

**BABERGH DISTRICT COUNCIL
PLANNING COMMITTEE**

25 October 2017

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA BUT BEFORE 12 NOON ON
THE WORKING DAY BEFORE THE MEETING AND ERRATA**

PAPER PL/17/20

<u>ITEM</u>	<u>REF. NO</u>	<u>REPRESENTATION FROM</u>	<u>SUMMARY/COMMENTS</u>	<u>CASE OFFICER</u>
9B	B/17/01009	Suffolk County Council Flood & Water Team	<i>Email conversation between Parish Council and SCC Flood & Water Engineer</i>	Kathryn Oelman
9B	B/17/01009	Elmsett Parish Council	<i>Parish Council comments dated 12th October</i>	Kathryn Oelman
9B	B/17/01009	Elmsett Parish Council	<i>Parish Council comments dated 17th October 2017 with further clarification from Highway Authority on 23rd October</i>	Kathryn Oelman
9C	DC/17/02746	Error in report Burstall Parish Council Councillor Barry Gasper	Point 1.2 should say rectangular not regular Comments received on 11 th October in reply to agents response to the initial parish objection letter and local residents. Objection received on 19 th October.	Natalie Webb

Please can you confirm that there is sufficient highway land available to accommodate the passing bays and whether you presently have a specific idea of where these will be situated?

2. Please confirm whether you are comfortable, having read Alan's comments, in relation to the likelihood of Hadleigh Road residents parking on the western side of the carriageway which would bring northbound vehicles onto the nearside lane of the carriageway adjacent the proposed access? (Alan's 1st point)
3. Please confirm that, in your professional view, you are comfortable to deal with the issues surrounding layout of the access via condition as there is a solution which is likely to be readily available which prevents the risk of over-running vehicles going into the ditch? (Alan's 2nd point)
4. Please confirm that you are happy with the relationship of the newly cut ditch with the footway on the latest plans and that a safety fence can be erected on the slope which would be sufficient to prevent a risk to pedestrians?

Kind regards,
Kathryn

Kathryn Oelman BSc(Hons), MSc, MRTPI

Principal Development Management Officer

Mid Suffolk and Babergh District Councils Working Together

01449 724550

Websites: www.babergh.gov.uk or www.midsuffolk.gov.uk (Both lead to joint website)



**Here's how to contact us
from 1 October 2017**



www.babergh.gov.uk
www.midsuffolk.gov.uk



0300 123 4000



Babergh and Mid Suffolk District Councils,
Endeavour House, 8 Russell Road,
Ipswich, IP1 2BX

Babergh and Mid Suffolk District Councils – Working Together

Mid Suffolk District Council | Council Offices | 131 High Street | Needham Market | IP6 8DL

Babergh District Council | Council Offices | Corks Lane | Hadleigh | IP7 6SJ

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From: Alan Newman
Sent: 17 October 2017 14:09
To: Kathryn Oelman; Martin Egan
Cc: Alan Ferguson; Robert Lindsay; Elmsett Parish Council
Subject: Re: B/17/01990 OUT proposed residential development, Hadleigh Road, Elmsett

Dear Kathryn

In my haste to get the third part of the objection to you yesterday I managed to insert a typographical error in paragraph 4. Referring to Core Villages, I said 20 instead of 18 as the qualifying score and I just wanted to let you know that our statement as made is still correct, Elmsett does not attract a sufficient score to become a Core Village as correcting the spreadsheet to the facilities we actually have results in a total of only 15 points. As I said yesterday we will clarify this to your policy section when we respond to the consultation.

Best wishes and I apologise for any confusion.

Alan

On 16 Oct 2017, at 16:38, Alan Newman

wrote:

Dear Kathryn

Thank you for your various emails and in particular the one that included the topographical survey and revised layout plan, I will attempt to answer all questions as succinctly as I can in this email that forms the third part of the parish council's total objection. All three parts should be brought to the attention of the full planning committee please.

Firstly we consider that our objection letter dated 12th July and our further email dated 1st September set out our key objections to the application and this email supports and adds detail for those areas that have been subsequently submitted by the applicant in an attempt to overcome our clear objections.

Policy

We still say that this proposed development should be refused because it is not sustainable, is not in scale with the settlement, it does not comply with any of the core strategy policies and it is far too large for the capacity of our rural road network and transport infrastructure. We also maintain that it would be unsafe for you to rely on the comments of the Highway Authority which are not supported by empirical evidence. The approval and subsequent occupation of 41 new dwellings will lead to road safety dangers on a daily basis over the whole life of the development.

