

Committee Report

Item 6E

Reference: DC/19/03445

Case Officer: Elizabeth Flood

Ward: South East Cosford.

Ward Member/s: Cllr Leigh Jamieson.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 37no. dwellings (which includes 14no. affordable housing and 4no. shared ownership) including creation of vehicular access road and public open space.

Location

Land On The South Side Of, Whatfield Road, Elmsett, Suffolk

Expiry Date: 06/02/2020

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Heathpatch Ltd

Agent: Wincer Kievenaar Architects Ltd

Parish: Elmsett

Details of Previous Committee / Resolutions and any member site visit: None

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Major planning application of more than 15 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Babergh Core Strategy 2014:

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings

- CS19 Affordable Homes
- CS21 Infrastructure Provision

Saved Policies in the Babergh Local Plan (2006):

- CN01 Design Standards
- CR07 Landscaping Schemes
- HS28 – Infilling or groups of dwellings
- TP15 Parking Standards – New Development

Elmsett Neighbourhood Plan 2019:

- EMST1 Spatial Strategy
- EMST2 Housing Development
- EMST5 Housing Space Standards
- EMST6 Housing Mix
- EMST11 Heritage Assets
- EMST12 Development Design Considerations
- EMST9 Protection of Important Views and Landscape Character

Supplementary Planning Documents

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

Neighbourhood Plan Status

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA. Accordingly, the Neighbourhood Plan full 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

Parish Council

Recommend refusal, represents overdevelopment where the infrastructure serving the existing community is severely substandard. No identified need for the development proposed. Development fails to take into account the emerging JLP or Neighbourhood Plan. Contrary to Policies EMST1 of the Elmsett Neighbourhood Plan and SP03 of emerging JLP. The roads into the village are single track in places and an increase in traffic will increase the risk of accidents. There is a limited bus service in the village. Recommend condition should the application be recommended for approval.

National Consultee

Natural England:

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is

'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMs is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

Historic England:

On the basis of the information available to date, we do not wish to offer any comments.

Anglian Water:

Recommend conditions.

County Council Responses

SCC Travel Plan:

No comment

SCC Highways:

We have reviewed the Transport Statement and the data supplied with this application; the summary of our findings are as follows:

The proposed visibility splays for the development are sufficient for this application. The proposal for 37 dwellings would create approximately 21 vehicle movements within the peak hour (1 vehicle every 3 minutes).

Although the development is providing a footway link to the footway network in the village, there is a minimal bus service and in a rural village location so there will be a reliance on the use of private cars. The development would not have a severe impact on the highway network or safety (NPPF para 109) therefore we do not object to the proposal.

SCC Archaeology:

No grounds to consider refusal of permission to achieve preservation in situ, recommend conditions.

SCC Floods and Water Management:

Recommend approval subject to conditions

SCC Fire and Rescue:

Recommend conditions relating to fire hydrants

SCC Development Contributions:

CIL	Education
- Primary school expansion	£132,768
- Secondary school expansion	£136,428

- sixth form expansion		£22,738
CIL	Early years expansion	£66,384
CIL	Libraries	£7,992
CIL	Waste	£0
S106	Education	
- secondary transport costs		£28,800
S106	Highways	-

Internal Consultee Responses

Heritage:

The Heritage Team considers that the proposal would cause:

A low to medium level of less than substantial harm to a designated heritage asset because the proposed development would eliminate the last remaining connection between the listed building and the open countryside.

The proposal is for the erection of 37 dwellings in the setting of the Grade II listed The Chequers. The concern relates to the impact of the proposed development on the significance of the listed building.

This application follows a previous application for the erection of 42 dwellings on this site. The heritage officer commented on the application that the development would eliminate the last remnant of the historical isolated position of the listed building, and would reduce its prominence in the streetscape, thereby causing harm to its significance.

This scheme proposes a reduced number of dwellings, and the layout has been amended. The frontage and the area adjacent to the boundary with The Chequers would now remain open. These amendments better preserve the prominence of the listed building in the streetscape. The level of harm previously identified has, therefore, been reduced.

However, there would still be harm inherent to the principle of development on this site, as it would eliminate the connection between the listed building and the open countryside, an aspect of its setting which currently contributes positively to its significant.

Therefore, the Heritage Team considers that the proposed development would still cause a low to medium level of less than substantial harm to the significant of The Chequers, due to the negative impact on its setting.

