

Committee Report

Item 7B

Reference: DC/19/03924

Case Officer: Daniel Cameron

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION –GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (some matters reserved - access to be considered) for site remediation works (Phase 1) and the erection of up to 65 dwellings with the safeguarding of land for potential future delivery of a relief road, public open space and associated landscaping (Phase 2).

Location

Land to the West of the Former Bacon Factory, Elmswell.

Expiry Date: 20/11/2019

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Harrow Estates PLC

Agent: Armstrong Rigg Planning

Parish: Elmswell

Site Area: 3.11 ha

Density of Development: 29 d/ha

Details of Previous Committee / Resolutions and any member site visit: This application was considered by Planning Committee on 8th January 2020. It was deferred to allow additional highways detail to come forward.

Has a Committee Call In request been received from a Council Member (Appendix 1): No.

Has the application been subject to Pre-Application Advice: Yes (DC/19/01134).

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a major application consisting of a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption in Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
HB01 - Protection of historic buildings
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
CL08 - Protecting wildlife habitats
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
H04- Proportion of Affordable Housing

Neighbourhood Plan Status

The application site is within the Elmswell Neighbourhood Plan Area. The Elmswell Neighbourhood Plan is currently at: Stage 2 - Preparing a draft Neighbourhood Plan.

Accordingly, the Neighbourhood Plan has little material weight.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Elmswell Parish Council

Elmswell Parish Council objects to this application on the following grounds:

1. The site is outside of the Settlement Boundary and is not a Preferred Option in the emerging BMSDC Joint Local Plan. It represents ad hoc development without the safeguards of any

strategic planning and, as such, is an unsustainable location on which development should not be approved.

2. The proposal found no support during the pre-application consultation process from either Elmswell Parish Council or the public. It imposes further strain on the infrastructure provision which is already stretched to accommodate 634 houses in Elmswell with Planning permission currently being built-out or soon to commence construction. Of specific concern are:
 - a. Highways infrastructure which, at the School Road / Church Road junction, is already over the safe operating capacity, as confirmed by SCC Highways, and where no mitigation is suggested or offered.
 - b. Highways infrastructure where the clear guidance enshrined in the Suffolk Design Guide is for 150 dwellings served by a single access road, this structure already breached by the host development here on the Bacon Factory site and now further to be ignored in a proposal which seeks to allow 265 dwellings to be accessed from the increasingly busy single junction at Ashfield Road, a 56% uplift on the accepted safe limit.
 - c. Educational provision which is already stretched by extant proposals requiring the expansion of Elmswell Primary School on its constricted site to accommodate 420 pupils and which, by Suffolk County Council admission, still leaves a residue of Elmswell children required to be bussed elsewhere when all current housing development is realised. All of the primary schoolchildren from the new housing proposed here would have to travel by bus to receive their primary education.

3. The addition of the public green space to the north of the site, which was not originally mooted at the consultation stage, inevitably means that the land reserved for the Relief Road separates the residents from their recreation area posing a hazardous prospect as any such road would, by definition, carry considerable volumes and weight of traffic

National Consultee (Appendix 4)

Natural England

No objection.

Highways England

No objection.

Environment Agency

Groundwater and Contaminated Land

We have reviewed the Former Grampian Foods, Elmswell, Suffolk, Phase I and II GeoEnvironmental Assessment, DQRA and Remediation Strategy report (RPT-0018), February 2015, and, based on the information provided, have the following comments:

We agree on the results of the detailed quantitative risk assessment for controlled waters, which determined that the risk to the principal aquifer posed by the hot spot located at BH11 (former diesel tank location) is low.

We note the existence of an historic onsite abstraction borehole.

We note that piling is the proposed foundation solution for a part of the site. Deep foundations have the potential to impact on groundwater resources.

We agree that infiltration drainage systems are not suitable for this site, due to the very low hydraulic conductivity of the superficial deposits. Details of an alternative proposed drainage system for the proposed development should be submitted to the local authority for discussion and written approval.

This outline planning application (Phase 1 and 2) demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

We consider that planning permission could be granted to the proposed development as submitted, if planning conditions are included. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

NHS Clinical Commissioning Group

Confirm that the closest GP surgery to the site does not currently have capacity to expand and will therefore seek a contribution to be taken from any resultant CIL receipts generated by the application to fund this expansion and so mitigate the impact of the development.

