

## **Committee Report**

**Committee Date: 22 March 2017**

<b>Item No: 2</b>	<b>Reference: 3469/16</b> <b>Case Officer: JAPL</b>
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**Description of Development:** Outline Planning Application sought (with all matters other than means of access reserved) for residential development of up to 60 dwellings with associated car parking, landscaping, public open space areas, pedestrian/cycle links and vehicular access from Borley Crescent

**Location:** Land to the east of Borley Crescent, Elmswell IP30 9UG

**Parish:** Elmswell

**Ward:** Elmswell & Norton

**Ward Member/s:** Cllr John Levantis and Cllr Sarah Mansel

**Site Area:** 1.8ha

**Conservation Area:** None

**Listed Building:** None

**Received:** 12/08/2016

**Expiry Date:** 26/04/2017

**Application Type:** Outline with all matters reserved except for access.

**Development Type:** Major - Dwellings

**Environmental Impact Assessment:** Not required

**Applicant:** Mr M Jewers

**Agent:** Armstrong Rigg Planning

### **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents/fails to represent an increase in housing supply and economic benefits would outweigh any highways social and environmental impacts of the proposal.

## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

The application is referred to committee following deferral from a previous committee meeting on the 22/02/2017. Further detail is given below in an update and a verbal update will be given. The application was referred in the first instance for the following reason/s:

1. It is a “Major” application for:-
  - a residential land allocation for 15 or over dwellings

## **PART TWO – APPLICATION BACKGROUND**

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

### **History**

2. There is no relevant planning history.

### **Details of Previous Committee / Resolutions**

3. None

### **Details of Member site visit**

4. None

### **Details of any Pre Application Advice**

5. None

## **PART THREE – ASSESSMENT OF APPLICATION**

### **Consultations**

6. **This is a summary of the consultation responses received. The full representations are included within the Committee Bundle.**

### **Elmswell Parish Council – OBJECT**

The grounds of objection are as follows:

- Impact on the highway network - in particular the access to the proposed development of 60 dwellings via Blackbourne Road and Borley Crescent presents a serious hazard. Blackbourne Road and its junction with Ashfield Road are close to maximum safe capacity and will not, without hazard, cope with the extra traffic load suggested by this application. The proposal runs counter to Local Plan Policy T10 with specific reference to the requirements for: The provision of safe access to and egress from the site; the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic; and whether the amount of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site.

- Parking - the house types indicate that there is a need for 103 spaces which cannot be accommodated on the indicative layout which forms part of the application. This is contrary to Local Plan Policy T9.
- Highway impact on the area around the railway crossing
- Impact on existing infrastructure and services including the health centre, Anglian Water foul sewer network and education

### **SCC Highways – No objection.**

Having read through the supporting information it suggests there should be no highway issues at any of the nearby junctions and the effect on queuing at the level crossing is minimal with a predicted increase of only 2 vehicles in the morning peak hour and 1 vehicle in the evening peak period. Note - Following additional information submitted by the applicant in response to the PC's concern about the level crossing the highway engineer has confirmed that their surveys were carried out to include the peak traffic generation times of 07:00 to 10:00 and 16:00 to 19:00. In those times the rail crossing gates were measured as being down for 240 seconds (4 minutes) on two occasions.

Comments were also made about the illustrated geometry of the proposed vehicular access being unacceptable in highway terms. However, this can be resolved at the Reserved Matters stage and it is the point of access which is to be considered now.

On this basis and as the red site outline has been revised to include the land required for the extension of Borley Crescent the development is acceptable subject to conditions relating to:

- Details of estate roads,
- Provision of carriageways and footways to an acceptable level prior to occupation
- details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage
- visibility splays

A sum of £25,000 is sought in respect of public transport infrastructure improvements for bus stops.

### **Planning Policy – No objection to housing but object in respect of insufficient capacity at primary school.**

In view of the current shortfall in 5 years housing land supply in Mid Suffolk, we have to consider housing applications in the context of NPPF policy for sustainable development. (The housing land supply for Mid Suffolk is estimated at 3.7 years, as at 31 March 2016, with details in the latest Annual Monitoring Report).