Strategic Housing:

With an ageing population, both nationally and locally, new developments should include properties suitable for older people and these, together with all other homes on the site, should, wherever possible, be built to Lifetime-Homes standards or equivalent current standard at the time.

There is a strong demand for one and two-bedroom flats/apartments and houses. Developers should consider flats/apartments that are well-specified with good size rooms to encourage downsizing amongst older people, provided these are in the right location for easy access to facilities. Older people have also

expressed their desire for chalet bungalows of one and a half storey. This may include sheltered or extra care housing where appropriate. Should this application be granted the recommended affordable housing provision is as follows:

Affordable rent tenure:

- 4 x 1bed 2person bungalows @ 50 sqm
- 4 x 2bed 4person houses @ 79 sqm
- 3 x 3bed 6person houses @ 102 sqm

Shared ownership tenure:

- 2 x 2bed 4person houses @ 79 sqm
- 1 x 3bed 5 person house @ 93sqm

Environmental Health – Sustainability:

We do not object to the application but request a condition is included to secure the required 10% energy reduction from renewables as per policy CS3

Environmental Health – Land Contamination:

No objection from a land contamination perspective.

Environmental Health – Noise/odours:

No objection subject to conditions.

Public Realm:

The Public Realm Team have no objection to this development on Whatfield Road, Elmsett. We note the inclusion of public open space within the development and the traditional layout to create the impression of a 'Tye.' It would be expected that a local management solution is put in place for the management of this 'Tye' as it clearly is intended to be for the benefit of the occupiers of the houses on the development rather than for the wider community. It would not be expected that the Council's Public Realm Team would be asked to maintain this open space in the future.

Planning Policy:

The site is located adjacent to the Elmsett settlement, which is progressing through the emerging Joint Local Plan as a Hinterland area and not encouraged to grow significantly. The proposal is relatively large for the existing modest character and context of the settlement. It is clear from the submitted drawings the proposal would significantly erode the existing pattern and form of linear development form in this immediate context. Equally, it is apparent there are historic buildings within the immediate area, which the site in question is part of their setting value and merit. Significant weight should be given to the environmental and character aspect of the settlement.

The proposal represents an incongruous and suburban development approach in a rural settlement where the existing built form begins to filter into rural open countryside

B: Representations

At the time of writing this report, at least eight letters/emails/online comments have been received. It is the officer opinion that this represents eight objections. A verbal update shall be provided as necessary.

Views are summarised below:

- School and pre-school are at capacity
- Inadequate highway infrastructure
- Loss of views
- Noise during construction
- Lack of public transport
- Elmsett has already seen significant new development
- No proof provided that additional houses are required in the village
- Not in accordance with the Elmsett Neighbourhood Plan and JLP
- Result in overlooking and loss of privacy to neighbouring properties
- Detrimental to the setting of the Grade II listed building The Chequers
- Inadequate drainage solution
- Land is required for agriculture
- Site was previously been refused planning permission
- Lack of broadband

(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/18/02316 Planning Application - Residential **DECISION:** REF
Development comprising 42 No. dwellings, 14.12.2018
incorporating 35% affordable homes,
creation of new vehicular access and public
open space.

There is a **current appeal** with the Planning Inspector in relation to the above application.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site is located on the southern side of Whatfield Road, in the village of Elmsett. Elmsett is defined as a ‘Hinterland Village’ in the Babergh District Local Plan Core Strategy 2014. The village settlement boundary aligns with the site’s northern boundary noting that it runs along Whatfield Road and to the rear of the adjacent mobile home park.
- 1.2. The site comprises Grade 3 agricultural land, forming part of a larger arable field. Part of the site has direct frontage to Whatfield Road. A hedgerow extends virtually the entire length of the site’s road frontage.
- 1.3. To the south is agricultural land. To the east is a combination of residential and commercial development, including a Grade II listed building known as the Chequers, single-storey mobile home park known as Chequers Park, a commercial nursery and a conventional housing estate ‘Sawyers’. To the northwest is residential development fronting Whatfield Road. Immediately west

is agricultural land. Directly opposite the site, on the northern side of Whatfield Road, is double-storey residential development.

- 1.4. The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area. Elm Farmhouse, Grade II listed, sits approximately 50 metres northwest of the site.
- 1.5. There are no footpaths along Whatfield Road adjacent the site. The nearest bus stops are located at the junction of Whatfield Road and Mill Lane, approximately 170 metres to the west.

