the area, residents of the bungalows would be required to rely heavily on their cars and the new dwellings would clearly be isolated, it argued.*

*Mrs Justice Lang noted that the word isolated is not defined in the NPPF. However, in dismissing the council's appeal, she found that the council's interpretation was too restrictive. She noted that there were existing dwellings to the north and south of the development site - which was originally home to agricultural buildings that had been demolished.*

*There was also a home to the west, on the other side of a road. In his decision, the inspector had also justifiably focused on the economic benefits of the scheme in providing work for local builders and the likelihood that two new households would give their custom to local businesses”.*

6.41 Specifically, Mrs Justice Lang concluded (paragraphs 28 and 29):

*“28. NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that “all settlements can play a role in delivering sustainable development in rural areas”, cross-referencing to NPPF 55, “and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided...”. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant*

*factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to “significant development”.*

*29. For these reasons, I agree with the Defendants that the Claimant was seeking to add an impermissible gloss to NPPF 55 in order to give it a meaning not found in its wording and not justified by its context.”*

- 6.42 The decision of Mrs Justice Lang was the subject of reference to the Court of Appeal by Braintree District Council, and Lord Justice Lindblom (on 28th March 2018) upheld the decision. Therefore, it follows that if the development is not isolated in the ordinary meaning of the word, Paragraph 79 of the NPPF is not engaged.
- 6.43 At a national level, paragraph 10 of the NPPF states; *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”.*
- 6.44 Paragraph 59 is a clear mark of Government’s drive to provide housing; *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*
- 6.45 Paragraph 68 clearly sets out that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and that local planning authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements.
- 6.46 Paragraph 103 holds relevance and importance in the overall consideration of this application; *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will*



*vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

- 6.47 Paragraph 117 provides commentary to this effect, stating that; *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*.
- 6.48 The direction of policy at a national level is clear in encouraging sustainable forms of small-scale rural developments, helping to maintain housing supply and enhancing the vitality of rural communities.
- 6.49 Upon assessment of the scheme against local and national planning policy, the proposal clearly represents a suitable and logical type of development which is reflective of the settlement pattern, within a well-established area for development.

*Keep Bourne End Green v. Buckinghamshire Council [2020] EWHC 1984 (Admin)*

- 6.50 It is necessary to consider recent Case Law handed down during Covid-19 by the Courts through *Keep Bourne End Green v. Buckinghamshire Council [2020] EWHC 1984 (Admin)*. Mr Justice Holdgate provides sound assessment of the application of ‘exceptional circumstances’ at paragraph 146, which states (emphasis added through underlined sentences):

*“I begin by summarising principles set out by Sir Duncan Ouseley in *Compton Parish Council v Guildford Borough Council [2020] JPL 661 at [68]-[72]*:-*

*(i) There is no definition of the policy concept of “exceptional circumstances”. The expression is deliberately broad and not susceptible to dictionary definition. The matter is left to the judgement of the decision-maker in all the circumstances of the case;*

*(ii) Whether a factor is capable of being an exceptional circumstance may be a matter of law, as an issue of legal relevance. But whether it amounts to such a circumstance in any given case is a matter of planning judgment;”*

6.51 Paragraph 146 continues:

*“(viii) General planning needs, for example **general housing**, are not excluded from amounting to exceptional circumstances. The need does not have to relate to a special form of housing or to a particular level of intensity”.*

6.52 This is a compelling case which captures the ‘exceptional circumstances’ term frequently expressed in the planning system. Mr Justice Holdgate is clear at paragraph 146 that ‘exceptional circumstances’ are undefined, may be broad, which require the application of rational planning judgement, and which are considered case by case. Given the terminology used by the Courts, the present housing shortage and COVID-19 impact, present day circumstances certainly would not surmount as ‘normal’. We are living in exceptional times, and Mr Justice Holdgate has recognised that such times (which include the need for “*general housing*”) should not be excluded as a material irrelevance.

6.53 Case Law is a key material consideration, amongst others. LPAs are required to consider the merits of the proposal through an undefined, broad and rational planning lens. It is very much a case of consideration through the present circumstances.

6.54 As such, this site cannot be considered to be isolated in the normal understanding of the meaning of the word. For these reasons, it can be concluded that the site is not isolated in the terms envisaged by the NPPF and the special circumstances required to be demonstrated by paragraph 79 of the NPPF are therefore not engaged in this case. In accordance with Paragraph 11(d) of the NPPF, the tilted balance (the presumption in favour of sustainable development) is engaged.

6.55 For all of these reasons, the applicant considers that the proposal has demonstrated qualities that accord with development plan and the flexible approach advocated by the NPPF, and that the balance would fall in favour of this proposal.

6.56 **Highways Access, Parking and Safety**

6.57 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety to be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*), which this proposal does not create.

6.58 Highways safety is an integral aspect of the scheme. Certainly, from assessment of the plans, and the nature and extent of the access / egress, the applicant is of the sound opinion that a safe access / egress can be achieved on site. The site would benefit from an established access point, with visibility splays which surpass the minimum LHA requirements.

