

Committee Report

Item 7A

Reference: DC/20/01677

Case Officer: Daniel Cameron

Ward: Elmswell & Woolpit.

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

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION

Description of Development

Outline Planning Application (access to be considered, all other matters reserved) - Site remediation works (Phase 1) and the erection of up to 65 dwellings with the safeguarding of land for the 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: 29/07/2020

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Harrow Estates Plc

Agent: The Planning Consultancy

Parish: Elmswell

Site Area: 3.11 ha

Density of Development: 29 d/ha.

Details of Previous Committee / Resolutions and any member site visit: Application DC/19/03924 was previously considered by Planning Committee on the 8th January and 5th February 2020. It was originally deferred to seek additional detail on highways matters and subsequently refused due to the impacts on the infrastructure of Elmswell with the following reason for refusal:

“The application would result in the expansion of Elmswell to the west and would place a burden upon the infrastructure of the village to cope. The site is not allocated in the Local Plan (1998), Core Strategy (2008) or Focused Review (2012) and is not proposed to be allocated within the emergent Joint Local Plan as a sustainable development supported by services and benefiting from suitable access to those services.

While the emergent Joint Local Plan does allocate other development sites within Elmswell, the supporting Infrastructure Delivery Plan (2019) makes account for these and provision is made

for the expansion of facilities and services in order to cope with the impacts of development on these allocated sites. This site is unallocated and as such sits outside of the scope of the Infrastructure Delivery Plan (2019) such that there may not be capacity within the existing services, including provision of school places, to accommodate the increased population that is expected were this application to be approved.

In conclusion, the emerging Joint Local Plan is given reasonable weight alongside the current policy position for proper planned development. In this case, as directed by the National Planning Policy Framework (2019), the merits and benefits offered by this application are not considered to outweigh the risk to sustainability of future development within this settlement.”

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
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
H04- Proportion of Affordable Housing
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T09 - Parking Standards

T10 - Highway Considerations in Development

RT04 - Amenity open space and play areas within residential development

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 is not weighted as a consideration that has a material impact upon the decision to be taken.

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 which is, disingenuously, referred to by the Applicant as, Phase 2. The initial development of 190 houses on the Bacon Factory site were presented, ref. 0846/13, as an autonomous development and not the beginning of a larger phased exercise.

The decision ref DC/19/03924 to refuse Permission for the original iteration of this Application was well-founded and sat well with the core objections of Elmswell Parish Council, viz:

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.

There having been no further evidence presented to counter these arguments, the strong objection of Elmswell Parish Council remains. The Refusal should be tested under the Appeal process towards helping to bring some common sense and reason into the future assessment of ad hoc impositions on the already stretched infrastructure of the unwilling host communities.

National Consultee (Appendix 4)

Anglian Water

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

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.

Natural England

Natural England has no comments to make on this application.

NHS England

Thank you for getting in touch, the CCG has responded to this application previously and feel they can add nothing at this stage. Please refer to previous responses for comments regarding this development.

For clarity the previous comments received from NHS England are paraphrased below as follows:

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)

Archaeological Service

We have looked at this proposal. In our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

Development Contributions

The table below would form the basis of a future bid to the District Council for CIL funds if planning permission was granted and implemented. This will be reviewed on receipt of a reserved matters application consultation.

Service Requirement	Contribution per dwelling	Capital Contribution
Education – Secondary	£4,197.78	£272,856.00
Education – Sixth Form	£1,049.45	£68,214.00
Libraries	£216.00	£14,040.00
Waste	£93.00	£6,045.00
Total	£5,556.23	£361,155.00

The table below should be secured by a planning obligation if planning permission is to be granted. Justification is identified in the proceeding sections of this letter.