Our Policy objections still stand. Since our previous objections were submitted your planning policy team has published a joint local plan consultation document. In that document Elmsett is wrongly described as a Core Village. When the evidence spreadsheet is interrogated it can clearly be seen that Elmsett does not attract the 20 points needed to be a Core Village as certain categories are wrongly included. We do not have a daily peak hour bus service to/from a higher category settlement and we do not have allotments. This confirms our position as a Hinterland Village. We would not wish your committee to be swayed by incorrect evidence and will be writing in more detail to your policy team as part of our consultation reply to get this matter corrected.

Detail

We note that you still say that the highway authority do not raise safety concerns in relation to the surrounding road network, the volume or free-flow of traffic. As explained before The roads that provide access to Elmsett are narrow, single track in places and often have long distances between passing bays without intervisibility. There are frequent near collisions and some collisions, thankfully these are mostly non injury and therefore not reported. However, that is down to good fortune and there is no guarantee that the good fortune will continue. 41 new dwellings represents a 15% increase in the size of our village. There is nothing to suggest that an increase of housing stock of 15% will not result in at least 15% more traffic on these roads and, because of the nature of the roads will result in a proportionately higher increase in risk. We say that the highway Authority is wrong in stating that in highway terms there are no objections to the principal of development and that it is also wrong in not recommending refusal of the application or improvements to this substandard network.

The Highway Authority, in email correspondence with the parish council, have been raised the provision of passing bays on the sub-standard road network. They sent us plans so that we could identify where they would be needed. Unfortunately, where they are most needed there is little or no highway land to accommodate the bays and it is very unlikely that the applicant would put himself in a ransom position by acquiring third party land to fulfil this

need. However, this does demonstrate that the Highway Authority is not content with the road network as it exists. In addition and as more evidence that you should not rely on the comments of the Highway Authority, if it wasn't for the parish council pointing out the deficiency of the application plans and the proximity of the existing ditch to the carriageway edge these points would not have been brought to the fore and any detail access permission would have been difficult to resolve later.

There are three more points that flow directly from submission of the topographical survey that have been missed by the Highway Authority and mis-understood by the Planning Authority.

1) In emails on your website between Martin Egan and Kathryn Oelman they discuss the existing parking outside 5 and 6 Hadleigh Road and convince themselves that they have resolved the problem, there are a number of references to "I guess" in the emails. Kathryn has informed the parish council that it is not for the applicant to resolve an existing problem, which of course is correct. However, none of the officers has identified the point that it is the existing parking in association with the proposed new access position that causes real traffic dangers. The existing parking opposite the new access means that traffic traveling from Hadleigh towards the centre of the village will move over to the off side of the road. When vehicles attempt to exit the new access the traffic will be on their nearside lane and the chances of a collision are greatly increased. Any basic safety audit would pick this up as a fault in the design and would look for remedial measures. At this location the road is only being widened by 10cm (4 inches) so the proposed widening will not be a cure for this problem. Kathryn mentioned yellow lines, it is not in the gift of the planning authority to place yellow lines on the road. Yellow lines, that are properly termed waiting restrictions, require a Traffic Regulation Order (TRO) and that is decided by highways committee after a period of public consultation. We attach a photograph to highlight the parking problem.

2) The proposed culverted ditch crossing for the new access shows the newly cut ditch abutting the access road radius kerbs meaning if a vehicle mounted and crossed the kerb it would fall into the ditch. This is clearly a nonsense but it is also a detail permission for access and we are astonished that the highway authority has confirmed that the additional detail is acceptable.

3) The proposed newly cut ditch is shown to have a carriageway verge of 2.4m and a ditch width that varies between 2.4 and 2.8m. However, the verge between the top of the ditch inside the site to the proposed new footway is virtually non-existent, not even of sufficient width to safely site a safety fence as suggested that would be needed by the highway authority. I remind you that the applicant is seeking detail approval for the access and layout meaning that if these points are not corrected before planning permission is given this layout could be built out.

No one has explained to the parish council, despite us writing direct to Jason Skilton at highways on the 19th September, why we have to have an open ditch. How is it that these authorities make these demands and yet want no responsibility for the maintenance? We attach two photographs of the existing ditch so that you can appreciate the potential maintenance problems.