2.0 The Proposal

2.1 Full planning permission is sought for the erection of 37 dwellings. 18 of the dwellings are proposed as affordable. This is a decrease of five dwellings from the previously refused planning application and an increase of four in the number of affordable dwellings.

2.2 Key elements of the proposed site layout are as follows:

- Single access point from Whatfield Road to serve the development, located midway along the site's Whatfield Road frontage. The internal road would have footpaths each side. From this road there would be shared surface access roadways and drives serving the individual or groups of houses.
- Incorporation of a feature 0.253ha green public open space area central to the site and additional public open space to the front on either side of the access road and an attenuation basin adjacent to 1 and 2 The Chequers.
- Mix of single-storey, one-and-a-half-storey, and double-storey dwellings.
- A mix of detached, semi-detached and terraced houses is proposed.
- Dwelling types comprise 1 x 5 bed; 10 x 4 bed; 14 x 3 bed; 8 x 2 bed; 4 x 1 bed units.
- Total of 88 car spaces, with 10 spaces set aside for visitors
- Affordable housing cluster concentrated toward the eastern end of the site.
- Hedgerow placement proposed to the Whatfield Road frontage.
- "Alms house" designed dwellings to front the central green space.
- Housing style generally follows the Suffolk vernacular with red brick and render finishes with clay pantile pitched and hipped roofs. Boarded cart lodges are a feature.
- Retention of hedges on the east and west boundaries. These will be supplemented by new tree planting.

3.0 The Principle Of Development

- 3.1 Babergh benefits from a five plus year land supply position as required by paragraph 73 of the NPPF. The tilted balance at paragraph 11(d) of the NPPF is not engaged in that respect. 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 policies of the Core Strategy generally conform to the aims of the NPPF. Where they do not, they will carry less statutory weight.
- 3.2 The Elmsett Neighbourhood Plan was adopted on the 10th December 2019. The Neighbourhood Plan conforms to the NPPF and has full weight as part of the Development Plan. Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that when there is conflict between the Local Plan and a Neighbourhood Plan this must be resolved in favour of the policy which is

contained in the last document to become part of the development plan. As such the Elmsett Neighbourhood Plan would outweigh the Local Plan if there is any conflict.

- 3.3 Policy EMST1 of the Elmsett Neighbourhood Plan states that (inter alia) *The Neighbourhood Plan area will accommodate development commensurate with Elmsett's designation as a Hinterland village in line with Core Strategy Policy CS11. The focus for new development will be within the defined Built up Area Boundary as defined on the Proposals Map. Proposals for development located outside the Built-Up Area Boundary (BUAB) will only be permitted where it can be satisfactorily demonstrated that there is an identified local need for the proposal and that it cannot be satisfactorily accommodated for within the BUAB/ Settlement Boundary.*
- 3.4 The site is located outside of the BUAB as defined within the Elmsett Neighbourhood Plan. No independent evidence of local need has been provided. The application instead relies on the Parish Survey undertaken as part of the Elmsett Neighbourhood Plan to prove that there is a need for additional houses within the village. While the survey did find a need for smaller/ starter homes and family homes the survey also indicated that the vast majority of respondents wished to see fewer than 50 additional dwellings being built in the village in the next 20 years. The Neighbourhood Plan, in Policy EMST2, allocates sites for an additional 60 dwellings; while Policy EMST6 ensures that larger developments provide for smaller dwellings. As such it is considered that any local need identified within the Parish Survey has been satisfactorily dealt with by the Neighbourhood Plan and in the absence of additional information the applicant has failed to prove that there is a local need for the development, contrary to Policy EMST1.
- 3.5 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is, therefore, afforded full weight. Policy CS11 is considered to be consistent with the aims of the NPPF, in particular with regard to the need for development to respond positively to local circumstances which is consistent with paragraph 77 of the NPPF, and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS11 and CS15 accord with the NPPF, particularly in relation to the following: Paragraph 77 and 78 - relating to rural housing, locally identified needs and promoting sustainable development in rural areas; paragraph 103 - relating to limiting the need to travel and offering a genuine choice of transport modes; paragraph 127 - to achieve well-designed places and paragraph 170 - to contribute to, and enhance, the natural and local environment.
- 3.6 Policy CS2 'Settlement Pattern Policy' designates Elmsett as a hinterland village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely 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.
- 3.7 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight.