Service Requirement	Contribution per dwelling	Capital Contribution
Education – New Primary School	£5,145.85	£334,480.00
New Early Years Setting	£2,111.95	£137,277.00
Secondary School Transport contribution	£1,112.30	£72,300
Total	£8,370.10	£544,057.00

A contribution towards the provision of a footpath/cycleway between Elmswell and Woolpit is also noted within the response, the exact form of which is to be determined by the Highway Authority.

Fire & Rescue

If the Planning Authority is minded to grant planning permission, the Fire Authority require adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage.

If the Fire Authority is not consulted at the planning stage, or consulted and the conditions not applied, the Fire Authority will require that fire hydrants be installed retrospectively by the developer if the Planning Authority has not submitted a reason for the non-implementation of the required condition in the first instance.

Flood & Water Management

Approve subject to conditions.

Highways

Following on from our previous response, as the sites mentioned as committed development are considered as part of the Joint Local Plan, it can be assumed these are included in the TEMPRO growth calculation. We wanted to ensure we have robust evidence and be assured the junctions will operate within capacity.

The Transport Assessment (TA) document supporting this application assessed the junctions within Elmswell and the only junction that was highlighted as a concern was School Road/ Church Road junction. By using the existing traffic flows, the traffic model predicts queues and delays on School Road. These are unlikely to occur as in reality as drivers from this development will find an alternative route rather than queuing; travel down New Road to Cross Street junction and turn east or west, depending on their destination. Also, if work allows, people often travel out of the peak hours to avoid queues and delays. The main concern would be safe routes for the pedestrian/cyclist and driver frustration.

Level crossing

The TA recorded the queuing that the level crossing in the AM and PM peak periods. The level crossing operates 3 times per hour during the AM peak and 5 times per hour during the PM peak. The maximum time for the 'closure' was recorded as 4.19 minutes with maximum queue 22 vehicles in the AM peak and 6.04 minutes with maximum queue 17 vehicles in the PM peak. The queues clear after each closure; we consider this would be a safety concern if they did not clear. The calculated maximum number of vehicles from the development would be 3. However, It is considered that residents from the development would time their journeys to avoid these barrier operation times (as they are consistent every day).

Cycle link between Elmswell and Woolpit

Suffolk County Council and Sustrans are working together to deliver this cycle route between Woolpit and Elmswell. This will be included in the developing Local Transport Plan which has local support but the concept is still in draft. The red line plan shows the area of land set aside previously secured by Sustrans for this link. It is necessary for new and existing residents of Elmswell to gain safe sustainable access to school and the health centre in Woolpit. Also, it will provide safe route for residents in Woolpit to access Elmswell train station. This scheme will be a sustainable solution as outlined in the NPPF and Mid Suffolk Core Strategies S03 and S06.

With the proposed mitigation and contributions for highway improvements, we consider the proposal would not have an adverse impact on the public highway with regard to congestion, safety or parking. Therefore, the County Council as Highways Authority, does not wish to restrict the grant of permission. Taking all the above into account, it is our opinion that this development would not have a severe impact (NPPF para 109) therefore we do not object to the proposal.

Contributions

The following requirement of the Travel Plan should be secured by Section 106 obligations or planning conditions to ensure it is implemented over the required timescale:

- Appointing and providing the contact details of the Travel Plan Co-ordinator to the Highway Authority;
- Submission, approval and full implementation of a Full Travel Plan at 75% occupation of the proposed dwellings;
- Monitoring the Travel Plan for a minimum of five years, or one year after occupation of the final dwelling, whichever is longer;
- Securing and implementing remedial Travel Plan measures if the vehicular reduction targets are not achieved, or if the trip rate in the Transport Assessment is exceeded when the site is occupied.

If the applicant does not include the bus stop improvements as part of Section 278 works, a total infrastructure contribution of £15,000 would be required. This would include shelters and raised bus stop kerbs and could be secured as part of the Section 106.

Elmswell/Woolpit Cycle Link

To construct the cycle link between Elmswell and Woolpit, SCC has estimated the design and construction will be approximately £850/dwelling. Therefore a contribution of £55,250 will be required for the scheme.

