

Committee Report

Item 7A

Reference: DC/18/02146

Case Officer: John Pateman-Gee

Ward: Elmswell and Woolpit

Ward Members: Cllr Sarah Mansel and Cllr Helen Geake.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS

Description of Development

Outline Planning Application (access to be considered, all other matters reserved) - Erection of up to 105 dwellings including car parking, open space provision with associated infrastructure and vehicular access

Location

Land to the north and west of School Road Elmswell Suffolk

Parish: Elmswell

Expiry Date: 31.10.2018

Application Type: Outline Planning Permission

Development Type: Major

Applicant: Christchurch Land and Estates (Elmswell South) Ltd

Agent: Richard Brown Planning Limited

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

Details of Previous Committee/Resolutions and Member Site Visit

None.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF National Planning Policy Framework 2018

Elmswell Neighbourhood Plan (Very limited weight at this stage at the time of writing)

Core Strategy Focused Review 2012:

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing

Core Strategy 2008:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside and Countryside Villages
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure

Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats

Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide

Planning History and information.

DC/17/03853 - Outline Planning Application for up to 250 dwellings including car parking, open space provision with associated infrastructure and access – withdrawn by applicant in May 2018.

The subject site forms part of site SS0107 allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

The site is potentially considered suitable for residential development, taking identified constraints into consideration. Partial development to the north of School Road, adjoining the settlement up to Parnell Lane is considered to be more appropriate scale of development.'

The estimated yield recommended in the Draft SHELAA (August 2017) is 100 dwellings. In addition this site has been potentially allocated as part of the new Joint Local Plan, but this very limited weight at this time.

Consultations and Representations

During the course of the application consultation and representations from third parties have been received. The below is a summary of the responses received.

A: Summary of Consultations

Elmswell Parish Council

Elmswell Parish Council strongly urges rejection of this application. The objections are summarised here and referenced to more detailed text below.

- 1 The proposal is unsustainable in terms of highways infrastructure.
- 2 The proposal is unsustainable in terms of education provision.
- 3 The proposal would effectively sterilise the opportunity for the community to work towards the aspiration of a relief road taking traffic over the railway line and directly to A14.
- 4 The proposal is for a housing density which is out of keeping with the local norm.
- 5 The proposal should, properly, be subject to a Strategic Planning assessment and time allowed for the emerging Neighbourhood Development Plan to be brought forward.

1 Highways provision

1.1 It is accepted by all parties, including the Applicant, that the School Road / Church Road junction would be over capacity should this development go ahead allowing for the impact of the other recent permissions for large housing developments in the village. The design solution, of traffic lights, suggested by the Applicant would create an extremely hazardous solution given the level of two-way HGV traffic on the narrow carriageway and with the difficulties of moving off in slow crawler gear from a stationary position when stopped by the lights.

1.2 6 months data from the Elmswell Community Speed Watch Group, as lodged with Suffolk Police, shows 4,000 vehicles per day travelling into the village up Church Hill. Over half (51.8%) are exceeding the speed limit at the point where traffic lights are proposed. Half of these vehicles, 26.78% of the total, are travelling above 40mph at this point. There is a clear risk to road safety in requiring vehicles to stop at these speeds, often well in advance of the junction given the inevitable build-up of traffic at peak times.

1.3 The effect of traffic lights creating vehicle convoys will make for hazard at subsequent pinch points through the bend on School Road and at Shop Corner. The substantial cohort of traffic created by the railway crossing gates will inevitably clash with the grouped mass of vehicles released by the traffic lights causing serious congestion and hazard.

1.4 The siting of traffic lights and a pedestrian crossing will create an inappropriately urban result in the immediate built context of the Listed buildings at the Almshouses and St Johns Church. Similarly, the nuisance, including the effect on air quality, of queueing traffic for worshippers and residents alike makes this an unacceptable imposition.

1.5 Access to and egress from the dwellings served by the private driveway off Church Road will be in a no-mans land between the traffic lights, presenting uncertainty as to priorities and subsequent confusion which can only result in a more dangerous situation.

1.6 The suggestion of widening School Road is not detailed. Unless School Road is widened along its length, the extra burden suggested by this application would be untenable, given the problems currently encountered and, further, that it serves as part of the advisory one-way HGV route, as a two-way route for the hourly bus service and for school buses.

1.7 The single access point into the estate in the proximity of the sharp bend and almost opposite the access to the Old Schools Court development poses a significant traffic hazard.