- 3.8 As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages.
- 3.9 The site is surrounded by the settlement boundary along Waldingfield Road to the North, East and West. The site is an edge-of-settlement location where the criteria set out at Policy CS11 engage.
- 3.10 Policy CS11 states that development for hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:
- (a) Core villages criteria:
 - i) the landscape, environmental and heritage characteristics of the village;
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - iii) site location and sequential approach to site selection;
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;
 - v) locally identified community needs; and
 - vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.
 - (b) Additional hinterland village criteria:
 - i) Well designed and appropriate in size / scale, layout and character to its setting and to the village;
 - ii) Adjacent or well related to the existing pattern of development for that settlement;
 - iii) Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
 - iv) Supports local services and/or creates or expands employment opportunities; and
 - v) Does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.
- 3.11 The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, and means that it is a material consideration when planning applications are determined.
- 3.12 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are considered throughout this report. A key element of CS11 is the requirement to meet a proven local need. As set out in paragraph 3.4 no local need has been proved. As such the development is contrary to Policy CS11.
- 3.13 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criteria set out at CS15 have already been considered in this report, those that have not are considered further below.

- 3.14 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well-connected in highway connectivity terms, with Hadleigh and Ipswich easily accessible. As acknowledged above, pedestrian connectivity in the village is not high and the proposal will generate vehicle trips. This said, as noted above, the village has many of the day-to-day services expected in a hinterland village of this size. Employment opportunities are available in nearby centres.
- 3.15 Policy CS15 sets out criteria relating to economic benefits, supporting local services, sustainable design, and the creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to these matters as relevant.

4.0 The locational context of the village and the proposed development

- 4.1. Elmsett has a limited range of services including a shop, primary school, public house, churches, village hall and recreation ground. The site is approximately 5 km from Hadleigh which has a good range of services including secondary education.
- 4.2 There is a very limited bus service to Hadleigh and Ipswich from Elmsett. While there are sufficient services within Elmsett for limited day-to-day needs, the occupiers of the new dwellings are likely to be highly reliant on private vehicles for most journeys.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1 Paragraph 109 of the NPPF states that development may be prevented or refused on highway grounds where the impact on highway safety is unacceptable. The access will be off Waldingfield Road at the centre of the site. Suitable visibility splays can be provided. It is also proposed to provide a footpath to the front of the site which could link to a footpath being provided through another development.
- 5.2 Saved Policy TP15 of the Local Plan seeks to ensure that parking provision for new development complies with the Parking Standards. Parking would be above Suffolk Parking Standards, including 10 visitor parking spaces. The Highway Authority has not objected to the proposal subject to conditions.

6.0 Design And Layout

- 6.1 The character and layout of the proposed development is traditional in the Suffolk sense. Dwellings are largely centred on the two green public open spaces. The remainder of the development layout is conventional and not out of keeping with the surrounding development pattern. The density is low, set at fewer than 20 dwellings per hectare. The scale of development has been carefully considered, with a good proportion of bungalows incorporated, picking up on the nearby scale of development. Taller built form adjoins the central open space area, where greater building height can be more readily absorbed.
- 6.2 The previous application DC/18/02316 was refused partly because the development was considered not to represent a well-designed development, of an appropriate size, scale, layout and character in relation to its setting and to the village. The application has been revised, decreasing the number of houses by five dwellings and providing a further public open space to the front of the site and adjacent to the listed building. As such it is considered that the previous reason for refusal has been adequately overcome.

6.3 The proposed green public open space areas will complement the network of local green spaces identified in the ENP, noting that the proposal will occupy an existing gap in green space provision, located midway between the Green (3) and the Green at Mill Lane (7) (refer Local Green Space plan in the draft ENP). Given the importance of the public open spaces to the acceptability of the design it will be necessary to secure their ongoing retention via a s.106 should the application be acceptable.