County Council Responses (Appendix 5)

SCC Highways

Trip Generation and Capacity

The trip rates in the Transport Assessment (TA) for the proposed scheme are suitable for this location. The TA indicates all the junctions will operate within capacity except School Road/Church Road junction where this site and committed developments show queuing and traffic congestion on the School Road arm of the junction during the peak periods. The maximum calculated RFC is 1.05 (1 being at capacity) and the queue lengths are 18 (calculated delay of approximately 2.5 minutes). The main concern would be safe routes for the pedestrian/cyclist and driver frustration. There are alternative routes from the proposed development and it could be considered that many drivers will chose these routes to avoid queuing on School Road. Pedestrian and cyclists would benefit from improved facilities at this junction such as wider footways and dropped crossings. The barrier at the level crossing on Station Road currently operates an average of three times per hour during the AM peak and five times per hour during the PM peak. It has been calculated the additional traffic from the development would add maximum delay of 6 seconds.

Highway Safety

Two injury accidents have been recorded in the past 5 years; both at Station Road/New Road/School Road junction and were slight injuries. Both collisions were driver error; failing to look properly.

We raised concerns at pre-application stage there was a perception during the AM period, parents and children going to school are at risk as they congregate in the narrow footways adjacent to queuing traffic. A video survey was taken and it was observed there were no pedestrians taking 'unnecessary risks' or any safety issues were not observed.

Access and Internal Layout

The proposed development access has 2 points of vehicular access into the Taylor Wimpey development. With this proposed development, there will be 255 dwellings served by a single access off Station Road. The Suffolk Design Guide states that there should be 2 access points for developments with over 150 dwellings. The TA for this application states that there is an emergency access point into the Industrial estate adjacent to the site. However, this is pedestrian link only, not vehicular. As the main access point is wide and the layout within the Taylor Wimpey site is looped, the extension to the site is not ideal but allowable.

This development would not have an unacceptable impact on highway safety (NPPF paragraph 109) therefore, we do not object to the proposal.

S106 Contributions

SCC consider it necessary to create a footway/cycle link between Woolpit and Elmswell and this junction is within the desired route. Therefore, we would be seeking a contribution of £50,000 to bring this scheme to fruition. Passenger Transport section have requested a contribution of £50,000 towards improving community transport for the village which will provide sustainable travel opportunities for the residents of the site and further community.

SCC Fire and Rescue

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions and should be secured via planning condition. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

SCC Flood and Water

Approve subject to conditions.

SCC Development Contributions

Service Requirement	Funding mechanism	Contribution per dwelling	Capital Contribution
Education - Primary	S106	£5,117.05	£332,608.00
Education – Secondary	CIL	£4,197.78	£272,856.00
Education – Sixth Form	CIL	£1,049.45	£68,214.00
Pre-School	S106	£2,152.55	£139,916.00
Transport - see section 3 above			
Libraries	CIL	£216.00	£14,040.00
Waste	CIL	£110.00	£7,150.00
Total		£12,842.83	£834,784.00

SCC Archaeology

In my opinion there would be no significant impact on known archaeological sites or areas with archaeological potential due to the previous archaeological work carried out on the adjacent site and the large amount of disturbance to this site over the past 20 years.

Therefore, I have no objection to the development and do not believe any archaeological mitigation is required.

Internal Consultee Responses (Appendix 6)

Strategic Housing

This is an open market development and based on 65 units should offer 22 affordable housing units = 35% policy compliant position.

Market Housing

Due to the lack of detailed information provided at outline approval it is not possible to see the type, size, location of any of the proposed dwellings. Therefore, at this stage we are unable to calculate whether the housing mix that will be provided will be suitable and complement the current housing need for this district. We look forward to a detailed plan showing this.

Communities (Major Development)

This application needs to take into account the views on the Elmswell Parish Council in regard to its provision of Open Space, sport and recreation as this is currently being strategically considered by them.

Public Realm

The Public Realm Team support the inclusion of three local play areas within the open space associated with the proposed development. It would be anticipated that local management of the public open space would be sought as the District Council would not seek to adopt these open spaces due to their very local value.

Planning Policy

The site in question would further expand Elmswell to the west, which is considered an unnecessary major addition to an already expanded settlement. Equally it is noted there are ponds and a moat within the immediate surrounding vicinity to the north and west of the site. Which forms significant material consideration from an ecology/biodiversity, landscape, heritage and setting value to the area that should be comprehensively assessed. The proposal is not encouraged or supported. Cumulatively, the proposal would cause impacts on infrastructure.

The IDP (July 2019) sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 22nd July 2019 as evidence which supports the Joint Local Plan and is an iterative document which will change over time dependant on changing infrastructure capacity, requirements and priorities.

The proposed development is not part of the proposed site allocations of the emerging Joint Local Plan. For the purpose of this response, and to understand the impact on infrastructure capacity, the content of the IDP has been considered together with the existing planning permissions and responses from infrastructure providers.