2 Education provision

2.1 The proposal would, as confirmed by the SCC Strategic Development submission, produce demand for primary school places in excess of the capacity of Elmswell Primary

School, even allowing that the school is expanded in the meantime to a 420-place site. Similarly, the existing deficit in pre-school places in the Elmswell / Norton Ward has not been addressed.

3 Relief Road

The clearly expressed and widely supported community aspiration for a relief road has every chance of being embedded in the emerging Joint Local Plan. This application, if successful, would remove any chance of negotiating the preferred route making the project infeasible. Parish councillors entirely support the SCC view that it is essential that detailed consideration be given to...the delivery of a relief road, including the identification and protection of a corridor. Unless and until this matter is addressed, the application is premature.

4 Density

There are 105 dwellings proposed at a density of 35 per hectare. The villages emerging Neighbourhood Plan is seeking to require an upper limit of 25dph. The recently granted development at Wetherden Road allowed 240 dwellings at under 21dph. Similarly the sites at Warren Lane and White House Farm are set at 20 and 26dph respectively. This proposal would result in an uncharacteristically crowded site in a prominent location, clearly at odds with the housing density across the village street scene.

5 Strategic Planning

Councillors did not have the benefit of a Design & Access Statement on this Proposal. The lack of any information regarding the site context and / or the Planning context as seen by the Developer makes a proper assessment of the proposals impossible. In the absence of the perspective that might thus be offered, Councillors are at one with the County Council view that a development such as this should be part of a plan-led approach identifying the infrastructure requirements based on cumulative growth. There is no pressing need for the houses proposed here. Some 648 dwellings have recently been granted Planning Permission or are in the latter stages of that process in the village of Elmswell. Of these, some 30+ are already built-out on the redundant Grampian Harris site and are occupied with 4 more added each month. There is time to stop and consider the wider picture, and in particular the proposed Relief Road which is deliverable and which would remove the overriding problem of traffic which is blighting the community and which decisively counts against this particular proposal. Contrary to the Developers contention that the Relief Road is not being progressed, the access to the Grampian Harris estate which is currently under construction was required, under Planning permission ref. 0846/13 plan ref 947-02, to be designed and built to a specification which would satisfy the requirements of the future Relief Road. The dominant and central theme to the NPPF is sustainability. Piecemeal proposals such as this which seek to ameliorate the serious problems, stresses and strains that they create by patching in unrealistic infrastructure solutions such as traffic lights on Church Hill should be refused pending the imminent delivery of an Elmswell Neighbourhood Plan which will provide a community-led overview of reasonable and sustainable development to 2033.

In reaching these conclusions, Councillors had reference to; NPPF paragraphs 109, 110, 132 ,134 Local Plan policies GP1, H13, H15, T10 Core Strategy policy CS5

SCC Highways

Notice is hereby given that the County Council as the local highway authority does not object to the proposal subject to the imposition of the conditions shown below on any permission to be granted and the completion of a S106 planning obligation to its satisfaction:

The maximum 85%ile speed recorded on School Road adjacent to the site is 33mph and the required visibility for the access on the highway can be met.

SCC to consider it necessary to create a footway/cycle link between Woolpit and Elmswell. This scheme will be a sustainable solution as outlined in the NPPF and Mid Suffolk Core Strategies S03 and S06. The proposed footway improves access for cyclists and pedestrians will bring this part of this scheme to fruition.

The impact of the development has been shown to be negligible, with all junctions forecast to operate below operational capacity in the future year with development scenario except for Church Road/School road junction. Therefore the proposed mitigation is to introduce traffic signals on this junction. If not introduced, the queues on School Road could lead to frustration and drivers taking risks therefore, an unsafe situation. However, SCC has concerns on the deliverability and practicality of the proposed layout.

There is reverse curve designed on the northern approach from Church Road into School Road is not on the vehicle desire line meaning it's likely the centre line may be ignored by drivers turning left into School Road so potential to colliding with southbound vehicles/cyclists waiting at the traffic signals.

The junction has no speed limit (derestricted) and speeds of approaching vehicles are likely to be in the region of 50mph.

The signals add little contribution to pedestrian safety although there is a crossing phase included in the signals, the crossing point is not on the pedestrian desire line. Existing statutory undertakers' plant within the footway will need major diversions due to carriageway widening for the signal installation.

The site topography hasn't been taken into account (high banks and narrow footways) and land ownership/highway boundary concerns within junction.

The private access within the junction is not under signal control.

We are still of the opinion that there is still an outstanding issue with the capacity of the A1088/A14 junction and remains un-evidenced, The junction is likely to function within capacity for the 'with development' scenario, but potentially not the 'with cumulative development' scenario.

