

Committee Report

Item No: 7C

Reference: DC/23/05651

Case Officer: Daniel Cameron

Ward: Elmswell & Woolpit.

Ward Member/s: Sarah Mansel and Jen Overett

RECOMMENDATION: REFUSE PLANNING PERMISSION

Development of Description

Outline Planning Application (Access to be considered, all other matters reserved) - Erection of Care Village comprising 66 bedroom care home (C2 Use), 37 No. Extra Care Bungalows (C2 Use), 3 No. Almshouses (C3), Management Office (E(g)(i) Use), Club House, Community Growing Area, Orchard, Community Bee hives and Open Space Provision

Location

Land To The North And West Of, School Road, Elmswell, Suffolk

Parish: Elmswell.

Site Area: 11.63 ha

Applicant: Christchurch Land & Estates (Elmswell South) Ltd.

Agent: Richard Brown Planning Limited

Previous Committee/ Resolution: None

Previous Member Site Visit: None

Call in request from Council Member: None

Reason for reference to committee:

It is for 'a residential development for 15 or more dwellings' and in accordance with the Council's Scheme of Delegation must be considered by Planning Committee.

SUMMARY OF POLICIES

Development Plan

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan, which for the purposes of determining this application is comprised of the: Babergh and Mid Suffolk Joint Local Plan (2023) and Elmswell Neighbourhood Plan (2023).

All policies are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 225 of that document.

Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)

- SP01 – Housing Needs
- SP02 – Affordable Housing
- SP03 – The Sustainable Location of New Development
- SP08 – Strategic Infrastructure Provision
- SP09 – Enhancement and Management of the Environment
- SP10 – Climate Change
- LP06 – Supported and Special Needs Housing
- LP09 – Supporting a Prosperous Economy
- LP15 – Environmental Protect and Conservation
- LP16 – Biodiversity and Geodiversity
- LP17 – Landscape
- LP19 – The Historic Environment
- LP23 – Sustainable Construction and Design
- LP24 – Design and Residential Amenity
- LP27 – Flood Risk and Vulnerability
- LP28 – Services and Facilities within the Community
- LP29 – Safe, Sustainable and Active Transport
- LP31 – Health and Education Provision
- LP32 – Developer Contributions and Planning Obligations

Elmswell Neighbourhood Plan (2023)

- ELM1 – Planning Strategy
- ELM2 – Protection of Important Views

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2023 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-taking purposes.

Particularly relevant chapters of the NPPF include:

- Chapter 2: Achieving Sustainable Development
- Chapter 5: Delivering a Sufficient Supply of Homes
- Chapter 8: Promoting Healthy and Safe Communities
- Chapter 9: Promoting Sustainable Transport
- Chapter 11: Making Effective Use of Land
- Chapter 12: Achieving Well-Designed and Beautiful Places
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15: Conserving and Enhancing the Natural Environment
- Chapter 16: Conserving and Enhancing the Historic Environment

Other Considerations

- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2023)
- The NPPF is supported and complemented by the national Planning Practice Guidance (PPG). The PPG provides advice on procedure and elaboration of existing NPPF policies and can also provide statements of new national policy. It is an online reference as a living document and is a material consideration alongside the NPPF.

SUMMARY OF CONSULTATIONS

Any updates to consultee responses in light of late information shall be reported to Members in their Tabled Papers or verbally at the meeting.

[Link to Consultee Comments Online](#)

Town/ Parish Council Responses

Elmswell Parish Clerk Comments Received - 19/12/2023

It is not disputed that this site is in the countryside. This has been the case since the 1998 MSDC Local Plan against which it has been previously tested when the Policy constraint has been adjudged to be secure, a view backed by Historic England. That same constraint is very recently reinforced by the BMSDC Joint Local Plan (JLP), made on 20.11.2023. The Elmswell Neighbourhood Development Plan (NDP) was adopted on 24.11.2023, reinforcing the status of the site as lying outside of the Settlement Boundary where proposals for development, 'will only be permitted where they are in accordance with national and district level strategic policies'. No case is made for consideration of this site as in any way deserving of exception from these historic, recent and unequivocal controls. The countryside in this case is, 'key landscape,' in the context of Elmswell, which the NDP identifies in the context of; 'St John's Church (which) commands a prominent position as a gateway to the village', overlooking a feature defined in the Suffolk Landscape Character Assessment as, 'Rolling Vally Farmlands'. Into this undulating sweep of valley comprising some 29 acres of agricultural holding this Proposal seeks to impose 40 bungalows and an institutional building with an internal floor area of 3770 m2. There is no mitigation suggested regarding the sheer mass of the care home building which the indicative artist's impressions have as 2 storey. Neither is there any constraint suggested on the size of the bungalows or of the ancillary buildings listed as necessary for the administration of the complex. The NDP confirms and Elmswell accepts that, 'there are few significant landscape features across the parish'. Should this application succeed, an iconic perspective which, in this village context, makes a unique contribution to the landscape setting, would be irrevocably destroyed. The JLP clearly requires that, 'Proposals for supported and special needs housing will be supported where they are located within a settlement boundary'. This application cannot and does not claim to qualify. No evidence is presented regarding the need for this facility. Any such need would be assessed in the context of strategic planning on a District-wide basis and would take into account the acknowledged drawbacks of, 'ghetto-isation', where a high concentration of a restricted demographic is detrimental to community cohesion as well as to individual mental health and wellbeing. The scheme should be subject to a 'call for sites' across the District when the many relevant aspects of community planning could be assessed across the proposals which come forward. An application with such far reaching and dramatic consequences for the host community should not be made on an ad hoc speculative basis. The concerns raised from residents, both during and outwith the consultation exercise, centre on 2 key issues, being the existing infrastructure shortcomings in terms of highway safety and of health service provision.

Elmswell Parish Council shares these concerns and makes specific objection on the following grounds:

1. The junction at Church Hill and School Road is at capacity. Having been recently reconfigured in order to take the extra burden of the 86 dwellings to the north of Parnell Lane it is accepted by the Applicant that there may be the need for traffic lights on Church Hill for the extra loading from this proposal. The provision of 110 parking spaces within the complex serving their stated assessment of 75 employees and a fair estimate of some 120 residents, together with the vehicles servicing the special needs of the core demographic, suggests a higher traffic flow than would normally maintain given the density of this development. There can be no safe way to accommodate this proposal in highway terms without dramatic and unacceptable mitigation measures such as traffic controls better suited to an urban environment.
2. The GP surgery which serves Elmswell is in Woolpit. It is under the stress which characterises many NHS facilities and is in no way fit to register 120 new patients en bloc, these drawn from the provably high-needs demographic of elderly individuals requiring specialist and often emergency care. The Applicant's suggestion of a clean-room in which GP's might be able to consult does not begin to address the strain which this proposal seeks to impose on an already stretched system of medical care. The JLP requires that proposals for special needs housing will be supported only, 'where there is good access to services and facilities, especially health services. This application in no way addresses this imperative. There is unease across the community that the vague references to the land within the red line boundary as being not, in this iteration, designated for development, will be a hostage to fortune should the built environment of Elmswell be allowed to creep south of Parnell Lane towards the church and almshouses. The ad hoc sketching-in of features such as random cycle paths and footways form no coherent offer of community benefit and serve only to provide a veneer of protection against further predation. Having met with the developer's Agent, parish councillors remain unconvinced that this element of the scheme does not pose a severe risk of further ill-considered speculative expansion which might, with the passage of time, prove difficult to resist. In consideration of the above, Elmswell Parish Council strongly urges rejection of this application.

National Consultee Responses

Historic England Comments Received - 20/12/2023

Historic England object to the application on heritage grounds. They consider that the application does not meet the requirements of the NPPF, in particular paragraphs 7, 8, 199 and 200. In determining this application, one should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any special features of special architectural or historic interest which they possess.

Historic England consider that the change in use of the land from agricultural purposes would fundamentally change the character of the land, the loss of the open landscape would erode the historic and aesthetic appreciation of the church. It would erode the way in which the rural landscape complements the heritage values of the church. There would also be impacts on longer views of the church and on views between the church and Elmswell Hall which currently reflect the historical association of the two.

The Environment Agency Comments Received - 28/12/2023

The only constraint on the site is the flood risk aspect. Local flood risk standing advice should be considered.

Natural England Comments Received - 05/01/2024

No objection. Based on the plans submitted, Natural England considered that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

County Council Responses

SCC - Archaeological Service Comments Received - 14/12/2023

The proposed development area has a moderate to high archaeological potential set in a historically favourable landscape location on a south-west facing slope, overlooking a tributary of the Black Bourne. Finds ranging from Bronze Age to Post-Medieval dates have been recorded within the proposed development area. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage asset. In this instance, conditions to secure the investigation and submission of a post investigation report would be sufficient.

SCC - Development Contributions Manager, Comments Received - 13/05/2024

Contributions originally noted 11th December 2023 are confirmed as still relevant.

CIL funding requests are as set out below:

- Library improvements @£216 per dwelling = £22,896
- Household waste improvements @£141 per dwelling = £14,946

Section 106 Obligations are as follows:

- Footway/cycleway contribution to link Elmswell and Woolpit @£850 per dwelling = £90,100
- Monitoring fee per obligation trigger point = £476

Please note that this list does not include highways or public rights of way requirements.

SCC - Flood & Water Management Comments Received - 25/04/2024

A holding objection is noted and necessary due to surface water drainage constraints and is, therefore, contrary to national and local flood guidance. The proposed development may be subject to the sequential and exceptions tests and the use is classified as more vulnerable within NPPF Annexe 3. Conditions are recommended should the Local Planning Authority be minded to approve the application.

SCC - Fire & Rescue Comments Received - 22/12/2023

A condition is required to secure the provision of water hydrants for fire-fighting purposes.

SCC - Highways Comments Received - 19/12/2023

Holding objection until the following has been provided:

1. Access visibility splays as the 40-metre access splays suggested are not acceptable a larger 70-metre access splay is required.
2. Width of road at access point. Insufficient information on the width of the road is provided such that the Highway Authority is unable to confirm the access would be safe and suitable. If the road is too narrow, localised widening works will be required.

3. Provision of cycle route behind Church of St. John. Submitted documents advise that land to provide the route would be dedicated by the developer, this shared use route should be provided by the developer.
4. Contribution towards Elmswell to Woolpit community path. A financial contribution of £850 per dwelling in order to fund the delivery of a footway/cycleway between Woolpit and Elmswell in order to encourage modal shift.

SCC - Rights of Way Department Comments Received - 13/12/2023

There is a public right of way within the site, identified as Elmswell public footpath no 14 and lies at the northern end of the site. There is no objection to the proposed development provided the following is taken into account:

- As depicted in the plans, a north-south footpath link is created between the public right of way and Church Road.
- The new link should be constructed by the developer.
- The link should be dedicated as a public right of way and delivered as a public path creation.
- A Section 106 Obligation of £5k would be required in order to cover the costs of legally dedicating the new link.
- The link should be composed of a firm, compacted, unsealed, slightly cambered, free draining aggregate. The exact specification should be agreed with the Rights of Way Department.

SCC - Travel Plan Co-ordinator Comments Received - 20/12/2023

The Travel Planning Team's comments are to be brought forward by within the response from Highways.

Internal Consultee Responses

Initial Heritage Team Comments Received – 16/01/2024

It is considered that the proposed development would cause less than substantial harm to designated heritage assets because the built form would detract from the setting of several nearby listed buildings.

Assessment:

In line with the Heritage comments on DC/17/03853, I consider that development on the site would considerably negatively alter the setting and thus harm the significance of the Church, the Almshouses and Elmswell Hall.

Firstly, there would be erosion of the historically open, agricultural character of the land within their settings. A considerable portion of land to the north of the Church and Almshouses would be developed upon with buildings, which would sever the relationship with this land and the open land beyond, and even the intervening land would no longer be agricultural in use, even if not built-up. It would also be cut through by the access road and other paths.

Similarly, the development would be on land that, despite the presence of the railway line, I consider still contributes to the historic agricultural setting of Elmswell Hall – and it still flanks the access road to this building – similar to the harm identified from DC/18/02146.

Secondly, harm would arise through the further coalescing of historic buildings – The Church, The Almshouses and Elmswell Hall – with the built-up core of Elmswell, in cumulation with previous

developments that have gradually eroded this sense of separation, which forms part of their historic character.

The setting of heritage assets is not dependent upon public access to and/or views to/from this setting, and the degree of public access and/or views may change over time, for the latter such as due to vegetation cover changes – see Historic England, *The Setting of Heritage Assets*. Nonetheless, they can enhance and allow for greater appreciation of the setting and thus significance of heritage assets.

In this case, the historic setting of the listed buildings is/may be currently readily appreciable from a number of viewpoints, many of which are currently publicly accessible. These include (but may not be limited to) views identified in the Elmswell Neighbourhood Plan:

- Along School Road, described in *The Elmswell Neighbourhood Plan View Appraisal* (p.5) as “an outstandingly important view that demonstrates the prominence of the church looking out the valley” and it is then stated that “development in the foreground and in the distance could have a significance detrimental impact on this view”.
- From Parnell Lane, and the footpath running across the north of the site.
- From Church Lane.
- From Church Road south west of the Church.
- From the Church and from The Almshouses, and the grounds of.
- From Elmswell Hall.
- From the railway line.
- Plus, from various fields, including the site itself.

The pre-application documents and site visit discussions suggest building heights would be restricted, in order to reduce the impact of the development on key views. However, even where the listed buildings themselves may remain visible from the current viewpoints - and it would not seem the case for all of them - their current setting is also appreciated in these viewpoints, and this would be seriously eroded. Viewing the assets over a large development would not be equivalent to viewing them over fields, as currently. Similarly, even where the land directly between the viewer and the asset may not be developed, the views are appreciated dynamically, in the round, and a new development in close proximity would be a noticeable intrusion into the setting as experienced from the viewpoints.

For example, in relation to Key View 4, the view as illustrated is, in my view correctly, not demarcated as a straight line to the church, but as radiating out from the viewpoint, and is considered important not just for seeing the church, but for seeing the church in its unaltered historic setting. Key View 4 would also be negatively impacted by the presence of the proposed access road cutting through it, and the associated presence of vehicles using it, which would be directly between the viewer and the church.

A considerable proportion, possibly all, of the above viewpoints would be negatively impacted by the proposed development to some extent.

It was suggested at pre-application stage that the development could open up new views of The Church and Almshouses, thus providing a heritage benefit, such as from the access road and new footpaths on the southern part of the development site. However, they would add relatively little to the significance of the Church and Almshouses, as it is the longer-range views across open fields that add more to understanding the historic setting of these buildings and thus make more of a contribution to their

significance, rather than close up views. Really close up views are also already afforded from within the grounds of these assets anyway, which in the case of the Church, are currently publicly accessible.

It is also suggested that planting would be used to reduce the prominence of the development within the setting of the heritage assets, but this in itself would not reduce the harm from the loss of open, agricultural land, and could further obscure views of the heritage assets.

Summary:

The Heritage Team identified a medium level of less than substantial harm to the Church of St John under DC/17/03853. That built development extended somewhat further south toward the Church, but not to an extent that I consider would now make a great change to the level of harm. That development also included land to the east of Parnell Lane, but when that was submitted separately, under DC/18/02146, no harm was identified to the Church by the Heritage Team (other than in regard to Highways works elsewhere). On that basis, I would also rate the harm to the Church of St John from the current preapplication as broadly a medium level of less than substantial.

The harm to the other listed buildings was not specifically graded within the category less than substantial previously (there is no requirement to) but I would rate them as a low to medium level of less than substantial to The Almshouses and Elmswell Hall (the latter in cumulation with the development approved under DC/18/02146 and subsequent applications), and a very low level of less than substantial to Church Cottage, as there would be some further erosion of its historically undeveloped setting, but this has been not inconsiderably eroded already, and the proposed built-up area is somewhat separated from Church Cottage by the later dwellings north of this listed building.

As the proposal site makes an important contribution to the setting and significance of The Church of St John, The Almshouses and Elmswell Hall, it is difficult to envisage how the harm might be meaningfully reduced within the parameters of the proposal. Any development on the site is likely to result in a considerable level of harm to the significance of these heritage assets.

In line with statutory duties and national and local policy, in preparing your recommendation you should have special regard to the desirability of preserving the listed buildings and their setting, giving their conservation great weight, and in the case of the Church, listed at grade II*, greater weight. These should be weighed against public benefits of the scheme.

Further Heritage Team Comments Received - 05/03/2024

In response to the submitted 'Heritage Notes' document:

The agent points out that the rating of the level of harm to the Church given by Historic England is different from the rating of harm given in our own response. Historic England is the government's lead agency on heritage matters with a statutory remit to offer guidance to LPAs on proposals affecting (among other things) heritage assets designated at higher grade. You might therefore consider whether in this instance their nationwide remit and their focus on higher grade assets might make their advice particularly robust.

Environmental Health - Land Contamination Comments Received - 05/01/2024

Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination.

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 12/12/2023

No objection subject to conditions to protect amenity during any resultant development. Conditions would include a construction management plan, scheme of internal noise insulation, details of plant and machinery required with acoustic specifications, levels of external illumination required and details of internal air extraction, odour control and flues associated with any kitchen equipment.

Environmental Health - Air Quality Comments Received - 05/01/2024

I can confirm that the scale of development is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site.

Ecologist Comments Received - 18/01/2024

I have reviewed the Updated Preliminary Ecological Appraisal (PEA) (Cotswold Wildlife Surveys, March 2023) supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species and habitats, and identification of proportionate mitigation.

I am satisfied that there is sufficient ecological information available for determination of this outline application.

The mitigation measures identified in the PEA report should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species including bats, amphibians, and nesting birds.

Initial Landscape - Place Services Comments Received - 20/12/2023

While overall we acknowledge the design development of the scheme has taken a commendable approach. The submitted LVIA demonstrates that this effect will be limited due to its geographical extent however there will still be a harmful, adverse effects to the fabric of the landscape on site and to a limited extent on the district level landscape character in conjunction with some adverse visual effects. The proposal seeks to bring about development in the countryside which we would consider contrary to NPPF para 84, BMSDC Joint Local Plan – Part 1 Policies SP03, LP15, LP17 and LP24 and Elmswell Neighbourhood Plan policies ELM1 and EM2.

Therefore for the above reasons and from a landscape perspective we are unable to support the principle of this development.

Further Landscape - Place Services Comments Received - 10/04/2024

We have reviewed the documents submitted on the 21st March in relation to our previous comments.

It is noted that an updated LVIA has not been submitted, and a technical note has been provided to address our previous comments. The illustrative landscape masterplan provided (dwg no. P22-1167_EN_0009_D_A3 P) has also not been updated from the proposed site plan shown previously other than the addition of some SuDS details.

Therefore, our comments remain the same as before and with the current layout from a landscape perspective we are unable to support the principle of the development.

Strategic Housing Comments Received - 12/01/2024

The Ipswich Housing Market Area Strategic Housing Market Assessment ('SHMA' – 2017, partially updated in 2019) identifies a need for additional specialist accommodation in Mid Suffolk between 2014 and 2036 shown in the table below:

Type of specialist accommodation	Additional units required in Mid Suffolk, 2014 - 2036
Sheltered Housing	755
Enhanced Sheltered Housing	73
Extra care housing	176
Residential care (nursing and residential care homes)	1,004

At the time of writing, there are 247 households active on the Mid Suffolk Housing Register with a reference person aged 55 or older. Of these 247 households;

- 9 have indicated some form of connection to Elmswell.
- 3 require wheelchair-accessible dwellings
- 66 require level access showers
- 52 require ground floor accommodation

Policy SP02 of the Joint Local Plan sets out the Council's requirements for affordable housing. It sets out a requirement for greenfield sites of ten or more dwellings to provide to 35% affordable housing, with the mix to be informed by the relevant district needs assessment.

Whilst this is an outline application, the details provided by the applicant would appear to imply that the 66-bedroom care home would not represent dwellings. Whereas the 36 Extra Care Bungalows and 4 almshouses would, in their form and function, be dwellings.

On this basis, a policy compliant requirement would be for 14 affordable homes. The applicant has indicated, in the Heads of Terms document submitted as part of the application, that a proportion of the bungalows would be affordable.

The C2 designation of this scheme means that the affordable housing considerations would be somewhat different to standard general needs accommodation.

On-site delivery of affordable housing should always be prioritised. In this instance it may be challenging, given the relationship between the bungalows and the care home in respect of care provision and communal facilities. It may not be possible to find a Registered Provider (Housing Association) willing to acquire affordable bungalows and commit to their residents being able to afford and access the relevant care provision. This matter requires further discussion with the applicant. The Council's preference would be to secure rental units, but different affordable tenure options may be required. The final fallback option would be a financial contribution by way of a commuted sum, but this would not represent the same benefit that delivery of affordable homes on-site would.

With regard to the Housing Register and the SHMA, the following affordable housing is sought shown in the table below, subject to consideration of the matters above.

Tenure	Number of Units	Size (bedspaces and occupants)	Minimum gross internal area (m2)
Affordable Rent	10	1b2p	50
	4	2b4p	70

I note that four C3 almshouses have been proposed. I have not been able to find any further details in the application documents but these units would not be considered to count towards the affordable housing requirements associated with the scheme.

Any affordable homes should be secured by way of a planning obligation attached to any outline permission. Please note that:

- The development should be phased so as to ensure delivery of the affordable homes.
- At reserved matters, the affordable homes should be integrated into the scheme with a tenure-blind design.
- Subject to the tenure, the affordable homes should be capable of freehold transfer to a Registered Provider.
- The affordable homes should be delivered grant-free. The Council will not support any application for Homes England grant funding for the delivery of these affordables.
- The Council is to be granted nomination rights for all affordable homes in perpetuity.

Planning Policy - Contrary To Dev Plan/Departures Comments Received - 24/01/2024

It is noted that this application is outside of the settlement boundary for Elmswell established through the made Elmswell Neighbourhood Plan (November 2023) and shown on the Council's Policies Map. As set out in Policy SP03 of the adopted Babergh and Mid Suffolk Joint Local Plan Part 1 (November 2023), proposals for development outside of settlement boundaries will normally only be permitted in certain circumstances. Policy ELM1 of the Elmswell Neighbourhood Plan requires development to be within the settlement boundary unless in accordance with national and district strategic level plans, and as such this proposal would not meet the circumstances set out in paragraph 2 of Policy SP03.

Paragraph 63 of the National Planning Policy Framework (NPPF) December 2023 has been updated to incorporate "older people (including those who require retirement housing, housing-with-care and care homes)". Policy LP06 includes older persons' housing and as such can be applied as intended for this type of proposal following the December 2023 update to the NPPF, specifically paragraph 63. Therefore, Policy LP06 (1a) identifies that proposals of this type will be supported where they are within settlement boundaries. This proposal would not be supported through this policy given it is located outside of the settlement boundary.

In conclusion, the Strategic Planning Policy team object to this proposal given the conflict with Policies SP03 and LP06 of the Babergh and Mid Suffolk Joint Local Plan Part 1 (November 2023) and with the made Elmswell Neighbourhood Plan (November 2023).

Waste Manager (Major Developments) Comments Received - 21/12/2023

No objection subject to conditions to ensure site can be accessed by a refuse collection vehicle.

Other Consultee Responses

Anglian Water Comments Received - 20/12/2023

Anglian Water note a number of their assets are located within or close to the development boundary and would like an informative be issued speaking to such should the Local Planning Authority be minded to approve the application. They note that there is capacity at the Elmswell Water Recycling Centre to accommodate wastewater flows arising from this development and that a separate legal agreement would be required should the developer wish to connect to the sewer system. The proposed connection to the used water network is acceptable with no requirement for a condition.

Cllr Jen Overett - Elmswell & Woolpit Comments Received - 29/12/2023

Thank you for your email. I am unable to support Outline Planning Application DC/23/05651, Land to the North and West off School Road, Elmswell and my comments are as follows:

- There is an up-to-date Neighbourhood Plan in place for the village of Elmswell, and this development is outside of the settlement boundary.
- The site is in a far corner of the village; it lacks access to local facilities and sustainable transport (at its closest edge to the village the site is at least half a mile to the co-op, public house and railway station) and there will be a lack of integration with the local community from its positioning.
- There is no established need for a care home in Elmswell, and I am unaware of any call by Mid Suffolk for care home sites. Additionally, I understand there is a plan for a care home in the nearby village of Thurston currently moving forward.
- Given the lack of established need, any freeing up of houses in Elmswell by local people moving into a local care home is likely to be minimal.
- This is a very large proposed development, and furthermore it appears not all of it would be single storey; it will inevitably impose on a visually important space, and undermine a pleasing rural aspect much valued by residents and visitors.
- There is no indication that the land between the care home and the church will be a protected open space but rather, the positioning, curve and size of the access road off School Road would indicate that further housing estate applications are likely in future.
- School Road is already insufficiently wide in the section of the road near the proposed access road, and pedestrian visibility is very poor at the School Road/Church Road junction – these issues would be exacerbated by increased traffic accessing the care home.
- There is no Health Centre/Doctor's surgery in the village, and there is a shortage of GPs and ancillary health staff across the district – these factors will potentially create issues for future care home residents and the people of Elmswell in general.

East Suffolk Inland Drainage Board Comments Received - 02/01/2024

The site is near to the Internal Drainage District (IDD) of the East Suffolk Water Management Board (WMB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD).

I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online.

Mid Suffolk Disability Forum Comments Received - 16/12/2023

The Mid Suffolk Disability Forum would wish to point out that the development should be fully accessible to all people. All the bungalows should meet Part M4 of the Building Regulations and the Forum also believes that they should all meet the 'accessible and adaptable' standard Part M4(2) given their intended use. A proportion of the bungalows should be built to wheelchair standard Part M4(3). All footpaths should be wide enough for wheelchair users, with a minimum width of 1500mm. All dropped kerbs should be absolutely level with roads/pavements for ease of access. Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used throughout the site. The minibus that is to be provided should be wheelchair accessible so that it can be used by all people. The Forum cannot comment on the plans for the care home and the bungalows as that detail is not yet included in the application.

Suffolk Police - Design Out Crime Officers Comments Received - 01/03/2024

This is a low crime area, as it has historically consisted of agricultural land, however, as the area has now opened up to more development, it is believed crime will rise.

It is appreciated that this is an outline application and it is good to see that documents have been submitted to clarify certain details. However, without further detailed plans of the layout of the proposed site, (which it is expected will be forthcoming at the Reserved Matters Stage), it is difficult to comment in detail on these proposals.

Bearing this in mind at this stage on behalf of Suffolk Constabulary I do not feel I have enough information at present to state whether or not this application could be supported. I do have a number of concerns around this proposed application and the possibility that if not correctly addressed the location could be the subject of antisocial behaviour and other forms of criminality, particularly theft and criminal damage. These concerns include:

1. The northern boundary of the site is close to a public pathway that leads under a railway bridge embankment.
2. The area is already opening up by the neighbouring residential dwelling application number DC/22/01615, the continuation of more development along this northern boundary opens up concerns regarding the safety of person's both using the main Ipswich to Cambridge railway line and anyone within the area.
3. There will be mainly hedging around the perimeter, with gaps to allow access and it is not known how the eastern perimeter bordering the new development will comprise. It appears that it will mainly comprise of trees and be quite open, there is a strong need for it to be physically secure to deter offenders and make sure that residents feel safe within their living areas.
4. Details have been mentioned regarding parking, but with no clear parking bays, it appears that the parking is limited and clarification is required as to how enough parking will be distributed and how?
5. There will be a clubhouse, will this be solely for residents or will it be opened to other local residents and will the clubhouse store alcohol?
6. The area will have numerous paths, particularly around the southern side of the site and it has been stated the western side may in the future comprise a footpath, running north to south.
7. There needs to be strong security for all access points and for the medical rooms and drug storage areas.
8. I have concerns regarding the proposed growing area and Community Orchard, which could be the subject of antisocial behaviour including criminal damage.

SUMMARY OF REPRESENTATIONS

At the time of writing this report, 40 letters/emails/online comments have been received. It is the officer opinion that this represents 40 objections, no neutral comments and no support comments. An update shall be provided as necessary either via Tabled Papers or verbally at the meeting.

Objection comments summarised as follows:

- Loss of open countryside.
- Change in character of the land from agricultural to residential.
- Increased flood risk.
- Potential land contamination given previous uses of land (allegedly as a rubbish dump).
- Increased pressure of School Road/Church Road junction.
- School Road is narrow at the point the access is proposed.
- Loss of protected views.
- Lack of facilities e.g. health centre or GP surgery within Elmswell. Distance of site from facilities within village.
- Increased demand at existing facilities e.g. health centre and pharmacy in neighbouring Woolpit.
- Development is outside of the settlement boundary.
- Concern over current infrastructure.
- Concern over ongoing maintenance of open space, community growing area, orchard, etc...
- Tree Preservation Order on Oak tree close to access point.
- Increased light pollution impinging on night views across the landscape.
- Loss of the view as you approach village.
- Listed buildings within vicinity will be negatively affected.
- Ecological impact of development.
- No evidence that the development is needed. Two retirement developments are already in situ.
- Noise from road and railway.
- Issues with village's water supply.
- Contrary to the adopted Development Plan at district and neighbourhood level.
- Loss of agricultural land.
- Carbon footprint of development.

All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.

RELEVANT PLANNING HISTORY

REF: DC/17/03853	Outline Planning Application for up to 250 dwellings including car parking, open space provision with associated infrastructure and access.	DECISION: WDN 25.04.2018
REF: DC/18/02146	Outline Planning Application (Access to be considered) Erection of up to 86 dwellings including car parking, early years provision, open	DECISION: GTD 08.03.2022

space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link.

REF: DC/22/01615	Application for Approval of Reserved Matters following grant of Outline Approval DC/18/02146 Town and Country Planning Order 2015 - Submission of details for Appearance, Landscaping, Layout and Scale for erection of up to 86 dwellings (30No affordable units) including car parking, open space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link.	DECISION: GTD 05.08.2022
REF: DC/22/05425	Application for Consent to Display Advertisements. Erection of 1 x Chevron-Style 'V-Board'; 1 x Sign Facing Rail Line; and 12 x Flagpoles. Advertising "Coming Soon" of the development at School Road, Elmswell.	DECISION: GTD 12.12.2022
REF: DC/23/01076	Application under S73a for Removal or Variation of a Condition following approval of DC/22/01615 dated 05/08/2022 Erection of up to 86 dwellings (30No affordable units) including car parking, open space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link. Town and Country Planning Act 1990 (as amended) to vary Condition No 9 (Glazing to Dwellings) as per covering letter.	DECISION: GTD 22.06.2023
REF: DC/24/00635	Request for Environmental Impact Assessment Screening Opinion under Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended - Proposed Care Village at School Road, Elmswell (DC/23/05651)	DECISION: EAN 29.02.2024
REF: 0765/98/	Change of use of 43 ha (108 acres) of agricultural land to golf course with clubhouse, and improvements to access on to A1088.	DECISION: GTD 21.10.1998
REF: 0666/92/	Change of use of agricultural land to golf course with club house.	DECISION: GTD 17.06.1993

APPLICATION ASSESSMENT

1.0 Proposed Development

- 1.1. The application is made in outline with access to be considered and all other matters (appearance, scale, layout and landscaping) to be reserved. The application seeks the erection of a care village comprising a 66-bed care home (C2 use), 37 no. assisted living bungalows (C2 use), 3 no.

almshouses (C3 use), management offices (E(g)(i) use), club house (E(b) use) community growing area, orchard, bee hives and open space provision and other associated works.

- 1.2. Illustrative plans submitted in support of the application show most of the built form located within the northern half of the site, close to neighbouring development on the other side of Parnell Lane with the southern half of the site retained as open space providing the community growing area, orchard and beehives. The access to School Road is to be located roughly equidistant between the northern and southern portions of the site and, as per the description, is the only part of the application which would be fixed.

2.0 Site and Surroundings

- 2.1 The site is a roughly rectangular parcel of land located to the west of Parnell Lane and School Road. Its northern boundary is the railway line and embankment and a drainage ditch runs down its western boundary. The topography of the site is generally higher at its eastern boundary and falls away down towards its western boundary.
- 2.2 The site is located outside of the current settlement boundary of Elmswell as set out within the Joint Local Plan Part 1, and this is mirrored by the Elmswell Neighbourhood Plan. The site is adjacent to the existing settlement boundary of Elmswell in places, along its boundary with Parnell Lane and School Road. It should be noted that the existing settlement boundaries may be reviewed under the Part 2 works of the Joint Local Plan; however, this is still to be undertaken and, therefore, for the interpretation of planning policy, the site is located in the countryside.
- 2.3 The site is currently utilised for agriculture (noted as being Grade 2 agricultural land) although at present a portion of the application site provides the site for the Bloor Homes development compound which services their adjacent site on School Road approved in outline under DC/18/02146, with reserved matters approved under DC/22/01615.
- 2.4 The site is not within a conservation area; however, attention is drawn to a number of nearby listed buildings, including the Church of St. John which is Grade II* listed, as well as the nearby Alms-houses, Church Cottage and Elmswell Hall which are all Grade II listed. Attention is also drawn to the relationship between the church and Elmswell Hall and the historic view between the two.
- 2.5 Part of the site lies within Flood Zones 2 and 3 and follows the run of a drainage ditch along the western boundary. Surface water flood risk also affects the site with runs from the higher ground at School Road and Parnell Lane towards the drainage ditch noted.
- 2.6 A public right of way runs roughly east to west through the site and is identified as Elmswell Footpath 14. Footpaths 24 and 13 run close by the site and offer views into it, but do not run through it. There is a notable Oak Tree to the west, which is protected by Tree Preservation Order.

3.0 Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 3.2 Key policies relating to the principle of development include ELM1, SP03 and LP06. These relate to the settlement boundary of Elmswell and the location of new special needs and supported living accommodation within the district.
- 3.3 The site itself is wholly outside of the settlement boundary for Elmswell, as noted by both SP03 and ELM1. Policy SP03 does contain a list of exceptional forms of development which may occur outside of established settlement boundaries. ELM1 is in agreement, that proposed development outside of the settlement boundary will only be permitted where they are in accordance with national and district level strategic policies. Table 5 of SP03 sets out the exceptional forms of development and deliberately excludes development of care homes and other support and special needs housing. Policy LP06 is explicit:

“Proposals for supported and special needs housing will be supported where they:

- a) Are located within a settlement boundary and where there is good access to services and facilities, especially health services and public transport;
- b) Have access to open space designed to meet the needs of residents;
- c) Have a high quality of design that meets the specific needs of the intended occupiers and is sympathetic to the surrounding townscape and/or landscape; and
- d) Meet, as a minimum, the requirements for accessible and adaptable dwellings under Part M4(2) of Building Regulations (or any relevant regulation that supersedes and replaces).”

The site is not located within a settlement boundary and as such fails to wholly conform to the first part of the policy.

- 3.4 The site is located adjacent to the settlement boundary of Elmswell. Elmswell contains a number of services and facilities commensurate with its position within the sustainable village including a railway station, Co-Op food store, pharmacy, library, community centre, pre-school and primary school. Health services, however, are located in neighbouring Woolpit some 2km away. Given the proposed mix of care uses, there is potential for the services and facilities within Elmswell to be made use of by those within the proposed assisted living bungalows and proposed almshouses; however, it is likely that mobility issues would not allow users of the care home to access those same services and facilities and the health facilities in Woolpit would likely be similarly out of reach.
- 3.5 Part 2 of the Joint Local Plan looks to assess settlement boundaries and make site allocations. The Strategic Housing Market Assessment (SHMA) submitted in support of Part 1 of the Joint Local Plan notes an increased need for specialist forms of housing particularly for older people. Within the Examiner’s report on Part 1 it was concluded that, based on further evidence prepared by the Council on the amount of such housing which had come forward and been granted permission since the start of the plan period, it was appropriate that existing settlements would be the most sustainable location for this type of development.
- 3.6 As seen above, there is a fundamental issue with the application with regards to its conformity with Policy SP03 within Part 1 of the Babergh and Mid Suffolk Joint Local Plan. Similar issues exist when read against policy ELM1 of the Elmswell Neighbourhood Plan. As such, the principle of development is not established and forms a reason for the refusal of the application.

4.0 Highway Considerations

- 4.1 Policy LP29 and paragraphs 109, 114, 115 and 117 of the NPPF seek to ensure that development promotes opportunities for improved connectivity and does not severely affect the highway network, including the safety of users, by securing safe access and egress, parking and visibility.
- 4.2 Access to the site is made from School Road. Consultation with the Highway Authority notes that the access requires increased visibility splays and is likely not the required width to deal with the expected level of traffic. An extension to the footpath/cycleway linking Elmswell to Woolpit is noted as being delivered as a result of the development; however, consultation with the Highway Authority notes further detail would be required in this respect.
- 4.3 Separate consultation with the Public Rights of Way Team at Suffolk County Council has led to no objection to the proposed development and has identified a requirement for an extended connection from Footpath 14 to Church Road to be delivered by the Developer.
- 4.4 As noted within the comments from the relevant Highway Authority; further information is clearly required in regard to this aspect of the development. The Highway Authority requested additional information pertaining to the site access such that its holding objection is not necessarily read as a reason for refusal in and of itself; however, a reasonable approach would be to note the insufficient information pertaining to the access.

5.0 Flood Risk and Drainage

- 5.1 Policies SP10 and LP27 and Paragraph 165 of the NPPF seek to secure sustainable drainage systems and steer development away from areas vulnerable to flooding and ensure development does not increase flood risk elsewhere now or in the future, taking account of all sources of flood risk.
- 5.2 The Lead Local Flood Authority (LLFA) has concerns over the potential flood risk associated with the site. The site is affected by surface water flood risk ranging from low to high and is contrary to national and local policy which requires development to be safe from flooding. This risk is especially acute given that the proposed use is classified as more vulnerable to flood risk at Annexe 3 of the NPPF. No issue was raised with regards to the areas of Flood Zone 2 and 3 which runs through the site.
- 5.3 The LLFA notes that the sequential and exception tests may be applied to the site, in line with paragraph 167 of the NPPF; however, the aim of the sequential test is to steer new development to areas at the lowest risk of flooding from any source. With regards to the delivery of similar development within the district, attention returns to the evidence presented to the Planning Inspectorate during the examination of the JLP which noted that sufficient permissions had been granted to allow the Council time to bring forward Part 2 of the JLP. It is considered that these permissions represent more suitable sites than the application site which indicates that the sequential test would be failed in this instance.