7.0 Housing Mix and Housing Space Standards.

7.1 Policy EMST6 of the Elmsett Neighbourhood Plan states that *In new housing developments of 10 or more homes, a minimum of 47% of the development should be one or two-bedroomed dwellings, unless it can be satisfactorily demonstrated that such provision and other site requirements would make the development unviable or where such provision is demonstrated to not be in accordance with the latest available housing information for the Plan area.*

7.2 The development provides 12, one and two-bedroom dwellings (32%) and 25, 3, 4 and 5 dwellings (67%), this does not comply with Policy EMST6. In addition, the affordable housing mix does not meet the mix needed as shown by the housing register and requested by the Strategic Housing Officer. No evidence has been provided to show that the development would be unviable if 47% of the dwellings were 1 and 2-bedrooms or that there is a local need for a different mix of housing. The development is therefore contrary to Policy EMST6.

7.3 Policy EMST5 of the Neighbourhood Plan states (inter alia) that all new dwellings shall achieve appropriate internal space through adherence to the latest Nationally- Described Space Standards. Dwellings should also make adequate provision for the covered storage of wheelie bins and cycles and meet the current adopted car parking standards.

7.4 The dwellings are generally of a generous size and all exceed the space standards for the number of people they are designed for, however the 3-bedroom affordable houses are smaller and would provide for fewer occupants than the Strategic Housing Officer has requested. All the market dwelling have garages, the majority of which have storage space which could be used for cycles or wheelie bins. A condition could be included on any permission to ensure that dwellings with smaller garages or communal parking include a shed within the private garden which can be used for cycles and wheelie bins. As such, the development complies with Policy EMST5 of the Elmsett Neighbourhood Plan.

8.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

8.1 The NPPF emphasises as a core principle the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

8.2 Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.

8.3 The Planning Practice Guidance advises that *'The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape'*.

- 8.4 Policy CS11 envisages that there will be some development in the countryside; the key question is whether the character impact of the development is reasonably contained.
- 8.5 The Elmsett Neighbourhood Plan designates of an Area of Local Landscape Sensitivity (ALLS) east and south-east of the village. The site is not located in, or near, to the ALLS, a positive landscape consideration.
- 8.6 The immediate impact upon the physical, landscape character of the site itself is modest, with no hard built frontages abutting open landscape. The rear hard built frontage does not align with a natural boundary and this is unfortunate however a good landscaping screen would be provided.
- 8.7 The subject land forms a visual gap on the south side of Whatfield Road. Existing residences frame both sides of the site, immediately to the west and east. The infilling of the visual gap is not unacceptable in a landscape sense. Infilling is a well-established and acceptable planning outcome, particularly where the rhythm and spacing of proposed development is respectful of the surrounding development pattern, as is the case here. A 'rounding off' effect in urban design terms is a commonplace village outcome. In addition, the application includes public open space to the front of the site, acting as a Green, this is a feature seen elsewhere on Whatfield Road and helps to assimilate the development into the wider landscape.
- 8.8 From Whatfield Road, the site provides for medium distance views to open countryside. This view is identified as an Important View by Policy EMST9 which states that *Any proposed development should not detract from the key landscape features of these views*. The accompanying Important Views Assessment (October 2018) states that the key landscape features are the screening of the tree belts and woodland. While the tree belt and woodland to the rear of the site would not be lost, the view of these landscape features would be completely lost from Whatfield Road. Due to the internal layout of the development, there would be limited views from within the public areas of the development of the wider landscape. As such the development is contrary to Policy EMST9.
- 8.9 Saved Policy CS15 of the Core Strategy seeks to protect and enhance 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.
- 8.10 An Ecology Report supports the application. The biodiversity enhancement measures recommended in the ecology report can be secured by planning condition. A RAMS financial contribution is sought and this can be secured via condition. This approach is consistent with Natural England's advice.

9.0 Land Contamination, Flood Risk, Drainage and Waste

- 9.1. Criteria xi and xii of saved Policy CS15 require development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
- 9.2 The site is in Flood Zone 1. The application is accompanied by a flood risk assessment and infiltration reports. These reports have been reviewed by the SCC Flood Officer who has no objections subject to conditions.

9.3 A Phase 1 Desktop Contamination Report supports the application. Environmental Health raises no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of Policy CS15 insofar as it relates to land contamination.

10.0 Heritage Issues

10.1 Policy EMST11 of the Elmsett Neighbourhood plan states that to ensure the conservation and enhancement of Elmsett's heritage assets, proposals should: preserve or enhance the significance of the heritage assets of the village.

10.2 The development is located adjacent to the Grade II listed building, The Chequers. The previous planning application on the site, DC/18/02316, was partly refused due to the detrimental impact the development would have on the listed building. The current application has replaced the closest dwellings to The Cheques with the attenuation basin, providing a green space around the building.