These are the current planning applications (over 10 dwellings) and emerging Joint Local Plan land allocations in Elmswell, and because it is of relevance, the applications for Woolpit are also listed:

Elmswell - Existing Permissions (634 dwellings)

- 0846/13 former Grampian Harris site - 190 dwellings (under construction)
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- 0210/17 – Land To The East Of Ashfield Road - 106 dwellings (awaiting decision on Reserved Matters)
- 4911/16 – Land adjacent to Wetherden Road - 240 dwellings (Full planning permission obtained October 2018)
- 3469/16 – Land to the East of Borley Crescent - 60 dwellings (Full planning permission obtained June 2019)
- 4909/16 – Land east of Warren Lane & west of Cresmedow Way - 38 dwellings (Outline planning permission obtained June 2018)

Elmswell - Planning applications awaiting determination (105 dwellings)

- DC/18/02146 – 105 dwellings (Emerging JLP LA065)

Elmswell - Emerging Joint Local Plan site allocations (not under application) (160 dwellings)

- LA064 - Land north of Church Road – 60 dwellings
- LA066 - Land west of Station Road – 100 dwellings

Woolpit - Existing Permissions (169 dwellings)

- 1636/16 Land south of Old Stowmarket Road – Outline permission for 120 dwellings (Emerging JLP LA094)
- 2112/16 Land On East Side Of Green Road – Full permission for 49 dwellings (Emerging JLP LA093)

Woolpit - Planning applications awaiting determination

- DC/18/04247 Land Off Bury Road The Street – Outline application for 300 dwellings (Southern section of LA095)

Woolpit - Emerging Joint Local Plan site allocations (not under application) (540 dwellings)

- LA095 Land south of A14, north east of The Street and east of White Elm Road - 500 dwellings (300 dwellings under application as per above). With land allocation for pre school and primary school.
- LA096 – Land north east of Heath Road, adjacent to Woolpit Primary School – 10 dwellings
- LA097 - Land west of Heath Road – 30 dwellings

There are several essential infrastructure needs for Elmswell that are identified:

Education

The IDP states that within Elmswell a new Pre School setting for 30 places is needed with proposed land allocation on LA065. This need is further amplified by this proposal to alleviate the need for the children to be accommodated at the new pre-school setting in Woolpit. The expansion of Elmswell Community Primary School from 315 to 420 places is planned, however, as stated by the County Council in their response of the 05/09/2019, this expansion project will not be able to deal with pupils arising from this proposed development as existing permissions have absorbed this additional capacity. A new primary school is to be provided in Woolpit to supply growth of Elmswell and Woolpit. This new Primary School would have the potential to provide for this development together with the committed growth and Joint Local Plan proposed allocations. For the secondary school provision, the expansion of Thurston Community College from 1940 to 2190 places is planned.

Transport

The IDP states that within Elmswell, new footway links, traffic calming measures and bus stops improvements would be required where necessary. Specific site details and required contributions are provided through the County Council Highway response. The IDP also refers to contributions towards a new cycle/pedestrian link between Elmswell and Woolpit, for which the County Council Highways

response requires developer contributions. This currently cannot be provided through CIL and it would be appropriate to seek s106 contributions. Potential highways improvements at the junction of School Road and Church Road may also be required.

Health

For Elmswell the nearest practice is Woolpit Health Centre, where the IDP refers to expansion of the practice and CIL contributions would be required.

It will be essential that the above points are considered in conjunction with the current application process and infrastructure needs must be satisfactorily addressed in accordance with the respective infrastructure providers' consultation replies and the IDP.

Heritage

The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because it would further erode the rural character of the setting of Elmswell Hall; the level of harm would be considered low.

Special regard should be had to preserving the setting of the listed building, and any harm should be given great weight and weighed against public benefits of the scheme.

If the recommendation is favourable, steps should be taken to avoid or minimise harm by means of layout, landscaping and distribution of house types.

The site lies at the edge of the settlement which in recent years has spread into the site of the former bacon factory. The site was previously used in association with the bacon factory.

The Hall is a 1500s manor house re-worked in the early 1800s with simple and modest facades in local white brick. It retains direct visual relationship with the Church and alms houses to the south. Despite the growth of Elmswell, the setting of the Hall is predominantly rural and makes a considerable contribution to its significance. Surrounding farmland contributes to appreciating its role as a farmhouse. The application site was originally associated with the Hall as part of its farmed land, but the site was latterly in industrial use, albeit without built development.

The proposal would bring built development somewhat nearer to the listed Hall but without extending the visual arc from the point of view of the Hall.

The proposal would erode the rural character of the Hall's setting, but factors noted above would limit impact on the Hall's setting to a low level.

If the recommendation is favourable, steps should be taken to avoid or minimise harm by means of layout, landscaping and distribution of house types.

Land Contamination

No objection subject to condition.

Environmental Health

No objection subject to condition.

Environmental Sustainability

No objection subject to conditions.

Air Quality

No objection.

Other Consultee Responses

Anglian Water

Assets

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space

Wastewater

The foul drainage from this development is in the catchment of Elmswell Water Recycling Centre that will have available capacity for these flows.

