

## **Committee Report**

**Item No: 2**

**Reference: B/17/01009**

**Case Officer: Kathryn Oelman**

**Ward: South Cosford.**

**Ward Member/s: Cllr Alan Ferguson.**

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### **Description of Development**

Outline (Means of access, layout and landscaping to be considered) - Residential development of 41 dwellings to include market and affordable housing, new vehicular access, wildlife areas, amenity space and community woodland.

### **Location**

Land East Of, Hadleigh Road, Elmsett, Suffolk

**Parish: Elmsett**

**Site Area: 2.5Ha**

**Received: 13/04/2017**

**Expiry Date: 14/07/2017**

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

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

**Environmental Impact Assessment: No**

**Applicant: Mr Leach**

**Agent: Embrace Architecture Ltd**

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to drawing number 1716 03 received 14<sup>th</sup> April 2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:  
1617 02 and 1617 01F received 14<sup>th</sup> April 2017

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

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

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

It is a “Major” application for 41 dwellings.

## **PART TWO – APPLICATION BACKGROUND**

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### **History**

There is no planning history relevant to this site.

### **All Policies Identified As Relevant**

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

### **Summary of Policies**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS03 - Strategy for Growth and Development  
CS11 - Core and Hinterland Villages  
CS13 - Renewable / Low Carbon Energy  
CS15 - Implementing Sustainable Development  
CS18 - Mix and Types of Dwellings  
CS19 - Affordable Homes  
CS21 - Infrastructure Provision  
CN01 - Design Standards  
CN04 - Design & Crime Prevention  
HS28 - Infilling/Groups of dwellings  
HS31 - Public Open Space (1.5 ha and above)  
TP15 - Parking Standards - New Development  
CS14 - Green Infrastructure  
EN22 - Light Pollution - Outdoor Lighting

### **Consultations and Representations**

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

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

### **SCC - Highways**

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Raises no objections to the application, requesting conditions in relation to refuse/recycling bin points, details of the relocated ditch, details of estate roads and footpaths, provision of carriageways/footways, provision of visibility splay, retention of parking, details of provision of passing bays on Ipswich Road and Flowton Road to be provided, provision of road widening outside the site.

**Environmental Health - Land Contamination** - No objections.

**Environmental Health – Noise/Odour/Light/Smoke**

No objections, recommend conditions on construction management and lighting.

**Strategic Housing (Affordable/Major Dwel/G+T)**

No objections - The Council's Housing register shows 16 applicants with a connection to Elmsett. Confirmation is being sought that the layout is capable of supporting following desired mix to the required space standards: 2x1bed, 7x2bed and 1x3bed and 1x3bed affordable rent tenancy and 3x2bed and 1x3bed shared ownership. Any further comments received will be reported to Committee.

**Arboricultural Officer**

No objections; the basic tree survey and protection details are required, but is satisfied this can be dealt with as reserved matters due to the lack of threat from their location in the design. Note that the Elm tree on the western boundary, which was the subject of a 1970s TPO is no longer present and could have been removed/died many years hence.

**Elmsett Parish Council**

Maintain their objection and recommend refusal; consider the application to be overdevelopment in a sole location for the village where infrastructure serving the existing community is substandard and overstretched. Full parish comments are included in Appendix 1 to this report.

**Elmsett Airfield** - No comments received (deadline expired).

**Ecology - Place Services**

Confirm they support the recommendations in the Ecological survey and request conditions. Note that the site lies with the 13km zone of influence for the Stour & Orwell Estuaries SPA/Ramsar so an assessment has been made under the Habitat's regulations 2010 (as amended). A contribution is likely to be sought per dwelling under the regulations.

They are content with the findings of the Ecological Report, requesting conditions on Construction Environmental Management Plan, Biodiversity Method Statement, lighting scheme and provision of 2x skylark plots under a S106 Agreement.