6.59 From the main body of the site, sufficient space can be provided to allow a vehicle to manoeuvre within the site and re-enter the highway in a forward-facing gear so as not to create unacceptable highways risk, in accordance with policy TP15.

6.60 The spatial parameters of the site mean an appropriate level of parking provision in accordance with policy TP15 and Suffolk County Council Parking Guidance (2019) could be provided on site at the reserved matters stage.

6.61 The proposal responds well to policy TP15, paragraphs 108 and 109 of the NPPF, and the Parking Standards, all underpinned by Case Law. There is nothing before Officers to suggest the scheme should be refused upon Highways grounds.

6.62 **Sustainability**

6.63 Paragraph 8 of the NPPF sets out three dimensions for sustainable development:

*“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible*

*services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*

6.64 It is a well settled principle that the test of connectivity considers two main aspects, being:

- The relationship to existing built development, and;
- The relationship to facilities and services, and their accessibility

6.65 The relationship to existing built development - The site is situated closely related to built form, amongst a cluster of dwellings and commercial units along the Old London Road. The site is therefore considered inherently sustainable by virtue of its superior relationship to existing built development. As such, and in consideration of the extent of the defined site outline, the proposal is spatially related.

6.66 The relationship to services, facilities and amenities, and their accessibility – Amongst the immediate cluster of dwellings and within the immediate area are a number of services, facilities and amenities. Paragraph 103 of the NPPF also recognises that options to utilise sustainable transport options will vary between urban and rural areas.

6.67 The site is within close proximity to the Cameo Hotel, Sports ground, Village Hall, and also the immediate 'Ipswich fringe' comprising of Copdock Roundabout and associated supermarkets, retail, college and park and ride. The site is well served by available public transport (93, 93A, 316), owing to the bus stops directly adjacent to the site. Furthermore, there is nothing before the LPA to suggest that cycling would not be a feasible mode of active transport either.

6.68 Economically, the proposal would generate a benefit for local trade before, during and after construction. Furthermore, there will be a positive benefit through support of local amenities, facilities and services available from future owner / occupiers. Financially, the proposal would

contribute to Council Tax. The dwellings proposed would also hold potential to be 'work from home' enabled, through a high-speed broadband network and devoted home workspace.

- 6.69 Socially, the proposal yields positive benefits through the creation of a healthy and functionally sound dwellings which are conducive for day-to-day living, with positive interaction within the immediate and surrounding areas. Positive contribution to the local community can in some instances stimulate stronger communities. The space provided will enable good domestic enjoyment without materially hindering or oppressing the social enjoyment experienced by neighbouring property. The proposal provides a contribution to much needed housing of a desirable form.
- 6.70 Environmentally, the site benefits from connections. The proposal does not offer a materially harmful character area or residential amenity intrusion. The proposed works will exceed current Building Regulations standards, embedding positive measures to reduce carbon emissions and energy usage.
- 6.71 The proposal carries the opportunity to incorporate the following sustainable benefits:
- Grey water filtration units
  - Swift bricks
  - Hedgehog friendly fencing
  - Triple glaze windows and doors
  - High performance insulation (GWP less than 5)
  - Energy efficient integrated appliances
  - Solar energy
  - Air / Ground source heat pumps
  - Electric vehicle charging points
  - Renewable technologies which would facilitate low-carbon development
- 6.72 Notwithstanding the limited harm this scheme would create, these benefits are considered to go a significant way in offsetting any limited environmental harm that may occur. As such, any harm would not significantly and demonstrably outweigh the benefits of the scheme.

- 6.73 The proposal reflects the essence of paragraph 8 of the NPPF, and is therefore considered economically, socially and environmentally sustainable.
- 6.74 Other Matters
- 6.75 Whilst this application does not attract the detailed consideration of design and layout, residential amenity, landscaping, ecology and biodiversity, or flood and water, it is a prudent exercise to consider the detailed potential of the site deliverable through a Reserved Matters application.
- 6.76 Design, Layout and Character Impact
- 6.77 Policy CN01 and HS28 seek to encourage good design and layout in new development. The LPA will grant permission for proposals which meet the design criteria. Furthermore, the NPPF places a strong emphasis on good design, in particular through Chapter 12 'Achieving well-designed places' containing a number of policies which can support the delivery of good design and stating that planning decisions should ensure that developments at Paragraph 127; "*are visually attractive as a result of good architecture*". Consideration must also be afforded to the NDSS.
- 6.78 Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey new build. It is also noted that the application site is visually unconstrained, with varying design precedent offered nearby. In terms of layout, consideration must be afforded as to the effectiveness of the site inclusive of: built form, access, private amenity space and landscaping. The site is readily capable of accommodating the amount proposed, with good spatial integration.
- 6.79 Delivery of an acceptable design and layout is an entirely realistic prospect which would remain within the control of the LPA at reserved matters.