Used Water

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We are exploring options for a Foul Water strategy to serve this development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

Surface Water Disposal

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Place Services Ecology

We have reviewed the Ecological Assessment (Ecology Solutions Ltd, June 2019), provided by the applicant, relating to the likely impacts of development on designated sites, protected and priority species/habitats.

We are satisfied that sufficient ecological information is available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. We recommend that these mitigation measures are set out within a Biodiversity Method Statement, to allow the mitigation measures to be clearly followed during the construction phase of the development. This should include provision of the reptile mitigation strategy, which provides indication of an appropriate receptor site following Gov.uk Guidelines.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured concurrent to reserved matters. This shall include the locations of the proposed hedgehog highways, bird / bat boxes and reptile hibernaculum. This enables the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

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

Submission for approval and implementation of the details below should be a condition of any planning consent.

Place Services Landscape

The Soft Landscaping Plan (Drawing ref: 03000 Rev. PL02) provides details of the proposed tree planting and native hedge planting on the western and northern boundaries. Although the addition of the native shrub planting is welcomed, Common Elder (*Sambucus nigra*) should not be specified as part of the shrub mix, as the shrub is very vigorous and will suppress the growth of the other species specified. As an alternative, we would recommend including some native shrub species such as wild cherry, hornbeam or hazel.

The revised Soft Landscape Strategy (Drawing ref: 03000 Rev. PL02) shows a landscape buffer on the western edge which is welcomed. However, it is unclear whether this is compliant to the 10m width previously recommended? If so, we would advise the illustrative masterplan and associated drawings are amended accordingly.

Our consultation response dated 22/10/2019 recommends that an illustrative masterplan with plot details is submitted along with further details of how the POS to the north of the site will be used if the link road does not go ahead needs to be provided. At present, no further information on these themes has been provided so we are unable to provide further comments until revised versions are submitted.

Reserved matters conditions should be considered.

B: Representations

At the time of writing this report at least 1 letter has been received. It is the officer opinion that this represents 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below: -

Mid Suffolk Disability Forum seeks a commitment that all dwellings would meet Part M4 of Building Regulations. It is their view that all dwellings should comply to Category 1 (visitable dwellings), a reasonable proportion be built to Category 2 (accessible and adaptable dwellings) and that 10% of the total number of dwellings be built to Category 3 (wheelchair user dwellings).

Every effort should be made to ensure that footpaths are wide enough for wheelchair users and that dropped kerbs should be level with the road surface for ease of use.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/01965

Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Regulation 6 Request for a Screening Opinion. - Residential development of up to 75 dwellings.

DECISION: EAN
07.05.2019

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The 3.11ha site is located on the north western edge of Elmswell, a designated Key Service Centre. The site comprises an irregular parcel of part agricultural (Grade 3), part industrial scrubland associated with the former Bacon Factory directly to the east. Open countryside is to the north and west and the built-up area to the south and east. The Bury St Edmunds to Ipswich rail line runs immediately along the south of the site.
- 1.2 The site is located immediately west of the former Bacon Factory which is currently being redeveloped for 190 dwellings. The applicant has retained legal rights to two points of access via the adjacent site.
- 1.3 The site is not in a Conservation Area or special landscape designated for protection. The nearest designated heritage asset is the Grade II listed Elmswell Hall located approximately 200m to the west. The site is in Flood Zone 1.

2. The Proposal

- 2.1 The application seeks outline planning permission with all matters reserved save that of access. The application proposes the maximum number of dwellings on the site to be 65, including affordable housings. An indicative masterplan has been provided.
- 2.2 The application splits the works on site into two phases. Phase one comprises land remediation works, while phase two would form the delivery of the development itself.
- 2.3 Access to the site is proposed at two locations from within the development at the former Bacon Factory. Vehicles would then access the public highway network from its access onto Station Road.
- 2.4 The site further secures land for the potential delivery of a later relief road, subject to other land parcels coming forward and would deliver open space and play areas within the site itself.
- 2.5 Retention and strengthening of boundary hedging and site wide planting is also proposed.
- 2.6 Detail of the appearance, layout, scale and landscaping would be forthcoming as part of any reserved matters application.
- 2.7 The total site area is 3.11ha and gives a density of 29 dwellings per ha when land to be utilised for the attenuation basin.

3. The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.

- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
- National Planning Policy Framework (NPPF, 2018)
 - National Planning Practice Guidance (NPPG, 2014)
 - Mid Suffolk Core Strategy Focussed Review (2012)
 - Mid Suffolk Core Strategy (2008)
 - Mid Suffolk Local Plan (1998)
- 3.3 Mid Suffolk benefits from a five-year housing supply. There is no requirement for the 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. Where they do not, they will carry less statutory weight.
- 3.4 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.5 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.
- 3.6 Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. This list of allowable development explicitly excludes the creation of market housing such that the proposed development does not fall within any of the listed categories.
- 3.7 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.
- 3.8 The proposal site is located in the countryside and is therefore inconsistent with policies CS1, CS2 and H7.
- 3.9 However, the exceptional circumstances test at 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. The definition of isolation with regards to this policy has been shown within court judgements to relate to physical isolation, only. Given the proximity of this application to residential development at the former Bacon Factory site, the development is not isolated and paragraph 79 of the NPPF is not engaged.