There have been 2 injury accidents on the area; both at School Lane/Station Road junction where both were contributed to driver error therefore, there are no existing road safety concerns.

There are a number comments regarding the proposed Travel Plan but the primary concern is there must be a commitment to engage with the Travel Plan Coordinators responsible for implementing other Travel Plans in the area to help mitigate the cumulative highway impact generated by all developments and potentially secure additional sustainable transport measures. A revised Travel Plan or Technical Note that fully takes into account the comments raised must be submitted prior to the determination of this application. (see email from SCC Travel Plan Officer). Taking all the above into account, we would recommend that permission for the application is refused unless the above points can be addressed.

(Case Officer Summary: SCC Highways have no objection to the principle, but offer a refusal on the indicative details.)

In this regard Highways have highlighted some issues with the layout, but as these are indicative these can be resolved are reserved matters stage.

New traffic signals are not proposed, these have been debated and assessments carried out, but the conclusion being not to seek these to be secured and so resolves that point.

A new pedestrian link has been offered and desired by SCC Highways along School Road, but there are potential safety considerations. At the same time there is no requirement for this improvement to mitigate the impact of the development itself and could be argued to be unreasonable. On this basis it is not been secured in planning terms, but for the developer to agree with the county separately. Widening of the school road is offered by the developer so that a car can pass a lorry and this is considered to be a benefit of the scheme.

Judged on its own merits the proposal does not have a highway objection that could not be resolved via condition and a revised travel plan sought via a S106 is recommended.)

Place Services - Landscape

Our response dated 07/06/2018 recommends "a larger informal landscape buffer" is proposed on the western edge of the proposed development to "help achieve the 'rural edge' character referred to in the submitted Landscape and Visual Impact Assessment (LVIA)". Because of this, between the two options submitted, we would favour Masterplan Eastern edge option 1.

Recommendations

The proposal will have an impact on the existing landscape character of Elmswell village and its settlement edge; however this impact can be reduced if appropriate landscape mitigation and character continuity measures are put in place.

BMSDC – Heritage Team

1. The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because it would be harmful to the setting of nearby listed buildings.
2. The Heritage Team recommends amendment so as to reduce harmful impact.
3. As the application stands Heritage Team recommends refusal.

The application follows application DC/17/03853 for residential development of a site including the present site but extending further south and west. We noted in our response that harm to the relationship between the Church, the listed almshouses and Elmswell Hall had been identified by the Heritage Statement submitted.

The present proposal reduces harm considerably by limiting the proposed development to the east of Parnell Lane, but we are still concerned that the approach to Elmswell Hall, along a drive across fields from the corner of School Lane, would be flanked on one side by the development. This would detract from the experience and appreciation of the status of an important rural property. In addition, because of the curved course of Parnell Lane, views of Elmswell Hall from School Lane would be obscured by the western edge of the development.

We consider that the setting of Elmswell Hall, despite some compromise from developments of the 1800s and 1900s, makes a considerable contribution to its significance, and that harm to the setting should be rated medium; harm to the significance of the Hall should be rated between low and medium.

We take the view that the harmful impact noted above could not be mitigated while the site extends so close to Parnell Lane, and recommend that the western limit of the site be amended so as to preserve the rural setting Elmswell Hall with development limited to the area north of School Road, as was advised before the first application.

Additional comment received:

Thank you for bringing to my attention the proposals within the transport assessment for alterations to the junction of Church Road and School Road which I had overlooked because they were not within the red line or on the main proposal drawings.

We would be very concerned at the upgrading of this junction to include splitter islands, lights and other road signs in the immediate setting of the listed almshouses. They would be particularly intrusive in the oblique views of the building along Church Road against its background of trees and open countryside. In all this would have an unwelcome urbanising effect. To a lesser degree it would similarly affect the setting of the Church, which is listed at a higher grade.

(Case officer note – Signalisation of the junction is not now proposed)

Historic England

Summary

The application seeks outline consent for the construction of up to 105 dwellings including car parking, open space, infrastructure and vehicular access on land to the north and west of School Road. The site lies to the north of the Church of St. John, the most significant historic building in the parish, and in proximity to other listed buildings. Historic England provided advice on the earlier proposal, application number DC/17/03853. The current proposal has reduced the impact on the setting of the church but it would still result in a moderate level of harm to its significance.

The proposal has been significantly revised from that originally proposed. The application site has been reduced in size and the development (with the exception of the pumping station) is now all located to the east of School Lane. The existing agricultural land to the north of the church and the west of School Lane is retained.

This proposal responds to our previous advice which considered there may be some scope for some modest development in the north east corner of the site between School Lane, Parnell Lane and School Avenue. It advised that the extent of this should be informed by a careful analysis of the impact of the development on the setting of the church. On the basis of the information we had, we considered this to be a small strip in the area between the northern entrance to the proposed development and School Avenue, letter dated 11 July 2017. The current proposal is however for a more extensive area than that we advised was likely to avoid or significantly reduce the level of harm, with the built area extending from School Avenue to Parnell Lane.

Recommendation

Historic England has concerns about the application on heritage grounds because of the erosion of the rural setting of the Church of St. John. We consider the application does not meet the requirements of the NPPF, in particular paragraphs 131 and 132.

Place Services Ecology

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

I have reviewed the Ecology Survey Report (Cotswold Wildlife Surveys, March 2017) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species.

I am satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Ecology Survey Report (Cotswold Wildlife Surveys, March 2017) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority species. A Construction Environment Environmental Plan (CEMP: Biodiversity) shall be provided to ensure that any proposed mitigation is undertaken appropriately during the construction period.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Anglian Water

The foul drainage from this development is in the catchment of Elmswell Water Recycling Centre that will have available capacity for these flows. Foul water strategy condition recommended. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

SCC Flood and Water

Approve subject to conditions.

NHS England

There is one GP practice within a 2km radius of the proposed development (Woolpit). This practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Network Rail

No objection.

BMSDC Arboricultural Officer

Given the existing land use and general lack of tree cover at this site the arboricultural impact of this proposal is likely to be negligible. However, the large oak on School Road and

avenue of chestnut trees along Parnell Lane will require appropriate protection measures during any development. These measures will need to be identified in an arboricultural report and clearly shown on a tree protection plan. Ideally this information should be submitted at this stage so the constraints from the trees are clear for all elements of layout design (services etc).

Appropriate new planting should also be subject to agreement (Case officer note – Landscape is a reserved matter)

Essex and Suffolk Water

Our records show that we do not have any apparatus located in the proposed development, as this area is not covered by Essex & Suffolk Water.

SCC Strategic Development

Summary Table – Expected CIL contributions:

Service Requirement	Contribution per dwelling	Capital Contribution
Education – Secondary	£2,971.76	£312,035.00
Education – Sixth Form	£0.00	£ 0.00
Transport		
Libraries	£216.00	£22,680.00
Waste	£51.00	£5,355.00
Total	£3,238.76	£340,070.00

Summary Table – S106 contributions:

Service Requirement	Contribution per dwelling	Capital Contribution
Primary School contribution	£4,024.23	£422,544.00
Pre-School	£1,719.81	£180,580.00
Total	£5,744.04	£603,124.00

BMSDC Air Quality

No objection.

BMSDC Sustainability

No objection subject to condition.

BMSDC Waste Management

No objection subject to conditions.

B: Representations

Objections received based on the following grounds (summary):

*Strain on infrastructure – roads, health care, schools,

*Cumulative impact owing to approved development in the village

*Highway safety concerns.

- *Insufficient road network capacity
 - *Impact on character and appearance of the area
 - *Impact on the setting of Grade II* listed church
 - *Adverse impact on experience along ROW
 - *Flood risk
 - *Density higher and out of place than neighbouring density
 - *Countryside land
 - *No details regarding construction management
 - *Change in outlook and privacy
 - *Impact on wildlife
-

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The 5.8ha site adjoins the western settlement boundary of Elmswell, a designated Key Service Centre. The site borders the rear of existing residential properties on School Avenue. The site is bordered and enclosed on its northern boundary by a rail line which is elevated above the site on a vegetated embankment. North beyond the rail line is open countryside. The western boundary at the site's northern end is delineated by Parnell Lane, a tree lined private drive, beyond which is open countryside comprising large irregular arable fields.
- 1.2 A public right of way (PF14) runs the length of the northern boundary, continuing westwards towards Elmswell Park.
- 1.3 There are seven listed buildings located within close proximity of the site and which share some inter-visibility; Church of Saint John (Grade II*), Two monuments 3m east of the Chancel to St. John's Church (Grade II), Churchyard Cross (Grade II), Nos. 1-3 Church Road (Almshouses—Grade II), Church Cottage (Grade II), Elmswell Hall (Grade II) and 1 and 2 Hall Cottages (Grade II). All are located south of the site except Elmswell Hall, which is located north of the rail line and 1 and 2 Hall Cottages which are east of the site fronting Farm Meadow.
- 1.4 The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area. The site is in Flood Zone 1.
- 1.5 The nearest bus stops are located on School Road adjacent the site.