Internal Consultee Responses (Appendix 6)

Ecology - Place Services

No objection subject to securing ecological mitigation and enhancement measures.

Land Contamination

No objection subject to condition.

Environmental Health - Noise/Odour/Light/Smoke

Thank you for the opportunity to comment on this outline planning application. I have looked at this application and also the previous application (2019) for the same site. In line with my comments on the last application and the acoustic report submitted on both occasions, My comments are unaltered from the previous application and are as follows.

Having studied the submitted documents and the Spectrum Acoustic outline planning assessment ref: JW1695/18447/4, I have no objections in principle. However, as there are no final design and layout plans for the site and the report was based on an assumed masterplan, I ask that the following is conditioned:

1. The reserved matters application relating to design and layout of residential dwellings shall include a detailed acoustic assessment and Acoustic Design Statement (that includes evaluation and selection of mitigation methods, PROPG), produced by a competent person, which provides details of the noise exposure at the facade of residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces. The design and layout should avoid exposure of habitable rooms to noise levels that exceed the following criteria:
 - o 60dB LAeq 16 hours (daytime, 07:00-23:00, outside)
 - o 55dB LAeq 8 hours (night, 23:00-07:00, outside)

As required to meet the above, acoustic barriers and site design, including building orientation and internal layout of dwellings, shall be used to minimise noise exposure to habitable rooms and reduce the need to rely on closed windows.

Where the facade noise levels outside of habitable rooms do not exceed those stated above, but the internal noise levels stated in the current version of BS8233 are exceeded with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be

provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night.

If exposure exceeds the noise levels stated above, significantly enhanced ventilation will be required, and will need to be proposed, with any reliance upon building envelope insulation with closed windows to be justified in supporting documents that cross reference the mitigation measures used and the evaluation of different designs, layouts and sound reduction methods (including barriers) considered during the design process.

In addition, noise levels in external amenity spaces shall not exceed 55dBAeq 16 hours, daytime. The development shall thereafter be carried out in accordance with any details approved and shall be retained in accordance with these details thereafter.

Environmental Health - Sustainability Issues

It is acknowledged that the application is for outline permission but some consideration of this topic area is expected. The council declared a climate emergency in 2019 and has an aspiration to become Carbon neutral by 2030, it is encouraging all persons involved in developments and activities in the district to consider doing the same. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability.

Heritage Team

I consider 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 to the Hall's significance 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.

Landscape - Place Services

This application is a resubmission following the refusal of a previous proposal for the same development (ref: DC/19/03924). Therefore, our previous landscape recommendations still stand.

These are as follows:

1. There is a concern that the proposed housing density along and the proposed public open space (POS) proposal cannot be met within the application boundary without creating an urban character. Given its edge of settlement location, we would be looking for a lower density of housing with a loose grain, large front gardens, varied alignment and mixed surface treatment. The current illustrative masterplan (Drawing reference: IMP-01 P2) provides the spatial framework, however we would recommend an amended illustrative masterplan with plot details is submitted to ensure the housing numbers are achievable, and the associated density is appropriate for the site's location.
2. At present, the Soft Landscape Strategy (Drawing ref: 03000) provides details of the proposed tree and shrub planting on the western and northern boundaries, which is welcomed. However, given the drawing is not to scale, it is unclear whether the width of the landscape buffer is sufficient. This information is needed to ensure its appropriateness and that a suitable north-south corridor for recreational use can be implemented. Furthermore, we would advise Common Elder (*Sambucus*

nigra) is removed from the proposed shrub mix, as this species 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.

3. The Design and Access Statement (DAS) makes reference to the amount of Public Open Space (POS) being provided. This includes the area set aside for the potential link road and the area surrounding the attenuation basin. If this is the case, further details of how this area will be used if the link road does not go ahead needs to be included. For instance, will the attenuation basin area be fenced and inaccessible? If accessible, will made footpaths be provided?