- 3.10 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 attached to the above policies is reduced as required by paragraph 213. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.11 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 recent elements of the Mid Suffolk development plan, adopted in 2012. Policy FC01_1 however is not considered up to date as it does not allow for the weighing of public benefits against heritage harm, a key tenet of the NPPF.
- 3.12 Therefore, it cannot be shown that the policies of the Council carry sufficient weight to be determinative to this application. Paragraph 11d) of the NPPF is relevant, it requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.13 The aim of the NPPF, the delivery of sustainable development, remains unchanged. The three dimensions of sustainable development, in the context of the proposed scheme, are assessed in detail below.
- 3.14 *Economic Dimension* - The provision of up to 65 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 village. 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 positive regional economy benefits.
- 3.15 *Social Dimension* - The applicant states the development will be 35% affordable housing policy compliant. This equates to a total of 22 affordable units, representing a considerable social benefit to the district which significant weight is attached. The mix of affordable housing is not specified. Council's Strategic Housing Officer has provided a recommended affordable housing mix. There is nothing before officers at this time to suggest the suggested mix cannot be realised at reserved matters if outline consent is granted and would be agreed at a later date between the Council and applicant as part of the provisions of any Section 106 Agreement.
- 3.16 The Elmswell Parish Council is critical of the additional pressure 65 dwellings will have 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 in excess of a £810,000 contribution. 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.
- 3.17 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, with all concluding that CIL contributions are to be used to manage future infrastructure demand.

- 3.18 The incorporation of three local areas for play (LAP) offers a social benefit that will benefit the new local community, furthering the social dimension of sustainable development.
- 3.19 *Environmental Dimension* - The site is located in the countryside in policy terms, as it is outside the settlement boundary however, the site has a strong functional relationship to the village and is not considered isolated in a functional sense. It is close to a range of facilities, as well as connections to the wider transport network with both bus and rail within walking distance.
- 3.20 Harm to the setting of the nearby listed building is noted. The level of harm is identified as low; however, the application site would still serve to erode the character of the listed building by bringing built form closer to it. This is further considered in the relevant section below.
- 3.21 That being said, some benefit is identified through the provision of additional landscaping as well as net gains for biodiversity which can be secured through conditions.
- 3.22 Comments from the Parish Council and Planning Policy team are noted with regards to the provisions of the emergent Joint Local Plan. However, it is also acknowledged that the Joint Local Plan is at an early stage of its development, such that its provisions only carry a limited degree of material weight.
- 3.23 In considering the benefits of the application, it is clear that there are strong economic, social and environmental benefits associated with the site. In terms of harms there is some limited weight that could be attributed to the countryside location of the site, however, its functional relationship to the development at the Bacon Factory and to the rest of Elmswell means that it would make spatial sense to locate development in this location. Conflict with the emergent Joint Local Plan is noted but is not considered to be sufficient to support a refusal of the application on those grounds.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 Elmswell is well served by a range of local services and facilities, as expected for a settlement designated as a Key Service Centre. The site benefits from excellent pedestrian connectivity to local services, noting there are footways on both sides of Station Road providing pedestrians with a route southward towards amenities such as Elmswell Rail Station and the Coop convenience store. The supporting Transport Statement confirms the following amenities within a 12-minute walk of the site: rail station, Coop food store, pharmacy, library, community centre, pre-school and primary school.
- 4.2 The Elmswell train station is within walking distance and is served by the Greater Anglia Line which operates trains across East Anglia. There are bus stops on Station Road, located 400m from the site access. There are further stops located on School Road 600m from the site access and Cooks Road within 900m of the site access. 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.
- 4.3 **Discussion at the previous meeting touched on issues of provision of education facilities with the plan period of the Draft Joint Local Plan. The supporting Infrastructure Delivery Plan makes clear that growth within Elmswell and Woolpit will be accommodated through the expansion of the existing Primary School within Elmswell to 420 pupil places and**

through the creation of a new Primary School within Woolpit, again, providing 420 pupil places.