The last point to reiterate is that there should be no form of street lighting on this site. Should there be any other submissions or comments we reserve the right to comment further.

Best Regards

Alan Newman IEng HonIHIE Dip TE
Chairman Elmsett PC

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<DSC05578.jpeg>

<DSC05577.jpeg>

From: Gemma Pannell
Sent: 12 September 2017 16:33
To: Kathryn Oelman
Subject: FW: B/17/01009/OUT - 41 dwellings Hadleigh Road Elmsett

Gemma Pannell MA, MRTPI

Acting Area Planning Manager (Green) - Development Management
Babergh and Mid Suffolk District Councils - Working Together

Tel: 07860 827017

Email: gemma.pannell@baberghmidsuffolk.gov.uk

Websites: www.babergh.gov.uk www.midsuffolk.gov.uk



From: Andrea Newman [mailto:elmsettpc@btinternet.com]
Sent: 01 September 2017 09:20
To: Gemma Pannell <Gemma.Pannell@baberghmidsuffolk.gov.uk>; Martin Egan <Martin.Egan@suffolk.gov.uk>; Philip Isbell <Philip.Isbell@baberghmidsuffolk.gov.uk>
Cc: Alan Ferguson <Alan.Ferguson@babergh.gov.uk>; Robert Lindsay <Robert.Lindsay@suffolk.gov.uk>
Subject: B/17/01009/OUT - 41 dwellings Hadleigh Road Elmsett

Dear Gemma

The parish Council maintains its overall objections to the development as expressed in our email to you dated 12th July 2017 and now wish to comment on the submitted revised drawing 1716-01E

Further Detail Highway Considerations should the District Council be minded to approve the application that should become recommended conditions

The parish council is very disappointed, but not surprised, that its comments regarding the frontage ditch have been overlooked. If it had not been for the parish council pointing out the proximity of the top of the ditch to the edge of the road this would not have been picked up and lead to problems later. Leaving a deep open ditch between Hadleigh Road and the development will lead to an unsightly long term maintenance problem for the village, a safety danger to residents and an area for litter to accumulate. You only have to look at the existing ditch and the one at Church View to see the problems.

A real problem here is that you are working on an amended OS base plan, not a topographical survey. OS is notoriously unreliable to identify features such as ditches, carriageway edges and property boundaries. When the applicant wants access to be considered as detail we are surprised that you have let the application go as far as this without accurate plans. the latest comment on the revised plan states

“Road width to the front of the application site to be a minimum width of 5.5m to the full length of the frontage. Existing ditch to be repositioned to provide margin between back of carriageway & ditch. New footway to be set into site to

provide safe margin between top of ditch & edge of new footway. Dimensions of margins & setting out to be agreed in writing with Suffolk Highways requirements, before commencement on site.”

Surely you cannot approve a detail access layout on this basis, it is agreeing to agree and dimensions must be agreed with the Planning Authority not the Highway Authority as you are the determining authority, not highways who can only advise you.

We need to know, before approval is even considered what width is the proposed margin between the edge of the carriageway and the top of a newly cut ditch. Likewise we need to know what is considered a safe margin between the development side top of recut ditch to the proposed new footway. Bearing in mind the depth of the ditch and the change of use of the agricultural field we also need to know if any safety fencing is required. Not being able to comment on these features takes away our proper consultation and would mean that any decision made on that basis would be unsafe. Who would be responsible for maintenance of the ditch?

A much more sensible solution would be as the parish council suggested ie

the parish council recommends the ditch should be piped (to your satisfaction in consultation with the flood authority) and a new continuous indigenous species frontage hedge be planted at the rear of the junction visibility splays with the new footpath sited immediately behind the hedge. There should be no individual private footpath access to Hadleigh Road in order to discourage parking on Hadleigh Road.

We note that there is still no mention of dealing with the existing parking on the west side of Hadleigh Road in front of numbers 1 to 6 because that parking will be a problem causing road safety dangers. This is most often prevalent outside numbers 6 and 5 as they have no off road parking. We appreciate that this is a difficult issue but simply ignoring it will not solve the problem.

The parish council requests that prior to consideration in committee that there be an accompanied site inspection by all the planning committee that will, importantly, include a detail tour of the road network serving Elmsett.

Regards

Alan Newman
Chairman Elmsett PC.