2. The Proposal

- 2.1 Outline planning permission with all matters reserved, except access, is sought for up to 105 dwellings. Vehicular access to the site is proposed in the form of a priority junction from School Road. Initially other junction works were proposed, but this has been revised to a priority junction following comments.
- 2.2 The proposal is essentially a revision to application DC/17/03853 which was withdrawn by the applicant in May 2018. The original application proposed 250 dwellings across a much larger, more extensive development site (exceeding 15ha) that extended west of Parnell Lane and south toward Church Road.
- 2.3 Although matters of appearance, landscaping, layout and scale are not formally submitted for determination, the submission is accompanied by two indicative

masterplans and indicative accommodation schedule. The indicative details include the following key elements:

- Indicative housing mix: 10 x 1 bedroom; 34 x 2 bedroom; 35 x 3 bedroom; 26 x 4 bedroom dwellings.
- 37 affordable dwellings (35%)
- Housing density of 35dph (excluding the public open space and water attenuation areas from the calculation)
- 1.68ha of proposed public open space, comprising green Infrastructure, centrally located 500sqm children's play space and village green (LEAP), informal recreation and Sustainable Drainage Systems
- Predominantly 2 storey semi-detached dwellings interspersed with occasional detached and terraced dwellings
- Landscape buffer planting which seeks to preserve the agricultural setting surrounding the Church of St John and the Almshouses
- pedestrian links to existing public rights of way around the perimeter of the site
- Creation of Sustainable Drainage Systems (SuDS) utilising the lower lying parts of the site to collect, retain and reduce surface water run-off and provide ecological habitat areas
- The existing footpath route through the site is retained through the development connecting to a wider network of routes surrounding the site.
- Road design comprises 5.5m main residential street, shared surface zones with 4.8m wide carriageway, and 4.1m wide private drives extending from the main residential and secondary streets.
- Car and cycle parking is to be provided to the current adopted standards.
- Trees to either side of Parnell Lane are to be retained.
- Attenuation basin and swale (SuDS) located in the north west corner of the site boundary.
- Proposed pumping station compound to the site's northwest corner, on the western side of Parnell Lane.

3. Elmswell Neighbourhood Plan (ENP)

- 3.1 Council designated the ENP Area on 14 January 2014. The ENP process is currently at stage 2 – preparation of a draft ENP (as per the Planning Practice Guidance (PPG)).
- 3.2 Elmswell Parish Council and the ENP Steering Group referral responses suggest that the western relief road, a clearly expressed and widely supported community aspiration, may form part of the emerging Joint Local Plan. Elmswell Parish Council contends that until the relief road matter is addressed, the application is premature. The Parish Council and the Steering Group both assert that the proposed housing density, at 35dph, exceeds the upper limit of 25dph which may be sought in the emerging ENP. For these reasons a key test to determine is whether the application is premature in the context of the ENP.
- 3.3 The PPG outlines the circumstances in which a development proposal may not be supported owing to prematurity. The PPG states that where the presumption in favour of sustainable development applies, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. The PPG then follows:

'Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*
- (b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.'

- 3.4 The ENP is at stage 2, well short of the end of Council's publicity period (stage 4) which will not be commencing any time imminently given stage 3 must also be advanced. The ENP is therefore a very long way off from forming part of the development plan. For these reasons, aspirations that might embed in the ENP are at this stage attached such limited statutory weight that any conflict with them is not considered fatal to the application. There are not any justifiable grounds to refuse the application based on it being premature or in conflict with any ENP related aspirations.
- 3.5 The matter of the relief road (especially as this site is on the route of one option) has been considered carefully by your officers. At this time the need for such a road is not supported by Suffolk County Highways or your policy team. There are potentially other options for a relief road route to use should in the future this local goal gain more weight.

4. Housing Land Supply

- 4.1 Mid Suffolk benefits from a five year housing supply. There is no requirement for Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF and it has been concluded that many of the current local plan policies are out of date in this regard.

5. Sustainability of the Proposal

- 5.1 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.
- 5.2 Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. The proposed development does not fall within any of the listed categories.

- 5.3 Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 5.4 The proposal site is located in the countryside and is therefore inconsistent with policies CS1, CS2 and H7.
- 5.5 However, the requirements of Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.
- 5.6 Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to the above policies is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 5.7 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01_1 of the Core Strategy, and are also the most up-to-date elements of the Mid Suffolk development plan, adopted in 2012. These policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework as it applies to the subject application.
- 5.8 The three dimensions of sustainable development, in the context of the proposed scheme, are assessed in detail below.