**Natural England**

No objections state that “we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development to enable you to reach a conclusion of “no likely significant effect” whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMs is adequately funded. We therefore advise that you should not grant permission until such time as this mitigation measure has been secured.”

**SCC - Strategic Development - Resource Management** - No objections.

**SCC - Flood & Water Management** - Recommend approval subject to conditions to require surface drainage scheme.

**SCC - Fire & Rescue** - No objections, fire hydrants will be required.

**SCC - Archaeological Service** - No objections, request standard conditions.

**SCC – Education** - No objections, school places to be funded via CIL as schools in the area have capacity. Request libraries contribution of £8,856 and waste contribution of £2,091 which will also be covered by CIL.

**SCC - Rights Of Way Department** - No objections. Concern that the garage sited close to public footpath 9 will affect the open feel of the route. Officer's consider that, provided the footpath remains open for the majority of its length, the section where it passes along the garage (approx. 7m in length) would not provide sufficient reason for refusal of the application. The Rights of Way Team also request that all vegetation planting is set back 1m from the footpath; this can be secured under a condition.

**Suffolk Police - Design Out Crime Officers** - No comments received, deadline expired.

**Suffolk Wildlife Trust** - No objections, standard condition on implementation of mitigation in report.

### **B: Representations**

During the course of the application 17 Consultation and Representations from third parties raising concerns have been received. These are summarised below:

- Dwellings are not correct mix; more social housing and less larger dwellings should be required
- Lack of primary school capacity
- Access roads too narrow during building phases to take volume/size of traffic and disruption from building phases
- Pressure on GP facilities
- Loss of farm land, wildlife and woodland
- Lack of strategic planning for housing in the village/neighbourhood plan
- Cumulative impact upon infrastructure in combination with other developments planned
- Road noise and pollution
- Road safety and generation of traffic; road has no streetlights and bend restricting visibility
- Loss of privacy to those on opposite side of road
- Impact upon footpath
- Potential for surface drainage issues
- Scale/Bulk/Mass of indicative appearance of houses
- Inadequate parking provision
- Inadequate public transport
- Inadequate utilities infrastructure
- Overdevelopment
- Preference for smaller sites, disproportionate level of growth
- Landscape impact

Several non-planning issues were raised such as loss of view, impact upon property prices and potential damage to private property/the highway.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and its Surroundings**

- 1.1 The site is an arable field to the east of Hadleigh Road, Elmsett. There is a ditch and a 15m stretch of hedgerow to the western boundary with the roadside. There is a footpath that crosses inside the site along the northern boundary. Passage for this footpath across the ditch is currently provided by a wooden bridge. There are existing hedgerows to the western and southern boundaries of the site. There is also a footpath along the southern boundary of the site which is outside the red line. Three trees are present along the southern and eastern boundaries outside the site which are the subject of Tree Preservation Orders.
- 1.2 In the north lies estate development on Garrards Road. Properties along Hadleigh Road are predominantly semi-detached and detached dwellings. A pavement runs along the eastern side of Hadleigh Road to the centre of Elmsett and terminates opposite the sites north-western boundary.

### **2. The Proposal**

- 2.1 The application proposes residential development of 41 dwellings under outline consent with landscaping, access and layout submitted (appearance and scale reserved). A single access point is proposed mid-way along the site frontage which leads to a central green with a LEAP. Three wildlife areas are proposed along the sites southern and northern boundaries. A 15m stretch of hedgerow is proposed to be removed along the roadside and the ditch relocated slightly. A new footway and hedgerow would be provided along the interior road side of the site to compensate for this.

### **3. The Principle Of Development**

- 3.1. The NPPF (Paragraph 49) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 3.2. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
- 3.3. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.
- 3.4. A summary of the [BDC] Council's 5 year land supply position is:
  - i. Core Strategy based supply for 2017 to 2022 = 4.1 years

ii. SHMA based supply for 2017 to 2022 = 3.1 years

3.5. As Babergh District Council policies for the supply of housing cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless *i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.* Paragraph 7 of the NPPF describes how sustainable development has three dimensions: economic, social and environmental.