From: Jason Skilton
Sent: 17 October 2017 09:20
To: Alan Newman
Cc: Kathryn Oelman; Martin Egan; Alan Ferguson; Robert Lindsay; Elmsett Parish Council
Subject: RE: B/17/01990 OUT proposed residential development, Hadleigh Road, Elmsett

Dear Mr Newman,

A watercourse includes all rivers and streams and all ditches drains, cuts, culverts, dikes, sewers other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

The Environment Agency are responsible for Main rivers, Internal Drainage Boards and Suffolk County Council are responsible for ordinary watercourse with regard to works affecting them.

The responsible to maintain a watercourse rests will the land owner or owners.

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council

Tel: 01473 260411

Fax: 01473 216864

From: Alan Newman
Sent: 17 October 2017 09:13
To: Jason Skilton <Jason.Skilton@suffolk.gov.uk>
Cc: Kathryn Oelman <Kathryn.Oelman@babberghmidsuffolk.gov.uk>; Martin Egan <Martin.Egan@suffolk.gov.uk>; Alan Ferguson <Alan.Ferguson@babbergh.gov.uk>; Robert Lindsay <Robert.Lindsay@suffolk.gov.uk>; Elmsett Parish Council <clerk@elmsett.suffolk.gov.uk>
Subject: Re: B/17/01990 OUT proposed residential development, Hadleigh Road, Elmsett

Dear Mr Skilton

Thank you for your immediate reply and very helpful content, it is a pity that you didn't send the document and explanation as a reply to my original email as it would have helped to explain the situation earlier. To be absolutely clear on this point can you please confirm that the ditch in question along the frontage of this proposed residential development is properly defined as an ordinary watercourse under the terms of the document?

Thank you for your assistance.

Regards

Alan Newman

Sent from my iPad

On 17 Oct 2017, at 08:05, Jason Skilton <Jason.Skilton@suffolk.gov.uk> wrote:

Dear Mr Newman,

Suffolk County Council's Flood and Water Management team functions and responsibilities is separate from Development Management, who deal with highway matters.

As the lead local flood authority we have an objective to reduce the risk of flooding for the benefit of those who live and work in Suffolk.

To achieve this objective, part of our work is to ensure that existing watercourses are being maintained and the flow of water is not impeded or altered in anyway such to increase flood risk. Any proposal to culvert a watercourse would need to be granted by submitting a Land Drainage Act consent application. This consent application is not a matter for consideration as part of a planning application, but would as part of our role as a statutory consultee on major developments for flood risk, we would steer applicants away from culverting watercourse.

Attached is a link the Consenting Works on Ordinary Watercourses and Culvert Policy which has been agreed by County and District Council in 2016.

<https://www.suffolk.gov.uk/assets/Roads-and-transport/Flooding-and-drainage/Strategy-Appendices/2016-04-Consenting-Works-Appendix-B-v12.pdf>

We have had a number of issues within Elmsett with culverted watercourses either being undersized or unmaintained which have resulted in flooding to properties and the public highway.

If you want to discuss the this policy, please contact our Head of Services Matt Hullis.

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council

Tel: 01473 260411
Fax: 01473 216864

From: Alan Newman
Sent: 17 October 2017 07:46
To: Jason Skilton <Jason.Skilton@suffolk.gov.uk>
Cc: Kathryn Oelman <Kathryn.Oelman@babberghmidsuffolk.gov.uk>; Martin Egan <Martin.Egan@suffolk.gov.uk>; Alan Ferguson <Alan.Ferguson@babbergh.gov.uk>; Robert Lindsay <Robert.Lindsay@suffolk.gov.uk>; Elmsett Parish Council <clerk@elmsett.suffolk.gov.uk>
Subject: Re: B/17/01990 OUT proposed residential development, Hadleigh Road, Elmsett

Dear Mr Skilton

Thank you for your reply, it was a long time to wait for two sentences. Can you please assist me further by directing me to the full written policy you refer to and the date it was approved by committee or cabinet. In addition I didn't understand your second sentence as written, I think it contains an unintended typographical mistake.

I would say that your own Development Management section would prefer the ditch to be piped, I refer to the extract of an email from Martin Egan to me dated 15th September 2017 when he writes

Dear Alan,

Thank you for the emails; all received.

It would be preferable to pipe the complete length of frontage ditch.....

He later confirmed his own view to Babergh.

Need is a relative term and the parish council, for a number of reasons previously expressed, consider if the application is approved that there is a need to culvert the ditch and we would be obliged if you would reconsider your view.

I look forward to your considered further reply.