6. Economic Dimension

- 6.1 The provision of up to 105 dwellings will give rise to substantial employment during the construction phase of the development owing to the scale of development proposed. Future occupiers of the development will use local services and facilities in Elmswell given their accessibility, offering substantial benefits to the local economy. The development will give strong and direct support to the vitality of the town. The New Anglia 'Strategic Economic Plan' (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built. The proposal will result in significant job creation and will have very positive regional economy benefits.

7. Social Dimension

- 7.1 A total of 37 affordable units is proposed, comprising 28 rented homes and 9 shared ownership homes. 37 affordable units represents a considerable social benefit to the district to which significant weight is attached.
- 7.2 The indicative layout plan suggests a mix of 1, 2 3 and 4 bedroom dwellings across the site in the form of detached, semi-detached and terraced housing. The indicative range of housing types is broad, offering a good level of housing choice for future residents. The significant provision of smaller household dwellings - 44 one and two bedroom dwellings making up 42% of the overall dwelling number - represents a considerable social benefit weighing positively in the planning balance.

- 7.3 Objectors, including Elmswell Parish Council and the ENP Steering Group, are critical of the strain that will be placed on local services, in particular education and the health care system. It is well-established industry practice that CIL contributions are used to ensure existing infrastructure capacity is enhanced to accommodate additional demand. Monetary contributions will be required and the applicant has not raised objections to date regarding the requested sums. In respect to education (including pre-school), SCC has requested monies for education contributions. Additional contributions are required for libraries and waste management. It is therefore concluded that the level of required enhancements will not impact the viability of the proposal and therefore are deliverable.
- 7.4 Additional infrastructure requirements are a consequence of the development, but it is not an adverse social impact. It must also be noted that none of the infrastructure authorities have objected to the scheme, including NHS England, with all concluding that CIL contributions are to be used to manage future infrastructure demand.
- 7.5 The incorporation of a children's play space and recreational public space central to the site offers a social benefit that will become a local community asset, furthering the social dimension of sustainable development.
- 7.6 The matter of the sustainability of the site location, in terms of access to local services and facilities, is discussed further below.

8. Environmental Dimension

Access to Services and Facilities

- 8.1 The site is located in the countryside in policy terms, however, it abuts the village's settlement boundary. The site has a strong functional relationship to the town and is not considered isolated in a functional sense. Elmswell is served by a range of local services and facilities, as expected for a settlement designated as a Key Service Centre. The local services on offer are within a short walking distance of the site, making walking and cycling a convenient and sustainable way of accessing facilities. There is a food store within 800m walking distance as well as a butchers, place of worship / cemetery, takeaway, public house, post office, allotments and school. Blackbourne Community Centre is 800m from the site, Elmswell library is 640m and Elmswell Community Primary School approximately 800m.
- 8.2 The Elmswell railway station is within walking distance and is served by the Greater Anglia Line which operates trains across East Anglia. There are nine bus stops within a 10 minute walk of the site, with two directly adjacent to the site's eastern boundary, providing sustainable transport links to local facilities. Local bus routes provide wider connections to Bury St Edmunds and Thurston in the west, Woolpit to the south and Stowmarket, Stowupland, Mendlesham and Otley to the east
- 8.3 The site exhibits extremely high sustainability credentials. It is a sustainable location for housing development.