#### **4. Sustainability Assessment Of Proposal**

4.1. Whilst it is for the decision maker to determine the weight that is to be given to the policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a relevant framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. The adopted 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") is also a material consideration.

4.2. Policy CS2 (Settlement Pattern Policy) identifies Elmsett as a Hinterland Village. Policy suggests that most Hinterland Villages should accommodate some development to help meet the needs within their functional cluster. Elmsett falls within the Hadleigh cluster, which also includes the villages of Aldham, Burstall, Chattisham, Hintlesham, Kersey, Layham, Lindsey, Semer and Whatfield.

4.3. Paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside. The site is not considered to be 'isolated' within the meaning of this term as it is allied to the Built up Area Boundary of Elmsett and therefore does not lie isolated from services. Paragraph 55 of the NPPF also states that:

*"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."*

4.4. Hadleigh lies only a short car journey from Elmsett and the town contains a wide range of services and facilities. Elmsett has a shop, village hall, Methodist church, primary school and public house, therefore the location of the site is relatively sustainable in comparison to some other Hinterland villages or some other villages within the Hadleigh cluster. As such Elmsett is a settlement which may be capable of taking a degree of growth and this growth would help safeguard the provision of existing facilities within the settlement and the surrounding area.

4.5. Policy CS2 remains a consideration as the site is designated 'countryside'; this policy limits development in the countryside so that it will only be permitted *in exceptional circumstances subject to a proven justifiable need*; therefore this application represents a departure from this policy.

4.6. Policy CS11 seeks to provide greater flexibility in the location of appropriate housing development beyond the existing Built Up Area Boundaries (BUABs). Policy CS3 (Strategy for Development and Growth) is a consideration and sets out that the Council must provide a minimum of 1,050 dwellings in Core and Hinterland Villages for the period between 2011 and 2031. Considering these policies in combination (and the relative weight that can be attributed to them in the absence of a 5 year supply), it is arguable that this proposal is in accordance with the wider settlement principles shared by the NPPF and the Core Strategy. These policies, having regard for the absence of a 5 year

supply, and the requirement under paragraph 47 of the NPPF for the Council to “boost significantly the supply of housing”, represent material considerations to depart from Policy CS2.

- 4.7 As Policy CS11 is the key Core Strategy policy relevant to guiding growth in Hinterland villages and offers useful criteria to assess the sustainability of this proposal:

**CS11 Criteria for Core and Hinterland Villages:**

4.7.1 The landscape, environmental and heritage characteristics of the village

The site lies on the southern side of Elmsett and is currently an agricultural field. There are hedgerows to the southern and eastern boundaries of the site and to the roadside in the west. The site has an open character which would change if development were to occur, but this may not necessarily be to the detriment of the street scene or the surrounding environment. The elevations provided are indicative, but suggest the height of dwellings would be modest and their character reflective of others in the locality. The density and pattern of development is not dissimilar from the Garrards Road estate immediately to the north.

- 4.7.2 At present the boundaries of existing estate development on Garrards Road are not particularly sensitively screened in the existing landscape setting. Ribbon development also extends on the opposite side Hadleigh Road past the site which has an urbanising effect upon the locality. Having regard for the existing characteristics of its surroundings, it is not considered that development of this site would be out of character with its surroundings or create an adverse environmental impact. Whilst development of the site along the site frontage only might be preferable, there is existing estate development in the locality and the proposal is acceptable within this context. Landscaping details are not reserved and therefore are ‘locked in’ and secured under this outline consent. The site does not lie within a conservation or within proximity of any listed buildings, therefore there is no harm to heritage assets. There is compliance with this element of CS11.

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

- 4.7.3 The site lies on the southern side of Elmsett in a landscape setting which is not particularly sensitive. The site is well related to the services and facilities in the centre of the village by a paved footway on the western side of Hadleigh Road and a footway link to this would be provided along the site frontage. Whilst there are no streetlights, the journey to the village centre is short, in an area where there is a speed limit and benefits from the surveillance of roadside properties; it is not uncommon for many of the villages identified in the Core Strategy not to have street lights and these have also been identified as capable of taking development.
- 4.7.4 Additional connections have also been provided within the development to the existing footpath along the northern boundary (to be retained) and potentially to existing footways within the Garrards Road development.
- 4.7.5 The scale, character and density is similar to the estate development in the north and therefore not out of keeping with its surroundings. Extension of the village in this location would read as logical within its surroundings and the site is naturally contained by the hedgerow in the south. The additional landscaping provided on the site would significantly soften the development from views in the wider landscape, perhaps screening it from view altogether.

4.7.6 It is therefore considered that the proposal is well located, having regard for its contextual relationship with the rest of the village and its wider surroundings. The proposal is compliant with this element of CS11 Policy.

Site location and sequential approach to site selection

4.7.7 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB and requires an assessment under Paragraph 14 of the NPPF in any regard. However, it is clear that there are no sequentially preferable sites in the BUAB which could enable development of a similar scale to this and there is no requirement to look at alternative sites adjoining the built up area boundary as sequentially they are within the same tier. This element of CS11 is satisfied.

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

4.7.8 "*Locally identified need*" or "*local need*" should be construed as the development to meet the needs of Elmsett and its wider functional cluster. The sequential approach requires new development for "*rural growth*", first be directed into Core Villages. In this case the Applicant has not submitted a housing needs assessment.

4.7.9 The layout plan indicates that the properties would be the following mix:

- 2 bed x 10
- 3 bed x 24
- 4 bed x 7

4.7.10 A mixture of 35% of the dwellings indicated as being affordable housing, with a mix of 2x1bed, 7x2bed and 1x3bed and 1x3bed affordable rent tenancy and 3x2bed and 1x3bed shared ownership. It is considered that the proposed housing mix would help with the need for the smaller affordable homes.

4.7.11 The development has not been subject to a housing needs survey. It is considered that in strict policy terms the development has not demonstrated that there is a locally identified need for development of this scale. As such, the proposal cannot be considered to accord with this element of policy CS11.

Locally Identified Community Needs

4.7.12 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the applicant has not submitted a community needs assessment.

4.7.13 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, Officers would advise that the proposed 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 are considered to satisfy this element of policy CS11.

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

4.7.14 Policy CS11 requires the cumulative impact of development, both within the Village and its the functional cluster, to be a material consideration. Given the responses from statutory consultees and the small scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts as a result of the development in combination with others completed/committed to in the Hadleigh cluster. CIL provides a mechanism for GP surgeries and schools to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be significantly adversely impacted by the development. It is therefore considered that the evidence suggests this development will be easily 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 nor the wider cluster. The proposal therefore complies with this element of policy CS11.

**Additional CS11 Criteria for Hinterland Villages**

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

4.7.15 As outlined above, it is considered that the proposal has a close functional relationship and is well related to the existing pattern of development for the settlement. It is also considered that the layout, size and scale of development is in keeping with the surrounding street scene and, crucially, (in line with the presumption in favour of development) demonstrable evidence does not exist that there is an adverse impact resulting from the scale and size of development proposed. This element of CS11 is therefore satisfied.

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

4.7.16 Elmsett does not have a neighbourhood plan. Consideration of the extent to which the development meets local needs, both in terms of housing and community facilities, is considered in detail earlier in this report. In conclusion there is no evidence to suggest there is a proven local need and therefore the proposal is contrary to this element of CS11.

Supports local services and/or creates or expands employment opportunities

4.7.17 The proposal would provide new dwellings and would make a contribution to supporting the existing facilities in the wider area. As such, the proposal satisfies this element of policy CS11 and the wider objectives of the NPPF.

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

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

## Summary of Assessment Against Policy CS11

- 4.7.19 For the reasons set out above the proposal cannot be said to fully comply with policy CS11 in terms of whether it satisfies a local need, however, it satisfies the spatial and sustainability objectives of this policy.

### Consideration against other development plan policies.

- 4.8 Policy CS2 can be afforded a limited of weight as it forms part of a suite of policies which seek to ensure that development is sustainably located in line with the principles set out in the NPPF, albeit the more relevant test remains that in which paragraph 14 is engaged in the absence of a 5 year housing supply.
- 4.9 The proposed design and layout are acceptable and therefore comply with the requirements set out in Policy CS15. The biodiversity enhancement, amenity open space and ability to support local services also score in the applications favour against CS15. The proposal also accords with key policies such as CS21, CS19 and CS18.
- 4.10 Officers are of the view that this site is not isolated and would be well related to existing services and facilities. There is a substantial social benefit from provision of 41 dwellings which would help meet the district need and a modest temporary economic benefit from construction of the dwellings. There would not be any demonstrable adverse environmental impacts. As the benefits outweigh any significant adverse impacts there is a presumption in favour of its approval and this offers a material reason to depart from saved policies CS2 and CS11 given there is broader compliance with the other saved local plan policies and NPPF.

## **5. Layout and Design**

- 5.1 The proposed layout provides an active frontage along Hadleigh Road and semi-detached and detached houses which mimic the pattern on the opposite side of the road. Efforts have clearly been made to enhance existing connections and footpaths outside the site by offering alternative routes for pedestrians across the site and connections to this existing footpath network. The wildlife areas provide ecological enhancement in excess of what would normally be required. This, together with street side tree planting will help to give the estate a green and verdant feel. Whilst the layout is a little regular and tends to have focused all the larger detached houses in the east of the site, this does offer a gradual transition in density terms between the more urban feel of Hadleigh Road and the open countryside to the east. Overall it is considered that the layout is acceptable in urban design terms and capable of being worked up under the reserved matters application into a scheme which is sympathetic and in keeping with its surroundings.

## **6. Highway Safety**

- 6.1 The site would be located on a straight stretch of road within the existing 30mph limit. The road would be widened along the site frontage to allow two vehicles to comfortably pass and a new footway would be provided along the site frontage. The Highway Authority had initially raised some minor concerns with the internal layout and a revised plan was received in response which has now addressed these concerns. The Highway Authority is requiring that passing places are provided on Ipswich Road and Flowton Road in order to alleviate any potential issues from the narrow width of these roads. This would provide a sustainability benefit which weighs in favour of the scheme and can be enjoyed by all the inhabitants of Elmsett, not just the developments residents. It is noted that the Highway Authority does not raise any specific concerns in relation to highway safety, the volume or free-flow of traffic.

## **7. Environmental Impacts (Ecology/Trees etc)**

- 7.1 The site consists of an arable field bordered by hedgerows, scrub, pond and ditches. A 15m section of hedgerow is proposed to be removed along the site frontage, but with the exception of this the application proposes to retain all the existing hedgerows and trees (all of which lie outside the red line). The existing boundary vegetation is proposed to be supplemented as shown on the landscaping plan and three wildlife areas are also proposed to be created. An ecological report prepared by a professional Ecologist states that "Together, these habitat creation areas will more than offset the loss of the roadside hedgerow and will deliver a significant increase in available terrestrial habitat". The report and its recommendations for mitigation of potential impact upon protected species have been appraised by Suffolk Wildlife Trust and the Council's advisors, Essex Place Services, and they raise no concerns in relation to its findings.
- 7.2 The application has also been appropriately assessed in relation to The Habitats Directive (92/43/EEC) and potential impact upon The Stour and Orwell Estuaries Special Protection Area and Ramsar sites, and the assessment concludes that, provided a proportionate contribution is made towards the emerging Recreation al Disturbance Avoidance and Mitigation Strategy there will be no likely significant effects. The recommendation provides for this to be secured under a Section 106 Agreement.