Planning Policy

Policy position

It is recognised that the site is within the countryside and outside of the emerging JLP boundary for Elmswell. However, the site is adjacent to the emerging settlement boundary and site allocation LA066 in the emerging plan. The proposal would expand Elmswell further than what is being strategically planned for.

It is also noted there is a major development proposal submitted on the current emerging site allocation LA065 and there are infrastructure provisions that needs to be taken into consideration as to how future development can deliver sustainable needs.

It is also recognised there are ponds and moats 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.

Infrastructure Delivery Plan (IDP) position

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 dependent on changing infrastructure capacity, requirements and priorities.

As per our initial response of October 2019, 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.

Set out below 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

- 0846/13 - former Grampian Harris site - 190 dwellings (under construction)
- 0210/17 - Land To The East Of Ashfield Road - 106 dwellings (awaiting decision on Reserved Matters) (Emerging JLP LA062)
- 4911/16 - Land adjacent to Wetherden Road - 240 dwellings (under construction)
- 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) (Emerging JLP LA063)

Elmswell - Planning applications awaiting determination (other than this application site)

- DC/18/02146 – 86 dwellings (Emerging JLP LA065)

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

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

Woolpit - Existing Permissions

- 1636/16 Land south of Old Stowmarket Road – Outline permission for 120 dwellings (Emerging JLP LA094); DC/19/05196 Reserved Matters application for 115 dwellings awaiting decision. This site is also listed in the emerging Neighbourhood Plan for Woolpit, site WPT3, providing around 120 dwellings.
- 2112/16 Land On East Side Of Green Road – Full permission for 49 dwellings (Emerging JLP LA093). This site is also listed in the emerging Neighbourhood Plan for Woolpit, site WPT4. Site recently under construction.

Woolpit - Planning applications awaiting determination

- DC/19/02656 Land South Of Old Stowmarket Road – Outline application for 40 dwellings. This site is also listed in the emerging Neighbourhood Plan for Woolpit, site WPT5, providing around 40 dwellings.
- DC/18/04247 Land Off Bury Road The Street - Outline application for 300 dwellings (approved at Referrals Committee 21/02/2020). (Southern portion of emerging JLP LA095, with land allocation for pre-school and primary school.)

Woolpit – Other emerging Joint Local Plan site allocations

- 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 was included in the Regulation 18 (Jul-Sept 2019) Joint Local Plan consultation document in relation to this site (Policy LA065), this need is currently being secured through the revised planning application DC/18/02146.

In terms of primary education, a new primary school is to be provided in Woolpit to supply growth of Elmswell and Woolpit. This is identified in the IDP as a 210 places school initially and able to expand to 420 places. Developer contributions would be required from this development towards the new primary school, through Section 106 contributions.

For secondary school provision, the expansion of Thurston Community College from 1940 to 2190 places is planned, to provide for this development together with committed and planned growth of the Joint Local Plan. Secondary school transport contribution is also being requested by the County Council in their response of the 03/06/2020, through s106.

Transport

The IDP states that within Elmswell, contributions towards new footway links would be required as well as highway mitigation measures particularly regarding the junction of School Road and Church Road. The IDP also refers to contributions towards a new cycle/pedestrian link between Elmswell and Woolpit. This currently cannot be provided through the Community Infrastructure Levy (CIL) and it would be appropriate to seek S106 contributions.

The County Council response of the 01/06/2020 point to the need for more understanding of the impact of the proposal, as the Transport Assessment is incomplete in dealing with cumulative growth, with particular regard to the impact on junction capacity for the A1088/Church Road roundabout and the A14/A1088 interchange. It is understood that this matter has since been clarified to the satisfaction of the County Council.

Health

The nearest practice is Woolpit Health Centre, where the IDP refers to expansion of the practice and CIL contributions would be required. Expansion of the car park for the Health Centre is also being considered. The previous response from the West Suffolk Clinical Commissioning Group specifies that developer contributions via CIL are required to meet the cost of additional capital funding for health service provision arising.

Summary

In summary, since our previous response of October 2019, it is acknowledged that there has been progress with some of the infrastructure needs previously identified, such as the need for a pre-school in Elmswell, which is currently being proposed under emerging allocation LA065 (DC/18/02146), and the need for the primary school children to go to the new school in Woolpit, and where the proposal for the pedestrian and cycle link is being secured through developer contributions of current planning applications.

Therefore, in terms of the infrastructure needs deriving from this application, there appears to be solutions for additional provision for education (including Early Years) and health, and that the position on highways has been resolved.

Public Realm

The Public Realm Team do not wish to offer any comments at this stage other than it will be essential that the level of public open space and play facilities associated with this stage of the development are in line with Council requirements. Attenuation Basins should not be included in the calculation of POS as these are not accessible features.

Strategic Housing

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

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.

Other Consultees (Appendix 7)

Mid Suffolk Disability Forum

The Mid Suffolk Disability Forum would like to see a commitment to ensuring that all dwellings will meet Part M4 of the Building Regulations in the planning application.

In addition, all dwellings should be 'visitable' and meet Part M4(1), and 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2). It is our view that in housing developments of over 10 dwellings, at least one of the dwellings should be built to wheelchair standard Part M4(3).

It is also our view that at least 3% of the dwellings in housing developments of over 10 dwellings should be bungalows to assist people with mobility problems and to assist people who wish to downsize from larger dwellings.

Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs are absolutely level with the road for ease of access.

Suffolk Preservation Society

I am writing on behalf of the Society to make comments on the above application. The proposal has the potential to harm the setting of Elmswell Hall, a grade II listed building. Whilst we do not object to the principle of the development, we are concerned that the landscape masterplan is not to scale and fails to make adequate landscape mitigation for the impact of the proposals. Whilst we appreciate that this is an outline application it does not obviate the statutory necessity for resolution of this key material planning consideration.

Therefore, a detailed mitigation strategy should form part of the application and conditioned as part of any consent.

B: Representations

At the time of writing this report at least 18 letters, emails and online comments have been received. It is the officer opinion that this represents 18 objections. A verbal update shall be provided as necessary.

Material considerations raised in objection to the application are noted below:

- Additional traffic making use of Hall Lane;
- Capacity of local infrastructure in both Elmswell and Woolpit;
- Additional traffic utilising the roads through the Taylor Wimpey site which may be unsuitable for large construction vehicles;
- No updated information is provided within the application since it was last considered;
- Additional traffic along Station Road;
- Site is known to flood and drains poorly;
- Ecology impacts through removal of habitat;
- Concern about potential overlooking to existing dwellings; and
- Site is not allocated within the current of emergent Local Plan and is not allocated within the Elmswell Neighbourhood Plan.

(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
REF: DC/19/03924	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)	DECISION: REF 06.02.2020

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 (0846/13). The applicant has retained legal rights to two points of access to this site 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 This application was previously considered by Planning Committee under reference DC/19/03924 and was refused planning permission following the meeting of 5th February 2020 with the following reason for refusal:

“The application would result in the expansion of Elmswell to the west and would place a burden upon the infrastructure of the village to cope. The site is not allocated in the Local Plan (1998), Core Strategy (2008) or Focused Review (2012) and is not proposed to be allocated within the emergent Joint Local Plan as a sustainable development supported by services and benefiting from suitable access to those services.

While the emergent Joint Local Plan does allocate other development sites within Elmswell, the supporting Infrastructure Delivery Plan (2019) makes account for these and provision is made for the expansion of facilities and services in order to cope with the impacts of development on these allocated sites. This site is unallocated and as such sits outside of the scope of the Infrastructure Delivery Plan (2019) such that there may not be capacity within the existing services, including provision of school places, to accommodate the increased population that is expected were this application to be approved.