Impact on the Landscape

- 8.4 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

- 8.5 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 8.6 The site is very well related in a physical sense to the body of the village which lies adjacent the site's eastern boundary. The rail line to the north offers a very good degree of visual containment and serves as an effective landscaping screen. Parnell Lane to the west is a natural boundary and terminating the development here, other than for the pumping station compound, is a respectful landscape design response. Retention of the trees lining Parnell Lane is a positive. Limiting the development boundaries to those proposed is clearly a response offered to address concerns raised in the previous application, as well as commentary set out in the draft SHELAAs regarding site suitability for residential development. On the whole, the scale of the development site has been substantially reduced to that previously considered, and now reads as being proportionate to the body of the village. The development is well contained in a visual sense by the logical boundaries provided by the village body to the east, School Road to the south, Parnell Lane to the west and the rail line to the north.
- 8.7 The application is supported by a landscape assessment that has been reviewed by Council's Landscape Consultant. The consultant does not offer a fundamental objection to the scheme on landscape grounds. The proposed housing density is not a concern and one which is appropriate given the site's close physical relationship to the built up village. The consultant agrees with the landscape assessment in that the key landscape challenge is the open setting west of the site. The consultant observes that the Design and Access Statement recommends a western landscape buffer in order to respond positively to the western open setting, noting that the report states '*Development should be set back behind an area of public open space with planting to control views and respecting the existing landscape setting around Church of St John and Almhouses listed buildings.*' However, it is the consultant's view that the illustrative masterplan fails to show this and recommends that this should be amended accordingly.
- 8.8 Officers agree with the Landscape Consultant and the position set out in the supporting Design and Access Statement. A rural edge character is required at the western interface in order to respond appropriately to the open countryside. The indicative plan was amended on this basis and we now have two options with one now proposing a more acceptable rural edge.
- 8.9 The application is in outline form only. The extent of western landscape planting is for the detailed design stage. It can be readily addressed at the reserved matters stage of the development process. It is concluded that provided a more substantial western landscape buffer is incorporated, the landscape character harm brought about by the proposal will be less than moderate.

Impact on Heritage Assets

- 8.10 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a listed building or its setting.

- 8.11 Council's Heritage Officer has reviewed the supporting Heritage Statement. The Heritage Officer accepts that the present proposal reduces harm considerably by limiting the proposed development to the east of Parnell Lane. The Officer remains concerned however with the impact on Elmswell Hall to the north, contending that the housing flanking Parnell Lane would detract from the experience and appreciation of Elmswell Hall. The Officer deems the harm to the setting of this heritage asset to be of a medium magnitude. To address this issue and mitigate the harm the Officer suggests a greater setback of the development from Parnell Lane. This is consistent with the design modification put forward by the Landscape Consultant (albeit put forward for a different reason) and strengthens the case for a design modification to be undertaken at the reserved matters stage of the development process. Provided a greater setback from Parnell Lane is secured, the heritage harm in respect to Elmswell Hall is afforded 'minor' status.
- 8.12 Historic England is concerned with the impact of the proposal on the open landscape setting of the Church of St. John, a Grade II* listed building. Although observing that the retention of the agricultural land to the west of Parnell Lane will retain much more of the rural landscape setting of the church than the previous proposals, Historic England consider that the presence of housing as proposed will erode the rural setting of the church to the north, resulting in a less than substantial level of harm to the significance of the church.
- 8.13 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, the harm should be weighed against the public benefits of the proposal. The moderate heritage harm must therefore be weighed in the planning balance, and considered in the context of the environmental, social and economic benefits that the scheme will bring about, which are identified elsewhere in this report and which will be jointly concluded upon.

Residential Amenity

- 8.14 Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 8.15 There is nothing in the application that suggests residential amenity cannot be adequately managed at the appropriate reserved matters stage of the development process. The outline stage of the process is not the appropriate time to be considering this matter given the absence of layout, siting and design detail. The scale of development is significant however so too is the size of the site. Suitable distances between dwellings on School Avenue can be achieved so as to ensure no unacceptable loss of daylight, sunlight, or overlooking to existing residents will occur.
- 8.16 Conditions are recommended regarding a Construction Management Plan and limiting construction hours to ensure the safeguarding of neighbouring residents' amenity.

Access

- 8.17 Access point is a matter sought for approval. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 8.18 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is not considered to be the case on this occasion.
- 8.19 Many of the submissions received object to the scheme on traffic grounds, in particular the capacity of the existing road network to absorb the traffic generated by the development. Many are critical of the capacity of School Lane given its narrow width, but in part this could be widen as a benefit of this scheme and is sought to be secured.
- 8.20 Elmswell Parish Council commissioned a peer review of the submitted Traffic Assessment and the review concludes that the proposed signal controlled junction layout proposed for Church Road/School Road does not satisfy industry guidance for traffic signal controlled junctions in a number of areas. A signal controlled junction is not now proposed or a requirement from the highways authority to pursue further in this case. On this basis this concern has been considered to be resolved.

Given the extent of potential development within the area of Elmswell, improvements to this junction may be required through natural growth sometime in the future as a worst case scenario, but no capacity issues would result from this proposal at this time.

- 8.21 A footpath link to the School Road junction is offered, but officers do not seek to secure this on grounds that it is not proven to mitigate the burden of the development. To conclude the expert opinion of the highways authority do not have any objection in principle to the proposal at this time and outstanding layout matters can be resolved when layout is considered under reserved matters.

Flood Risk

- 8.22 The land is located in Flood Zone 1. SCC Flood and Water Management Team does not object to the scheme subject to conditions. There is no reason to withhold planning consent on flood or drainage grounds.

Biodiversity

- 8.23 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

- 8.24 An ecology report supports the application which has been reviewed by Council's Ecology Consultant. The consultant does not raise an objection subject to conditions.

Public Open Space

- 8.25 A management plan for the public open space area is required and it is most appropriate to secure this by way of a S106 agreement whereby the developer will establish a management company to manage the land or some other arrangement agreed with the Council. There is no proposal for the maintenance and management of the open space area to be transferred to the Council.

9. Planning Obligations / CIL

- 9.1 The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.
- 9.2 As noted above, the application, if approved, would require the completion of a S106 agreement to secure a management plan for the principal public open space area.

PART FOUR – CONCLUSION

10. Planning Balance

- 10.1 The Council benefits from a five year housing supply, however the tilted balance at paragraph 11(d) of the NPPF is engaged given the current age of the development plan and subsequent publication of the NPPF. The ENP is not well advanced and there are not any grounds to withhold planning consent on the basis the application is premature in the context of the ENP process. The relief road, whilst arguably well supported by the community, is at this time merely an aspiration. It is not supported by local policy. It is not afforded any statutory weight.
- 10.2 The site is outside the settlement boundary and therefore the proposal conflicts with CS1, CS2 and H7. Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to the above policies is reduced and therefore the conflict is afforded limited weight in the planning balance.
- 10.3 Development of the site for residential purposes is consistent with the recommendations of the Draft SHELAA (August 2017) and Draft Joint Local Plan in terms of both the quantum of development sought and the extent of the development site in physical terms.
- 10.4 There are substantial social and economic benefits associated with the scheme. The provision of 37 affordable housing units is a substantial benefit in its own right. The contribution to the local housing stock is a benefit of note given the scale proposed. The addition of up to 105 new dwellings would offer meaningful support for the local services in the town, both during construction and following occupation of the development. The public open space contribution is a further planning benefit.
- 10.5 The site is a highly sustainable location, offering pedestrian connectivity to local services, including the Elmswell train station, as well as a good local bus network

connecting to the village and to other settlements nearby. The proposal would not be physically, visually or functionally isolated.

- 10.6 The proposed access arrangements are deemed acceptable, as confirmed by the Highways Authority. The development has the ability to offer biodiversity gains, a positive planning outcome.
- 10.7 CIL contributions will be used to ensure existing infrastructure capacity is enhanced to meet additional demand, a neutral outcome in the planning balance.
- 10.8 The site is very well related to the body of the village and it exhibits a fair degree of visual containment. The development boundaries will appear natural and logical. Landscape harm will be minor provided that an enhanced western landscape buffer is incorporated. This buffer has the added benefit of mitigating harm to the setting of Elmswell Hall, a designated heritage asset. There will be moderate heritage harm, brought about by the erosion of the rural setting of the St Johns Church.
- 10.9 The significant social and economic benefits of the scheme outweigh the less than substantial harm that is identified, which principally relates to the setting of St Johns Church. Matters such as archaeology and drainage that require further attention do not tip the balance as they can be resolved or mitigated to an acceptable level by planning conditions.
- 10.10 The proposal will deliver sustainable development subject to the appropriate resolution of detailed design elements at the reserved matters stage. The application is therefore recommended for approval.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Acting Chief Planning Manager to secure:

- (a) Provision, management and maintenance of Public Open Space.
- (b) 35% Affordable housing provision and housing mix to be agreed.
- (c) Framework Travel Plan
- (d) Education contribution towards a new school and pre school provision for Elmswell only (if required) at commencement of development of £5,744.04 per dwelling.

(2) That the Acting Chief Planning Manager be authorised to grant Outline Planning Permission subject to conditions including:

- Standard time limit
- Reserved matters outline
- Approved plans
- Phasing Plan for development
- Highways- road widening to school road only.
- Highways- details of estate roads
- Highways- road serving dwellings completed to base course prior to occupation
- Highways- provision and retention of manoeuvring and parking areas
- Highways – Travel Plan amendments
- Highways – Deliveries Management Plan

- Highways – Residents Travel Pack
- Surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks
- Construction Surface Water Management Plan
- Foul water strategy
- Surface water management strategy
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Ecology enhancement measures
- Lighting scheme – biodiversity
- Construction Management Plan
- Hedgehog Fencing to be included in reserved matters

Notes

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

(3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured within 6 months that the Acting Chief Planning Manager be authorised to refuse outline planning permission on appropriate grounds.