

Committee Report

Item No: 7D

Reference: DC/22/03423
Case Officer: Helen Noble

Ward: Elmswell & Woolpit.

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

RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION

Description of Development

Application for Outline Planning Permission (Access to be considered) Erection of 1no 1.5 storey dwelling and construction of new vehicular access.

Location

Land Adj 10 Crown Mill, Elmswell, IP30 9GF,

Expiry Date: 16/11/2022

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: Elmswell Parish Council

Agent: Mr M Johnston

Parish: Elmswell

Site Area: 380 sqm

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

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

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Site is owned by Elmswell Parish Council and having regard to the extent and planning substance of comments received, the Head of Economy considers the application to be of a controversial nature that should be heard in a public forum.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CLASSIFICATION: Official

NPPF - National Planning Policy Framework 2021

Core Strategy Focused Review 2012:

FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

Core Strategy 2008:

CS1 - Settlement Hierarchy
CS5 - Mid Suffolk's Environment

Mid Suffolk Local Plan 1998:

H3 - Housing development in villages
SB2 - Development appropriate to its setting
GP1 - Design and layout of development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T9 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Elmswell Neighbourhood Plan concluded pre-submission consultation in July 2022, therefore it can only be afforded limited weight in the decision-making process at this time.

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

Elmswell Parish Council
Supports the application.

Officer Note: Members should note the Parish Council is the owner of the site and have provided comments on their own application. Governance have confirmed the Parish Council can provide comments on their own proposal, but for the sake of transparency they should have made this clear however this is being reported to members so it flet the local planning authority are being open and transparent in this regard.

National Consultee

Network Rail

No objection providing an informative is placed on the decision recommending the developer complies with requirements to maintain the safe operation of the railway and protect Network Rail's Infrastructure.

County Council Responses

SCC – Highways Comments following submission of amended plan

No objection, subject to conditions to control visibility splays, access built meets SCC standard DM03, 5m of access has bound surface material, discharge of surface water, provision of areas and infrastructure for manoeuvring and parking of vehicles, cycle storage and electric vehicle charging, refuse and recycling bin provision.

SCC - Fire & Rescue

No objection. They recommend consultation should be made with the Water Authorities to determine flow rates in all cases.

Internal Consultee Responses

Environmental Health - Land Contamination

No objection.

Environmental Protection – Noise, Light, Odour

No objection, subject to condition for an Environmental Noise Assessment (ENA) prepared by a suitably qualified Acoustic consultant, to demonstrate that the proposed layout, construction and glazing were suitable to reduce the likelihood of their amenity being affected by noise and vibration from rail activities both day and night. The application site is in close proximity to the railway, therefore there is potential for significant loss of amenity at new dwelling due to noise from trains.

B: Representations

At the time of writing this report, a petition with 39 valid signatures has been received.

At least twelve letters/emails/online comments have been received. It is the officer's opinion that these represent twelve objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Loss of open space used for jubilee celebrations, informal chat amongst individuals of local community, relax and enjoy the outdoor wildlife, safe and accessible space for young children to play, valued by autistic community members who prefer somewhere quieter
- Loss of open area which can help mitigate effects of climate change
- Adverse impact on residential amenity of close neighbours with regards to privacy, sunlight, overlooking
- Overdevelopment of the site, estate and village in general
- One new dwelling does not contribute to sustainability of village
- Highway safety; intensification of road network - used for school drop off/collection parking, safety of children, restriction on driveway access for no. 2-8 Crown Mill, width of road cannot support refuse collection lorries.
- Adverse impact on wildlife, loss of mature trees and hedges. Hedgehogs, slow worms and bats regularly sited there.
- Out of character and appearance of area

- Adverse impact on mental well being of residents

(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/22/04528	Application for Outline Planning Permission (Access to be considered) Erection of 1No dwelling.	DECISION: WDN 20.09.2022
REF: 2285/13	Erection of footbridge linking north and south of village over railway line.	DECISION: GTD 15.10.2013
REF: 0035/98/OL	ERECTION OF FOOTBRIDGE OVER RAILWAY LINE.	DECISION: REF 30.07.1998
REF: 0093/91/OL	RESIDENTIAL DEVELOPMENT (2.35 HA OF LAND), LAYOUT AND CONSTRUCTION OF NEW VEHICULAR ACCESS (FROM BENNETT AVENUE) AND ACCESS ROADS; CONSTRUCTION OF NEW PEDESTRIAN ACCESSES FROM STATION ROAD TOGETHER WITH PUBLIC OPEN SPACE AND RETENTION OF EXISTING VEHICULAR ACCESS FROM STATION ROAD FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE.	DECISION: GTD 16.01.1992
REF: 0034/04/OL	OUTLINE PLANNING APPLICATION FOR A FOOTBRIDGE LINKING NORTH AND SOUTH OF VILLAGE OVER RAILWAY LINE.	DECISION: GTD 20.04.2004
REF: 0123/02/OL	ERECTION OF A TWO-STOREY DWELLING	DECISION: WDN 01.07.2003
REF: 0380/94/	RESIDENTIAL DEVELOPMENT COMPRISING 50 DWELLINGS AND GARAGES WITH LAYOUT AND CONSTRUCTION OF NEW VEHICULAR ACCESS AND ACCESS ROADS, CONSTRUCTION OF NEW PEDESTRIAN ACCESSES FROM STATION ROAD TOGETHER WITH PUBLIC OPEN SPACE AND RETENTION OF EXISTING VEHICULAR ACCESS FROM STATION ROAD FOLLOWING DEMOLITION OF EXISTING BUILDINGS	DECISION: GTD 14.07.1994

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is a small parcel of flat grassed land, set back from the northern side of the highway and adjacent to No. 10 Crown Mill. It is on the estate known as 'Crown Mill' built in the 1990s, within the defined settlement boundary of Elmswell village.
- 1.2. The surrounding properties are two storey dwellings with a mixture of red and buff brick.
- 1.3. The site borders No. 10 Crown Mill to the west and a shared driveway serving No.s 2-8 Crown Mill to the east. To the north is the railway line and the site is opposite the junction for Crabtree Meadow.
- 1.4. The site is not in a conservation area, nor a special landscape area, nor has any trees with preservation orders on them.

2. The Proposal

- 2.1. The proposal seeks outline permission for one 1.5 storey dwelling on the land adjacent to No. 10 Crown Mill with a new dropped kerb access onto Crown Mill highway. Matters of access are supplied for consideration here, but matters of appearance, layout, scale and landscaping are reserved.
- 2.2. The indicative dwelling shown within the submitted drawings shows a property that would have a visually similar principal elevation alignment to adjacent property, no.10 Crown Mill, with a footprint of approx. 80 sqm.
- 2.3. The application was subject to amended plans during the course of determination in order to address the initial concerns raised by SCC Highways Authority. Amended plans were received on 22nd July 2022; the revisions include the visibility splays and confirmation the new access will be 3m in width, be constructed to SCC drawings DM01 and nothing above 600mm will obstruct the visibility splays.
- 2.5. The indicative drawings propose a rear garden similar in size and shape to the adjacent property at No. 10 Crown Mill. The indicative gap between the property of No 10 Crown Mill and the dwelling on this site could be similar to the rest on the estate.

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) 2021, which requires proposals that accord with an up-to-date development plan to be approved without delay. However, various factors affect whether a development plan can be considered 'out-of-date'.
- 3.2. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old. Policies should be given weight according to their consistency with the NPPF.
- 3.3. Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4. Policies CS1 and CS2 jointly set out the spatial strategy for the district in directing how and where new development should be distributed. Read together the policies provide a strategy for the distribution of development that is appropriate in recognising local circumstances and their overall strategy remains sound. This is because they take 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 consistent with the NPPF. Policy CS1 of the Mid Suffolk Core Strategy 2008 identifies new development should be directed to more sustainable locations such as towns and key service centres; Elmswell is identified as a key service centre within CS1. By virtue of the application site's location within the defined settlement boundary of the village of Elmswell, the site is considered sustainable with acceptable access to services and facilities conducive with day to day living. Purely in locational terms, the application site complies with policy CS1, which is considered to be in general accordance with the NPPF, directing new development to more sustainable locations.
- 3.5 The site subject of this proposal is a small undeveloped plot of existing public open space, as defined on the approved plans for permission granted (application ref 0380/94). As such, development on open space is only acceptable if the obligations of the NPPF, paragraph 99, are met. Public open space is defined as "*all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*" in the NPPF.
- 3.6 Paragraph 99 states "*existing open space should not be built on unless:*
a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*"
- 3.7 Two areas of public open space were transferred to Elmswell Parish Council 6th May 1999 following planning application ref 0380/94 for the Crown Mill estate. Conditions attached to the transfer

ensured this public open space remained as such in perpetuity in the interests of protecting the character of the area and providing amenity space for the benefit of the local residents. Planning history of the site indicates that at one point, it was intended to utilise the land in question to provide a footbridge over the railway line to the north. While this has previously gained planning permission, it has never been built out. It is now not considered possible for a footbridge to be erected over the railway line due to the residential development now occupying the land on which the bridge was proposed to set down upon.

- 3.8 No assessment has been provided as part of this proposal to demonstrate that the area of open space is surplus to requirements. As objectors have commented, although the Parish Council have prohibited ball games on the land, the space is regularly used by the residents of Crown Mill for informal gathering, socialising and meeting, it provides a space to relax and enjoy the outdoor wildlife and is safe and accessible for young children to informally play on close to their homes. Notably, the residents held their jubilee celebration on the space. It is considered the open space is an important piece of the fabric of the estate and of material benefit to the residents of Crown Mill, thus to them, it is not surplus to requirements.
- 3.9 Although it is noted the Parish Council have pledged the proceeds from this development to Elmswell Community Land Trust with the aim of building affordable housing, there is no method of tying this action to the development or securing a timeframe for delivery of affordable housing to occur within. There is no exception within paragraph 99 that allows development on open space under these circumstances.
- 3.10 Elmswell Parish Council state they have secured an additional 6 acres for expansion of the recreational space at Blackbourne Community Centre as a replacement for the loss of open space in Crown Mill. However, the acquisition is unrelated to this proposal, happening regardless and not as a result of the proposed loss of open space in Crown Mill. From a site visit, it is considered Blackbourne Community Centre is a minimum of a 10 minutes walk from the site and offers a different type of public open space to the site in Crown Mill. The layout of Crown Mill estate, with surrounding properties overlooking this area of open space lends itself to passive informal supervision, which in turn encourages increased use of the open space by younger residents, who would not necessarily walk to the Blackbourne community centre alone. By virtue of being small, the land adjacent to 10 Crown Mill is a social space for people of the immediate area to informally gather, meet, play, and talk. It provides a quieter space for relaxation in the natural light and fresh air, compared to the busier and larger play area adjacent to Station Road or facilities at Blackbourne. It positively contributes to the amenity of outlook of the houses along Crown Mill.
- 3.11 It is considered important for residential areas to benefit from a wide variety of incidental open spaces nestled within the fabric of the village's more urban areas. Small spaces such as adjacent to Crown Mill are utilised by residents closer to the site, especially the very young and old alike, who may not be able to access facilities further away at Blackbourne; it helps to extend the number of years people gain the health benefits associated with access to the open spaces. Thus, this proposal is not considered to meet the requirements laid out in paragraph 99 of the NPPF, part (b).
- 3.12 Within the emerging policies of Elmswell Neighbourhood Plan policy ELM1 accords with policy CS1, the site is within the settlement boundary and as a purely spatial exercise, under normal circumstances the principle of development would be acceptable. Whilst this direction of travel within the emerging Elmswell Neighbourhood Plan is acknowledged, the Neighbourhood Plan currently has no determinative weight.

- 3.13 When taking the basket of policies as a whole, policies GP1, H3, H16 and SB2 of The Mid Suffolk Local Development Plan (1998) are of particular importance. The site subject of this proposal is a small undeveloped plot of existing open space. Policies H3 and SB2 seek to allow development of the infilling of small undeveloped sites within the settlement boundary, unless it is considered desirable to retain the site as an important amenity or open space within the village scene. As discussed in detail within section 6, this proposal is considered to adversely affect the character and appearance of the area and adversely impact the amenity provided by the open space for the local community. Thus, this proposal is considered contrary to policies SB2 and H3. The detailed requirements of Policy H3, GP1 and SB2 are assessed within the following sections of the report below.
- 3.14 In isolation, the site itself is considered to be in a sustainable location owing to its position within the existing settlement boundary of a Key Service Centre (Elmswell), with regard to policy CS1. However, development of the site as proposed would represent an unsustainable form of development, as a result of the loss of visually and functionally important public open space. On balance, the proposal would conflict with policies FC1, FC1.1, CS5, H3, H15, H16, SB2 and GP1 and paragraphs 8 and 99 of the NPPF. The proposed development is therefore considered to conflict with the most important policies of the development plan and there are no material planning considerations that indicate that a decision should be taken other than in accordance with the development plan. As such the principle of development is considered unacceptable.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 The application site is within the settlement boundary of Elmswell, defined as a key service centre within the Mid Suffolk Core Strategy.
- 4.2 Elmswell is considered a sustainable location with multiple services including a nursery, pre-school, primary school, dental practice, health centre, various shops, Blackbourne Community Centre, three churches and a library. It is considered Elmswell contains everything required for day to day living; it has public transport links to the wider area, including a train station.
- 4.3 The site for this proposal is located on the periphery of the village centre core, and it is considered that occupiers of the proposed development would have convenient access by foot path and cycle to the services the village has to offer.

5. Design And Layout

- 5.1 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. Paragraph 130 (b) of the NPPF states developments should ensure they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.2 Policy GP01 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 5.3 In this case, the proposal is for a 1.5 storey dwelling and an indicative siting has been provided; the matters of the dwelling's appearance and scale are reserved so no information has been provided in this regard. As such thorough assessment would be carried out at Reserved Matters stage if Outline planning permission is granted.

6. Landscape Character and Residential Amenity

- 6.1 NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF states that local authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.2 Policy H3 allows development of infill sites within the settlement boundaries, unless it is desirable to retain a site as an important amenity or open space within the village scene. Policy H15 seeks to ensure new housing is consistent with the pattern and form of development within the neighbouring area. Policy SB2 seeks to ensure development is appropriate to its setting, it does not adversely affect the character and appearance of the settlement or open spaces which provide important facilities or amenities for the local community. Policy H16 states development should not erode the character of an area, nor result in loss of open spaces which contribute to the character or appearance of an area and which are important for recreation or amenity purposes.
- 6.3 The site is an area of grassland, with some mature shrubs and trees along the northern and western boundaries. It is the smaller and quieter of two areas of public open space within the Crown Mill estate. The larger open space is to the west of the estate, adjacent to Station Road. Both pieces of open space were transferred to Elmswell Parish Council in 1999, to be maintained in perpetuity as public open space, an amenity for the neighbourhood.
- 6.4 The definition of amenity is something intended to make life more pleasant or comfortable for people. It provides comfort, convenience or enjoyment. In planning, amenity is often used to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area, including the pleasantness or attractiveness of a place.
- 6.5 Elmswell Parish Council have erected a 'no ball games sign' on the site, which the Parish Council believe diminishes the site's amenity value. However, the objection comments received have indicated the residents of Crown Mill utilise this area of open space for a variety of purposes and strongly value the visual amenity and recreational amenity this piece of open space provides to their immediate locality.
- 6.6 Open spaces can provide different types of amenity and are utilised for many different purposes. Spaces for informal meeting with neighbours and residents brings greater interaction within the community and fosters social ties. The properties overlooking this informal open space create informal surveillance that provides safety for young residents to play here.
- 6.7 In regard to visual impacts of the development on the landscape and appearance of the area, it is of particular relevance that the site is in a prominent position in the street scene, centrally positioned within the estate. The introduction of a new dwelling will clearly have an impact on the immediate and wider area.
- 6.8 Open spaces between buildings are considered an essential part of creating a particular pattern to development and thus character of an area. The Crown Mill estate pattern is well spaced, detached properties, with a sense of openness. This site, a small area of undeveloped form, characterised by the openness of the grassed area, connects and disperses the greener areas throughout the estate and contributes to the pleasantness and scene of the area. It is considered loss of this open space would demonstrably harm the local distinctiveness of the area; resulting in a denser, more urban pattern.

- 6.9 Paragraph 185 of the NPPF identifies that new development should be appropriate to its location, taking into account issues such as impacts on health, living conditions etc. This aim is reflected in Mid Suffolk Local plan policies H3, H16 and SB2.
- 6.10 The proposal is for a dwelling of 1.5 storeys in height. In relation to issues of loss of light, overshadowing etc. it is considered likely the new dwelling could be orientated and sufficiently distant from existing dwellings so that unacceptable impacts were avoided. In any case, this would be subject to further scrutiny once reserved matters details were submitted.
- 6.11 The existing dwellings of Nos.2, 4, 6 and No.8 Crown Mill, are located down a shared driveway to the east and perpendicular of the site and would overlook the private amenity space of the new dwelling regardless of where it was positioned within the site. Their first-floor windows are approx. 10m from the site boundary and would have a direct view of the immediate rear area directly to the rear of the new dwelling wherever it would be placed in any resultant reserved matters application. This would lead to an unacceptable impact upon the privacy that would be enjoyed by the proposed occupiers of a dwelling on this site.
- 6.12 Paragraph 130(f) of the NPPF is clear that developments should “*create places....with a high standard of amenity for existing and future users*”. The proposal fails to do so, resulting in harm to the future residents as a result of this overlooking, contrary to this requirement of paragraph 130(f).

7. Site Access, Parking and Highway Safety Considerations

- 7.1 Paragraph 111 of the NPPF recognises 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...’ Policy T10 states development should not unacceptably impact the highway network and associated safety, including safe and suitable access to the site, for all users.
- 7.2 The proposal inter alia seeks to create a new vehicular access point off Crown Mill highway to serve the new dwelling. Crown Mill is speed limited to 30mph and affords good visibility in both directions. A dropped kerb providing a minimum entrance width of 3m built to Suffolk County Council drawing DM01 and visibility splays of 59m in both directions. These dimensions are adequate for a single dwelling and the Highway Authority has confirmed that it has no objection to the proposal, requiring final details of the proposed access to be secured through condition. Given this application seeks full approval for matters of access, there is no issue with applying the suggested highways conditions.
- 7.3 As part of the Planning Statement submitted with this proposal, parking will be provided in accordance with Suffolk Parking Standards (2019) and policy T9. During a site visit, Officers witnessed numerous vehicles parked on the highway along Crown Mill during school pick up time. It is considered the proposed plans demonstrate sufficient space for parking provision and manoeuvring onsite, ensuring vehicles would be front facing when exiting the site and avoid exacerbating the requirement for on street parking.
- 7.4 The site is located within a 4 minute walk along foot paths to the primary school and village centre, thus it could reasonably be assumed future occupants would make these journeys on foot, limiting the potential intensification on the highway network.
- 7.5 In summary, notwithstanding the objections to the proposals that have been received on highway safety and impact grounds, Members will note that the proposals put forward for determination have not given rise to an objection from the Highway Authority. A number of conditions are proposed for

inclusion on a grant of planning permission; an element of which would include the provision of electric vehicle charging points in accordance with the Council's adopted standards. Officers support their inclusion.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 Paragraph 183 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use. Additionally, paragraph 184 identifies that where a site is impacted by contamination, responsibility for securing a safe development rests with the developer and/or landowner. The site of the proposed new dwelling would include land that is existing flat grassland and has been maintained as such by Elmswell Parish Council in excess of 20 years. As part of this application, an enviroscreen certificate and land contamination overview have been submitted. Environmental Protection Officer for land contamination has been consulted and raised no objections.
- 8.2 The site is within flood zone one, the lowest risk of flooding and as such is assessed as having a less than 1 in 1000 annual probability of fluvial flooding (less than 0.1%). There are no known surface water flooding issues at the site. Less than 50% of the surface area is proposed to be covered by the dwelling footprint. The proposal is considered acceptable in this regard.
- 8.3 In regard to foul water, the proposed new dwelling would be connected to Anglian Water mains foul sewer network. Surface water drainage would discharge to soakaways and details of these has been requested by Suffolk Highways through condition.
- 8.4 In relation to waste, site access by refuse vehicles would be from the new Crown Mill access. Provision of a suitable storage bin location has been requested as a condition by Suffolk County Highways. Crown Mill is an existing residential area, currently served by refuse vehicles passing along the existing road width of Crown Mill. The addition of one dwelling along Crown Mill is considered of negligible impact.

9. Biodiversity

- 9.1 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." It has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. In isolation, the site itself is considered to be in a sustainable location owing to its position within the existing settlement boundary of a Key Service Centre (Elmswell), with regard to policy CS1.
- 10.2 The layout of the estate forms part of the attractiveness of the Crown Mill development approved in the 1990s. In order to achieve a well designed estate, the original design and pattern of the settlement incorporated grassed undeveloped gaps. This contributes to the character of the area

and its visual attractiveness. The local residents have demonstrated they value this site as a visual amenity for the immediate locality; they've also noted they physically use it for amenity. Although the Parish Council have pledged the proceeds of the property's sale to enable affordable housing at another site within Elmswell, obligations have to be compliant with CIL regulations. There is no mechanism provided with this application to secure funds for affordable housing.

- 10.3 The Parish Council propose they are meeting the requirements of the NPPF, para 99, (c) through the provision of an additional 6 acres at Blackbourne Community Centre. Due to this having already been secured, it is Officer's opinion it cannot be held as compensatory for the loss of open space at the application site.
- 10.4 The loss of this open space would be degrading the street scene, resulting in subsequent dilution of design and character of the area, conflicting with policies FC1, FC1.1, CS5, H3, H15, H16, SB2 and GP1 and paragraphs 8 and 99 of the NPPF. The proposed development is therefore considered to conflict with the most important policies of the development plan and there are no material planning considerations that indicate that a decision should be taken other than in accordance with the development plan.
- 10.5 On balance, it is considered the harm caused by the loss of this grassed area cannot mitigate the burden of development and would represent an unsustainable form of development, as a result of the loss of visually and functionally important public open space.
- 10.6 Furthermore the relationship between the existing dwellings would overlook the private amenity space of the proposed dwelling, resulting in harm to the future residents as a result, contrary to this requirement of paragraph 130(f) of the NPPF.

RECOMMENDATION

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

1. The site subject of this proposal is an existing area of open space and should only be built on if the local authority is satisfied the requirements of paragraph 99 of the NPPF have been met. Insufficient information has been provided to determine whether the proposal accords with the requirements of paragraph 99 of the NPPF. The open space is an intrinsically important amenity space for local residents and community, thereby contributing to their well-being. Its loss demonstrably adversely affects the character and appearance of the settlement and open space which provide important facilities or amenities for the local community. The proposed development is considered to contravene Mid Suffolk Local Plan (1998) Policies FC1, FC1.1, CS5, H3, H15, H16, SB2 and GP1 and paragraphs 8 and 99 of the NPPF.
2. The application site, and in particular the private amenity space of the proposed dwelling would be overlooked by first floor windows of neighbouring properties, detrimental to the privacy and amenity of the future residents. It is not considered that this issue could be remedied within any subsequent reserved matters application. As such the proposal fails to provide a high standard of amenity for future users, contrary to paragraph 130(f) of the NPPF.