6.0 Heritage

- 6.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.
- 6.2 The practical effect of those legal duties is that the decision-taker is presented with a strong presumption against a grant of permission where harm is identified, as the asset's conservation is a matter of considerable importance and weight.
- 6.3 Irrespective of the level of harm identified to the significance of a designated heritage asset (including from its setting), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.4 Policies SP09 and LP19 and paragraphs 205 and 206 of the NPPF, are consistent with the above duties.
- 6.5 A level of less than substantial harm has been identified to the setting of several nearby designated assets. In line with policy LP19 and paragraph 208 of the NPPF, public benefits must be identified within the proposed development that outweigh the harm, recognising that this is a matter of considerable importance and great weight.
- 6.6 In their comments, the Heritage Officer notes the erosion of the historically open agricultural character of the setting of the Church of St. John, the Almshouses and Elmswell Hall. This harm extends to both the built form proposed within the site and the open space as the entirety of the site would not be in an agricultural use. Harm would also arise as a result of the coalescence of the historic buildings with the built-up core of the village of Elmswell.
- 6.7 In grading the level of less than substantial harm it is considered that the level of harm to the Church of St. John as a medium level while the harm to the Almshouse and to Elmswell Hall is graded as being low to medium.
- 6.8 Paragraph 208 of the NPPF requires that where development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. Paragraph 205 of the NPPF states that, in making such an assessment, great weight should be given to the conservation of an asset, the more important an asset, the greater the weight should be. Paragraph 206 goes further noting that harm to Grade II listed buildings should be exceptional while harm to Grade II* listed buildings should be wholly exceptional.
- 6.9 With regards to the public benefits of the scheme, the delivery of specialist housing for the ageing population is noted and likely attracts a degree of weight. There would also be economic benefits to the local economy from the construction phase of the development and then further benefit to come from the jobs created on site within the care sector and some limited economic spend within local services from future residents of the site. Environmentally the creation of the open space and community growing area and orchard are noted and may have further positive benefits for biodiversity.

6.10 This being said, however, it is not considered that the proposed development offers such a weight of benefits that the harm to the setting of the listed buildings could be overcome, especially when the balancing exercise required by paragraph 208 is triangulated within the context given by paragraphs 205 and 206 of the NPPF. Together, these policies, along with LP19 and the statutory duty imposed by the Planning (Listed Buildings and Conservation Areas) Act set a high bar for development which offers a degree of less than substantial harm to heritage assets to overcome. In the weighing of the balance, it is considered that the loss of the agricultural setting of the noted heritage assets would be irreplaceable and would harm their connection to their past within a largely agricultural landscape. Delivery of a care home would bring significant benefits to the ageing population; however, given the Council's record of previous delivery in this sector, together with the forthcoming Part 2 of the JLP allowing for further allocation to come forward, it is not considered that the application offers such other benefits to outweigh the heritage concerns noted.

7.0 Design and Layout

7.1 Policies SP09, SP10, LP23 and LP24 of the JLP and paragraphs 131, 135 and 139 of the NPPF work *inter alia* to ensure development is appropriate and sympathetic within its surroundings and is environmentally sustainable, paying particular attention to the design, layout and construction of development.

7.2 Details of appearance and layout are reserved matters and therefore not for direct discussion here. That being said, submitted documents identify a number of character areas within the built-up area of the site. The first is positioned along the access road into the scheme and would pass the proposed club house and management office and give a semi-formal, tree lined approach to the site. The second is a more formal area composed of the care home and nearby assisted living bungalows. The third is a more informal arrangement of clusters which break away from the otherwise grid-like layout of the care home and the final area is positioned to the edge of the site and is composed of inward-looking groups of dwellings.

7.3 A number of landmarks are proposed within the site to aid wayfinding and legibility. As noted the entirety of the assisted living offer is composed of bungalows while the other buildings proposed on site (club house, management office, care home and almshouses) may be of increased storey size.

7.4 The layout of the site at this stage seems appropriate and nothing has been presented to Officers which would indicate that the proposed indicative design documents are inappropriate for the location. Members are, however, reminded that Layout does not form part of this Outline application.

8.0 Residential Amenity

8.1 Policy LP24 of the JLP and Paragraph 135 of the NPPF seek to ensure that development does not detrimentally affect the residential amenity of neighbouring residents and delivers adequate amenity to future occupiers in order to achieve and maintain well-designed places and the health and wellbeing of communities.

8.2 The closest neighbouring development is located across Parnell Lane. There is a good degree of set-back within the neighbouring development and submitted plans indicate that the assisted living bungalows proposed are located at least 35 metres away from the nearest dwelling at the Bloor development; although at present this is only measured from the illustrative plans and could

decrease as matters of appearance, layout and scale are all reserved. However, based on the evidence within the application, it is therefore not considered that the proposed development would adversely impact the residential amenity of the area.

9.0 Landscape

- 9.1 Policies SP09 and LP17 of the JLP and paragraphs 136 and 180 of the NPPF seek to conserve and enhance the natural environment, specifically the landscape and its key characteristics, both within the confines of the site and within the wider locality.
- 9.2 Attention should also be given to the Elmswell Neighbourhood Plan which sets out a number of key views around village, either into the built-up area or into or out of the surrounding countryside. It requires that proposed development should not have a detrimental visual impact on key landscape and built form features identified within the views. For the purposes of this application, views 1 and 2 are affected which provide views from the countryside towards Elmswell from the A1088/Church Lane and Church Road respectively, as well as view 4, which offers a view from the corner of School Road over the current fields.
- 9.3 A Landscape and Visual Impact Assessment (LVIA), Opportunity and Constraints Plan and Landscaping Masterplan have been submitted to support the application. Consultation with the Place Services Landscape Consultants accepts that the design of the scheme takes a commendable approach in restricting built form to the northern half of the site, with taller buildings proposed at the western edge of the site so that topography of the site reduces their impact, however, the visual impact of the development cannot be fully mitigated. Again, Members are reminded that only the Access is being applied for here.
- 9.4 The agricultural setting of the wider site elevates the significance of both the listed church and Elmswell Hall and the change in the management of the land to orchard and meadow would alter the settings of the buildings as noted by Historic England and the Council's Heritage Officer. The proposed woodland to the west of the church would erode its prominence and visibility within the landscape.
- 9.5 Taller buildings on the western edge of the site would present a large single elevation to the landscape and while built form is arranged to protect the views set out within policy ELM2, planting is placed within them which in time and with maturation would impinge upon the protected views.
- 9.6 Based on the above, it is considered that the development would run contrary to JLP policies LP15, LP17 and LP24 as well as policy ELM2 of the Neighbourhood Plan.