- 4.4 Consultation with Council's Planning Policy team makes clear that the expansion of primary education provision within Elmswell and Woolpit would accommodate the growth planned within the sites allocated within the Draft Joint Local Plan but would also be capable of accommodating the growth from this site.
- 4.5 While concerns were raised regarding the transport of children between the two villages it was made clear during discussions that this was a cost borne by the Education Authority. Moreover, discussions with the Highway Authority made following the deferral of this application make clear their commitment to the provision of a footpath/cycleway connection between the two villages which would allow for car free travel between the two to be a more realistic option.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 Access 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.
- 5.2 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.
- 5.3 The Highways Authority has reviewed the supporting Transport Assessment and does not raise an objection to the scheme. The Authority notes non-compliance with the Suffolk Design Guide in that 150+ dwelling developments should incorporate two access points to the wider highway network and the proposal includes only one vehicle access located at the entrance of the Bacon Factory development. However, the Highway Authority considers the access outcome acceptable as the main access point is wide and the layout in the adjacent development is looped. It is concluded that the access arrangements are safe and suitable for all users, consistent with paragraph 108 of the NPPF. It should be noted that this application site proposes two access locations building off the road network as agreed within the neighbouring development site.
- 5.4 The Transport Assessment indicates all junctions will operate within capacity except School Road/Church Road junction where this site and committed developments show queuing and traffic congestion on the School Road arm of the junction during the peak periods. However, the Highways Authority notes there are alternative routes from the subject development and many drivers will choose these routes to avoid queuing on School Road. The Highways Authority concludes, on the whole, that the proposal would not have an unacceptable impact on highway safety.
- 5.5 **Following the deferral, additional comments have been provided by the Highway Authority in order to provide clarity on a number of points raised by members in their deliberations.**
- 5.6 **Firstly, with regards to the capacity of the junction of School Road and Church Road. The Highway Authority make clear in their response that at present the junction is operating**

within capacity such that this application would not be detrimental to its operation. The figure quoted in their original response includes traffic from committed developments, the sites allocated within the Draft Joint Local Plan and a factor designed to model additional growth. It is under these conditions that the junction would operate over capacity. Additionally, this assumes that no improvement or mitigation works to this junction would be undertaken.

- 5.7 The alternative routes mentioned in the original response from the Highway Authority are intended to simply bypass the junction at School Road and Church Lane and may be utilised by drivers seeking to avoid queuing traffic at this junction at peak times. These are considered to be reasonable alternatives that many drivers may be utilising already to access the A14.
- 5.8 With regards to the level crossing to the immediate south of the application site, the additional comments are clear. The Transport Assessment submitted records three operations of the crossing during the morning peak period and five during the afternoon/evening peak period. Maximum observed time for closure in the morning peak period was 4.19 minutes with a maximum queue of 22 vehicles while in the afternoon/evening peak period this time extended to 6.04 minutes with a maximum queue of 17 vehicles. In considering the additional traffic generated by this application, the total wait time was to increase by six seconds. Given that queues at the level crossing clear after each closure it was not considered to adversely impact highways safety.
- 5.9 Discussions also mentioned increased level crossing closures due to increased passenger services utilising the rail line. This is noted, however, the increased passenger services are not yet operational and moreover, the closure of the level crossing would be at arranged times such that drivers could adapt their driving patterns to avoid them, if necessary. Closure of the level crossing to accommodate freight transport was also discussed, however, it should be noted that freight transport is excluded from operation during peak travel times, so would only impact upon the village during times when use of private motor vehicles is lower and queues would be reduced.
- 5.10 The provision of a footpath/cycleway between Elmswell and Woolpit is to be delivered as part of the Suffolk County Council Local Transport Plan which is currently in draft. It would seek to link the train station in Elmswell to the allocated site in Woolpit that will deliver the new primary school. Contributions, whether financial, in kind (through land acquisition), or through Section 278 Agreements to secure works in the public highway are to be secured against a number of developments in both Elmswell and Woolpit to secure the delivery of the route.

6. Design and Layout

- 6.1 No detail as to the design and layout of the site is available save the illustrative masterplan. This would be secured as part of any subsequent Reserved Matters application and would be brought back to Development Control Committee for approval.

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 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. However,

blanket protection for the natural or historic environment as espoused by Policy CS5 is not consistent with the Framework and is afforded limited weight.