Elmswell is classified in the Mid Suffolk Core Strategy (2008) as a key service centre. It is one of the largest villages in Mid Suffolk, in the A14 corridor, with a railway station and some local employment. It is therefore a sustainable location for future development. Existing planning permissions for housing include 190 dwellings on the former Grampian Harris factory brownfield site (ref. 3918/15)

Several sites around Elmswell, and nearby at Woolpit, have been offered in response to the call for sites in July / August 2016.

Elmswell Parish Council is preparing a Neighbourhood Plan – the NP area was designated in January 2014 but the Plan is not yet at an advanced stage. The parish council has expressed support for some housing growth if it would contribute to their aspirations for a relief road for Elmswell, but no route or scheme has yet been established.

In view of this policy background we have limited control over bringing sites forward, other than responding to planning applications as they arise, until the new joint Local Plan and Neighbourhood Plan are advanced or a 5 year housing supply is regained. In particular the cumulative impact of a number of sites on infrastructure capacity (schools, roads, health facilities etc.) could be an issue.

Although our housing supply policies are currently regarded as being out of date, other aspects like mix of house types and sizes (MSLP 1998 policy H 14) and provision of up to 35% affordable housing (MSLP Alteration 2006 policy H4) can still be applied.

### **BDC/MSDC – Housing – No objection**

The most recent information from the Mid Suffolk's Council's Housing Register shows 50 applicants registered who have a connection to Elmswell. **21** of the proposed dwellings on the development should be for affordable housing. Comments are offered on an appropriate housing mix.

### **SCC Planning and Infrastructure – No objection.**

The catchment secondary school does not have sufficient spare places to absorb the additional secondary pupils, but Ixworth Free School does. Sixth Form pupils can be accommodated at the Thurston Community College sixth form campus at Beyton. Therefore, this development is not expected to necessitate a bid for the District Council's CIL funds.

We forecast to have no surplus places at the catchment Primary School to accommodate children arising. Recent discussions have been based around the opportunity to expand the existing primary school from 315 to 420 places (2 forms of entry). The County Council commissioned its consultants, Concertus, to undertake a Stage 1 feasibility exercise to see what can be achieved on the site. The conclusions of the stage 1 feasibility report confirmed that it would be possible with some innovative design solutions to increase the school capacity to 420 places whilst also improving the school operational environment.

As the report establishes that it is possible to expand the existing schools to accommodate the additional pupils this approach would be captured through the Community Infrastructure Levy (CIL).

The following bids will be made through CIL.

- Primary and Secondary Education - £182,715.00
- Pre-school Education - £36,546.00
- Libraries - £12,960

### **BDC/MSDC - Environmental Health - Land Contamination. No objection**

Request that the Contaminated Land Officer is contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **SCC Flood & Water Team – No objection**

A pre-commencement condition requiring infiltration testing to be secured is recommended.

**Anglian Water – No objection.**

The foul drainage and sewerage can be accommodated in the system. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

**BDC/MSDC - Environmental Health – Other Issues – No objection.**

Initial comments highlighted the potential for significant loss of amenity at the new dwellings due to noise from the railway and the proposed play area. Following further discussions with your officers, it was considered that as this is an outline application with details to follow at the reserved matters stage, it would be appropriate to deal with these matters by appropriately worded acoustic glazing specification conditions. Further recommendations are that a condition be attached requiring a Construction Management Plan and no burning of materials on site during clearing and construction.

**BDC/MSDC - Environmental Health - Sustainability Issues – No objection**

Following receipt of additional sustainability Statement, no objection subject to the imposition of a condition to address renewables.

**BDC/MSDC - Arboricultural Officer – No objection**

The Tree Survey provides an accurate assessment of the trees with all seemingly scheduled for retention. There is no objection subject to a condition requiring a detailed Arboricultural Method Statement and Tree Protection Plan in order to ensure appropriate protection measures are in place.

**SCC Archaeology – No objection.**

This large proposal has never been the subject of any systematic archaeological evaluation. In addition it lies within an area of archaeological potential recorded in the County Historic Environment Record as scatters of Roman and medieval finds have been recorded in the direct vicinity of the proposed development area. As a result, there is a strong possibility that heritage assets of archaeological interest will be encountered at this location. Any groundworks causing significant ground disturbance have potential to damage any archaeological deposit that exists.

There is no objection subject to a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

**Suffolk Constabulary - Design Out Crime Officer – No objection**

Various comments made in respect of secured by design principles.

**BDC/MSDC - Waste Services - No objection**

Subject to conditions about waste collections and finished street surfaces in respect of the manoeuvring of the dustcart.

**SCC – Rights of Way – No objection.**

Elmsett Public Footpath 10 (FP10) is recorded through the proposed development area. The plans indicate a cycle link to the railway station from the development; FP10 is recorded along this route, the legal status of which does not allow for cycling.

Should a cycle track be proposed, a cycle track conversion order would be required and it would need to comply with highway standards; the full length of FP10 would need to be converted.

The site access from Borley Crescent will cross FP10; dropped kerbs will be required and safety precautions taken to ensure there is no conflict between pedestrians and vehicles.

FP10 where it runs along the western boundary to remain in a green corridor and not fenced in.

## **NHS England**

The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated.

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £22,701 to improvements to Woolpit Health Centre. NHS England therefore will seek that this sum be considered through Community Infrastructure Levy (CIL).

## **Suffolk Fire and Rescue Service – No objection**

Recommends fire hydrants be installed as part of this development and requests a condition to address this.

## **Representations**

### **7. Summary of neighbour and other representations**

16 letters of representation have been received in respect of the proposed development. The responses are summarised below:

- Impact on highway infrastructure and congestion especially around the railway crossing (contrary to Policy TP10)
- Impact on existing services and infrastructure e.g. the doctors surgery, the Primary School
- Safety concerns as the access to the site from Borley Crescent crosses footpath no.10 which is a point of danger for anyone walking this very popular path.
- The screening needs to be effective
- The existing footpath running north-south on eastern the current eastern boundary should be moved to the eastern edge of the new development.
- Loss of views
- Cumulative impact of residential development.
- Design and layout of buildings directly next to us which will impact by virtue of noise
- Lack of sufficient parking
- Impact of construction traffic that will need to access the site through Blackbourne Road and ultimately Borley Crescent.
- Part of the Planning consideration should include a 2nd vehicular access on to the Blackbourne estate From Station Road.
- Access for emergency vehicles is a concern

- Inadequate pressure in Water / sewage supply already stretched due to existing demand.
- Impact on privacy
- Loss of valuable farmland.
- Increased noise and pollution from the extra traffic is detrimental to the health and wellbeing of the current residents.
- Elmswell is becoming a small town which we villages do not like. We want to keep Elmswell a beautiful village. Yet Councils are determined to ruin village life

### **The Site and Surroundings**

8. The site comprises some 1.8 ha of agricultural land outside but abutting the north eastern edge of the village of Elmswell. The site adjoins an existing residential development, located to the west of the site. The site is bounded by Blackbourne Meadow to the north, farmland to the east and the railway line to the south. There is existing planting and hedgerows along the east and northern boundaries of the site. There are existing public footpaths to the north and west which provide access to the village and the countryside.

### **The Proposal**

Please note details of the proposed development including plans and application documents can be found online.

9. The application is for outline planning permission for up to 60 dwellings with all matters except access reserved. An indicative layout has been submitted which indicates that the main access would be taken from Borley Crescent leading to minor roads throughout the development. The built form is arranged in outward facing perimeter blocks with clearly defined public realm and includes open space (a LAP is proposed to the southern part of the development) and retention of natural assets which are a key component of the strategy.

The block structure would provide continuous linked and varied frontages and a selection of landmark buildings at key locations to provide closure to the vistas and provide visual architectural interest.

The development provides a mix of generally smaller units to meet local needs and has an average density of approximately 31 units/ha. The predominant height is two storey with bungalows along the eastern boundary to limit impact.

Existing links would be retained and strengthened with positive links to Elmswell and the wider countryside, including a link in a westerly direction along the northern side of the railway.

The precise details would be addressed at the reserved matters stage.

### **NATIONAL PLANNING POLICY FRAMEWORK**

10. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

The following parts of the NPPF are considered to be applicable to this scheme:

Para 6: Achieving sustainable development  
Para 7: Three dimensions to sustainable development  
Para 11 – 15: The presumption in favour of sustainable development  
Para 17: Core planning principles  
Para 32 and 34: Transport movements  
Para 47: Delivering a wide choice of high quality homes (including the need to have a 5 year deliverable supply of housing)  
Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.  
Paragraph 55: To promote sustainable development in rural areas.  
Para 56 & 60: Requiring good design  
Para 64: Development of poor design must not be supported.  
Para 69: Promoting healthy communities  
Para 70: Delivery of social, recreational and cultural facilities that the community needs.  
Para 72: Provision of school places.  
Para 73: Access to high quality open space.  
Para 75: Protection and enhancement of public rights of way.  
Para 100: Development and flood risk  
Para 103: Development and increasing flood risk elsewhere  
Para 109: Planning system should contribute to and enhance the natural and local environment.  
Para 112 & 117–119: Development affecting protected wildlife  
Para 123: Planning and noise.  
Para 125: Planning and darker skies.  
Para 128 & 129: Describing the significance of a designated heritage asset.  
Para 131: Determining planning applications that affect heritage assets.  
Para 132: Significance of heritage assets.  
Para 134: Development and less than substantial harm  
Para 186: Approaching decision taking in a positive way.  
Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.  
Para 196: Plan led planning system.  
Para 197: Assessing and determining application applying the presumption in favour of sustainable development.  
P203 -206 – Planning conditions and obligations.  
Para 211 - 212: Using development plans and the NPPF in decision making.  
Para 214 – 215: The weight attached to development plan policies having regards to their consistency with the NPPF.  
Para 216 – Weight given to policies in emerging plans

## **CORE STRATEGY**

11. (Core Strategy Focused Review  
FC1 – Presumption in favour of sustainable development.  
FC1.1 – Mid Suffolk’s approach to delivering sustainable development  
FC2 – Provision and distribution of housing.

### Core Strategy

CS1 – Settlement hierarchy  
CS2 – Development in the countryside & countryside villages  
CS4 – Adapting to climate change.  
CS5 – Mid Suffolk’s environment

CS6 – Services and infrastructure  
CS9 – Density and mix

## **NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN**

12. None

### **SAVED POLICIES IN THE LOCAL PLAN**

13. GP1 – Design and layout of new developments  
HB1 – Protection of historic buildings  
HB13 – Protecting ancient monuments  
HB14 – Ensuring that Archaeological remains are not destroyed  
H3 – Housing developments in villages  
H13 – Design and layout of development  
H15 – Development to reflect local characteristics.  
H16 – Protecting existing residential amenity  
H17 – Keeping new development away from pollution  
CL8 – Protecting wildlife  
CL11 – Retaining high quality agricultural land  
T9 – Parking standards  
T10 – Highway consideration in developments  
RT4 – Amenity open space and play areas within residential development  
RT12 – Footpaths and bridleways  
SB3 – Retaining visually important landscapes

### **Main Considerations**

#### **Principle of Development**

The site is located outside of the settlement boundary of Elmswell. As such the site is located within the Countryside where Policy CS2 of the Mid Suffolk Core Strategy applies. This states that development in the Countryside will be limited to various categories of development. Market residential dwellings are not one of the categories of development acceptable in the Countryside and therefore the proposal would not comply with Policy CS2.

The NPPF states that if a development plan is not up to date or in compliance with the NPPF it can be set aside to allow sustainable development. In particular paragraph 49 of the NPPF states that:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

However, the local authority cannot demonstrate a five year land supply for deliverable housing sites. Paragraph 49 of the National Planning Policy Framework ("NPPF") states;

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Given that Mid Suffolk cannot demonstrate a 5 year housing supply it is considered that Policy CS2 should be not considered to be up to date. The NPPF nevertheless requires that the development be considered to be sustainable in order to be acceptable.

Consequently policies relating to the supply of housing, mainly CS1 and CS2 should not be considered up-to-date. On this basis residential development on the site should be considered on its own merits.

Paragraph 14 of the NPPF reads,

*"where the development plan is absent, silent or relevant policies are out of date, granting permission unless 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; or specific policies in this Framework indicate development should be restricted"*

The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits. The NPPF (paragraph 7) defines three dimensions to sustainable development- the economic role, social role and environmental role. These roles should not be considered in isolation and paragraph 8 of the NPPF identifies that environmental, social and economic gains should be sought jointly. Therefore the Core Strategy Focus Review 2012 (post NPPF) policies FC1 and FC1.1 seeks to secure development that improves the economic, social and environmental conditions in the area and proposals must conserve and enhance local character.

Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and not be considered isolated.

The proposal therefore must be determined with regard to sustainable development as defined by the NPPF.

### Sustainable Development

The application site is therefore in close proximity and reasonably connected to the services and facilities of Elmswell. The railway station which offers connections to Cambridge and Ipswich and Diss to London is 0.4 km from the site, while the primary school and post office (and nearby retail facilities are 1.17 km and 0.62 km respectively, from the site. A bus stop is located some 450m from the site on Ashfield Road which serves the number 474 bus providing regular access to Woolpit. Further bus services operate from the village centre which serve Stowmarket and Bury St Edmunds.

Subsequently the dwellings would support the local rural economy and overall rural vitality in accordance with paragraph 55 of the NPPF.

The proposal retains and enhances existing footpath links which would provide attractive and accessible local greenspace.

The development would therefore lead to a development which supports the rural economy and provides a social benefit through additional dwellings (including affordable units).

The site is screened to an extent by existing boundary trees and hedging to the east and north.

Overall the proposal is considered to adhere to the principles of sustainable development as to safeguard the local character and provide environmental, social and economic gains as required by policy FC1 and FC1.1 of the Focused Review and the overarching aims of the NPPF. Consequently the principle of this development is accepted subject to other material considerations. The main considerations are impact on:

- Landscape character and appearance of the area
- Highways
- Neighbour amenity
- Biodiversity

### Impact on Landscape

Core Strategy Policy CS5 requires development to enhance or maintain local distinctiveness. Policy GP1 of the Mid Suffolk Local Plan 1998 and Policy FC1.1 of the focused review Core Strategy also supports development that maintains and enhances the character and appearance of the surrounding area.

The site is in open countryside although it immediately abuts a residential estate to the east. Currently there is a reasonable landscape screen between the dwellings on Borwell Crescent and open countryside, which softens the impact of the existing built development. In this respect, the dwellings would sit in front of the existing housing development rather than against open countryside. The development would be similar in form to that which exists. There is a hedgerow of the northern edge of the proposed development. While the indicative layout shows a landscape buffer between the new development and the open countryside there will be no immediate screening. However, with appropriate landscaping to supplement and enhance existing vegetation, addressed by condition, the impact on the landscape is not considered to be significant enough so as to justify a refusal on landscape grounds and the development is considered to safeguard in a sustainable manner the character and appearance of the settlement.

### Impact of Highways

Saved Policies H13 and T10 of the Mid Suffolk District Local Plan states that development will be supported where it does not have a negative impact on highway safety. The policies referred to above are in line with the requirement of paragraph 39 of the NPPF to provide safe and suitable access for all and carries significant weight the determination of this application.

Access is the only matter not reserved for a future planning application. The only access would be taken from Borley Crescent to the south west corner of the site. Details such as layout and car parking (a concern which has been raised in the representation received) would be addressed at the reserved matters stage.

Concerns have been raised about the wider impact of the development on the highway network. However, the Transport Assessment which accompanies the application has been assessed by Suffolk County Council Highways and whilst the concerns of the Parish Council (and objectors) are noted, Suffolk County Council raises no objection to the development subject to conditions as outlined earlier in your report. Subsequently, there are no reasons sufficient to justify a refusal on highway grounds.

### Affordable Housing

Altered Policy H4 of the Mid Suffolk Local Plan states that up to 35% of dwellings on new developments should be for affordable housing needs. This policy is in accordance with the aim of the NPPF to provide residential development for different sectors of the community. The developer is proposing 35% affordable housing in line with the policy and the mix would be agreed with the Council through an s106 legal agreement.

### Residential Amenity

Saved Policies SB2, H13 and H16 of the Mid Suffolk District Local Plan aim to protect the living conditions of neighbouring occupiers. These policies are considered to have significant weight in the determination of this application as they do not conflict with the main thrust of the NPPF as stated in paragraph 215 of the NPPF.

Given the existing screening along the eastern boundary and the separation distance shown on the illustrative layout, it is considered that it is possible to construct new dwellings in this location without causing harm to neighbour amenity in terms of loss of light, overlooking, overshadowing or being an over-bearing development. The impact on residential amenity will be subject to consideration as part of the reserved matters.

### Impact on biodiversity

Policy CS5 of the Mid Suffolk Core Strategy states that development should protect, manage and enhance Mid Suffolk's biodiversity. This policy is in accordance with paragraph 109 of the NPPF states that development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. An ecological report accompanies the planning application. The site is largely arable land of low ecological value. The hedgerows and mature trees provide habitats. These features are being retained and can be protected by planning conditions. Only a small section would be removed to allow for access to the development. Precautionary measures can be controlled through the imposition of planning conditions in line with the recommendations of the ecological report.

As such the construction of the dwellings in this location is unlikely to result in the significant loss of wildlife habitat and harm to protected species as the majority of land.

### Other Issues

#### *Drainage*

The site is within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment and SCC Flood and Water has not objected to the development as the applicant has demonstrated that a viable drainage solution can be achieved. SCC is content for the matter of infiltration testing to be secured by pre-commencement condition.

#### *Noise*

Whilst concerns have been raised by an objector about the proximity of the dwellings to their house, it is considered that the separation distances should not result in any demonstrable harm. It is also noted that the Environmental Protection officer had initial concerns with the potential for noise impact on residents in the new houses from the railway and the proposed play area. However, through appropriately worded conditions to address acoustic glazing etc. these issues can be addressed.

### *CIL and S.106 Planning Obligations*

Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.

The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

Policy CS6 of the Mid Suffolk Core Strategy states that new development will be expected to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development. A bid has been received by SCC Planning Obligations Manager for the following:

- Primary and Secondary Education - £182,715.00
- Pre-school Education - £36,546.00
- Libraries - £12,960

These requirements are therefore considered to conform to the Councils CIL 123 list and will be dealt with as required by the Council in this regard in respect of any bid that may be applied for.

Suffolk County Council highways have requested a sum of £25,000 towards public transport infrastructure improvements for the bus stops which are south of the railway on School Road. These are served by Galloways 384/385 between Bury and Stowmarket as well as some school services and will be the key points for new passengers. The financial request is broken down as follows:-

2 x raised kerbs - £5,000

2 x RTPI screens - £20,000

There is no scope for a bus shelter on either side of the road. This contribution would be used for a specific project directly related to the development and can be secured by means of an s106 legal agreement.

35% affordable housing provision in accordance with policy would be secured through an s106 legal agreement.

## **PART FOUR – CONCLUSION**

### **Planning Balance**

Paragraph 49 of the NPPF states that where it cannot be demonstrated that a district has a five year land supply there is a presumption in favour of sustainable development. This is echoed by the Core Strategy Focus Review. It is therefore necessary to weight up the scheme to consider if the proposed development would be sustainable. Paragraph 7 of the NPPF suggests that there are three aspects of sustainability which should be considered, economic, social and environmental.

The major benefit of the proposal would be the addition of 60 dwellings to current permissions which would contribute to the supply of dwellings in the District. Inspectors' decisions have confirmed that when considering development under Paragraph 49 of the NPPF more weight should be given if there is a significant undersupply.

The development of 60 dwellings would have some economic benefits particularly during the construction phase. In addition the occupiers of the dwellings will use the shops and other facilities within Elmswell providing economic benefits to the wider area. Although the proposed development, is outside of the settlement boundary it would be in a relatively sustainable location. Elmswell has a good range of facilities including a pre-school and a primary school. However the social role of sustainable development also needs to consider the effect the development will have on the local infrastructure. Impacts on existing infrastructure can be addressed through bids for CIL monies. The key infrastructure issues to be addressed are primary school education, health and libraries. Affordable Housing would be delivered in line with the policy requirement (35%) and this matter would be addressed through an s.106 obligation.

With regards to the broader environmental aspects of sustainability, relating to protecting and enhancing the natural, built and historic environment it is your officer's opinion that the development would not have a significantly detrimental impact on the character of the area and existing hedgerows would be retained.

In conclusion it is considered that the benefits from the increase in housing supply and economic benefits would outweigh any highways social and environmental impacts of the proposal. On this basis your officer's recommendation is one of approval.

**UPDATE FOLLOWING DEFERRAL FROM THE DEVELOPMENT CONTROL COMMITTEE B HELD 22 FEBRUARY 2017**

The application was deferred by Development Control Committee B, in order to seek advice from Suffolk County Council Highways as to whether the effect of the development upon traffic at the level crossing would cause any residual cumulative impact that would be severe.

As Members will recall it is only developments which have a severe residual cumulative impact, after mitigation, which should be prevented or refused (para 32 NPPF).

Your Officers met with Officers of SCC Highways team and explored this issue in detail.

The application was accompanied by a Transport Assessment (TA). Table 5.11 and 5.12 of this TA address (surveyed June 2016) queuing vehicle numbers at the end of the rail crossing closure period. The highest queue length is 18 vehicles northbound. Southbound the TA records 12 vehicles. The TRICS data from the development shows 0.52 movements per dwelling in the morning and 0.536 in the afternoon for 60 dwellings, approximating to 1 vehicle every 2 minutes in peak periods. The longest closure at the crossing is for 4 minutes, therefore this development would on average add at most 2 vehicles to that queue.

In the past 5 years there have been no crashes resulting in injury at or close to the rail crossing with the exception of the junction of Station Road and School Road (2 slight 1 serious). There have been no such recorded crashes at the Blackbourne Road junction.

When this application and traffic generated from both this, the former Bacon Factory redevelopment and background growth are assessed against national guidance, the road is well below capacity for the flows.

At your meeting a letter of 24 June 2014 from SCC Highways was quoted. This is appended to the agenda bundle and a verbal update will be given. This letter noted that the increase in traffic that the Harris Bacon site development would cause "cannot be classed as severe".

The highway engineer has also verbally reiterated the need for details of the improvements to Footpath No 10 to improve linkages to the site along the north of the railway. Such details will be addressed through a planning condition.

Having regard to the foregoing advice received from Highways colleagues is that the development would not have a severe residual cumulative impact which would warrant refusal of this application.

A verbal update will be given at your meeting but on the available information your officers do not consider that this development would cause a severe cumulative impact having regard to consented developments.

**Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.**

14. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
15. In this case the planning authority has negotiated with the applicant in regard to scheme and it has been subject to pre application advice.

**Identification of any Legal Implications of the decision**

16. S155 of the Housing and Planning Act requires both non material and material financial considerations that are known to be explained. In this case there are no material financial consideration except for CIL and both Council Tax and New Homes Bonus are non material to the decision recommendation.
17. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
  - Human Rights Act 1998
  - The Equalities Act 2012
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

## **RECOMMENDATIONS**

**(1) That the Professional Lead - Growth & Sustainable Planning be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:**

- **Affordable Housing – 35%**
- **Bust stop improvements £25,000**

**(2) That, subject to the completion of the Planning Obligation in Resolution (1) above to the satisfaction of the Professional Lead - Growth & Sustainable Planning, he be authorised to grant planning permission subject to conditions including:**

- **Standard Time limit**
- **Approval of Reserved Matters**
- **Details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage) and improvements to Footpath No 10**
- **Highways condition- Visibility splays**
- **Concurrent with Reserved Matters - Parking provision**
- **Concurrent with Reserved Matters- Soft Landscaping scheme to be agreed including trees to be retained/removed and protection measures**
- **Concurrent with Reserved Matters- Provision and future management of Public Open Space**
- **Surface Water Drainage to be agreed**
- **Arboricultural Method Statement and Tree Protection Plan**
- **Provision of Fire Hydrants to be agreed**
- **Concurrent with Reserved Matters - Waste Strategy**
- **Acoustic glazing specification**
- **No burning of waste during clearance of site or construction**
- **Sustainability/Renewable as appropriate**
- **Ecology (in accordance with recommendations of Ecology Report)**

**(3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Professional Lead - Growth & Sustainable Planning be authorised to refuse planning permission, for reason(s) including:**

- **Failure to provide the requirements listed in (1), above contrary to Policy H4 of the Mid Suffolk Local Plan Alteration 2006 policy**