In conclusion, the emerging Joint Local Plan is given reasonable weight alongside the current policy position for proper planned development. In this case, as directed by the National Planning Policy Framework (2019), the merits and benefits offered by this application are not considered to outweigh the risk to sustainability of future development within this settlement.”

- 2.2 The current application is materially identical to the previous application which has since been submitted to the Planning Inspectorate for consideration at appeal. No start date has yet been allocated to the appeal. The appeal is accompanied by legal advice procured by the appellant on the merits of an appeal against the refusal, the likelihood of costs recovery by the appellant and whether the Section 106 contributions sought are appropriate.

- 2.3 The legal opinion concludes that the reason for refusal is not robust and is open to challenge at appeal, especially as the emergent Joint Local Plan and Infrastructure Development Plan identify that growth in the primary school aged population in Woolpit and Elmswell will be met through expansion of the primary school in Elmswell and by the provision of a new primary school in Woolpit.
- 2.4 As per the previous application, this 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 Retention and strengthening of boundary hedging and site wide planting is also proposed.
- 2.9 Detail of the appearance, layout, scale and landscaping would be forthcoming as part of any reserved matters application.
- 2.10 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 is taken into account.

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 Mid Suffolk benefits from a five-year housing supply. Such that 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, by virtue of not being able to demonstrate said housing supply. 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.
- 3.3 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. It states that:

“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to

their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 The proposal site is located in the countryside and therefore does not accord with policies CS1, CS2 and H7. That said, as a development proposed for a Key Service Centre it would be in-step with the underlying spatial strategy.
- 3.8 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 the remoteness of a site from a settlement. Given the functional and physical proximity of the application site to the Key Service Centre of Elmswell and the residential development at the former Bacon Factory site, the development is not isolated and paragraph 79 of the NPPF is not engaged.
- 3.9 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.
- 3.10 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.
- 3.11 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.

- 3.12 *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.
- 3.13 *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.
- 3.14 Elmswell Parish Council's response to the application 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 £500k contribution with additional contributions required for libraries and waste management to come from CIL receipts.
- 3.15 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.
- 3.16 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. Previous comments from Ward Members supported the idea of additional play facilities being placed in a centrally located position to aid village cohesion. It is considered that this could be achieved through the element of CIL that would be due to the Parish Council, however, Council policies do require an element of open space to be provided within major developments and this is proposed within the application.
- 3.17 *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, being located directly adjacent to its settlement boundary 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 such that the services and facilities could be accessed using sustainable transport methods.
- 3.18 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.
- 3.19 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.

- 3.20 Comments from the Parish Council and Planning Policy team are noted with regards to the provisions of the emergent Joint Local Plan. Paragraph 48 of the NPPF does allow material weight to be attributed to relevant policies in emergent plans, however, this is subject to the stage of preparation of the plan, the more advanced the preparation, the more weight can be attributed to it. 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.
- 3.21 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 especially when there is a lack of support for the previous reason for refusal from both the Infrastructure Delivery Plan, the Council's Planning Policy team and the Education Authority.

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 Co-Op convenience store. The supporting Transport Statement confirms the following amenities within a 12-minute walk of the site: railway station, Co-Op food store, pharmacy, library, community centre, pre-school and primary school.
- 4.2 The Elmswell railway station is within walking distance and is served by the Greater Anglia Line which operates trains across East Anglia. There are 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 committee meetings 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. This position is mirrored by the response of the Education Authority who confirm that the infrastructure to accommodate the projected pupil numbers from committed sites, allocated sites and this site can be provided subject to the relevant planning contributions.
- 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 and would be offset via planning contribution. Moreover, allocation of school places is subject to parental choice meaning that regardless of the outcome of this application, the situation could likely be that children from each village attend the primary school in the other. Discussions with the Highway

Authority made following the earlier deferral of this application (under DC/19/03924) made 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 within the neighbouring Taylor Wimpey 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 earlier deferral of the first application (DC/19/03924) in January 2020, additional information was provided by the Highway Authority in order to provide clarity on a number of points raised by members in their deliberations. In response to this application, the same information has been provided by the Highway Authority.
- 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 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 forthcoming developments in both Elmswell and Woolpit and would 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.
- 6.2 It is considered that the proposed development would appear as an extension to the previously consented Taylor Wimpey site to the immediate east.