- 7.2 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.
- 7.3 The site is very well related in a physical sense to the body of the village which is developing adjacent the site's eastern boundary. The rail line to the south offers a good degree of visual containment and serves as a visual buffer. The shared property boundary to the west is a natural boundary and terminating the development here is a sufficiently respectful landscape design response. Proposed landscape buffers to the western and northern boundaries softens the landscape impact, providing an appropriate rural edge character.
- 7.4 The application is supported by a landscape assessment that has been reviewed by Council's Landscape Consultant. The consultant does not offer an objection to the scheme on landscape grounds subject to recommended conditions. As landscaping is a reserved matter, separate landscaping conditions are unnecessary but give useful guidance. The proposed 29dph density is appropriate, consistent with the approved 30dph development under construction immediately to the east.
- 7.5 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." An ecology report supports the application which has been reviewed by Council's Ecology Consultant. The report concludes the development would not adversely impact any statutory or non-statutory designated sites of nature conservation in the vicinity of the site. This has been assessed by the Council's Ecology Consultant who confirm the report's findings.
- 7.6 The consultant recommends that a Biodiversity Method Statement and Biodiversity Enhancement Strategy be submitted concurrent with reserved matters. The Statement will detail appropriate mitigation measures to follow during construction, the Strategy will secure biodiversity enhancements proposed in the supporting ecology report, which have been recommended to ensure measurable net gains for biodiversity consistent with paragraph 170 of the NPPF.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 The application is supported by a comprehensive Geoenvironmental assessment which includes recommended remediation measures. The Environment Agency is of the view that the supporting Geoenvironmental analysis demonstrates the risk posed to controlled waters by the development can be adequately managed. They require further details to be submitted prior to development construction and the Environment Agency is of the view this can be addressed by condition. Examination of the same report by the Council's Land Contamination Officer has not resulted in an objection to the development being raised.
- 8.2 The land is located in Flood Zone 1. The application is accompanied by a Sustainable Drainage Statement and Flood Risk Assessment which has been reviewed by the SCC Flood and Water Management Team. The team does not object to the scheme subject to conditions. The conditions are standard for the scale of development proposed and are supported to ensure flood matters are adequately resolved in collaboration with SCC Flood and Water. There is no reason to withhold planning consent on flood or drainage grounds.

9. Heritage Issues

- 9.1 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.
- 9.2 Council's Heritage Team has reviewed the supporting Heritage Statement. The Team is concerned with the impact on Elmswell Hall to the west, observing that the proposal would erode the rural character of the Hall's setting. This said, the Team considers the impact on the Hall's setting to be at a low level of less than substantial harm.
- 9.3 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 low level of 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. This matter will be further considered in the conclusion below.
- 9.4 An Archaeological Desk Based Assessment supports the application, confirming archaeological remains of national importance are not anticipated at the site. SCC Archaeology confirms previous archaeological work has been carried out on the adjacent eastern site and therefore archaeological mitigation is not required for this site.

10. Impact on Residential Amenity

- 10.1 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.
- 10.2 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.
- 10.3 Proximity to the adjacent rail line is a matter requiring attention given the potential impact of its use on the internal amenity of future residents of the development. This issue is well considered in the supporting noise and vibration assessment report. The outline noise analysis indicates that acceptable internal noise levels compliant with BS8233 can be achieved with standard glazing and ventilation, for both day and night-time periods, for dwellings located at the measurement location 20m from the railway line. Daytime external noise levels are below BS8233 guidelines for private amenity areas. The report concludes that vibration levels adjacent to the rail line are well below the threshold of "low probability of adverse comment" for day and night according to BS6472.
- 10.4 The Council's Environmental Health Officer recommends a more detailed acoustic assessment is provided at the time of the reserved matters application relating to design and layout. This approach is supported noting that the submitted acoustic report is an 'outline' acoustic assessment only, owing to the lack of design detail available at this preliminary outline stage.

The Environmental Health Officer also suggests a condition requiring a construction method statement. This requirement is more appropriately imposed on a relevant approval at the reserved matters stage.

- 10.5 Officers note the concern raised by the Parish Council regarding the location of the northern open space area, separated from the residential body by the proposed relief road. This space serves as an open setting to the attenuation pond serving the adjacent eastern residential development. The application proposes to reconfigure the pond so as to accommodate the additional storage volumes generated by the 65 dwellings. The recreational value of this open space area will be extremely limited as it is not intended specifically for this purpose. There are three well-proportioned open space areas central to the proposed residential body that will support passive recreational uses. Locating the open space around the attenuation pond north of the relief road is not fatal to the application given the opportunity that exists to amend details between this application and the submission of Reserved Matters.

11. Planning Obligations / CIL

- 11.1 The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage. As noted above, the application, if approved, would require the completion of a S106 agreement to secure a management plan for the public open space areas contained within the site, as well as the delivery of affordable housing.
- 11.2 The Highways Authority consider it necessary to create a footway/cycle link between Woolpit and Elmswell and this junction is within the desired route. The Authority seeks a contribution of £50,000 to bring this scheme to fruition. The Authority also requests a contribution of £50,000 towards improving community transport for the village which will provide sustainable travel opportunities for the residents of the site and broader community, alternatively this could also be secured against the provision of the footpath/cycle link. The requested contributions will be sought via the s.106 agreement as recommended by the Highways Authority.
- 11.3 Consultation responses from Suffolk County Council note contributions to both pre-school and primary school education to be secured via the s.106.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The Elmswell Neighbourhood Plan 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 Elmswell Neighbourhood Plan process.
- 12.2 The policies most important for determining the application; CS1, CS2, H7 and FC1.1, are out-of-date when compared to the provisions of the NPPF. The weight to be attributed to them is therefore reduced in accordance with the direction of paragraph 213 of the NPPF. Irrespective of Council's five-year housing supply position, the default 'tilted balance' position identified in paragraph 11(d) of the NPPF is engaged.
- 12.3 It is acknowledged that Elmswell has been the subject of significant developer interest with many residential developments of scale approved in recent years, with approved dwellings totalling more than 630. The application is however supported by a comprehensive suite of technical

