

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 16 July 2014

AGENDA ITEM NO

APPLICATION NO 0846/13

PROPOSAL Outline planning application for demolition of all buildings on site (comprising redundant factory buildings in Use Class B2, settlement tanks and 6 derelict residential properties) and erection of up to 190 residential dwellings and pumping station. Construction of a new access road to Station Road. (Appearance, landscaping, layout and scale to be the subject of a future reserved matters application)

SITE LOCATION Former Grampian Harris, St Edmunds Drive, Elmswell

SITE AREA (Ha) 6.64

APPLICANT Harrow Estates plc

RECEIVED March 26, 2013

EXPIRY DATE July 15, 2013

REASONS FOR REFERENCE TO PLANNING COMMITTEE

The application is referred to Planning Committee for the following reasons :

Your Corporate Manager has requested that the Chairman of the Development Control Committee agree that this application be reported to Planning Committee following presentation of Development Control Committee B having regard to the location, scale and strategic nature of the application, and this has been agreed.

UPDATE FOLLOWING DEVELOPMENT CONTROL COMMITTEE B HELD 7 MAY 2014

1. The decision of the Development Control Committee B on the 7th May 2014 was as follows.

Minute extract :

Decision – That Members supported the proposal in line with the recommendation whilst also instructing officers to continue to negotiate with the applicant to provide a mixed use development including employment opportunities on site, and that following the resolution of the above issues to the satisfaction of the Corporate Manager – Development Management, the application is presented at Planning Committee for final resolution

Since the 7th May 2014, additional consultation responses from Network Rail, Economic Development and Suffolk County Council: Highways have been received. In addition the applicant has provided additional information with regards to employment uses on the site.

ADDITIONAL CONSULTATIONS

2. Network Rail

Hawk End Level crossing

Hawk End Level crossing is a public footpath crossing with stiles located approximately 400m from Elmswell station and Elmswell CCTV level crossing. The crossing traverses two lines and is 10m in length, equating to a user requirement of 9 seconds to traverse the crossing and a required sighting distance of 280m. There is currently sufficient sighting at this crossing.

Trains run frequently over the crossing with approximately 120 trains running at 75mph for 24 hours per day. The north side of the crossing leads to a disused factory and open fields whilst the south side leads to a residential area. Due to the location of the crossing and the poor accessibility north of the railway, there is currently low usage at the crossing, with one or two users per day.

Network Rail is committed to reducing the risk at our level crossings, please see attached Network Rail level crossing policy.

ALCRM

Particular factors have to be considered for the safety of those using the crossing. Network Rail has a standard Risk Assessment tool called ALCRM (All Level Crossing Risk Model) which determines the predictive level of risk at a level crossing based on a variety of factors, including misuse, train information, number of users, the environment, available sighting etc. Based on the information entered, ALCRM calculates the risk score which entails an individual risk to a user (A to M) and a collective risk (1 to 13) with A and 1 being the highest calculated risk.

The risk bands give an indication of where Network Rail's highest risk level crossings are, and provide a focus for the company. For example, a crossing with a score of A1 would have more focus for mitigation than a crossing with a D6.

Within the risk bands, ALCRM also calculates a Fatality & Weighted Injuries (FWI) score of which Hawk End level crossing is currently 0.0000991535176 (C7). The last ALCRM assessment was undertaken in August 2013.

The proposed residential development of approximately 190 houses will see the risk score at this crossing to increase to an unacceptable level and therefore mitigation options to decrease the risk will need to be explored in order for Network Rail to support the planning application.

The development plans show that the path on the north side of the crossing will open up straight into the housing estate and provide an excellent link to the amenities on the southern side of the crossing which include the Co-op shop, Post office, Police station, Primary School and the main part of the village.

Although the developer acknowledges that the new development will increase pedestrian demand and have committed to providing an improved pedestrian link through to Station Road, it is anticipated that pedestrians who are accessing the amenities on the southern side of the crossing will use Hawk End crossing as a quicker route rather than being delayed at the CCTV crossing due

to the barrier down time.

With estimated numbers, the increase in pedestrian footfall has been modelled in ALCRM as follows:

6 to 9 Pedestrians users per day: C6 with a FWI of 0.000396614

20 Pedestrians users per day: C5 with a FWI of 0.000991535

50 Pedestrians users per day: C4 with a FWI of 0.002478838

In all of the above instances, there is an unacceptable increase in the risk profile at this level crossing and therefore unacceptable to Network Rail.

I appreciate that the council is looking for Network Rail to confirm the threshold (trigger) which determines when a footbridge would be required. Following advice from Network Rail's level crossing team, it is considered that any increase of usage at the crossing as a result of the development would require mitigation in the form of a footbridge to be introduced.

It should be noted that in determining the level of risk at a crossing, Network Rail uses ALCRM along with other resources such as experience and risk assessments. A number of different resources have been used to determine Network Rail's stance on this application.

Office for Rail Regulation (ORR)

The ORR regulates Network Rail in regards to its management of level crossings.

It is evident that the ORR takes level crossings and Network Rail's management of the crossings extremely seriously.

There have been a number of cases where, due to safety issues with crossings, the ORR has taken formal enforcement action on Network Rail. This enforcement action can result in temporary speed restrictions being introduced along rail routes close to the crossings. Where crossings contain barriers, it is probable that the introduction of speed restrictions will result in an increase in barrier down time at the crossing, creating more issues including longer queues.

Although Hawk End crossing does not contain barriers, Elmswell CCTV level crossing does and therefore the length of time that the barriers would be down at this crossing could increase if a speed restriction was introduced.

Vulnerable Users and Sighting issues

The crossing will provide convenient access between the new and existing housing estates. It is anticipated that this will lead to an increase in usage of the crossing by vulnerable users such as children. Vulnerable users are more prone to distraction whilst using the crossing.

Vulnerable users include;

- People with physical and / or mental disabilities or other impairments
- Young children – unaccompanied or in groups

- Elderly people
- Dog walkers
- Cyclists
- People carrying heavy bags or large objects, with pushchairs etc.
- Non-English language speakers, e.g. migrant workers

An increase in vulnerable users using the crossing would mean that Network Rail would need to conduct an additional risk assessment that focuses on vulnerable user's use of the crossing.

In order to take into account the distraction time of vulnerable users, the minimum required sighting distances at the crossing will increase. In this situation the distance will be increased from 280m to 418m. The available sighting distance from the south side of the crossing is 378m which is insufficient and fundamentally unsafe for any vulnerable user to cross.

Possible Mitigation Measures

The safest way to mitigate against the impact of the proposed development would be to close Hawk End level crossing, however, it is likely that this would not be feasible as it would require the extinguishment of the public right of way. Therefore the construction of a new footbridge over the railway tracks, which would mean that the crossing could be closed, would be the safest option.

Network Rail's level crossing team has considered other mitigation measures such as Red/Green warning lights; however these have been discounted due to the close proximity to Elmswell station. A red green warning light will give excessive warning of a red light to users of the crossing when trains stop at the station. This method of operation encourages misuse by users not willing to wait at a red light for extended periods of time and has resulted in a fatality at another location in the past year.

Delivery of Footbridge

Network Rail would seek to have the footbridge built and crossing closed before any increase in usage at the crossing from the development. To ensure that the development is not held back by the construction of the footbridge, the developer could apply for temporary closure of the crossing whilst the foot bridge is being completed.