10.0 Biodiversity

- 10.1 Policies SP09 and LP16 of the JLP and paragraphs 180 and 186 of the NPPF require development to protect and enhance designated sites, habitats and species.
- 10.2 The application is supported by an undated Preliminary Ecology Appraisal of the site prepared by Cotswold Wildlife Surveys. Consultation from the Council's own Ecology Officer notes that the report gives sufficient information to support a determination of the application and notes that the

recommendations of the report should be conditioned in order to secure conservation and enhancement of the site.

- 10.3 For clarity, conditions would comprise an environmental construction management plan to include a Great Crested Newt working method statement, wildlife sensitive lighting scheme, biodiversity enhancement and landscape environmental management scheme.
- 10.4 In addition, Policy LP16 specifically requires that development must identify and pursue opportunities providing the equivalent of a minimum of 10% biodiversity net gain (BNG).
- 10.5 BNG can be secured within the development. BNG biodiversity calculations submitted in support of the scheme note over a 300% gain with a 100% gain for hedgerow planting. It is considered that this can be secured under the conditions set out above.

11.0 Land Contamination, Air Quality and Minerals

- 11.1 Policies SP09, SP10, LP15 and LP16 of the JLP and paragraph 180 of the NPPF seek to ensure development does not adversely affect, nor is affected by, pollution, waste and mineral deposits.
- 11.2 Consultation with Environmental Health notes no issues with land contamination and the representations noting that the site was previously utilised as a rubbish dump is not borne out within the planning history for the site. In any event the developer would be required to report discovery of unexpected contamination to the Local Planning Authority and then provide a remediation strategy and verification that said strategy has been successful.
- 11.3 Similarly, consultation with Environmental Health notes that air quality is unlikely to be affected by the proposed development.
- 11.4 The Suffolk Minerals and Waste Plan (2020) does not identify the application site for future mineral extraction.

12.0 Infrastructure

- 12.1 Policies LP28, LP30 and LP32 of the JLP and Paragraph 57 of the NPPF seek to deliver identified and projected infrastructure needs to mitigate development impacts. The obligations sought are necessary to make the development acceptable; related to the development; and fairly and reasonably related to the development in scale and kind.
- 12.2 A S.106 Head of Terms document was submitted by the applicant noting how occupation of the proposed development would be undertaken:
- The care home would be restricted to those in need of care over the age of 70.
 - Extra care bungalows provide independent living for residents with care support. The minimum age qualification for the bungalows would be 65 and would need to be in need of a care package at minimum of 2 hours per week.
 - The spouse/cohabitee of a qualifying person may also reside within the extra care bungalows.

- A range of communal services is also proposed for residents of the scheme and would be made available to residents of Elmswell.
- A dedicated consultation room for any visiting GPs to undertake examinations and consultations with residents of the development.
- At all times during occupation, a dedicated minibus service to be operated seven days per week for the residents to access local services.
- A proportion of the extra care bungalows are to be compliant with affordable housing policies.

- 12.3 In addition, there would also be the delivery of three no. almshouses for the benefit of the local charity which operates the current almshouses within the village.
- 12.4 The Strategic Housing Team notes that the almshouses and extra care bungalows which are proposed for affordable rent would need to be secured within a Section 106 Agreement. Attention is also drawn towards the need for the site to contribute towards the footway/cycleway which would connect Elmswell and Woolpit. Finally, management and maintenance for open space within the site as well as for the offered community open space would need to be secured.
- 12.5 The majority of the built form proposed would not be CIL liable as the Council's CIL charging policy only affects C3 dwellings with most accommodation offered here being C2. While the almshouses are to be C3, they are affordable housing which is exempt from CIL.

CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. In this case, the Development Plan is formed of the JLP and the Elmswell Neighbourhood Plan. The NPPF, an important material consideration, reiterates this fundamental point.
- 13.2 The site is located outside of the settlement boundary of Elmswell and no policies within either the JLP or the Elmswell Neighbourhood Plan would support this form of development taking place outside of the settlement boundary. The site therefore fails to accord with these policies of the Development Plan.
- 13.3 Further, harm is identified with regards to the impact of the development on the setting of a number of listed buildings. Historic England and the Council's Heritage Team raise objections to the proposed development. Less than substantial harm is identified which is not outweighed by the benefits of the proposed development, largely due to the fundamental change in the management of the land and the loss of the agricultural setting of the buildings.
- 13.4 Attention is also drawn to comments of the Council's Landscaping Consultant who shares the concerns of the Heritage Team with regards to the loss of the agricultural setting of the land. Issues are further noted with regards to the landscape impact of the development, particularly with regards to the key views set out within policy ELM2.

13.4 With regards to the above points and to the wider considerations set out within the report above, it is the recommendation of Officers that this application be refused for the reasons set out below:

RECOMMENDATION

That Members resolve to **REFUSE** planning permission for the following reasons:

- 1) Location - That the site is located outside of the established settlement boundary for Elmswell when read against policies SP03 of the Joint Local Plan and ELM1 of the Elmswell Neighbourhood Plan. To approve the development would run contrary to the Development Plan.
- 2) Flood Risk - That the site is vulnerable to surface water flood risk contrary to policy LP27 of the JLP as well as paragraphs 165 of the NPPF
- 3) Heritage - The development affects the setting of Grade II* and Grade II listed buildings including the Church, Almshouses and Elmswell Hall, removing a key aspect of the agricultural setting of all three. The impact on their setting is considered to be a level of less than substantial harm and in this instance the positive public benefit of the scheme is not considered to overcome the harm. This is contrary to policy LP19 of the JLP as well as paragraph 208 of the NPPF.
- 4) Landscape - The development will have a harmful impact on the landscape approaching Elmswell from the A14 and Woolpit. Development intrudes on the link between Elmswell Hall and the Church and removes the agricultural land between the two. This is contrary to policies LP15, LP17 and LP24 of the JLP and paragraph 84 of the NPPF. It also impacts on important views of Elmswell identified within policy ELM2 of the Elmswell Neighbourhood Plan.
- 5) Insufficient Highways information - A holding objection is noted from the Highway Authority with regards to the design of the access and the visibility splays required.
- 6) No S.106 - The development needs to be supported by a Section 106 Agreement, a Heads of Terms document is noted, however, no agreement is in place.

In the event that an appeal against the refusal of planning permission is received, to agree to delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out above, being amended and/or varied as may be required.