reports which indicate that cumulative impacts on Elmswell are judged to fall within acceptable parameters. It is also acknowledged that the site is not part of the proposed site allocations of the emerging Joint Local Plan. This however should not preclude consideration of schemes that can deliver sustainable development and boost housing supply in the short term owing to their deliverable status, particularly in locations such as Key Service Centres where the expectation is to deliver housing growth.

- 12.4 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 Highways Authority requires £100,000 to improve community transport in the village as well as contributing to the construction of a footway/cycle link between Woolpit and Elmswell. These sustainability initiatives offer environmental and social benefits. Locating development where the need to travel is minimised and residents have a genuine choice of transport modes is a key aim of the NPPF and the subject development ably delivers in this regard.
- 12.5 There are compelling social and economic benefits associated with the scheme. The provision of 22 affordable housing units contributes to local housing needs and will deliver a balanced and sustainable community. The contribution to the local housing stock is a benefit of note given the scale proposed, even at a time when Council can demonstrate a five-year housing supply. A five-year housing land supply should not preclude the approval of a scheme which would provide significant planning benefits and deliver sustainable development, a position established in recent appeal decisions.
- 12.6 The addition of up to 65 new dwellings would offer meaningful support for the local services in the village, both during construction and following occupation of the development. The three public open space areas and play spaces will become valued community assets and represent a social planning benefit. The NPPF views healthy communities as a key part of sustainable development and therefore significant weight is attached to this benefit. The interface to the rail line is unlikely to compromise the amenity of future residents of the development, with further acoustic details to resolve this issue to be considered at reserved matters.
- 12.7 The development will read as a logical extension of the adjacent eastern residential estate currently under construction. Landscape harm will be minor provided western and northern landscape buffers are incorporated, together with outward facing dwellings along the western boundary. These details will be a focus of reserved matters. The western landscape buffer has the added benefit of mitigating harm to the setting of Elmswell Hall.
- 12.8 The proposed access arrangements are deemed acceptable, as confirmed by the Highways Authority. The development has the ability to offer biodiversity gains with the securing of biodiversity mitigation measures and enhancements to be secured by conditions. Impacts associated with flood risk, tree impacts and groundwater contamination have proven to be manageable by respective supporting technical reports. This technical material is generally accepted by technical consultees.
- 12.9 CIL contributions will be used to ensure existing infrastructure capacity is enhanced to meet additional demand, a neutral outcome in the planning balance.
- 12.10 The significant social and economic benefits of the scheme outweigh the low level of less than substantial harm that is identified, which principally relates to the impact upon the setting of Elmswell Hall. There are no other matters which weigh against the development, with the exception perhaps of a very low level of landscape harm.

12.11 The minor adverse impacts resulting from the development would not significantly and demonstrably outweigh the identified benefits, which are significant. In accordance with paragraph 11(d) of the NPPF, in this situation the default position is to grant planning permission.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to GRANT outline planning permission subject to:

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

- Affordable Housing at a policy compliant level. This equates to 22 units being delivered on site with mix to be agreed;
- Contributions towards Suffolk County Council for the provision of pre-school and primary education;
- Contributions towards Suffolk County Council for the provision of a footpath/cycleway between Elmswell and Woolpit as well as for community transport projects within Elmswell; and
- To secure the ongoing management and maintenance of open space and play areas.

(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Time limit for submission of reserved matters and for commencement;
- Reserved matters application to provide details of appearance, layout, scale and landscaping;
- Approved plans
- Requirement for reserved matters to come forward in general conformity with the submitted plans;
- Construction method statement to secure detail of site operation;
- Reserved matters application to ensure sufficient noise insulation for residential dwellings;
- Land contamination remediation strategy as required by Environment Agency;
- Provision of fire hydrants;
- Sustainability and energy efficiency details;
- Landscape and ecology management plan;
- Biodiversity enhancement strategy;
- Biodiversity method statement;
- Wildlife sensitive lighting scheme;
- Details of estate roads and footpaths, including levels, layout, gradient, surfacing and means of discharging surface water;
- Provision of roads and footpaths prior to occupation of a given dwelling;
- Travel plan;
- HGV routing during construction;
- Details of surface water drainage scheme; and
- Details of foul water drainage scheme.

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro-active working statement;
- Highways note; and
- Land contamination note.

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground