



N75

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE
30 OCTOBER 2013



SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE					
1.	5 - 12	B/13/00925/FUL	ELMSETT – Land west of Hazelwood		NC

C Thurlow
Corporate Manager - Development Management

PUBLIC SPEAKING ON PLANNING APPLICATIONS AT MEETINGS OF THE PLANNING COMMITTEE

1. The Council has a policy of allowing members of the public to speak on planning applications when they are discussed at meetings of the Planning Committee.
2. Prior to the consideration of each application on the planning schedule the Chairman will ask whether anyone in the public gallery who is eligible to speak wishes to address the Committee.
3. If there are, the Chairman will ask the public concerned to indicate whether they are a representative from the Town or Parish Council, an objector or either the applicant or his/her representative. If there is more than one objector present, the Chairman will ask whether they have nominated a spokesperson to speak on their behalf. If they haven't they will be asked to leave the meeting to determine a spokesperson and the Chairman will move to the next item in the meantime. The objectors will be reminded that if they are unable to agree a spokesperson then they will not be able to make any representations.

4. The following procedure and order of business applies in respect of each item:-

Introduction of item by Planning Officer.

Representations by Town or Parish Council representative (or Parish Meeting where there is no Parish Council).

Representations by objector.

Representations by applicant or representative.

Representations by a Babergh Councillor who is not sitting as a member of the Planning Committee (subject to Chairman's consent)

Note: this is not part of the Public Speaking arrangements

Clarification of any points by the Planning Officer and consideration of application by Members.

Decision by Members.

5. Prior to making any representations, speakers will come forward, one at a time at the invitation of the Chairman, and sit on one of the raised seats facing the main chamber and state their name and who they represent. Speeches cannot exceed 3 minutes and speakers will be asked to stop immediately if they exceed this period of time. Speakers will then return to the public gallery.
6. Speakers can only make statements of opinion or fact. They are not allowed to ask questions of Members or Officers and equally Members or Officers are not allowed to ask questions of them. Furthermore, speakers cannot ask questions to other speakers. Speakers can only rely on verbal statements and no presentational material can be displayed either on the notice boards or on the overhead projector. No information or materials can be handed around the Committee by the speakers whilst the meeting is in progress.

Note Where a Councillor who is not sitting as a member of the Planning Committee speaks on an application on the planning schedule with the consent of the Chairman, that Member will ordinarily be asked to speak immediately before the application is debated by the Committee. Unless the Chairman indicates otherwise, or the Councillor has a pecuniary interest, the Councillor will not be restricted to the 3 minute time constraint.

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager - Development Management, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:-

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

The delegation to the Head of Economy includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

(Minute No 48(a) of the Council dated 19 October 2004).

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:-

The Babergh Local Plan: <http://www.babergh.gov.uk/babergh/LocalPlan>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HoCAM	Head of Contract and Asset Management
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

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Item No: 1

Reference: B/13/00925/FUL

Parish: ELMSETT

Ward Members: Cllr D Kendall

Location: Land west of Hazelwood

Proposal: Erection of 8 No. affordable dwellings, including 2 No. bungalows, 2 No. flats and 4 No. houses.

Applicant: Icen homes

Case Officer: Nicola Cook

Date for Determination: 1 November 2013

RECOMMENDATION: Subject to a Section 106 Agreement, Grant Planning Permission

This application is referred to Development Committee as the proposal departs from the provisions of the Development Plan (in that the development does not immediately abut the built up area envelope of Elmsett as required by policies HS06 and HS07 relating to Rural Exceptions development).

THE SITE

1. The application site is situated close to the eastern edge of the village, to the south of The Street and is located adjacent to Hazelwood, a cul-de-sac development of 12 affordable houses. The Built-up Area Boundary of Elmsett extends to enclose the village school site which is located across The Street from the site.
2. The site lies just outside the defined Built-up Area Boundary of the village and thus is situated within the countryside for the purposes of planning policies. The adjoining development of Hazelwood is also not within the BUAB.
3. The site comprises an open field measuring approximately 0.56ha in area. The northern and eastern boundaries are formed by native hedgerow and there are also several protected trees to the eastern boundary. The southern and western boundaries are open to view from a public footpath which is located approximately 80m to the south of the site.
4. The village has a pub, school, village hall, children's play area and shop/post office. Pedestrian access along a pavement is available from the front of site to all facilities in the village.

THE PROPOSAL

5. The proposal is for a Rural Exceptions scheme under Policy HS06 and will provide 8no. affordable rented dwellings.
6. The properties will be constructed as 2no. semi-detached bungalows (Plots 1 & 2) fronting onto The Street, 2no. flats (Plots 3 & 4) located to the centre of the site and 2no. semi-detached two-storey pairs positioned to the rear of the site (Plots 5 & 6 and Plots 7 & 8).
7. Plots 1 & 2 will be two-bedroom bungalows constructed from red brick with a slate roof.
8. Plots 3 & 4 will each be a one-bedroom flat, plots 5 & 8 will be two-bedroom, two-storey dwellings and plots 6 & 7 will be three-bedroom, two-storey dwellings. These dwellings will be finished in render with a red brick plinth and concrete pantiled roof.

9. Each dwelling will be provided with private rear amenity space. All properties will have vehicular access from a new estate road constructed off The Street. One parking space is provided per flat with two parking spaces for each of the other plots. Four additional visitor spaces are also provided.
10. The application is also accompanied by a Design and Access Statement, an Affordable Housing Statement, an Ecology Assessment, Tree Survey & Arboricultural Impact Assessment and land contamination, ground water and flood risk information.
11. The application documents can be viewed on line via the planning pages on the District Council's website.

RELEVANT HISTORY

12. There is no planning history directly relating to the application site. The Hazelwood development abutting the site was approved in 1993 (B/93/00386). The Design and Access Statement confirms that the layout of the proposal "takes on a similar philosophy to the adjacent scheme of Hazelwood".

NATIONAL PLANNING POLICY FRAMEWORK

13. 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.

PLANNING POLICIES

i) Adopted policy

14. The Development Plan comprises the saved policies in the Babergh Local Plan (Alteration No. 2) adopted 2006. The Plan should be regarded as material consideration in planning decisions. The following policies are applicable to the proposal:
 - LP01 - Planning Obligations
 - EN04 - Retention of Semi-Natural Features
 - HS06 - Rural Exception Local Needs Housing
 - HS07 - Rural Exception Local Needs Housing
 - HS27 - Housing Density
 - HS28 - Infill Housing
 - HS32 - Public Open Space and Play Areas on New Development (small sites)
 - CR01 – Development in the Countryside
 - CR07- Landscaping of New Development in the Countryside
 - CN01- Design of new development proposals
 - CN04 - Designing Out Crime
 - TP15 - Parking Standards

ii) Emerging policy

15. The Council has submitted a draft of its Core Strategy (2011 – 2031) to the Planning Inspectorate for examination. Examination Hearings commenced in March 2013. The policies contained in the emerging Core Strategy document can therefore be attributed weight in planning decisions now. The following emerging policies are relevant to this particular planning application:

- CS2 - Strategy for Growth and Development
- CS6 - Strategy for Development in Core and Hinterland Villages
- CS10 – Sustainable Development

iii) Supplementary Planning Guidance

16. Suffolk Advisory Parking Standards (2002)
17. The relevant policies can be viewed on line. Please see the notes attached to the schedule.

CONSULTATIONS

18. PC – Parish council is pleased to receive consultation on an application they have been working on for some time. A number of points are raised:-
 - It has been our understanding that there would be no street lighting provided on this development. This is an unnecessary provision in this area and we understand that the county council are switching off street lights to save money.
 - Flooding – the village has suffered from surface water flooding and we are concerned that run-off from this development should not exacerbate the situation. Can we be assured that this has been properly investigated? Also there is an error in paragraph 6 of the surface water strategy document.
 - Can we be assured that the electricity poles will be moved into the site and taken out of the visibility splays?
 - We have requested through our involvement that the new hedge width on the western and southern boundaries should be at least 3m wide to allow for a substantial planting scheme.
 - We would comment once more that this is a local needs exceptions scheme – its approval should not be regarded as a precedent for further development infilling between this site and the existing village envelope.
19. LHA - Recommended conditions
20. Arboricultural Officer - Any significant/detrimental impact on trees on/adjacent to this site should be avoided subject to the development being undertaken in accordance with the submitted archaeological report. As such I have no objection to this proposal.
21. SCC - Public Rights of Way - Do not raise an objection to the application and provide advisory comments for the applicant in relation to the public right of way.
22. SCC - Archaeology - No objection to the proposal subject to the appropriate conditions.
23. Corporate Manager - Strategic Housing - fully supports the proposal. Extensive pre-application discussions have taken place since 2009 and the proposal meets an identified local need.
24. Suffolk Fire and Rescue Service - Comments regarding Access and Fire Fighting Facilities and Water Supplies.
25. Corporate Manager - Environmental Protection - no concerns relating to land contamination at this site.

REPRESENTATIONS

26. No letters of representation have been received.

PLANNING CONSIDERATIONS

27. The application proposes no market housing for general needs; it proposes housing (eight units), all of which would be for rent as affordable housing and would be managed by a Registered Social Landlord solely to meet an identified local need.
28. Within the context of Policies HS06, HS07, CN01, CR01 and HS28 of the Local Plan, the main considerations are as follows:
 - The principle of housing development in the countryside as a rural exception.
 - Background to the scheme and local housing need
 - The impact of the design and layout on the countryside
 - The impact on residential amenity
 - The impact on highway safety.
 - Other issues.

Principle of development

29. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development.
30. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and its intrinsic value. Paragraph 50 requires (inter alia) that Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community and should identify where there is an affordable housing need.
31. Paragraph 55 states that: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances"*.
32. National guidance is reinforced by Policy HS04 of the Local Plan which restricts residential development in the countryside in the interests of agriculture, rural amenity, road safety and the economy of services. There is however, a mechanism for delivering housing in the countryside as an exception to the normal policies of restraint if the proposal is for 100% affordable housing and the development is of small scale. It is also essential for the development to meet a local housing need which has been identified from a clear evidence base (usually a Housing Needs Survey). This type of development is called a 'rural exception', as it allows affordable housing as an exception in locations where residential development would not normally be permitted.
33. The proposal is for a rural exceptions site within the context of Local Plan Policy HS06. This policy states that should a Registered Social Landlord be able to offer assurances and provisions as set out in Local Plan Policy HS07 to the satisfaction of the LPA, then exceptionally, planning permission will be granted for housing in the following circumstances:
 - In those villages listed in Policy HS03 development that abuts the BUAB of the village.
 - In clusters of dwellings in the countryside where the level of provision will be restricted to one unit.

In all circumstances the following criteria will need to be met:

- The local housing need cannot be adequately met by other planning policies including social housing provision associated with Local Plan housing allocations;
- The proposed development, by virtue of its size, scale and type, will not exceed the identified local need;

- The type of dwellings to be provided are consistent with the needs identified by the housing needs survey and agreed in advance by the District Council.

34. In this instance, the application site is close to but does not lie immediately adjacent to the built up area boundary of the village. Although this results in the development not being strictly in accordance with policies HS06 and HS07 its close proximity to the built up area boundary is an important factor which has been taken into account and the suitability of the site and the proposed development is assessed elsewhere in this report. However the site is well related to the building area boundary and the principle of affordable housing in this location is acceptable. In addition the site is a short walk from the centre of the village which can be reached along an existing pavement.
35. The remaining criteria of Policy HS06 are considered in the following section of this report. In summary the local housing need cannot be met by other policies, the scheme does not exceed local requirements and the type of dwellings proposed will also address the accommodation requirements of local people.
36. The application is being considered on its own merits and the recommendation of approval does not set a precedent for further development infilling the land between this site and the existing Built-up Area boundary located to the west of the site.

Background to the Scheme and Local Housing Need

37. This is a scheme that the Enabling Officers, along with the Parish Council and Orwell Housing Association have had full involvement with over a long period of time, dating from 2009, and the application is therefore strongly supported.
38. Following the completion of the Local Housing Need Survey in 2009 the Parish Council agreed to progress a scheme that would provide Affordable Housing units to meet the need identified. Sites were investigated, with various possibilities being considered, this included liaison with Development Control and Highways colleagues to establish which sites were suitable, this process concluded that land adjacent to existing local needs housing known as Hazelwood was the most appropriate site. Scheme designs and a layout were prepared in liaison with the Parish Council and the Development Management team at Babergh DC.
39. Between 2011 and 2013 a Project Group consisting of Parish Representatives, Icen Housing, the Architect, Babergh's Housing Enabling Officer and the Rural Housing Enabler from Suffolk ACRE (now Community Action Suffolk) met to discuss the design and layout of the scheme, with pre-application advice being provided by the Development Management Team.
40. A Community Open Day was held on 16th May 2013 prior to the submission of the planning application, to seek the view of the local community. The Affordable Housing Statement confirms that the consultation day was well attended feedback was considered and resulted in improvements to the scheme.
41. Elmsett Parish Council completed a Local Housing Need Survey with Suffolk ACRE in May 2009, where a current need from 17 households was identified with a further 8 expressing they would have a need within the next 5 years. In addition 14 households indicated a wish to return to the parish. The Rural Housing Enabler recommended a scheme of 6-8 affordable units in her report. The current Housing Register shows 15 applicants with a local connection to Elmsett. Taking all this information into account it was decided to develop eight units.

It is proposed that the Exception Site will provide 8 affordable rented units, these will be 2 x 3 bed house, 2 x 2 bed bungalow, 2 x 2 bed house and 2 x 1 bed flats.

- Priority is to be given to people with a local connection to Elmsett and Aldham, and then to the adjoining parishes Whatfield and Hintlesham.
- Properties are to be built to the Homes and Communities Agency Design and Quality Standards, and Level 4 of the Code for Sustainable Homes

- The properties are to be let through the Choice Based Letting system.

In conclusion, the Housing Enabling Team fully supports this application.

Design and Layout

42. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form, design and finish. A core principle of the NPPF seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
43. It is important to recognise that an acceptable design does not normally make development in the countryside acceptable. However, as the proposal is for an 'exception site' the principle of development in the countryside is acceptable as discussed above. The design and layout should be of a high quality given the sensitivity of development in the countryside.
44. The design and layout of the proposal evolved during discussions prior to the formal submission of the application. The proposed dwellings are of a traditional design which takes account of the edge of village setting. The materials are considered to be appropriate in this location.
45. The proposal also includes native hedgerow planting to the western and southern boundaries, which will complement established planting and respect the rural character of the area. Planting shown on the plans is indicative and final scheme details will be requested via a condition attached to the grant of any planning permission. The Parish Councils suggestion for a strong landscaping scheme to soften the impact of the condition can be secured when details are submitted to discharge the condition, as the layout contains space for this and occur.
46. The Arboricultural officer has confirmed that, subject to the development being in accordance with the submitted arboricultural report, the development will have no significant detrimental impact on protected trees.
47. The existing public footpath to the south of the site will not be adversely affected by the development due to the distances involved.
48. In summary, the design and layout will safeguard local distinctiveness (Policy CN01) and respect landscape quality (Policies CR01 and CR07).

Residential Amenity

49. The proposed dwellings are situated alongside existing housing development and are orientated so that the layout of the proposal will not impact on the amenities of adjoining residents in terms of loss of light or dominance.

Highway Safety and Access

50. The Local Highway Authority has been involved with this scheme at the pre-application stage. They have not expressed any objections to the final proposal however several conditions have been recommended. The proposed conditions are considered necessary to ensure the proposed scheme is constructed appropriately and in a manner which does not affect highway safety.
51. Parish Council concerns regarding the moving of electricity poles into the site out of the visibility splays would be addressed by one of the recommended conditions which requires that there be no obstructions over 0.6metres within the area of the visibility splays.

Flooding

52. The site is located within Flood Zone 1 where it is considered appropriate to locate more vulnerable development. The parish council have raised concerns regarding the potential for surface water flooding to increase as a result of the development and a potential inaccuracy has been identified in the documents. Further information and clarification has been requested from the agent and an update will be given at the meeting.

Other Matters

Crime and Disorder

53. 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.

Biodiversity and Protected Species

54. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The application is accompanied by an Ecology Assessment which contains mitigation recommendations. Subject to these recommendations the proposed development is considered to have little adverse impact on protected species.

PLANNING OBLIGATIONS

55. As stated above, a legal agreement is required to ensure that the dwellings are retained as affordable units and at the time of writing a Section 106 obligation is being prepared to this effect. As the development is a 'rural exceptions site', there is no requirement for an open space contribution under Policy HS32.
56. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

STATEMENT REQUIRED BY ARTICLE 31 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010 (as amended).

57. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2010 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. In this case the application has been the subject of extensive pre-application discussions and could be approved without further negotiation or amendment.

RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
- That the units remain 'affordable' in perpetuity
 - Such other obligations as the Solicitor to the Council or Corporate Manager – Development Management considers appropriate

- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Corporate Manager – Development Management be authorised to grant planning permission subject to the following conditions:
- Standard time limit of 3 years
 - As recommended by the LHA
 - As recommended by the county archaeologist
 - The development to be undertaken in accordance with the arboricultural report
 - The development to be undertaken in accordance with the Mitigation Recommendations within the Ecology Assessment
 - Details of materials to be submitted and agreed
 - Details of hard & soft landscaping to be submitted and agreed
 - The hard and soft landscaping to be implemented as agreed
 - The landscaping to be safeguarded for 5 years
 - Details of Screen walls and fencing to be submitted and agreed
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate Manager – Development Management be authorised to refuse planning permission for reason(s) including:
- In the absence of a planning obligation securing the units as affordable housing the proposal would be contrary to Saved Policies HS04, HS06, HS07 and CR01 of the Babergh Local Plan (Alteration No. 2) 2006.

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