10.3 The heritage officer has stated that: *These amendments would better preserve the prominence of the listed building in the streetscape. The level of harm previously identified has therefore been reduced. However, there would still be harm inherent to the principle of development on this site, as it would eliminate the connection between the listed building and the open countryside, an aspect of its setting which currently contributes positively to its significance. Therefore, the Heritage Team considers that the proposed development would still cause a low to medium level of less than substantial harm to the significance of The Chequers, due to the negative impact on its setting.*

10.4 As the Heritage Officer has identified a level of harm to the listed building, it is necessary to consider if this is outweighed by the public benefits of the scheme. These include additional dwellings including 18 affordable dwellings (47%) and smaller dwellings and bungalows. While the benefits of additional housing are decreased as the District has a five-year land supply and there is no evidence of local need for the development, there is a District need for affordable housing which this development would support.

10.5 Given the lo- to-medium level of harm to the listed building which the Heritage Officer has identified, (and this is a reduction in the harm previously identified), it is considered that the level of harm is outweighed by the public benefits of the scheme, principally the 18 affordable dwellings.

11.0 Impact On Residential Amenity

11.1. Paragraph 127 of the NPPF sets out a number of core planning principles to underpin decision-taking, including seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.

11.2 The nearest dwellings to the development will be The Chequers and units within the Chequers mobile home park. Given the location of the attenuation basin and public open space there will be little impact on neighbouring amenity from the development on The Chequers. Four of the mobile homes on Chequers Park will back on to the site. As these will back on to bungalows or parking areas, there will be no loss of privacy or overbearing impact on to the mobile home park. As the mobile homes may be less well insulated than conventional housing, there may be an impact on noise during construction. A construction management plan, including hours of working, would therefore be required should the application be supported.

11.3 The internal amenity for future occupiers of the development itself is of a sufficient standard, with all dwellings afforded reasonable levels of private open space and appropriate aspect/outlook.

Private open space is complemented by the generous public open space area that can be used for informal recreation - a significant amenity benefit. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between properties, appropriate privacy is afforded to each plot.

12.0 Planning Obligations

- 12.1. A s.106 agreement would be required to ensure that the affordable housing was delivered. In addition, given its importance for the overall layout of the development and the setting of the listed building, the s.106 would need to deliver and retain the public open space.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 The development would provide a high standard of design and layout, with generous public open space which would result in an attractive development. In addition, the development would provide 14 affordable houses which is above the policy requirement and would provide an important resource for the wider district. While the development would have a moderate-to-low level of harm to the adjacent listed building this is considered to be outweighed by the public benefits of the 14 affordable houses.
- 13.2 The development would provide short term economic benefits during construction and longer term economic and social benefits through the occupiers using local services and community facilities. Elmsett provides a reasonable range of facilities, although occupiers of the development would be reliant on private vehicle for many day-to-day trips.
- 13.3 Planning law requires that applications for planning permission be determined in accordance with the development plan. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The newly-adopted Elmsett Neighbourhood Plan (December 2019) allocates sites for sufficient new development to provide for local need. The site is outside the BUAB of Elmsett and was not allocated for development as part of the Elmsett Neighbourhood Plan. There is no evidence that the site is required for a local need. As such the development conflicts with an up-to-date development plan.
- 13.4 In addition the development conflicts with the Elmsett Neighbourhood Plan in relation to housing mix and loss of important views.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:-

- i) The proposed development would be outside of the Built Up Area Boundary of Elmsett, as defined by the Elmsett Neighbourhood Plan and it has not been adequately demonstrated that there is an identified local need for the proposal. As such the development is contrary to Policy EMST1 of the Elmsett Neighbourhood Plan (2019) and Policy CS11 of the Babergh Core Strategy (2014).

- ii) The proposed development would result in the total loss of Important View 10 as defined by the Elmsett Neighbourhood Plan, to the detriment of the landscape character of the village. As such the development is contrary to Policy EMST9 of the Elmsett Neighbourhood Plan.

- iii) The proposed development would not provide 47% one and two bedroom dwellings and no evidence has been provided to show that the development would be unviable or that such provision would not be in accordance with the latest available housing information for the Plan area . As such the development is contrary to Policy EMST6 of the Elmsett Neighbourhood Plan.