The footbridge and related funding could be delivered through a Section 106 agreement.

To construct a footbridge at the site, Network Rail's level crossing team have estimated a cost of approximately £1m.

• **MSDC ECONOMIC DEVELOPMENT**

This site has been the subject of debate for some considerable time.

It is clearly a brown field employment site which has stood empty for a number of years.

The main issue with it is that the access from the A14 is via the village and level crossing which is increasingly causing congestion and delays.

Reinstating employment uses on this site would increase the problem at the crossing.

Early discussions with the parish and developers suggested that the best solution would be to concede employment on the site in exchange for the construction of a bridge and relief rd alleviating the level crossing. This would open up the access to, and create opportunities for employment further along Ashfield rd at Grove lane.

However, viability assessments have made it clear that the costs of the bypass are prohibitive and unlikely to be achievable in the foreseeable future.

The Economic development team accept this is not a viable option but do expect an enhancement to the employment in the location notwithstanding the proliferation of the crossing issue if employment generating uses were to be included on site.

We therefore as a minimum propose that the residential units are all constructed with the benefit of fibre (FTTP) connections for enhanced broadband speeds which would be attractive to buyers who could work from home.

Likewise the adjacent station rd industrial estate is poorly connected with broadband and has not been included in the better broadband for Suffolk programme, given the connectivity within Elmswell itself has been mostly enhanced recently to 15Mbps.

There are 18 businesses located in Station rd and there is an average cost of £1,500 / unit + cabinet upgrade of £25-£50K. total approx. £50K-£70K.

- **SUFFOLK COUNTY COUNCIL: HIGHWAYS**

This response is further to my email dated 13 May 2014 which listed my 2 outstanding concerns, the inclusion of freight trains in the level crossing survey and the proposed zebra crossing.

The survey undertaken in June 2012 did not specifically mention freight trains. A new level crossing survey was therefore conducted on 5 June 2014 which shows passenger and freight movements within the peak periods.

The new survey also shows a greatly reduced queuing figure. There was no explanation given for this reduction in queue lengths. Looking at the data it appears that the down time on the level crossing barriers has been reduced. A reduction in the down times would lead to lesser queues building up.

The new survey in June 2014 shows the passenger trains, corroborated from the time tables, and the freight train movements. It shows that the queues at the level crossing have also reduced in length.

The biggest impact at the level crossing will be southbound in the am peak and northbound in the pm peak. The development will generate a traffic flow of 99 vehicles in the am and 87 vehicles in the pm peak. These flows will be staggered over the peak hour. The impact on the queues at the level crossing will therefore be minimal. The National Planning Policy Framework (NPPF) paragraph 27 states 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of a development are severe'. The increase in traffic that this development will cause cannot be classed as severe. Further developments that may come forward may cause a greater impact on the level crossing and its safety in operation and therefore may be refused.

The proposed zebra crossing on Station Road was in a position between two accesses where drivers could get distracted which could lead to collisions. For us to accept a zebra crossing at this location we would require a safety audit.

The applicant has removed this zebra crossing from the proposals. The removal of this crossing is acceptable provided it is replaced with an informal crossing point, with dropped kerbs and tactile paving, in the same location.

With the inclusion of the freight trains, the decrease in the queue lengths and the removal of the zebra crossing, the proposed development is acceptable.

Recommends conditions.

- **MSDC VIABILITY OFFICER**

An acre of land which is approximately to 11 houses on site would be equivalent to the provision of employment facilities on site. A mixed use option renders the proposed development unviable with a deficit of £600,000 in the current viability.

An income, should there be a demand would be worth £150,000 to £175,000 per acre.

UPDATED ASSESSMENT FOLLOWING DEVELOPMENT CONTROL COMMITTEE

3

Employment Uses

As requested by Development Control Committee B, Officers have discussed the use of the site for mixed use, including employment uses, with the developer.

The developer has provided additional information confirming that they do not wish to revise the submitted application for residential development on the following grounds:

- There is no planning policy justification (including relevant material considerations)
- The site has been redundant for some time
- There is limited demand for commercial units

7

- It would render the scheme unviable where this is finely balanced
- Residential development general significant employment opportunities

The Council's viability officer has confirmed that inclusion of employment uses on the site would make any development unviable, especially given the requirement for the pedestrian bridge over the railway. In addition there is little demand for employment premises with the area, with current vacancies at the Grove Lane industrial estate and any retail proposals could effect the viability of the existing retail offer within the village. As set out in the 7th May 2014 committee report it is not considered appropriate to require employment use of the site.

Officers have considered alternative proposals which would help boost the economic base of the village. Having regard to the advice of your Economic Development Officer it is now proposed to include within the s.106 obligations a contribution to provide a fibre (FTTP) cabinet connection to the adjacent Station Road industrial estate at a cost of £50,000. This would allow nearby businesses within Elmswell to achieve improved broadband connections and is appropriate to safeguard the delivery of a sustainable development in which employment and economic growth within this community are supported. In addition the developer has agreed to include fibre (FTTP) connections to the new dwellings, which will encourage home working, at a cost of £250,500.

The requirement to provide enhanced broadband is not common ground with the applicant and is proceeding on a 'without prejudice' basis.

Highways aspects

Following the 7th May 2014 committee the applicant has provided additional information regarding the impact the development would have on congestion on Station Road. The highway authority have confirmed that there have now received sufficient information to consider the impact of the development on the local highway network and do not object to the proposal. In addition the highway authority has confirmed that there is no requirement for a pedestrian crossing on Station Road in conjunction with the development. It is therefore considered that the highway aspects of the proposal are acceptable.

Railway Safety aspects

Following the 7th May 2014 committee a further response have been received from Network Rail. This confirms that requirement for the pedestrian footbridge over the railway at Hawkes End and have provided evidence that the risk associated with the existing level crossing will increase once the residential dwellings are built. Network Rail have estimated the cost of the a new bridge at £1million.

Network Rail have stated that the bridge should be built prior to first occupation of any of the proposed dwellings but the applicant does not agree with this timing. Clearly the timing of delivery of the footbridge is beyond the immediate control of the applicant.

The applicant has made reference to a planning appeal in connection with this aspect. This was recovered by the Secretary of State and allowed in February this year. The applicant considers that this

"represents the Secretary of State's most up to date position on considering safety at footpath level crossings. The Secretary of State unequivocally rejected Network Rails assessment of risk (which has been put forward in the same way as it is being at Elmswell) it is therefore a material consideration and one that can be relied upon when you suggest controlling phasing"

Your Officers response is that the appeal decision does not discount the need to take into account the risk surrounding level crossing safety for the proposal and Network Rail has provided robust evidence that the risk will increase at Hawks End level crossing from the development. At the time of writing, there is only limited common ground on this aspect. The applicant has been invited to provide appropriate professional evidence on rail safety and public risk matters. The applicant is also continuing to negotiate with Network Rail with the aim of agreeing a phasing approach.

Given the absence of consensus on this point and its potential relevance to the practical delivery of the development your officers consider it appropriate to reserve the resolution of this matter to the submission of appropriate professional evidence. To some measure this gives a benefit of the doubt to the applicant that such professional evidence might be provided to show how risks to the public may be reasonable balanced with the practical delivery of the development.

If such professional evidence is not forthcoming then your Officers consider that the Network Rail advice may be reasonably relied upon to control phasing of the development.