## **8. Residential amenity**

- 8.1 The proposed new dwelling to Plot 1 would be located side-on approximately 12m from the closest neighbour, 7 Hadleigh Road. This distance is acceptable to preserve the amenity of this property and ensure problems of overlooking and overshadowing are avoided. Back to back distances in excess of 45m are provided with dwellings on Garrards Road in the north.
- 8.2 Residents have raised concerns regarding loss of privacy to dwellings on Hadleigh Road, but these elevations face the roadside in the public domain and the new dwellings would lie approx. 25m away which is sufficient to preserve amenity in any regard. Concern has also been raised in respect of potential road noise and pollution generated by additional vehicles from the development. It is not considered that the volume of this traffic would be sufficient to warrant refusal of the application when weighed in the planning balance. Properties on Hadleigh Road are set back from the road behind 10m long front gardens which also further helps to mitigate adverse effects.

## **9. Other Issues**

- 9.1 The parish council has raised concerns that relate to the relocated ditch which is proposed to be retained along the site frontage. These concerns are summarised below and included in full in the Appendix to this report:
1. Concern that an open ditch will create maintenance issues, they would prefer to have the ditch piped
  2. Lack of topographical survey
  3. The width of land between the top of the ditch and the carriageway should be specified along with any safety fencing
  4. A continuous species rich hedgerow should be provided along the frontage
  5. Need to prevent roadside parking – existing dwellings currently park on Hadleigh Road and new dwellings have direct footpath access

9.2 The following response is given by Officer's having consulted with SCC Floods and SCC Highways:

1. Whilst it is preferable to have the ditch entirely piped SCC Floods have indicated they would not support this, in any regard, it would be difficult to insist upon this as this is not sufficient reason for refusal. SCC Highways have confirmed they consider a 5.5m distance to be an adequate space between the footway and the carriageway to provide a relocated ditch (approx. 3m), a margin of safety and any safety fencing that may be required (approx. 2.2m). They are content for the matter to be dealt with under a condition if consent is granted. A condition is proposed that will ensure this is provided notwithstanding what is currently shown on the plans. It is proposed that an open space maintenance strategy is secured under a Section 106 Agreement and that this includes the ditch and its maintenance by a tenant management company. It will not be in the interests of those occupying the dwellings to let the ditch become poorly maintained as this would be unsightly for them and a potential flooding risk. The maintenance of the ditch would not be the responsibility of the Parish Council or the Highway Authority.
2. It is not clear why a topographical survey is needed, as it is the new layout which seems to be the source of query. However, a drawing has been requested from the agent as this will help to document the existing path of the ditch and provide assurance to the Parish Council as to the extent of the relocation of the ditch and its current position.
3. As mentioned above, the Highway Authority do not see the need for the exact dimensions to be specified. There is no reason to believe the ditch cannot be provided to a safe layout and the Highway Authority to not object to the proposed approach.
4. Whilst the short stretch of existing roadside hedge would be lost as a result of the development, hedgerows are not a significant feature elsewhere in the street scene. A compensatory species rich hedgerow is proposed within the domestic gardens facing onto the roadside and whilst this is not continuous it will provide some biodiversity benefit. The biodiversity value that is lost through the removal of existing hedgerow is generously compensated for within the scheme by the provision of a large area of woodland and two other wildlife areas. Provision of a continuous hedge may create an enclosed feel to the new frontage dwellings and a lack of active roadside frontage which would be out of character with the existing street scene.
5. The Highway Authority asked for the road outside the site to be widened. This will provide a clear benefit as it will be easier for large vehicles to pass and, if vehicles are parked on the road, they will create less of an obstruction. It is not the responsibility of the applicant to solve existing parking deficiencies or find a solution for existing properties that don't have adequate parking. Parking is provided on site for the new dwellings to their rear. The rear parking spaces are situated close to the dwellings and are in accordance with SCC Parking Standards. The ditch and any fencing will provide a barrier which would discourage these dwellings from parking on the road as they would have to walk quite far to get over the ditch. If the ditch were piped this would not be a barrier.