Alan Newman

Sent from my iPad

On 17 Oct 2017, at 06:57, Jason Skilton <Jason.Skilton@suffolk.gov.uk> wrote:

Dear Mr Newman,

Suffolk County Council has a policy of leaving watercourse (ditches) open. There is simply no need to culvert the long lengths than necessary.

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council

Tel: 01473 260411
Fax: 01473 216864

From: Alan Newman
Sent: 16 October 2017 16:38
To: Kathryn Oelman <Kathryn.Oelman@baberghmidsuffolk.gov.uk>; Martin Egan <Martin.Egan@suffolk.gov.uk>
Cc: Jason Skilton <Jason.Skilton@suffolk.gov.uk>; Alan Ferguson <Alan.Ferguson@babergh.gov.uk>; Robert Lindsay <Robert.Lindsay@suffolk.gov.uk>; Elmsett Parish Council <clerk@elmsett.suffolk.gov.uk>
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Chairman Elmsett PC

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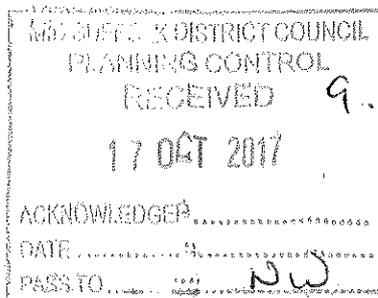
BURSTALL PARISH COUNCIL

37 Bentley Lane, Belstead, Ipswich IP8 3LX

Clerk: Mrs Samantha Barber
Tel: 01473 730597

Chairman: Mr Barry Gasper

Natalie Webb
Babergh and Mid Suffolk District Councils
Corks Lane
Hadleigh



5th October 2017

Dear Ms Webb

DC/17/02746 - Erection and operation of battery storage unit. Land at Brook Farm, Off Church Hill Road, North Of Burstall.

The applicant's agent has responded to objections from this parish council and to those of local residents. In doing so the agent has provided additional information. The agent's responses have been published on the planning portal and we therefore request that this letter be accepted in response to the agent's latest submission.

Our response of 31 September was to the agent's report for the original application; a document that mirrors the agent's submissions in support of similar current applications in other parts of the country (eg Ditchers Farm, Westthoughton¹).

Our response was to the information provided in the application which stated that stored electricity would be supplied under the terms of the Capacity Market. We are aware that there are other regimes in place under which stored electricity can be supplied and that reformation of these is currently underway. We agree the Government has stressed the importance of a 'smart' energy network, but there are many aspects to this evolving process and the details in the agent's letter merely serve to confirm the complexity of the current energy environment and the speculative nature of this application.

The DNO (Distribution Network Operator) is required to provide a connection agreement to qualifying suppliers on request. We accept that the current connection agreement regime may be flawed but that is not a planning concern. Neither is the fact that the applicant was unable to contact owners of more suitable sites.

The planning framework

The agent's letter records the decision of the Planning Inspector who granted an appeal for battery energy storage facilities near Hook in Hampshire.

The plans for this application shows that this site is not in 'open countryside', nor on prime agricultural land and it has appropriate access. It is, in fact, sandwiched between the M3, the main line to London and a major industrial estate.

¹ Bolton Council ref 01119/17

BURSTALL PARISH COUNCIL

37 Bentley Lane, Belstead, Ipswich IP8 3LX

Clerk: Mrs Samantha Barber
Tel: 01473 730597

Chairman: Mr Barry Gasper

Environmental impact

The environmental impact of nearby industrial construction was addressed in great detail during the National Infrastructure Planning Inspector's hearing on the EA1 converter station. This evidence has not been taken into account in the Place Services report. Siting an industrial building outside the mitigation provided for this station flies in the face of logic.

The agent claims that the access route largely follows the existing farm track and does not pass near the heavily wooded track, which is an ancient right of way.

According to the plans submitted with the original application a large part of the access road will be across open agricultural land and it cuts directly across the ancient right of way.

Impact on agricultural land

The landowner's environmental stewardship record is not in question. Preserving the agricultural and environmental status of the land is therefore even more important and cannot be considered an argument for industrializing a valuable area.

Access for connection to sub station

We understand the applicant has requested access to the substation via land owned by a neighbouring farmer. This access has been denied and at the time of writing we do not believe an alternative is available. The project therefore cannot proceed.

Yours sincerely

PP Mr Barry Gasper
Chairman – Burstall Parish Council