- 6.80 At this stage the proposal responds favourably to policies CN01, HS28, Chapter 12 of the NPPF, and the NDSS. There is little before the LPA to suggest the scheme should be refused upon design and layout grounds.
- 6.81 Residential Amenity
- 6.82 Policy CN01 seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Paragraph 127 of the NPPF also holds regard to the protection and preservation of residential amenity, which the scheme wholly delivers. Whilst nobody has a right to keep the existing view from their home, the applicant acknowledges that the LPA will consider the effect the proposal may have on the outlook from principal windows of neighbouring property. In this instance, existing residential amenity for neighbours is protected and preserved. In any event, appropriate mitigation could be applied.
- 6.83 Heritage
- 6.84 The site is not constrained by any Conservation Area and / or Listed Building consideration. The works would not impact upon the setting of a Conservation Area or heritage assets within the locality, therefore determination does not involve heritage assessment.
- 6.85 Landscape
- 6.86 Policy CR04 seeks to maintain or enhance the special landscape qualities of the are, through design of the site so as to harmonise with the landscape setting. In this instance, the policy does not expressly engage, as the site is outside of the designated area. Nonetheless, due consideration to the landscape is afforded.
- 6.87 The site does not fall within any designated landscape area. As discussed earlier in this statement, the site is well related to built form and as such the urbanising effects of development could be adequality managed through reserved matters. The site's location and size would ensure any subsequent scheme would be designed to sympathise with the surroundings and would not result in any overriding landscape or streetscape harm. The site is well enclosed.

- 6.88 There are no nearby trees protected by Tree Preservation Orders and the site is not within a Conservation Area. Whilst proposed landscaping is not a consideration at this stage, there is nothing to suggest the scheme should be refused on landscape matters arising from the proposed development.
- 6.89 Ecology and Biodiversity
- 6.90 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "*competent authorities*" (public bodies) to "*have regard to the Habitats Directive in the exercise of its functions*".
- 6.91 There are no recordings of protected species or their habitats, within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of ecology or biodiversity.
- 6.92 Guidance on the conservation of protected species is given in ODPM Circular 06/2005. At Paragraph 99 the Circular advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. However, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place before the permission is granted.
- 6.93 Nonetheless, the applicant has demonstrated commitment to protecting and preserving ecological and biodiversity value through the scheme proposed. The scheme accords with the aims of paragraph 170 of the NPPF which seeks to conserve and enhance biodiversity and the natural environment.
- 6.94 The site presents no ecological concern. The applicant acknowledges their duty to adhere to the Habitat Regulations 2017.
- 6.95 Flood and Water

6.96 The site is not located in a vulnerable flood zone area, therefore the risks of flooding are considered to be low. Given that the application is considered 'minor', on site attenuation and surface water management / disposal is nonetheless provided, ensuring that the sites 'sealed surfaces' are properly managed. The applicant is fully aware of their obligation to comply with Part H (Drainage and Disposal) of the Building Regulations 2010.

6.97 Land Contamination

6.98 There is no known land contamination issue, with an extremely low contamination potential. The site is not considered to present risk to future owner / occupier through land contamination as outlined in the Phase I Report submitted.

**7.0 Planning Balance**

7.1 The proposal seeks planning permission for; Outline - Erection of 4 no. dwelling (with access). The applicants acknowledge the LPAs position concerning planning conditions and welcomes discussion around agreement of conditions.

7.2 Whilst the development plan is the starting point, it is not the end point. Policy supports the principle of development as underpinned by planning appeal precedent and Case Law handed down by the courts, with demonstrable social and environmental benefits accruing. The site is preferentially located with a physical and functional relationship to the dwellings within the immediate area, and is within good access to a range of essential services, facilities and amenities as presented.

7.3 Context can be drawn from a recent planning appeal in *Long Melford, Suffolk* (reference: APP/D3505/W/18/3214377) which was recovered by the Secretary of State and issued on 1<sup>st</sup> April 2020. The Inspector concluded that even if the Council is able to demonstrate a 5-year housing land supply, this is not a 'ceiling height' limit. At Paragraph 53, the Inspector states:

*"Although the local authority can now demonstrate a supply of housing land above 5 years, this figure is a baseline and not a ceiling".... "In the light of the identified local need, and the Government's objective of significantly boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight."*

- 7.4 In essence, sites which provide a 'close functional relationship' should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a 5-year housing land supply, or not. Whilst this statement has clearly justified engagement of paragraph 11(d), this appeal signifies that if the LPA were to disagree, that planning permission should still be granted given the material factors in play.
- 7.5 The proposal is a wholly deliverable prospect, making effective use of land, without undue harms. The scheme is robustly supported at a local and national level offering a sustainable scheme which is heavily aligned to local and national planning policies.
- 7.6 In light of this and taking account of all the considerations set out above, it is hoped that the LPA will support this sustainable development by granting planning permission in the terms requested.