## **10. Summary of Assessment Against Policy CS15**

- 10.1 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, whilst a number of the criteria are met, it is not possible to conclude that the development accords with policy CS15 as there are a number of criteria within policy CS15 that the proposal is either silent on or which the development does not comply with. In this regard, the proposal can only be treated as being partly in compliance with policy CS15.

## **11. Planning Obligations / CIL**

- 11.1 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. Affordable housing will be secured by Section 106, as will the travel plan requirements set out by the County Highway Authority.

- 11.2 The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

### **Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

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## **PART FOUR – CONCLUSION**

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### **12. Planning Balance and Assessment**

12.1 At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.

12.2 In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

12.3 In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore, whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.

12.4 The application proposes 41 dwellings, 15 of which would be affordable, which would provide a substantial social benefit in meeting the district wide housing need. There would be a modest economic benefit provided to the local economy through the construction of these dwellings and a longer term, economic and social benefit as the residents of the development would be likely to provide patronage of the existing services, businesses and facilities in Elmsett and surrounding settlements such as Hadleigh. There is no demonstrable evidence to support the conclusion that environmental harm would be caused by this proposal as overall existing ecological habitats and landscape features would be

enhanced and the layout is capable of providing a new development that would be in character with its surroundings. It is therefore concluded that, in this particular case, the benefits substantially outweigh any demonstrable adverse impacts, and it is this overall compliance with the NPPF (notably Paragraph 14) and other saved local policies that provide material reasons to depart from Local Plan Policies CS2 and CS11. 12.5 It is considered that any adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. The application is therefore recommended for approval.

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

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

### **14. Identification of any Legal Implications of the decision**

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

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

### **RECOMMENDATION**

That the Corporate Manager - Growth & Sustainable Planning be authorised to grant outline planning permission subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:

- Provision of 15 affordable dwellings.
- Skylarks Mitigation, provision of 2 skylark plots to be maintained in accordance with an agreed mitigation strategy.
- Play Equipment – details of LEAP to be provided together with timetable for its provision.
- Open space areas, to be agreed on an open space plan which includes the ditch, safety margin and wildlife areas. Such areas to be available for the public to use in perpetuity as recreational open space and these areas to be transferred to a resident's management company who shall maintain these areas in accordance with an agreed maintenance plan unless an alternative mechanism is identified.

- RAMS contribution (subject to agreement with CIL team)

And that such permission be subject to conditions including:

1. Standard time limit
2. Provision of reserved matters
3. Fire Hydrants to be provided
4. Standard archaeological conditions for WSI, Evaluation and Reporting.
5. Revised landscaping scheme to be submitted which shows location and methods of protection for TPO trees along southern and eastern boundaries, planting schedules (no. size, type, species to be planted) and which provides a 1.5m wide footpath along the northern boundary with 1m clearance from all planting.
6. Conditions requested by the County Highway Authority
7. Conditions requested by Environmental Protection Team
8. Tree survey and tree protection details to be submitted concurrently with reserved matters, no trees to be removed without these details having been agreed.
9. Ecological mitigation to be provided in accordance with submitted report unless alternative agreed under condition 7.
10. Construction Environmental Management Plan & Biodiversity method statement prior to commencement
11. Prior to occupation, Habitat Management Plan
12. Prior to occupation, Lighting Design Scheme
13. Prior to commencement, Construction Management Plan
14. Housing mix to be as specified
15. Notwithstanding the plans, minimum 5.5m width to be provided between carriageway and footway along the sites frontage with Hadleigh Road in order to provide adequate space for relocated ditch, details of the precise location and layout of the site frontage ditch and landscaping to be submitted and agreed prior to commencement
16. Surface Water Management Plan and implementation thereof