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 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 a listed building, its setting or other architectural or historic features from which it draws significance. In practice, a finding of harm to the historic fabric of a listed building, its setting or any special features it possesses gives rise to a presumption against the granting of planning permission.

- 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. Although both their comments as well as those from the Suffolk Preservation Society note that careful consideration at reserved matters stage should be given to the design and layout of the development.
- 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, 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 CIL process. The NHS have identified the need for additional funding for the GP surgery to expand to meet increased demand while Suffolk County Council as Education Authority identify the need for funding to address secondary and sixth form education expansion as well as to expand library and waste services, which fall within CIL.
- 11.2 The application would also require the completion of a Section 106 Agreement prior to the issue of any planning permission. From the consultation responses detailed earlier within this report, there would be a need to secure contributions for primary and early years education, secondary school transport and provision of a footway/cycleway linking Woolpit and Elmswell. There would also be a need to secure delivery of on-site affordable housing, a travel plan and the delivery and management on on-site open space. It is also noted that provision of improved bus stops to serve the site are required, but may be secured via a Section 278 Agreement to allow the developer to undertake work in the highway rather than through the Section 106 Agreement to fund said works.

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 application site is located outside of the established settlement boundary of Elmswell, falling within the countryside as per the direction of Core Strategy policy CS1. As such, CS2 is applicable. This policy restricts the development of market housing in countryside locations as does Local Plan policy H07. The application is not held to comply with the adopted Development Plan.
- 12.3 However, 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.
- 12.4 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, particularly in locations such as Key Service Centres where the expectation is to deliver housing growth. While it is noted that the Council can demonstrate a five-year housing land supply, this cannot be read as a cap on sustainable development.

- 12.5 The site is a highly sustainable location, offering pedestrian connectivity to local services, including the Elmswell train station, as well as a good local bus network connecting to the village and to other settlements nearby. 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.
- 12.6 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.
- 12.7 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 would be 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.
- 12.8 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 at reserved matters stage. The western landscape buffer has the added benefit of mitigating harm to the setting of Elmswell Hall.
- 12.9 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.
- 12.10 The previous reason for refusal, concerning the impacts on the infrastructure of the two villages is noted, but is addressed by the content of the emergent Joint Local Plan and by the Infrastructure Delivery Plan which address education infrastructure in both Elmswell and Woolpit through the development of a new primary school in Woolpit and the expansion of the existing school in Elmswell. Consultation with Suffolk County Council confirms that sufficient capacity is available within the facilities to accommodate both the planned level of growth in Elmswell and Woolpit, but also that of windfall development such as this application.
- 12.11 Comments from Planning Policy support the above conclusion noting that infrastructure requirements stemming from the application can be addressed and comments from the NHS note

the need for CIL contributions to be allocated towards the expansion of medical facilities but otherwise offer no objection to the application. Therefore, it is considered that the previous reason for refusal has been overcome.

- 12.12 The significant social and economic public 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.
- 12.13 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 at reserved matters stage;
- Contributions towards Suffolk County Council for the provision of pre-school and primary education;
- Contribution for the provision of a footway/cycleway linking Elmswell and Woolpit;
- Potentially secure contributions upgrading of bus stops, if not secured within a Section 278 Agreement and required travel planning; 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 demonstrate sufficient noise insulation/mitigation for residential dwellings and amenity space;
- 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 grounds.