

MID SUFFOLK DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE A MEETING 16th January 2019

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AMENDMENT SHEET : DC Committee 'A'

16 January 2019

DC/18/05021: Land ADJOINING Tufts Road and Maple Way, EYE

Responses:

It should be noted that:

- A. The formal response of Eye town Council is included within the report [page 11]. Eye Town Council minutes [for Wednesday 21 November 2018 at page 2270 paragraph 7.4] record that the Council's view on DC/18/05021 is to be the same as for DC/18/01777.

"Cllr Evitt wants to give this application careful consideration to establish if this is a duplicate application. Proposed that if it is the same the same objection made on DC/18/01777 would be submitted.."

However,

- A.1 A representation from Andy Robinson 'on behalf' of Eye Town Council [on un-headed paper] was received via email on 7 November 2018 in respect of DC/18/01777. The Town Council's formal response in respect of DC/17/01777 was the same as it is for DC/18/05021 as set out in the report on the Agenda for 16 January 2019.

Andy Robinson is not the Clerk to the Town Council and nor is he a Councillor on the Town Council. He is a project co-ordinator for Eye Town Council.

His statement in respect of DC/18/01777 [and therefore it is reasonable to assume DC/18/05021] reads:

"The National Planning Policy Framework requires that planning permission should be granted unless:

'The adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of this framework taken as a whole.'

The proposal to develop 123 dwellings at Maple Drive/Tufts Way in Eye would have a number of adverse impacts in relation to the policies of the NPPF as a whole:

1. At least 10% of sites should be on sites of less than 1 hectare – the Pre-Submission draft of the Eye Neighbourhood Plan 2018 – 2036 (ENP) proposes 3 sites of less than 1 hectare for residential development. This mix of sites would be threatened by permitting the Maple Drive application.

[officer comment]:

This is a reference to paragraph 68 [NPPF 2018] which states:

“ Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved:” [paragraph 68].

The District Council has yet to make its site allocations via the Joint Local Plan and the Eye Neighbourhood Plan has yet to gain status as a material planning consideration. There is nothing at this stage to suggest at this point that the District Council will not have identified sufficient sites across the District to accommodate at least 10% of its housing requirement on sites no larger than 1 ha. Furthermore, there is nothing to establish that the sites selected in the Draft Consultation Neighbourhood Plan [if eventually adopted as presently worded] will be delivered.

2. The use of brownfield sites should be maximised – the ENP proposes 4 residential development sites on brownfield land which together would bring forward 139 dwellings. If the Maple Drive site was permitted, along with the development south of Eye Airfield, there would be a supply of over 400 dwellings. With an estimated 40 dwellings per year completion rate this is 10 years supply of land. This oversupply of greenfield land for residential development would hold back the development of the brownfield sites identified in the ENP.

[officer comment]:

It is right that brownfield sites [now referred to as previously developed land [PDL]] should attract sequential preference where these afford the chance to deliver sustainable development. AT the time of writing the

Committee report and this addendum statement the Council, was/is unable to demonstrate that it has a 5-Year Housing Land Supply and therefore the process is skewed to supporting sustainable development even where this is 'Greenfield'. Whilst the predicted take up rate used of 40 dwellings per year this is relatively low when you consider the figure cited is for all new development in Eye. National housebuilders generally work on higher figures for successful individual sites. An occupation rate of 80 dwellings per year [at the higher end] in a buoyant housing market would provide a 5-year supply across Eye. Until the Council can demonstrate that it has a 5YHLS unallocated, but sustainable sites are likely to continue to be promoted by land owners/developers. Development of such sites does close the deficiency gap and does help to establish a 5YHLS which is the Government's key driver. That said it is also important for dwellings to be delivered if the Council is not to fail the delivery test set by the Government.

3. The NPPF requires a sufficient supply and mix of sites – the ENP identifies a range of sites for different types and tenures of housing. Permitting Maple Drive would threaten this objective by concentrating development on two greenfield sites with less diversity of provision.

[officer comment]:

The merits of this application must be assessed against the criteria set out in:

- paragraph 8 of the NPPF [2018]
[the three overarching planning objectives - economic, social and environmental sustainability]; and,
- paragraph 11 of the NPPF [2018].
[where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.]

There is no reason to suggest that the development of this site if approved could not produce a suitable mix of accommodation and tenure types to satisfy Council policy.

4. Development should contribute to wider social and economic objectives – the oversupply of greenfield land would frustrate a number of wider objectives by holding back the development of brownfield sites:

[officer comment]:

No evidence to support this assumption has been submitted. The reports notes that whilst the application site is undeniably a greenfield site [previously undeveloped land] it is sustainably located to allow ease of access to the centre of Eye and the facilities therein. The Eye Airfield Position Statement 2013 and Eye Airfield Development Statement 2013 suggest residential use in similarly accessible locations.

a. Eye Surgery/Hartismere Health and Care – the provision of efficient and effective health facilities is a major concern of Eye residents especially in relation to the population growth of the Town. The redevelopment of the Local Surgery and part of the Hartismere Health and Care site would enable substantial reinvestment in the Health and Care facility. This redevelopment will be at risk if Maple Way is permitted.

[officer comment]:

No evidence to support this assumption has been submitted. In the event that planning permission is granted CIL would be payable and it is expected that health providers would submit appropriate bids to fund any related expansion of healthcare provision. It is true to say that this site [DC/18/05021] would not provide land for a new healthcare centre but then for this to be a reasonable request under the CIL Regulations for on-site provision the need for the centre would need to be triggered by the development itself. On this occasion 126 dwellings do not in themselves generate the need for a new health centre.

b. The A1 Chicken Factory – the factory is an inappropriate use adjoining the old Town of Eye and its conservation area. The odour from the site is a major concern of Eye residents who would like the site to be redeveloped. The ENP proposes redevelopment for housing, food retail and much needed additional car parking for the Town centre. The site probably has contaminants from its current use and from its use for transporting munitions during WWII so redevelopment will be

expensive. The redevelopment of the Chicken Factory will allow its owners to reinvest in other more suitable and efficient sites meeting economic objectives. This redevelopment will be at risk if Maple Way is permitted.

[officer comment]:

No evidence to support this assumption has been submitted. Certainly, it is accepted that the redevelopment of a factory site [if to be used no longer for employment purposes] is a priority where the site can be said to be sustainable for residential purposes. [please also see 2 above]

c. Paddock House – this site will also be expensive to develop and the District Council has already invested a substantial sum of public money in purchasing the site. Its redevelopment will be at risk of Maple Way is permitted and the site will remain an eyesore in the centre of the historic Town conservation area.

[officer comment]:

No evidence to support this assumption has been submitted. WITHOUT PREJUDICE: The site at Paddock House is expected [subject to planning permission] to deliver in excess of the policy requirement for 35%. Any application on that site will be judged on its own planning merits and its merits should not be discussed as part of this application - especially when an application has yet to be received as pre-application local consultation continues. It is highly unlikely that a national housebuilder would not entertain delivery levels of affordable housing in excess of 35% on any site in the District. The Paddock House site may therefore be less susceptible to competition because of the assumptions that expected higher than normal affordable housing component imply.

5. A balance of housing supply including affordable and sheltered housing - The ENP makes provision for a substantial supply of housing including for affordable and sheltered housing on a range of sites across the Town making suitable provision more likely.

[officer comment]:

No evidence to support this assumption has been submitted. Please see comment given in respect of 3 above.

6. *The NPPF objectives should be delivered through Plans and the planning system should be Plan led:*
- a. *The District Council has failed in its duty to have a Local Plan reviewed every 5 years. Eye Town Council has prepared a Neighbourhood Plan, currently at Pre-Submission stage, with the full involvement of local people.*
 - b. *The NPPF promises that preparing a Neighbourhood Plan will ‘give communities power to develop a shared vision for their area’. The community has engaged in two consultation stages in the preparation of the ENP during 2018. It has demonstrated its preferences and priorities for housing development;*
 - i. *There is a strong preference for the sites identified in the ENP.*
 - ii. *When asked for a view on a long term/reserve site a substantial majority have supported further development to the north-west of the Town towards Eye Airfield rather than the Maple Way site.
(see Supporting Document 4 – www.eyesuffolk.org)*
 - c. *The Mid Suffolk Local Plan Core Strategy 2012 proposes that the Town should expand to the north-west towards Eye Airfield. This guidance remains current.*
 - d. *Permitting a site which is contrary to the preferences of local people would be contrary to the spirit of NPPF and would lead to a loss of confidence in the Planning system by the people of Eye.*
 - e. *The ENP has been prepared with the aid of significant public investment through Neighbourhood Planning grant aid and technical support and funding from Eye Town Council. This funding has addressed all the issues required by the planning system including housing needs assessment, site assessment and site viability assessment. To make a decision contrary to the Plan is a waste of public investment.*
 - f. *NPPF allows for neighbourhood plans to be taken into account in planning decisions. While it suggests Neighbourhood Plans should be given most weight after the end of the Local Authority publicity period it does provide for ‘weight to be given to the relevant policies in emerging plans’ and regarding Neighbourhood Plans it states that ‘Refusal of planning permission on grounds of prematurity will **seldom***

be justified'. In this case it is justified for the reasons set out in this paper.

[officer comment]:

At the time of writing the associated Committee report and this supplemental update statement The Eye Neighbourhood Plan Group had not reported the outcome of the formal 6-week consultation period that closed before Christmas. It is therefore not clear whether the Consultation Draft Neighbourhood Plan will be the subject of any further revision before being formally 'Submitted'. Only once submitted, subsequently examined, subjected to local referendum and Adopted [if that is the decision of local people] will the position of preferences of local people be truly known

- 7. NPPF requires developers to engage with local people regarding design quality – the proposers of the Maple Way site have not undertaken any engagement with local people.*

[officer comment]:

This refers amongst other things to paragraph 128 which states:

“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.” [paragraph 128 NPPF 2018]

It would appear that the applicant/agent chose not to engage directly with the Town Council and/or local community contrary to the NPPF. Members may wish to ask the person representing the applicant [if one elects to address the Committee] “why not?”

- 8. The Maple Way site is within an area of Landscape Value identified in the Local Plan – while the Local Plan policy does not preclude development on sites within the landscape value area, the ENP has demonstrated that other land that is not within the area is suitable and available for development.*

[officer comment]:

Whilst the site does lie within a Special Landscape Area the report to Sub-Committee provides extensive analysis of the landscape implications and it should be noted that this site has been a reserve housing site, that the Council's landscape consultant does not feel the harm caused cannot be mitigated and even the Eye NP suggests that the neighbouring field is more sensitive than this one. That said one cannot lightly dismiss landscape impacts otherwise there would be little point in declaring such non-statutory designations. As with most things in planning it is a question of judgement. Can the harm to the landscape reasonably be offset or outweighed by other benefits associated with the development?

Andy Robinson

Eye Town Council Project Coordinator

On behalf of Eye Town Council.

7th November 2018."

B. Attached to an email dated 7 December 2018 local resident Jonathan Betts provided a series of document to support objection to the proposal. These documents were:

[i] Residents Objections - Maple Way and Tuffs Road Applications

Comprehensive objections from the residents and on advice given, conditions if the council do choose to grant planning permission Without prejudice conditions are suggested in the event that planning permission is granted.

“CONDITIONS

If unfortunately the councillors do choose to grant planning permission we would like to ask them to make the following required conditions:

- Provide a buffer space between existing fence lines & the nearest new houses on the South and West of at least 20m. The existing properties have a high ratio of windows facing the existing fields as they were build with the countryside views in mind.

Officer comment: [this can be achieved through condition but the issue is then who maintains if it is not part of garden space and if accessible to public what are the security implications?]

- None of the new properties closest to the existing properties should have windows facing to nearest existing properties.

Officer comment: this would be unreasonable if the back-to-back distances were sufficient to avoid material overlooking/loss of privacy but the layout would [at reserved matters if outline permission is granted] need careful consideration and negotiation to avoid harm to existing residential amenity

- Guarantee that the closest properties to the perimeter are a maximum of 2 stories tall.

Officer comment: this would seem reasonable in urban design terms

- Ensure that there is sufficient visitor parking in the new development to ensure that there isn't an overspill into the existing neighbouring roads.

Officer comment: this is a reasonable expectation [reserved matters consideration as parking would need to meet adopted standards]

- The new housing should consist of ~25% bungalows as this has been established the appropriate building allocation to allow the existing aging Eye population to relocate/downsize within the town, releasing their existing properties.

Officer comment: the inclusion of bungalows is something that can be discussed as a broad mix of accommodation will be expected

- Preserve the footpaths on the west and south sides of the existing field."

Officer comment: again a reasonable expectation and one that is supported"

[ii] Objection by Eye Town Council - Maple Way and Tuffs Road Applications

Outline the position in the light of the ***Neighbourhood Plan***

[officer comment]:

Please see A & A.1 above

[iii] Residents Petition - Maple Way and Tuffs Road Applications

This ongoing residents petition was started a few days ago but already demonstrates the strength of feeling of the neighbourhoods.

[officer comment]:

Please see C below

[iv] Mid Suffolk District Council Local Plan - Inset 30

This document was presented by Mid Suffolk in 2003/4 and shows that Mid Suffolk recognises the land concerned as a special landscape area.

[officer comment]:

Accepted

[v] Illustration of public issues regarding poor access around Bellands Way / Maple Way

This is a clear visual and text synopsis concerning Bellands Way through to Maple Way.

[officer comment]:

Noted but Suffolk County Council as local highway authority has raised no objection and nor has the fire and rescue service [some examples below]



C. Petition

On 7 December 2018 an email was received from a local resident Jonathan Betts to which was attached [amongst other things] a document purporting to be a petition opposing the proposed development. That document was not referred to in the report before Members because it did not constitute a petition.

It was described as “Residents Petition against the proposed development to build 126 properties off Tuffs Road and Maple Way” It stated:

“All of the properties in Century Road, Ashton Road, Tuffs Road, Bellands Way and Maple Way were visited. Part of Oak Crescent was also covered

The unattended households were visited more than once in an attempt to successfully canvass these householders.

of the 98 properties visited,

from the 57 households that were available when we called 89 adults signed the petition.

94% of the canvassed available households chose to sign the petition against the proposed development.

This petition is available for inspection at your request”

Grounds for objection were not cited and no proof of signing was provided. Unfortunately, Jonathan was not asked to provide further evidence but discussion has followed since finalisation of the Committee report in Mid- December 2018. A petition comprising 147 signatures was verified on the 14.01.2019 and will be reported to the committee by the Committee Clerk at the meeting on the 16.01.2019.

D. Correspondence from Dr Dan Poulter MP [Central Suffolk and North Ipswich]

The Chief Executive of the Council and Members on the Committee have been contacted in writing by the Area’s MP. In his latest email [11 January 2019] he states:

“Dear Councillors,

Residents in Eye have been contacting me regularly over the last few months, expressing their concerns about the above planning application. Having studied the details of this case, I share their concerns.

As a result I wrote, last month, to the Chief Executive and Leader of the Council, to express my concerns, and now feel it important enough to write to you, as members of the development control committee, to echo the points made, now that the report into the application has been published.

At its heart, this application has strong parallels with the Debenham application, which, happily, was declined last month. Residents have worked hard to develop their local Neighbourhood Plan, working with the council, and by the rules, to establish a sustainable vision for development in the town.

The draft Plan is at a highly-developed stage, and is out for consultation, with the examination scheduled for a few months' time. It allows for far better options for housing development while being more in keeping with local infrastructure.

[officer comment]:

As described in the Committee report the Government has generally set the bar for a 'Plan' to have weigh as a material planning consideration at the 'Submission stage. The Eye NP has yet to reach that stage and only when [and if] 'Adopted' can it be given full.

The above application is outside the building area allocated by the Plan. To consider approving such an application would run counter to the well-considered and worked-through plans of the Eye residents and, as I stated with regard to the Debenham case, would set a very unfortunate precedent for local communities who are trying to do the right thing and find a constructive way to enable their towns and villages to grow in a sustainable manner.

[officer comment]:

As explained in the report and as members will be well aware the Government through the NPPF and amongst other things paragraphs 8 and 11 deemed that where a Council has a Local Plan that is out-of-date [As is the case in Mid Suffolk with certain policies that are not compliant with NPPF] the presumption is to support sustainable development proposals unless other planning considerations dictate otherwise. Until the Eye NP Plan is submitted and more so Adopted and/or until the Council has an Adopted new Local Plan timing is in the Government's eyes everything

in addition, I note that the field on which the development would be built is part of the Special Landscape Area and, as such, would have a detrimental impact on the visual amenity, something that, I understand, was a factor in the parallel Debenham decision.

[officer comment]:

This point is explored in detail in the report to Committee and also touched on elsewhere in this addendum statement

There are also significant highway concerns, which I have addressed separately to the county council, given the very limited scope for additional traffic along Bellands Way and Oak Crescent, as well as on Century Road, Tuffs Road and Maple Way. These roads cope with the housing they serve but would struggle to manage the greater numbers of vehicles that would come with the application, not to mention the genuine pedestrian / cycle safety concerns.

Looking at the highways issue in generally, from what I can see in the report, there is no fully-satisfactory answer to the major infrastructure challenges raised by the application

[officer comment]:

This aspect of the MP's concerns is thoroughly explored elsewhere and will feature in the presentation to Members on the day

As ever, I fully respect the need for the council to fulfil its statutory planning role appropriately, and for you, as members of the committee, to judge each case on its merit under the law.

[officer comment]:

Noted and quite properly raised

However, this case would appear to have the hallmarks of a speculative application, given the history of the previous application, an early appeal, and then the duplicate application. Residents of Eye have worked hard to develop their Neighbourhood Plan, which makes very substantial provision for sustainable housing development, and this must surely be taken fully into account when judging this application. This is in addition to the very real highway concerns, the lack of a fully-comprehensive mitigation to the infrastructure challenges and the damage to the visual amenity of residents in the area.

The objections to this application are not based on emotion, but on clear planning arguments. I hope this will be given a fair hearing and that such applications, which run counter to the draft Neighbourhood Plan, are not deemed appropriate for approval.

Thank you for your attention in this extremely important local matter.