It is therefore proposed to include in the s.106 a clause to resolve the phasing of the construction of the pedestrian footbridge prior to the commencement of development and to ensure that the development is built out and occupied in accordance with such phasing as may be agreed. This clause would need to ensure flexibility in case an alternative to a footbridge can be agreed.

Section 106 Planning obligation / infrastructure Contributions

Following the confirmation that the pedestrian railway footbridge is required and having regard to Members advice at Development Control Committee B regarding a mixed development Officers have reviewed the package of Section 106 obligations which it is considered necessary to accompany the scheme to ensure the scheme is a sustainable development in the round with obligations which are directly related to the development and which are fairly related in scale and kind to the project.

On that basis the following s.106 contributions are now sought based on a scheme for 167 dwellings :

Affordable Housing - 11%	19 dwellings
Libraries	£36,072
Primary education	£511,602

Pre-school education	£67,001
Social Infrastructure	£618,835
Public Open Space/LEAP	£363,156
Health care	£57,893
Broadband upgrade for Station Road approx £50,000 industrial estate	
Fibre broadband for dwellings	£250,500
Pedestrian railway footbridge	Up to £1.3 million
Travel Plan	£113,500
Travel Plan Monitoring	£12,000
Junction Improvements	£110,000

Mindful that the application is in Outline form and proposes up to 190 dwellings Officers recommend that a pro-rata approach be taken to Section 106 obligations where the development at Reserved Matters stage delivers more than 167 dwellings.

In the event that the actual cost of the railway footbridge and broadband upgrade prove to be less than the sums allocated to them Officers propose that such residue contributions are secured and used as a commuted sum for the delivery of offsite affordable housing.

The applicant's position is that on a without prejudice basis if members wish to see a contribution to a bypass/relief road they could reduce the affordable housing further or redistribute the existing s.106 package.

Your Officers view is that a contribution to a bypass would not comply with CIL regulations and there is currently no policy basis for a bypass. As such it is not recommended that a contribution to a bypass is agreed.

SUMMARY REASON FOR RECOMMENDATION

The resolution and instructions of Development Control Committee B have been explored with the applicant and relevant stakeholders as detailed. Your Corporate Manager considers it appropriate to proceed to determine the application before you on the basis of the package currently presented.

In the circumstances Officers are of the view that the development, subject to conditions and Section 106 obligations, would be sustainable and appropriate having regard to the development plan and all relevant material considerations including the National Planning Policy Framework. The development of up to 190 dwellings would make a material contribution to the Council's five year land supply.

RECOMMENDATION TO PLANNING COMMITTEE

That authority be delegated to the Corporate Manager Development Management to grant Outline Planning Permission subject to the prior completion of an appropriate Section 106 planning obligation on detailed terms to his satisfaction and to secure the following heads of terms as described above namely:

- on site affordable housing
- libraries contribution
- primary education contribution
- pre-school education contribution
- open space and social infrastructure contribution
- phased on site public open space delivery and maintenance
- healthcare contribution
- broadband upgrade contribution
- contribution toward pedestrian railway bridge phasing relative to delivery of development
- travel plan monitoring contribution
- junction improvement
- Section 106 monitoring

And that such planning permission be subject to the following conditions

- travel plan
- reserved matters for appearance, landscaping, layout and scale
- details of materials
- details of landscaping
- highway conditions as recommended by the Local Highway Authority
- provision of fire hydrants
- biodiversity mitigation and enhancement strategy
- details of surface water strategy
- details of foul water strategy
- agreement and implementation of a construction management plan including waste minimalisation
- noise attenuation scheme
- scheme of archeological monitoring

In the event that the applicant fails to take reasonable steps to provide a satisfactory executed s.106 planning obligation by the 16th February 2015 of the committee resolution that authority be delegated to the professional lead officer to refuse permission on appropriate grounds.

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) it is a "Major" application for:-
- a residential land allocation for 15 or over dwellings

PRE-APPLICATION ADVICE

1. Some pre-application advice was given and an EIA screening opinion confirmed that the application would not require to be supported by an Environmental Statement.

SITE AND SURROUNDINGS

2. The site measures 6.64 hectares and is a derelict industrial site comprising of a number of low level industrial buildings and six disused dwellings. The site is accessed from Station Road with St Edmunds Drive going through the front part of the site.

To the North and West of the site are agricultural fields, to the east of the site are residential dwellings fronting onto station road and to the south of the site are commercial buildings located on Station Road Industrial Estate.

The industrial element of the site is designated as potentially contaminated land. A public footpath skirts around the site from Station Road to Hawk End Lane via a pedestrian crossing over the railway line. The majority of the site has previously been built on, although there are some significant trees, particularly on the edge of the site.

The site is located within the settlement boundary although the existing sewerage pumping station, which it is proposed to retain is located outside of the settlement boundary.

HISTORY

3. The planning history relevant to the application site is:

0846/13	Outline planning application for demolition of all buildings on site (comprising redundant factory buildings in Use Class B2, settlement tanks and 6 derelict residential properties) and
---------	---

	erection of up to 190 residential dwellings and pumping station. Construction of a new access road to Station Road. (Appearance, landscaping, layout and scale to be the subject of a future reserved matters application)	
3489/12	EIA Screening Opinion-re-development of the existing residential and industrial site for a residential development of up to 190 dwellings on an area of 6.62 hectares	07/12/2012
1368/01/	Retention of two portacabins	Granted 21/01/2002
1168/99/	Erection of 2 no. 9 metre high water storage tanks and ancillary pumphouse.	Granted 18/01/2000
0473/97/	Construction of single storey loading dock extension to existing building	Granted 25/06/1997
0785/96/	Stationing of 2 no. portacabins for temporary period.	Granted 16/10/1996
0418/95/	Continued use of land for stationing three portacabins (previously permitted under planning permission 314/93).	Withdrawn 22/06/1995
0314/93/	Continued use of land for stationing 3 portacabins (previously permitted under planning permission 196/91).	Granted 14/06/1993
0808/91/	Creation of additional floor space within existing building (4.7 sq.m. at ground floor and 102 sq.m. at first floor)	Granted 31/10/1991
0196/91/	Continued use of land for stationing 3 portacabins.	Granted 07/05/1991
0106/89	Modification to existing effluent plant. erection of new tank and control building	23/03/1989
1114/88/	Extension to slaughtering hall	Granted 19/01/1989
1193/87	Use of part of Block C (yet to be built) for warehouse and distribution of frozen seafood (variation to existing permission 411/84),	Granted 03/02/1988
1032/86	Continued use of land for stationing three portakabins and two portaloos	Granted 19/01/1987
0814/84	Continued use of land for stationing of three portakabins and two portaloos (previous permission 605/82)	Granted 20/11/1984
0530/84	Erection of new 23mhigh	Granted 08/08/1984

	chimney to serve new steam boiler installation	
0411/84	Erection of general industrial units	Granted 10/07/1984
0605/82	Continued use of land for stationing three portakabins for offices and two toilet portals for a further two years.	Granted 06/10/1982
0233/82	Erection of prefabricated building to serve as social club.	Granted 18/05/1982
0432/80	Part rebuilding and part refurbishing goods dispatch and car-toning area	Granted 15/05/1980
1067/79	Erection of paper and packing store building.	Granted 01/08/1980
0881/79	Extension of existing effluent plant	Granted 19/12/1979
0640/79	Retention of use of land for stationing of three portakabins for offices and 2 portable toilets for a further two years	Granted 15/08/1979
0504/79	Erection of extension to packaging store	Granted 09/07/1979
0836/77	Erection of manufacturing building for meat products and sub-station both to replace inadequate buildings to be demolished	Granted 10/03/1978
0800/77	Installation of above and below ground derv and spirit tanks and erection of bund walls and refuelling point with associated hard standing	Granted 03/01/1978
0033/77	Retention of use of site for the temporary stationing of 2 portacabins and 2 toilets for a further two years	Granted 16/06/1977
77/0033	Retention of use of site for the temporary stationing of 2 portacabins and 2 toilets for a further two years	16/06/1977
0331/74	Erection of 3 temporary Portakabin offices and 2 temporary Portaloo Toilet Blocks.	Granted 17/10/1974

PROPOSAL

4. The proposal is an outline planning application for demolition of all the buildings on site (comprising redundant factory buildings in Use Class B2, settlement tanks and 6 derelict residential properties) and erection of up to 190 residential dwellings and pumping station. Construction of a new access road to Station Road with appearance, landscaping, layout and scale to be the subject of a

future reserved matters application.

The proposed access would be located just south of the existing access, to the North of Oakwood. An indicative layout has been provided, this shows that 190 dwellings could be located on the site using a layout with a spine road through the development with cul-de-sacs off this. An area of open space would be provided in the centre of the site. The existing public footpath would be rerouted to follow the roads, coming out at the existing pedestrian railway crossing. A pumping station would be provided to the south east of the site.

The proposed access would include the start of a possible link road and a strip of land to the north of the site would also be retained for use for a link road.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6.

Suffolk County Council

Highways and Transport

The County Council has extensive comments on the transport implications of this proposal, which are described in some detail in a report by consultants Aecom, appended to this letter. They are summarised as follows, and should be viewed as a demonstration that the proposal as it stands is not consistent with Core Strategy Policy CS6, and could cause harm to Core Strategy objective SO 13. The proposal also fares badly when considered against Local Plan policies T10 and T11.

A key material consideration in determining this application is the assessment of impacts on the level crossing. As set out in the Aecom Report, the assessment of this key issue is insufficient.

If the concerns set out in the Aecom Report and summarised in this letter can be resolved, and dependent on the information in a revised and robust Transport Assessment, the County Council would be willing to reconsider its view.

Comment on the Transport Assessment Methodology

The transport assessment is considered inadequate as drafted, and this forms the grounds for an objection. It does not make appropriate reference to national policy, specifically the National Planning Policy Framework, 'Level Crossing: a guide for managers, designers and operators' (Office of Rail Regulation) and 'Our Approach to Managing Level Crossing Safety' (Network Rail). Consideration of accessibility routes is not sufficient, being based upon distances as the crow flies, rather than actual walking and cycling routes.

The Transport Assessment is not accompanied by a road safety audit, which is

considered necessary in relation to concerns over the site access proposals. It also fails to include sufficient detail in relation to parking proposals. The approach to trip generation is not robust, given that it does not consider multiple modes of transport. As such, the Transport Assessment is not consistent with Department for Transport guidelines

Comment on the non-motorised access strategy

The proposal encourages increased pedestrian access across the railway line at an uncontrolled crossing point, which is considered unacceptable. The route to the village centre, via Hawks End Lane, is not considered suitable for pedestrian access to this site.

Considering the Aecom report, and local interest in pedestrian crossing of the railway line, the County Council does support the principle of providing a pedestrian bridge across the railway line, though this would need to be balanced against viability and other transport considerations, and alternatives may prove acceptable.

Comment on road layout and junction design

Whilst the County Council is supportive of a junction design and road layout that doesn't preclude the future delivery of a relief road, the County Council requires a revision to the proposals as they stand. Revisions would be required in order to manage both the potential for a relief road and to ensure that development site traffic receives priority. In addition, the visibility splays from the main access need to be reconsidered.

The Suffolk Design Guide states 'From the point of view of safety and the need to consider access in emergencies, not more than 150 dwellings will normally be served by a single means of access'. Given the number of dwellings to be accessed from (at present) a single point a secondary or emergency access would be recommended. Whilst this does not mean the development should be considered unacceptable, it is highly undesirable. Ways of mitigating this risk should be sought. For example, frontages should be designed so as to allow emergency service vehicles to bypass road blockages. Also, in the specific instances of this development, the Suffolk Fire and Rescue Service strongly recommends the provision of automated sprinkler systems as a measure for reducing risk. No further development will be supported with only the provision of a single access.

Comment on the travel plan

The proposed Travel Plan is considered inadequate in a number of ways. It should include a targets for reduction in car use and increases in sustainable transport modes, using robust baseline information.

Public Rights of Way

The County Council notes the proposal to realign the existing footpaths through the site. Whilst maintaining the current alignment, along the edge of the site, is not acceptable, the County Council is not in favour of realigning the route along pavements through the site. This does not present an attractive walking route and represents a net loss of public footpaths. The site layout could be changed such that the existing public footpath would be realigned to travel through an attractive 'green corridor'. Regarding access across the railway line, the County Council's opposition to increasing pedestrian traffic across the existing uncontrolled crossing to Hawks End Lane has already been noted. If,

against the recommendation of the County Council, this were to form a main pedestrian route to the village centre, the County Council would expect improvements to be funded by this development. They might include provision of gates to replace existing stiles and improving the surface of the existing footpaths as a minimum.

There is some ambition amongst the local community for a footbridge across the railway to replace the current uncontrolled crossing. The County Council would support the provision of such a structure, but notes that this may not be a viable, or indeed the only, option.

Another option that should be explored is for this development to provide improved pedestrian and cycle routes from the new development, through the existing Station Road Industrial Estate. In addition to this, to enable countryside access from the new site and to mitigate the loss of the aforementioned existing crossing, this development could support the provision of a new route. As set out in a map attached, the new footpath would run parallel to and north of the railway line, linking with the existing network via an existing underpass, approximately 430m west of the existing uncontrolled crossing.

Ecology

Based on the information submitted (ecological survey report Naturally Wild, Dec 2012) and the assessment of likely impacts, the County Council is satisfied that there is sufficient survey and assessment information on this topic to validate this application. However, it is noted that the details for mitigation are intended to be secured under a Reserved Matters application at a future stage and any impacts from lighting and SUDs design etc may not have yet been assessed. As development licences from Natural England will be needed for demolition of the buildings with bat roosts and translocation of Great crested Newts, these will both need mitigation and possibly compensatory measures identified and delivered in advance of losses. It is therefore strongly recommended that appropriate mitigation and compensatory measures be identified in advance of the determination of this application as Mid Suffolk DC needs to ensure that the populations of protected species will not be adversely affected by this development. This is ensure that the Local Planning Authority can meet its legal duty to demonstrate compliance with Habitats Regulations.

The County Council is also concerned that additional protected species issues include translocation of slow-worms and a comprehensive ecological mitigation and compensation strategy needs to be produced prior to development. Should there be a delay of more than 2 seasons, then an update to survey data will also be required to ensure anyone associated with the development avoids committing a wildlife crime. Please also note that there are only 3 confirmed sites for Palmate Newt in Suffolk (SBRC records since 1980). The County Council would query the presence of this amphibian on the development site and recommend that checks are made to confirm the identification in case additional ponds contain Great Crested Newts. This could affect the impact assessment for the outline application.

Landscape

The following represents Suffolk County Council's policy view.

There is a risk that the visual benefits offered by the removal of the derelict buildings and associated infrastructure may be outweighed by the detrimental

visual impacts of the development. For example, the present lighting after dark is likely to be at a minimal level. However, lighting associated with new housing and roads is likely to create significant impacts on the wider landscape and public views over the site. It is noted that no landscape buffer or mitigation has been included in the Indicative Master Plan (IMP).

The development provides scope to create a new landscape edge to the settlement, with community green space being provided at the same time. However there appears to be no specific proposals for the land, currently described as "Greenfield" and partly occupied by former settlement lagoons. Provision of a semi-natural green space, such as community woodland for example, would provide enhancement and a buffer to the farmed landscape, and properties to the north.

Outline consent should require the submission of a suitable master plan and design code to cover both urban and landscape design matters. The proposal should contribute to the character of the village.

Archaeology

The proposal affects a large area which has not been subject to previous systematic investigation. It is located to the east of the site of a medieval moated enclosure, which was the manor of the Abbot of Bury St Edmunds, and, therefore, a site of high archaeological importance. In addition the site is located close to a number of Roman finds and features and Saxon and medieval finds. Recommend conditions

Minerals & Waste Planning

I note the application land is not located within a Minerals Consultation Area and would include redevelopment of brownfield land previously in industrial use. In principle, I have no objection from either a mineral or waste aspect.

However, I note the comments under the Resource and Energy Efficiency paragraph of the Planning Statement and would encourage the applicant to demonstrate their commitment to renewable and low carbon sources of energy.

Flooding and Surface Water Management

The principles of disposing the surface water to the North West and conveying the water at or near the surface are acceptable. The proposal will need to identify the natural blue corridors and deal with the inflow into the site.

County Council officers would be willing to work with the developer to integrate the SuDS drainage into the proposed layout. The discharge rate has been limited to the 'greenfield rate of run-off' and storage provided at the acceptable level, which is acceptable. It is noted that some of the surface water is proposed to be discharged by infiltration and there is no report on groundwater pollution. The site is located on a soil protection zone 1 and will need to provide a risk assessment on infiltration.

Fire and Rescue Service

Suggest the use of fire hydrants within the site.

Contributions

Education: Funding for the 48 primary age pupils arising at a cost of £584,688.
Pre-school provision: Funding for 13 pre-school children at £79,183.
Libraries: £41,040.

Suffolk County Council - Highways subsequent comments

Notice is hereby given that the County Council as Highway Authority make the following comments:

A route through the industrial estate is not the best route for pedestrians but it will be a lot safer than the rail crossing. The disadvantage of this route is that pedestrians and cyclists will still have to wait at the crossing. The industrial estate roads will need to be upgraded to accommodate pedestrians and cyclists. This will include improving the footways and street lighting.

With the increase in pedestrian movement from this site the closure of the uncontrolled level crossing should be secured prior to granting permission and the provision of a footbridge should be a priority.

As there is no likely date for the bypass road to be built, the proposed layout is not acceptable. It will require all vehicles exiting the site to give way. This will lead to complacent driving and if there is the rare time when a vehicle did use the road there is a danger of collision. There should be priority for the development until such time as the link road is built.

Design Manual for Roads and Bridges (DMRB) standards are appropriate as Manual for Streets (MfS) does not show the details of a turn right lane. With the recorded speeds on Station Road the junction must be built to DMRB standards. A visibility splay of 120m is required as MfS only gives distances for speeds up to 37mph and as the 85th %tile is 38.5 DMRB is appropriate. Safety Audits will be required as part of the section 278 agreement.

Over running islands do not make it safe for pedestrians. We should not be proposing something that could be a hazard. The design must cater for all highway users. The island in the access road should be at least 2m wide to accommodate pedestrians. Also dropped kerbs are required on both side of the access. These are issues that would be raised by a Safety Audit if one had been undertaken. If the developer does not wish to change this design and use a non-standard island then a stage 1 safety audit should be undertaken prior to decision.

If the trains are on time there is a window of just over a minute to clear 50 vehicles. I do not think this is realistic and there will be residual vehicle when the barriers go down again. The effect of this could be classed as severe.

There has been no attempt to obtain freight movement details during the peak times. Freight trains do use this route and are not restricted to off peak times. The effect of these freight trains will have a big bearing on the queues. A more robust assessment is required to demonstrate how the increase in rail traffic and vehicular traffic associated with the proposed development will increase queuing and delay at the crossing.

Currently the access is not designed to a standard that is acceptable to the Highway Authority.

MSDC - Strategic Housing

There are 85 applicants of the Council's 'Choice Based Letting' system which are registered specifically for Elmswell. Showing a need for additional affordable houses in the village.

35% affordable housing on the site would equal 67 units, 50 of which should be affordable rented and 17 units for low costs home ownership.

MSDC - Communities Officer

Open Space, Sport and Recreation Strategy

The contribution for 190 dwellings in accordance with the Council's adopted SPD so Social Infrastructure is unknown at this stage due to the outline form of the application. The Section 106 should reflect this with the standard wording for outline applications.

Anglian Water

The foul drainage from this development is in the catchment of Elmswell STW that at present has available capacity for these flows. The proposed development of 190 dwellings will lead to an unacceptable risk of flooding and pollution downstream. A foul drainage strategy will need to be prepared in consultation with Anglian Water. The drainage strategy should encompass proposed connection points and mitigation measures.

MSDC - Environmental Health

I note the report in respect of noise and vibration. The report concludes that noise sources from trains travelling along the railway, motor vehicles in Station Road and equipment at premises on the nearby trading estate will have an impact on any dwellings in close proximity to them.

The report also illustrates how these noise sources can be mitigated to an acceptable level through the use of acoustic or double glazing, alternative ventilation and noise barriers. Until a detailed plan is proposed it is not possible to specify these measures.

Therefore, I would require the applicant to submit a detailed noise attenuation scheme to the satisfaction of the local planning authority before detailed planning permission is granted.

The Environment Agency

Based on the FRA we are able to withdraw our objection subject to a condition relating to a surface water drainage scheme for the site.

Suffolk Wildlife Trust

The supplied ecological survey report adequately assesses the biodiversity value of the site and identifies the potential impacts that may result from the development, no specific mitigation or compensation measures have been identified. We therefore recommend that in advance of any reserved matters application, or any other works on site a mitigation strategy for the impacts identified is produced.

Natural England

The proposal does not appear to affect statutory protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

Suffolk Primary Care Trust

The proposal is likely to have a significant impact on the NHS funding programmed for the delivery of healthcare provision within the local area and specifically within the health catchment area of the development. The NHS would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secure through a Section 106 planning obligation. There is a capacity deficit in the nearest GP surgery and a developer contribution of £65,000 is required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposals.

MOD

Can confirm that the MOD has no safeguarding objections to the proposal.

MSDC - Tree and Landscape Officer

The current outline application for up to 190 dwellings and associated infrastructure represents a significant new development with landscape and arboricultural impact risks.

The application site lies mostly within the Elmswell Settlement Boundary, although I note extensions beyond to southwest and northeast. The north boundary abuts open countryside while the PROW network affects north, east and south boundaries. Views into site are therefore broadly available though existing vegetation is largely limited to modest native, fruit and ornamental species.

I am particularly concerned to ensure the northern boundary treatment is predominantly vegetated to prevent a predominance of garden closely boarded fencing forming the countryside 'edge'. This would in my opinion have an unfortunate visual effect as well as encouraging deposition of garden spoil along the PROW. A rethink on house orientation or space allocation for planting may be needed here.

I note from the surface water drainage strategy that a major swale is proposed along this north boundary, which may or may not make planting here difficult to achieve.

The tree survey categorises the groups and individuals according to the BS5837:12 Recommendations, including comments on longevity, health and stability. I am broadly happy with the findings.

Network Rail

The crossing can be accessed either from Hawk End Lane or from the north within the Former Grampian Harris Site, St Edmunds Drive. Pages 40-42 highlight the right of way through the development, illustrating the level crossing as an exit and entry point. Network Rail is concerned that the proposal will encourage increased use of the level of the crossing. As owner of the crossing, Network Rail has a responsibility to monitor, maintain and ensure that the crossing is safe for users to cross the railway, at present the crossing has a pair of styles and users are to ensure the crossing is clear before proceeding.

The application proposes 190 homes situated upon the north side of the railway, given that amenity in the shape of a primary school, post office, library and police station are located to the south of the railway there will be draw for residents to cross the railway to reach these locations. In order to mitigate the impact of the increase in level crossing users the developer should provide at their expense infrastructure in the shape of either.

- infrastructure that removes the level crossing and is acceptable to Network Rail and the local authority can be provided by the developer.
- The footpath is diverted to the under pass to the west of the crossing with the level crossing subsequently closing

In conclusion, when presented with the proposal and the measures the applicant has proposed there is a lack of evidence that the existing level crossing infrastructure could support a development of this scale. Therefore on account of the above Network Rail objects to the planning application until the applicant provides at their own expense a mitigation measure acceptable to Network Rail and the local authority.

Elmswell Parish Council

objects to this application on the following grounds:

The site has been dedicated to providing employment since the formation of the St Edmundsbury Co-operative Bacon Factory in 1912. The market for industrial or commercial development has not been tested. The site is clearly identified in the Local Plan (Inset 29) as a, 'factory', rendering its inclusion as 'an employment site' in any subsequent strategic plan unnecessary.

Local Plan Policy E4 confirms that;

'the..Authority will refuse proposals for development...within existing industrial/business areas which would be likely to prejudice the continued use of those areas for primarily industrial or commercial purposes.'

Local Plan Policy E6 states that:

'The District Planning Authority recognises the importance of existing industrial and commercial sites as providing local employment opportunities. In considering applications for change of use or redevelopment of existing premises to non-employment generating activities, the District Planning Authority will expect a significant benefit for the surrounding environment, particularly in terms of improved residential amenity or traffic safety.'

Local Plan Policy E7 asserts that:

'The District Planning Authority will encourage the relocation of industrial and commercial activities that are, or have become, inappropriate to their surroundings...'

This site must, therefore, be developed within those policies and employment must be a key factor in any permission granted.

However, councillors are aware of the Applicant's wish to dedicate the site to residential development. This can only be countenanced if the provision of employment is addressed by this proposal acting as an enabling step towards employment provision elsewhere in Elmswell.

The access road must, therefore, traverse the Northern boundary of the site as far as its Western edge so as to allow further development on adjacent sites to the railway and beyond so that this road can be rendered commercially feasible as a relief road over the railway line. The road should, furthermore, incorporate a spur to serve the existing Station Road industrial Estate so as to remove the need for access to and from this estate immediately adjacent to the railway level crossing. This element must form part of any Permission and cannot be left as a Reserved Matter for resolution later. With a relief road established, the lost elements of business, commercial, industrial and employment can be found further north of this site without placing further pressure on the village's road infrastructure. MSDC Core Strategy policy CS11 confirms the validity of these observations.

Contributions towards a relief road can legitimately come from s106 agreements. The complex nature of the site in Planning terms means that discussion can only be entered into in this regard following the submission of a properly resourced Viability Assessment. Until such an assessment is made available, this application should go no further.

The emerging Elmswell Neighbourhood Plan is identified by MSDC as a pilot following a formal request from EPC. Public consultation thus far, including public meetings, clearly identifies a relief road as the community priority, and this is inevitably to be reflected in the Neighbourhood Plan as a prime objective. An application of this magnitude and strategic importance cannot be considered until the Neighbourhood Plan is adopted or, at least, until the relevant sections of that Plan are reliably fixed as representative of the community view so that the proposal can be tested against that view. The application is, similarly, premature in terms of the evolving MSDC Core Strategy document and should not be considered until the Strategy document is in place.

The Proposal seeks the diversion of Elmswell Footpath 12 through the housing estate. The Right of Way then traverses the railway line to emerge in Hawk End Lane. The inevitable increased use of this path and the access to the railway line afforded to an increased number of children poses an unacceptable risk. The path must be stopped at the railway and a diversion sought to allow use of the underpass at Parnell lane pending the possible installation of a relief road bridge which would then serve. Local Plan Policy RT12 refers.

The NPPF clearly puts 'sustainability' at the forefront of development criteria. The completion of the Ipswich Chord next year will see the beginning of a process of transferring freight from road to rail which anticipates 750,000 extra containers passing through Elmswell annually. More, longer trains means more and longer downtimes for the crossing gates and vastly increased delays for

road traffic. There is already occasional gridlock as the backed-up queuing traffic fails to clear the crossing before the gates come down again.

This proposal is not currently sustainable. Regardless of the relief road proposal, a footbridge should be provided over the railway as per Planning permission previously granted. Similarly, support should come from this Application towards the community pedestrian / cycle path to Woolpit for which land has already been acquired. Failure to address these issues would clearly breach the strictures of Mid Suffolk Local Plan Policies T2, T4, T10 & T11.

Great Ashfield Parish Council

Unanimously objects on the following grounds:

1. Major concern is expressed at the amount of traffic accessing Station Road and its impact on an already busy and on many occasions congested road particularly when the train crossing barriers are down. With both the impact of extra traffic and the completion of the Ipswich Chord next year with possibly 750,000 extra containers passing through Elmswell. This will increase both longer downtime of the train barriers and vastly increased delays to traffic with the accompanying gridlock.
2. Due to possible increased gridlock within Elmswell this will have a substantial impact on Great Ashfield with both HGV's and unnecessary extra traffic using Great Ashfield's roads as an alternative route.
3. Concern is also expressed at the longer delays of emergency vehicles coming through Elmswell with longer downtimes for the train barriers as well as much increased traffic.
4. Concern at the stretching of local resources i.e. primary school, doctors and dentists.
5. This application should not be approved until there is a relief road.

Norton Parish Council

The Council approved this application in principle acknowledging the need to develop this area and make good use of the land. However, the following reservations were noted:

1. The increased traffic flow which would have a negative impact on the bottle neck which regularly occurs at the railway crossing
2. The increased traffic flow which could occur along Ashfield Road where there is no footpath, and congestions caused along The Street at the School junction.
3. What are the plans to cope with the impact on local services, i.e. the Health Centre, local schools, Hospital.
4. What would be the amount of social housing within the development.
5. What are the plans to improve the infrastructure, i.e. possibly having a bridge over the level crossing, or preferably having provision of a new relief road to take the traffic away from the centre of Elmswell, thus alleviating congestion.

Highways Agency

No objection

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- the proposed alterations to Station Road would inhibit the use of the road by abnormal loads, detrimentally effecting access by a local business
 - proposal will result in additional vehicles using the already congested level crossing
 - primary school is already at capacity
 - there is no health centre at Elmswell and Woolpit Health Centre is full to capacity.
 - Additional people using busy village shops and other amenities
 - Development should not occur until the relief road is built.
 - Construction would cause disturbance to neighbouring properties
 - Railway line will be more vulnerable to trespass
 - Additional houses above those proposed are required to ensure that the relief road is built
 - Additional use of the railway line by freight and passenger trains will result in further congestion
 - Will allow reuse of a derelict site
 - Proposals should be for a mixed used development including commercial and industrial elements to provide jobs in the village
 - There has been no attempt to market the site for employment purposes
 - Additional use of the footpath across the railway would be unsafe
 - Existing sewerage works may not have sufficient capacity for additional dwellings.

ASSESSMENT**8. Principle of Development****The Core Strategy**

The site is located within the settlement boundary of Elmswell which is defined as a key service centre within Policy CS1 of the Mid Suffolk Core Strategy. Policy CS1 states that the majority of new development including employment and housing allocations will be directed to towns and key service centres. The site was formally used as a food processing factory but production ceased in 2006. Policy FC3 of the Core Strategy Focused Review provides provision for new employment allocations but does not aim to protect existing employment sites. The proposal therefore complies with the Core Strategy.

Local Plan

Members will be aware that the weight to be attached to the 1998 Local Plan must be considered carefully by reference to the NPPF to ensure consistency.

Two policies with the Mid Suffolk District Local Plan 1998 aim to protect existing

commercial and industrial sites. Policy E4 states that the district planning authority will refuse proposals for development within existing industrial area which would be likely to prejudice the continued use of those areas for primarily industrial or commercial purposes. The proposal is a comprehensive redevelopment of the site and will not prejudice the use of the adjoining industrial estate. Policy E6 states that in considering applications for redevelopment of existing industrial or commercial premises the Council will expect a significant benefit for the surrounding environment. The site is currently unattractive but is not prominent in views from Station Road. No evidence has been provided to show that the site could be reused for employment purposes without being detrimental to residential amenity or highway safety. However Policy E6 of the Mid Suffolk Local Plan is not especially consistent with the NPPF, which encourages reuse of vacant commercial sites.

The Core Strategy Focused Review (CSFR)

The Core Strategy Focused Review (CSFR) was adopted by Full Council on 20 December 2012 and should be read as a supplement to Mid Suffolk's adopted Core Strategy (2008). This document updates some of the policies of the 2008 Core Strategy. The document does introduce new policy considerations, including Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides

"development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents."

The development is considered to be a form of sustainable development. It is a brownfield site within the settlement boundary of a key service centre. Elmswell has sufficient facilities and services to cope with the significant increase in population that will occur if planning permission for the development is granted.

NPPF

~~The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".~~

The NPPF also provides (para 187) that "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure

developments that improve the economic, social and environmental conditions of the area."

The general thrust of the NPPF is to encourage additional housing in sustainable locations, Paragraph 51 of the NPPF states that Local Planning Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. While the Grampian Harris site has provided a large number of jobs in the past; given that there other employment sites in Elmswell and the site has not provided jobs over the last 8 years it is not considered that there are strong economic reasons to not support the principle of new residential development on the site.

Highways

Policy T10 of the Mid Suffolk District Local Plan states that the provision of safe access to and egress from the site must be considered when determining planning applications for development.

The Local Highway Authority has not been able to provide a positive response to the proposals. There is a lack of common ground between the applicant and the Local Highway Authority in relation to the internal layout of the scheme and pedestrian crossings on Station Road. The applicant has been advised to remove access as part of the outline application so that it can be dealt with as a revised matter but has not agreed to do this.

In addition there remains concerns in relation to the effect of the proposal on congestion around the level crossing on Station Road. The applicant has been unable to provide sufficient information with regards to freight traffic on the railway line for the Local Highway Authority to be able to conclude that the proposal will not have adverse consequences on congestion along Station Road. The level crossing on Station Road has the potential to limit the amount of residential development on the site due to its impact on congestion on Station Road, however the applicant's traffic assessment considers that there is sufficient capacity for 190 dwellings and the Highway Authority has not objected to the principle of the use of the site for residential purposes.

Elmsett Parish Council and a number of neighbour responses have commented on the requirement for a relief road for the village. A relief road which would provide a bridge over the railway and resolve the current congestion at the level crossing at Station Road has been a long term ambition for the village. It has been suggested that the development should not take place until the relief road is in place or that the applicant provides a commuted sum as a contribution to the relief road. However there is no policy context to require a relief road or contribution to a relief road. Elmswell Parish Council is undertaking work on a neighbourhood plan but this is in very early stages. As information in relation to freight trains has not been provided it is difficult to have firm conclusions on the effect of the development on traffic on Station Road, however the highway authority has not indicated that the development cannot go ahead without the relief road. It is likely that the proposal would be unviable if it was required to fund the relief road in its entirety and contributions to a relief road would appear premature given that there is no policy context and any relief road is likely to

require a significant amount of development to fund it. The indicative layout shows that the route of the relief road can be protected if the application is approved and this would appear as an acceptable compromise.

Railway Safety

Policy T10 of the Mid Suffolk Local Plan states that new development must consider the needs of pedestrians. The public footpath which goes through the site leads to a pedestrian level crossing at Hawks End Road. The pedestrian crossing is accessed via a stile with no other safety infrastructure. Network Rail has objected to the proposals as they consider that the additional dwellings will increase the use of this level crossing, particularly as many of the village's facilities are located on the opposite side of the railway line. Network Rail consider that the only method of ensuring the safety of pedestrians crossing the railway line at this point is to provide a pedestrian bridge over the line, which the developer would be required to fund. It would not be possible to close the pedestrian crossing at this point as it is part of wider footpath network and the whole footpath would need to be closed or diverted. The developer has agreed to ensure the bridge is built prior to the development.

No information has been provided by either the applicant or Network Rail in terms of a risk assessment. It is therefore not clear at what point the level crossing would be used to the level where it would be unsafe and an alternative would be required. The applicant has also not agreed to a mechanism to undertake the erection of the pedestrian bridge if the cost was more than £1.3 million. Negotiations are continuing with the applicants to resolve this issue however if no agreement can be found, officers recommend that any approval of planning permission includes a s.106 agreement to include a full safety assessment and mitigation of any additional risk to the pedestrian crossing. This will include phasing of the mitigation measures. Without such an obligation the whole of the development could be built prior to the bridge being built and without understanding the level of risk to pedestrians would be created.

Public rights of way

Policy RT11 of the Mid Suffolk Local Plan states that the Council will safeguard the footpath network and where appropriate, will support proposals to secure its improvement and modification. The indicative layout shows the existing footpath being relocated along the estate roads. This proposed alteration has been objected to by Suffolk County Council rights of way team due to conflict with vehicles. The indicative layout shows that the footpath could remain on its existing alignment without affecting the layout of the proposed residential layout. As such it is considered that the alignment of the public footpath can be considered as part of the reserved matters for layouts.

Archeology

An Archeological Desk Based Assessment has been provided, this concludes that the site has moderate archeological potential. Suffolk Country Council archeological service has recommended conditions relating to additional archeological works.

Surface water and flooding

Policy CS4 of the Mid Suffolk Core Strategy states that the council will support development proposals that avoid areas of current and future flood risk. The site is currently predominately hardstanding which will have low levels of percolation. It is proposed to use SUDS to lower the percolation rate. The Environment Agency have not objected to the proposals subject to a condition to ensure that the measures set out on in the flood risk assessment are complied with.

Landscape impact

Policy CS5 of the Mid Suffolk Core Strategy states that the Council will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape. The site is located on the Countryside edge which makes it sensitive to development. However the previous industrial use had a detrimental impact on the surrounding landscape, due to a lack of landscaping on the north and western sides of the sites. As such the proposed residential development has the potential to improve the landscape impact of the site subject to significant landscaping along the boundaries of the site. Landscaping is to be considered as a reserved matter.

Ecology

An ecological report has been provided as part of the application, this states that ecological surveys have found the presence of bats, great crested newts and various species of breeding birds (including barn owls) and slow worms. Although only small populations of the various protected species were found within the site, the site clearly provided various important habitats. A condition for ecological mitigation will be required which should include integrated bat and birds boxes on some of the residential dwellings to replace the habitat found within the derelict houses and ponds and terrestrial habitats for both the newts and slow worms found on the site.

Trees

A tree survey has been provided with the application, this has shown that there are no category A - trees of high quality and value but a large number of category B - trees of moderate quality and value are located on the site. As the majority of these are located on the edge of the site, between the site and the adjoining residential properties it is likely that these can be retained within any future development. As such the proposed use for residential purposes will not have a detrimental impact on existing trees.

Neighbour amenity

The nearest neighbouring properties are the dwellings located along Station Road. The introduction of up to 190 properties will create more noise and disturbance than the existing derelict site, however when the site was last used for production, there were 350 employees on site and given that the car park was located to the rear of the properties on Station Road there would have been significant noise and disturbance. The indicative layout suggests that the back gardens of dwellings are likely to be located along the boundary which would help lessen any conflict. The access road is located away from neighbouring dwellings. It is not considered that the use of the site for residential purposes would be detrimental to neighbouring amenity.

Infrastructure Contributions

There have been ongoing discussions with regards to the Section 106 agreement. Contributions have been sought for affordable housing, healthcare, libraries, pre-school and primary education, public open space and for a pedestrian railway bridge as shown in the following table:

Affordable Housing - 35%	67 dwellings
Libraries	£41,040
Primary education	£584,688
Pre-school education	£79,183
Public Open Space	approx
Healthcare	£65,000
Pedestrian railway bridge	approx £1.3 million

A package of Section 106 contributions has not been agreed with the applicant but initial viability assessments suggest that the application will not be viable if all contributions are provided, given the abnormal costs of having to provide a pedestrian bridge over the railway. It is expected that the level of affordable housing will therefore be less than the 35% which is set out in Policy HS4.

RECOMMENDATION

That the Development Management Committee approves the principle of the development subject to continued negotiations in relation to access and highways, railway safety and infrastructure contributions.

That following the resolution of the above issues to the satisfaction of the Corporate Manager Development Management, the application is presented at Planning Committee for final resolution.

Philip Isbell
Corporate Manager - Development Management

Elizabeth Truscott
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. **Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

- Cor1 - CS1 Settlement Hierarchy
- Cor2 - CS2 Development in the Countryside & Countryside Villages
- Cor3 - CS3 Reduce Contributions to Climate Change
- Cor4 - CS4 Adapting to Climate Change
- Cor5 - CS5 Mid Suffolks Environment
- Cor6 - CS6 Services and Infrastructure
- Cor7 - CS7 Brown Field Target

Cor8 - CS8 Provision and Distribution of Housing
 Cor9 - CS9 Density and Mix
 Cor11 - CS11 Supply of Employment Land
 CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
 CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
 CSFR-FC2 - PROVISION AND DISTRIBUTION OF HOUSING
 CSFR-FC3 - SUPPLY OF EMPLOYMENT LAND

2. **Mid Suffolk Local Plan**

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
 H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
 HB14 - ENSURING ARCHAEOLOGICAL REMAINS ARE NOT DESTROYED
 H7 - RESTRICTING HOUSING DEVELOPMENT
 H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
 H14 - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS
 H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
 CL8 - PROTECTING WILDLIFE HABITATS
 E4 - PROTECTING EXISTING INDUSTRIAL/BUSINESS AREAS
 E6 - RETENTION OF INDIVIDUAL INDUSTRIAL AND COMMERCIAL SITES
 E7 - NON-CONFORMING INDUSTRIAL USES
 T2 - MINOR HIGHWAY IMPROVEMENTS
 T4 - PLANNING OBLIGATIONS AND HIGHWAYS INFRASTRUCTURE
 T9 - PARKING STANDARDS
 H3 - HOUSING DEVELOPMENT IN VILLAGES
 T9 - PARKING STANDARDS
 T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
 T11 - FACILITIES FOR PEDESTRIANS AND CYCLISTS
 T12 - DESIGNING FOR PEOPLE WITH DISABILITIES
 T13 - BUS SERVICES
 RT1 - SPORTS AND RECREATION FACILITIES FOR LOCAL COMMUNITIES
 RT4 - AMENITY OPEN SPACE AND PLAY AREAS WITHIN RESIDENTIAL DEV'T
 RT5 - RECREATIONAL FACILITIES AS PART OF OTHER DEVELOPMENT
 RT6 - SPORT AND RECREATION FACILITIES IN THE COUNTRYSIDE
 RT11 - FACILITIES FOR INFORMAL COUNTRYSIDE RECREATION
 RT12 - FOOTPATHS AND BRIDLEWAYS
 SC4 - PROTECTION OF GROUNDWATER SUPPLIES

3. **Planning Policy Statements, Circulars & Other policy**

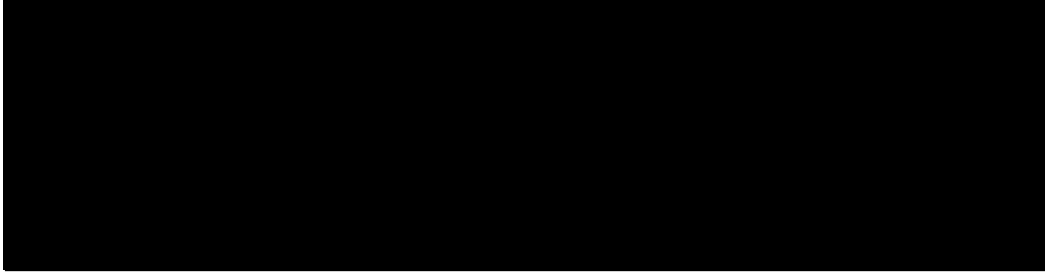
NPPF - National Planning Policy Framework
 C0299 - CIRCULAR 02/99: ENVIRONMENTAL IMPACT ASSESSMENT
 C0505 - CIRCULAR 05/05: PLANNING OBLIGATIONS
 C1195 - CIRCULAR 11/95: USE OF CONDITIONS IN PLANNING PERMISSION

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letters of representations have been received from a total of 14 interested parties.

The following people objected to the application





The following people **supported** the application:

The following people **commented** on the application:

