

## **Committee Report**

**Item No:** 1

**Reference:** DC/18/00721

**Case Officer:** John Pateman-Gee

**Ward:** Woolpit

**Ward Member:** Cllr Jane Storey

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Erection of 45 dwellings and creation of new vehicular access, open space and associated infrastructure (amended application to previously withdrawn DC/17/02767).

### **Location**

Land on the south side of Rags Lane, Woolpit Suffolk

**Parish:** Woolpit

**Expiry Date:** 02/07/18

**Application Type:** Full planning application

**Development Type:**

**Applicant:** Charles Church Ltd

**Agent:** Charles Church Ltd

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

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The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

### **Details of Previous Committee/Resolutions and Member Site Visit**

None.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

Relevant policies in the Core Strategy Focused Review 2012 and Mid-Suffolk Local Plan 1998:

FC01 - Presumption In Favour of Sustainable Development

FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development

FC02 - Provision and Distribution of Housing

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

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CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
RT04 - Amenity open space and play areas within residential development  
RT12 - Footpaths and bridleways  
RT13 – Water based recreation  
CL08 - Protecting wildlife habitats

Suffolk Design Guide  
National Planning Policy Framework (NPPF)

#### Supplementary Planning Documents

Suffolk Adopted Parking Standards (2015)

#### Neighbourhood Plan

A Neighbourhood Plan area was designated for Woolpit in May 2016 and the Plan remains at an early stage in terms of its preparation (policies not yet published), it is therefore accorded very limited statutory weight.

#### **Consultations and Representations**

During the course of the application consultation and representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Woolpit Parish Council**

(Most Recent)

Woolpit Parish Council objects to the application and maintains its comments made on 17 April 2018. In addition, Woolpit Parish Council totally disagrees with the assertion in 2.31 of the application Heritage Statement that now that it is by-passed, the village centre of Woolpit is quieter and suffers only limited local traffic. This is a quotation taken from the Conservation Area appraisal document and was obviously written many years ago when the A 14 by-pass was newly created. The centre of Woolpit now suffers frequent severe congestion and is unable to accept the additional traffic that this development will create.

(17<sup>th</sup> April 2018)

Woolpit Parish Council objects to this application on the grounds that the development is not sustainable within the definition of the NPPF.

1. Drinkstone Road / Green Road Junction and Green Road Pinch Point Improvements. The proposed scheme is unworkable and any highway changes in this area should be the subject of wider consultation.

The statement from the applicant about the highway proposal that a no priority one way working scheme will be trailed and priority signs will be installed at a later date if found to be required clearly indicates that the changes have not been properly researched. Highway mitigation works at the pinch point would lead to damage to listed buildings in Green Road. The development is thus economically unsustainable (the land is not in the right place) and environmentally unsustainable (it does not protect and enhance the built environment).

*(Officer note: Improvement works were found to be acceptable by the Green Road Appeal that proposed the same highway improvements to Green Road.)*

2. Conservation Area. This development will bring a substantial increase in traffic to the historic core of Woolpit and bring harm to the setting of its conservation area and many listed buildings. The Street is already frequently blocked by commercial vehicles, buses, through traffic and shoppers cars and is unable to accept the additional vehicles this proposal will create. The distinctive centre of Woolpit is a jewel in the crown of Mid Suffolk and is admired and enjoyed by all who live here and visit. The increased traffic that this development will bring to the centre of Woolpit must not be allowed to inflict irreparable damage to our heritage. The development is thus economically unsustainable (the land is not in the right place) and environmentally unsustainable (it does not protect and enhance the built and historic environment).

3. Precedents from the Green Road application. Many of the traffic problems that would result from this application are the same as those produced by application 2112/16 (Land on East Side of Green Road Woolpit). This application was recently refused on the grounds that harm would be done to Woolpits Conservation Area because of off-site works on Green Road, deemed necessary by SCC Highways in order to make the route from the site safe for pedestrians and vehicles. The harm was not outweighed by the public benefits from the site. This Rags Lane development, with a similar number of homes to Green Road, suffers from the identical problem in that traffic from the site must be routed through the same bottleneck on Green Road. The development is thus economically unsustainable (the land is not in the right place) and environmentally unsustainable (it does not protect and enhance the built and historic environment).

*(Officer Note: This consideration must be considered in context with the allowed appeal for application 2112/16 and the grounds that such harm was not dismissed.)*

4. Public Open Space. The provision of a public open space, containing a large drainage pond, is wholly unsuitable and inadequate. It is not possible to imagine the area being used for its open space purpose and in fact it is probable that parents will consider it a dangerous location which their children should avoid. The development is thus socially unsustainable (it does not support strong, vibrant and healthy communities) and economically unsustainable (local infrastructure needs have not been addressed).

*(Officer Note: Ponds for various uses are found across the district for wildlife/drainage/recreation and water supply. Significant parks have ponds as features. The issue is ensuring supervision of small children and supervision of the area to ensure ponds are safe, but it would be unreasonable to place the burden of poor supervision by parents on developers in that regard)*

5. Children Play Area. No children's play area is provided. A saved policy of the Mid Suffolk 1998 Local Plan requires new facilities to be provided as part of new development unless adequate facilities already exist nearby. No such facilities exist nearby. The development is thus socially unsustainable (it does not support strong, vibrant and healthy communities) and economically unsustainable (local infrastructure needs have not been addressed).

*(Officer Note: It is unclear which policy this is with reference to.)*

6. Alternative Traffic Route. The suggestion that To avoid the village centre, Green Road south, Heath Road and Steeles Road could be used as an alternative to get into and out of the area, which is only a

slightly longer route (3.1.20 of applicants Transport Statement) is unacceptable. This would take additional traffic through the residential area of Steeles Road with its many parked cars, children and pedestrians and then past the school and Health Centre where there are already serious traffic problems. Heath Road is also an HGV route. The development is thus economically unsustainable (the land is not in the right place) and socially unsustainable (it does not support strong, vibrant and healthy communities).

7. Broomhill Lane Traffic. The proposal for Broomhill Lane to be accessible to only the vehicles of residents is unacceptable. Such a move would result in the existing Broomhill Lane traffic using Rags Lane, Drinkstone Road and the main village street and add to the present serious congestion in the conservation area. This proposal should be the subject of separate consultation outside of the application. A survey should be carried out of the vehicles using Broomhill Lane, together with their origins and destinations, to determine the impact on the village centre and other roads. The development is thus environmentally unsustainable (it does not protect and enhance the built or historic environment).

8. Contribution to the Community. Policy CS5 of the MSDC Core Strategy Development Plan encourages development to make a positive contribution to settlements and the historic environment. This proposal contributes nothing to either and makes no attempt to do so. The applicant refers to public consultation but has not met or attempted to meet with the Parish Council or liaised with the Parish Council in any way to determine how this proposal might be integrated within the village. The development is thus socially unsustainable (it does not support strong, vibrant and healthy communities, or create a high quality built environment)

*(Officer Note: This is not a requirement or a planning consideration.)*

9. Housing and Layout Design. The style of housing proposed is out of keeping with the open rural setting of the surrounding area. The design in no way meets the requirement of Saved Policy GP1, to principally maintain and enhance the character of the surrounding area. Policy H13 identifies that design and layout should respect the character of the site and its surroundings. Existing buildings in Rags Lane include Grade 2 listed houses, some traditional style houses and 1960s to contemporary bungalows which are well spaced and mainly set back from the road. This is not compatible with the proposed development of off the peg house types with 40% of houses 4/5 bed. It is disappointing that there are no bungalows and few smaller houses as these have been identified in the village questionnaire for the oncoming Neighbourhood Plan as being wanted in the village. The development is thus socially unsustainable (it does not supply the housing required to meet the needs of present and future generations) and environmentally unsustainable (it does not enhance the built and historic environment). Specifically, the development is contrary to the principles expressed in paragraph 50 of the NPPF.

10. Loss of Habitat and Destruction of Ancient Hedgerow. The proposal will result in the unacceptable destruction of nearly 100m of the 200m of ancient hedgerow in Drinkstone Road which contains 10 plant species. The hedgerow is approximately 30 feet high and very wide as it has been uncut on the inside for many years. It provides an excellent wildlife habitat. Wildlife identified on site include jays, green woodpeckers, spotted woodpeckers, sparrowhawks, kestrel, warblers and yellowhammers (a red listed endangered species), frogs, grass snakes, muntjac and roe deer. The development is thus environmentally unsustainable (it does not contribute to protecting and enhancing our natural, built and historic environment; nor does it help to improve biodiversity). Specifically, the development is contrary to the principles expressed in paragraphs 109 and 118 of the NPPF.

11. Construction Traffic. The route for Construction Traffic is unsuitable. The proposed route will cause considerable pollution and congestion on Heath Road, with the school and Health Centre, and Green Road which has on-street parking in the built-up area. Green Road, which is barred to HGVs, already has significant traffic problems which will increase further if the Green Road application (2112/16) is approved. The development is thus economically unsustainable (the land is not in the right place).

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12. Surface Water Drainage. Surface water drainage in Rags Lane is already inadequate and there is frequent flooding, particularly near the Broomhill Lane junction and where Rags Lane joins The Street. It is therefore of concern that the surface water strategy/flood risk assessment submitted with the planning application is unacceptable to Anglian Water. Any decision on the application should be deferred until a surface water plan has been agreed with Anglian Water. The development is thus environmentally unsustainable (the land is not in the right place).

13. Rags Lane and Drinkstone Road Safety. As it is without footpaths, the narrow Rags Lane is already unsafe for pedestrians and will be dangerous for residents of the new development who will have to use the route to walk or cycle to the village centre. Rags Lane is also part of National Cycle Route 51. As access to the A 14 from the site will lead through the heavily congested pinchpoint in Green Road, many vehicles from the development will turn right and right again to access Rags Lane from the Broomhill Lane end making Rags Lane even more dangerous. Access to The Street from Rags Lane is already very difficult. There will be considerable danger to pedestrians in Drinkstone Road which is narrow and has no pavements. Although there is no proposed formal pedestrian exit from the site into Drinkstone Road, it will still be used by pedestrians, particularly parents and children going to the village school who will take this shorter route. Drinkstone Road is much used at present by recreational walkers and for them and pedestrians from the site the traffic from the development will be hazardous. The development is thus economically unsustainable (the land is not in the right place) and socially unsustainable (it does not support strong, vibrant and healthy communities).

14. Previous Applications for Development of this Site. A previous application for 12 dwellings on this site was refused on the grounds that a) the junctions of Rags Lane with both The Street and Broomhill Lane have substandard visibility and the junction of Drinkstone Road (formerly Plough Lane) with Green Road is similarly substandard. Dangers would be created by a material increase in the slowing and turning movements b) that foul sewerage in the area is inadequate to cope with the proposed 12 dwelling development which if approved would cause sewerage problems downstream c) the development would extend the village into open countryside to the detriment of the character and appearance of the area and the amenities of the residents of adjoining properties. Nothing has changed since this refusal. The development is thus economically unsustainable (the land is not in the right place) and socially unsustainable (it does not support strong, vibrant and healthy communities).

15. Unsuitability of the Site Location. Whatever modifications are made to the design of the Rags Lane site it will remain unsuitable for development because most of the traffic it creates will go through the already congested historic core of Woolpit. The development is thus economically unsustainable (the land is not in the right place) and environmentally unsustainable (it does not contribute to protecting and enhancing our built and historic environment).

## **SCC Highway Authority**

### Most Recent:-

There remains the concern of no footway from the development to the village centre. Rags Lane is proposed to be the pedestrian route into the village core but with no footway provision, the pedestrians must walk in the road. Although the applicant has provided some proposals to highlight to drivers there may be pedestrians in the road, we feel these measures are not sufficient. Rags Lane is a narrow, poorly lit road. There is a narrow section of carriageway with no verges adjacent to its junction with The Street; the carriageway width is 3m at its narrowest point and 3.3m between building/high boundary walls. Therefore, there is insufficient width for 2 vehicles to pass and no room for pedestrians to walk or take refuge.

Drinkstone Road is the most direct route to the primary school and with no footway, vulnerable pedestrians will need to walk in the road. The pedestrian would have to step onto the verge and as the carriageway of Drinkstone Road is narrow in places, 2 vehicles cannot pass safely without mounting the highway verges.

Following the recent appeal decisions in Debenham and Boxford regarding to pedestrian safety and the revised NPPF, we continue to have major concerns on the proposals for this development. We have discussed this issue at length and looked at the potential mitigation; changing Rags Lane to One-way, no motor vehicles except for access etc. However, these proposals are not favourable.

As there are no proposals to provide a safe environment for pedestrians to connect to the existing public highway footway network, we would recommend that permission for the application to be refused. Thus we consider that safe and suitable access to the site cannot be achieved for all users specifically pedestrians and cyclists (NPPF section 108) and that while some attempts have been made to suggest mitigation this has not removed our concerns that the remains an unacceptable impact on highway safety (NPPF section 109). If additional mitigation is proposed by the developer we would consider this as stated in our previous correspondence.

#### Previous:-

For the application to be acceptable by Suffolk County Council as the Highway Authority, we would like the following to be considered:

- The carriageway widths of Drinkstone Road are too narrow in places – we feel that the minimum dimension we can accept for the intensification of the area is 4.8m from its junctions with Green Road to Broomhill Lane, approximate length 425m. Due to the intensification from the development, this will allow two vehicles to pass safely without mounting the highway verges.
- There remains the concern of no footway from the development to the village centre. Rags Lane is proposed to be the pedestrian route into the village core but with no footway provision, the pedestrians must walk in the road for approximately 200m. Although the applicant has provided some proposals to highlight to drivers there may be pedestrians in the road, we feel they are not sufficient. Also, Drinkstone Road is the most direct route to the primary school and with no footway, vulnerable pedestrians will need to walk in the road. As there is not adequate verge for pedestrians to step off the highway on Rags Lane or Drinkstone Road, it is not considered a sustainable location from a transport policy perspective.
- The proposed highway improvements at Drinkstone Road/Green Road are subject to the appeal decision on a planning permission refusal for another application within Woolpit. Therefore, if the refusal is upheld, the proposed mitigation cannot be delivered and the highway authority will be minded to refuse this application.
- The parking provision for Plots 13 and 29 - The parking provision is to be as the Suffolk Guidance for Parking 2015 and although the guidance states that tandem parking is acceptable in some instances, we consider it is not acceptable in front of a garage; this is to be discouraged as it will lead to on-street parking.
- We still consider the number of dwellings proposed is not to scale and inappropriate for the size of the plot so the areas to manoeuvre vehicles is considered inadequate therefore, unsafe.

The increase in pedestrians walking in the road will be detrimental to highway safety and contrary to the objectives of the National Planning Policy Framework (NPPF). The lack of a linking footway to the village core will also encourage a probable increase in unsustainable methods of travel to and from the site by future residents. The NPPF identifies as a core principle that development should be focused in locations where car travel is minimised; actively make the fullest use of public transport, walking, and cycling. This location with poor pedestrian connectivity is not able to maximise sustainable modes of transport therefore, does not provide safe and suitable access for all people as required by the NPPF:

- Paragraph 32 - safe and suitable access to the application site cannot be achieved for all people, in this case pedestrians.
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- Paragraph 34 – the location of the site and the lack of footway links do not allow sustainable travel modes to be maximised.
- Paragraph 35 – the application site is not located where sustainable transport modes can be exploited for the movement of people. Priority is unable to be given to pedestrians due to lack of safe footway routes and the location does not allow potential conflicts between pedestrians and traffic to be minimised.
- Paragraph 38 – Although the site does have key facilities within walking distance the lack of suitable footway connections will deter pedestrians from walking to them.

Therefore, we would recommend that permission for the application be refused as the proposal contravenes the NPPF.

### **County Development Contributions Manager**

Education:

Primary school – £181,940

Secondary school – 0

Preschool - £83,330

### **County Archaeological Service**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site is a large area that has previously had no archaeological investigation, close to the core of Woolpit. It is also near to finds of Roman brooches (DRK 005), a possible Roman Road remnant (DRK 007), and finds of medieval (WPT 047) and Bronze Age material (WPT 017). Thus, there is high potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. Two standard conditions recommended.

### **County Fire and Rescue Service**

No objection – condition requiring fire hydrants to be installed.

### **SCC Flood and Water**

I have reviewed the following recently submitted documents (dated 13 November 2018 on the web site) and would now advise you these are acceptable.

- . Foul and surface water drainage design (Revised Nov 2018 includes maintenance proposals)
- . GO 1160/02/100 rev A foul and surface water drainage layout
- . G01160/02/101 rev A foul and surface water long sections
- . GO 1160/02/102 rev A surface water exceedance flow paths
- . GO 1160/02/103 Cross sections of lagoon

We would however suggest warning sign board(s) are incorporated close to the proposed pond together with deterrent vegetation planted around the pond.

### **BMSDC Land Contamination**

No objection.

### **Anglian Water**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

*“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the*

*case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”*

The foul drainage from this development is in the catchment of Elmswell Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

## **MSDC Heritage**

This application relates to the proposed development of 45 houses on land to the west of the Woolpit CA. A previous application was submitted for 60 dwellings on the same site, reference no. DC/17/02767, which was withdrawn. The Heritage Team made comments previously, and their position remains consistent. There will be a low level of harm to the significance of the assets as defined in the Heritage Statement, including Wool pit CA. There is acknowledgement of the SPS concerns in regard to the impact of offsite highway works and the heritage consultants' focus on the harm to the listed building known as Mullions, but on balance the impacts on the character and/or appearance of the CA and on the settings of the various listed buildings noted in the Heritage Statement, is limited.

In terms of the NPPF, the low level of 'less than substantial harm' must be weighed against the public benefit of the proposed development.

## **B: Representations**

Objections received on the following grounds (summarised):

- \*Highway safety – highway works will result in vehicles overlapping the kerb and pavement
  - \*Highway safety – lack of visibility for drivers within restriction area
  - \*Traffic congestion in village
  - \*Adversely affect village's heritage qualities
  - \*Rags Lane and Drinkstone Road are narrow with no footpaths.
  - \*Rags Lane is a designated national cycle route 51.
  - \*Rags Lane drains at capacity.
  - \*Scale out of keeping with neighbouring bungalows.
  - \*Proposed pond is drowning hazard.
  - \*Impacts on wildlife including loss of a UK Priority Habitat
  - \*Lack of affordable housing.
  - \*Excessive street lighting and noise.
  - \*No bus route.
  - \*School and health centre are at capacity
  - \*Plans show incorrect layout of houses on Rags Lane.
  - \*Inconsistent affordable housing numbers.
  - \*Loss of 94m of valued hedgerow.
  - \*Rags Lane pedestrian exists at very unsafe locations.
  - \*Proposed density out of keeping with low village density.
  - \*Bland, utilitarian and characterless house design.
  - \*Frontage parking dominates the development.
  - \*Construction vehicle traffic disruption to residents.
  - \*Inadequate public open space provision.
  - \*Drainage and surface water run off issues
  - \* Impact on the Woolpit Conservation Area.
  - \* Current scheme employs generic, bland, off the peg house types. A more innovate design approach is required.
  - \* Minimal landscaped areas or front gardens, car parking primarily to front of dwellings resulting in an urban, car dominated street scene. Urge application is reviewed by the Suffolk Design Review Panel.
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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1 The application site is located between Rags Lane (to the north) and Drinkstone Road (to the south), on the southern fringe of Woolpit, which is designated as a Key Service Centre in the Core Strategy. Woolpit is Mid-Suffolk's third largest village. The site is currently vacant and is approximately 200 metres from the centre of Woolpit and within walking distance of shops, primary school and health centre.
- 1.2 The site is enclosed on three sides by existing residential development comprising a mix of bungalows and modern housing. Existing residential development to the west and east of the site is in the form of frontage development. Existing development to the north is in the form of estate development.
- 1.3 Rags Lane forms the village's settlement boundary and therefore the site for policy purposes is located in the countryside.
- 1.4 In respect to heritage assets, the nearest Grade II listed building (Sunridge) is located to the east fronting Rags Lane. The Woolpit Conservation Area is located east of the site.
- 1.5 The site comprises 1.8ha. The site is located in Flood Zone 1.

### **2. The Proposal**

- 2.1. The application seeks full planning permission for 45 dwellings. Key elements of the proposal are as follows:
  - 45 dwellings to include 16 affordable units (4 shared equity; 12 rented).
  - Mix of one to five bedroom dwellings, in a range of detached, semi-detached and terraced form over two storeys.
  - Density of 25 dwellings per hectare.
  - Cul-de-sac type development layout.
  - Public open space to the south west corner and associated landscape planting.
  - Pedestrian and cycle access to Rags Lane at the north east corner.
  - Single vehicle access via Drinkstone Road.
  - Offsite highway improvements including installation of junction improvements at the intersection of Drinkstone Road and Green Road, and traffic calming measures in Green Road.
  - Perimeter hedgerows largely to be retained and enhanced (other than removal of part of southern hedgerow to facilitate 2 x 49m visibility splays).
  - Proposed boundary planting to western interface with neighbouring residential properties.

### **3. The Principle of Development**

- 3.1. The planning system continues to be plan-led and S38 of the Planning and Compulsory Purchase Act 2004 [PCPA] restates the requirement that "determination must be made in accordance with the plan unless material considerations indicate otherwise". The Council's Adopted Development Plan comprising the Adopted Local Plan [1998] and Core Strategy [2008] and Focused Review

[2012] is the Council's primary planning document and within the context of S38 [PCPA] provides the 'Plan-Led' basis for determining planning applications in the District.

- 3.2. The NPPF sets out a presumption in favour of sustainable development and details the circumstances where the 'Presumption' applies; this includes, and presents the 'tilted balance', where the policies which are the most important for the decision are out of date. The issue in such cases is to what extent are relevant individual policies within the Adopted Development Plan considered absent, silent [about the issue/circumstances at hand] or out of date and therefore how much relative weight can they be given compared to those in the NPPF [2018]. In other words which needs to take precedence.
- 3.3. To some extent a recent Woolpit appeal (Land on East Side of Green Road, Woolpit (Appeal Reference: 3194926) has crystallised the position in respect of some of the relevant policies. It concluded that the following policies are 'Out of Date':  
CS1: [due to it conflicting with paragraph 77 and 78 of the NPPF [2018]  
CS2: [due to it obviating planning balance and being contrary to paragraphs 77 & 78 of the NPPF [2018]  
CS5: [due to it exceeding what is required in the NPPF]  
FC2: [conflict with paragraph 73 of the NPPF [2018]  
Housing Land Supply status of Mid Suffolk
- 3.4. Paragraph 73 of the NPPF requires Councils to identify, and update on an annual basis, a supply of deliverable sites enough to provide for five years' worth of housing provision against identified requirements. Further to this, the Council's housing land supply should be assessed against a requirement based on the standard method for calculating local housing need (LHN), because the strategic policies concerning housing need are more than 5 years old.
- 3.5. The LHN should be calculated using the latest Household Projections, which at the time of the publication of this report are the 2016-based projections. Paragraph 73 of the NPPF then goes on to state that the specific supply of deliverable sites should also include a buffer. In the case for Mid Suffolk, the buffer will be determined through the results of the Housing Delivery Test (HDT); the results of which, are to be published by Government in November 2018. At the time of the publication of this report, based on previous guidance related to the 2012 NPPF a 20% buffer is applied. Using the 2016-based projections to calculate the LHN and a 20% buffer, the 5-year requirement for Mid Suffolk is 3,540 dwellings, or 708 dwellings per annum.
- 3.6. The Council's most recently published housing land supply position is contained within the 2018 Annual Monitoring Report (AMR), published in July 2018 and prior to the publication of both the revised NPPF and updates to the national PPG in September 2018. The AMR position set out the deliverable sites the Council considered to contribute to its five-year housing land supply and which was the subject of examination at a recent planning appeal for a development in Woolpit (Land on East Side of Green Road, Woolpit (Appeal Reference: 3194926).
- 3.7. At Paragraph 73 of the Woolpit appeal decision the Inspector concludes that there is a 3.4-year housing land supply. This equates to a supply of 2,387 dwellings in the 5-year period. The Council is preparing a new 5-year housing land supply position statement, with a base date of 30 September 2018, to replace the 2018 AMR and acknowledging that the previous position was based on methodology and evidence not now consistent with current national requirements.
- 3.8. It is accepted that, at the current time, the Council is unable to demonstrate a five-year housing supply [because it does not presently have the necessary evidence to demonstrate delivery timetables on outline planning permissions] and that without compelling evidence to the contrary, 3.4 years is an appropriate figure to use for decision-taking purposes. It is clear from the Woolpit decision that the new NPPF has significantly raised the bar in the evidence required to

demonstrate deliverability. Whilst the Council may currently be reviewing its estimates of expected delivery it must accept that until it is able to demonstrate that it has a 5YHLS the Inspectors assessment will be the benchmark. On this basis it must be accepted that the 'tilted balance' will continue to apply in Mid Suffolk and that significant regard must now be given to paragraph 11 of the NPPF [2018].

- 3.9. Policy CS5 provides that "All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area". However, the Woolpit appeal decision is clear that this exceeds the statutory duty of the Listed Buildings Act (1990) and goes further than paragraph 192 of the NPPF. The policy also fails to acknowledge the balancing exercise required by the NPPF. As such the Inspector considered Policy CS5 to be out of date.
- 3.10. Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides "development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents." This policy reflected the requirements of the NPPF (2012), however due to the change in tests detailed in the NPPF 2018 this policy is out of date.
- 3.11 The applicant engaged with Council officers prior to the application being submitted. Pre-application officer advice was positive subject to detailed design matters. The applicant also engaged with the local community prior to application. It is to be noted that pre-application dialogue was undertaken following the withdrawal of a previous application for full planning permission relating to the site for a 60 dwelling development (DC/17/02767) put forward by the same applicant.
- 3.12 Council cannot currently demonstrate a five year housing supply. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year housing supply. Where policies cannot be considered up-to-date, the NPPF cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 3.13 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. The NPPF sets out three dimensions for sustainable development: economic, social and environmental.
- 3.14 Whilst the proposed scheme responds positively to aspects of the three dimensions, when considered on the whole it fails to achieve sustainable development. The principle of developing the site for residential purposes is not accepted on planning merits and the following assessment outlines why the development is not accepted.

#### **4. Nearby Services and Connections Assessment**

- 4.1 Policy CS6 seeks to reduce the need to travel, reduce journey distances and make it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking and cycling.

- 4.2 The site is located in the countryside, however, it lies adjacent the village settlement boundary. Woolpit is a designated Key Service Centre, served by a very good range of local services and facilities. Local facilities are located within relatively close proximity of the site. However, as noted by the Highway Authority, there are no footways in either Rags Lane or Drinkstone Road nor are any proposed as part of the development proposal. Residents of the 45 dwellings would be required to walk along Rags Lane or Drinkstone Road, the latter likely to be the preferred walking route to the local school. Even with traffic calming measures on Drinkstone Road, the Highway Authority consider that the increase in pedestrians walking in the road will be detrimental to highway safety and contrary to the objectives of the NPPF, including paragraphs 32, 34 and 35.
- 4.3 The Planning Statement contends the site is highly accessible. This might be the case for those future households with private vehicles. However, the NPPF seeks to encourage developments that are not car dependent, but rather offer sustainable modes of transport such as walking. Whilst the distances to local services are relatively short, there is no continuous pedestrian connectivity between the site and nearby amenities. This represents a poor social and environmental outcome, one that does not further the overriding sustainable development aspirations of the NPPF. Officers do not agree with the applicant that the site constitutes a sustainable location for housing development. This is a significant planning disbenefit and one contrary to Policy CS6 and NPPF and as outlined by SCC Highways Authority.

## **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Access is a matter sought for approval. Vehicle access to the site will be via an upgrade of the existing Turkey Hall Lane field access.
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 109 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 5.3 Traffic generated by the proposed development can be accommodated by the existing highway network. Many residents are concerned with the likely traffic congestion in the village that will result if the development proceeds. The Highway Authority raises no objection in this regard. This is not a sustainable line of refusal.
- 5.4 As noted at section 4.2 above, the Highway Authority is of the view that pedestrians using the local lanes, given the narrow width of the lanes, will be detrimental to highway safety and contrary to the NPPF. For this reason the Highway Authority objects to the proposal and recommends refusal of the application. Officers are of the view that an outright objection from the Highway Authority carries significant weight, one not to be taken lightly. It is concluded that the proposal raises significant highway safety concerns which represent a substantial in the planning balance.
- 5.5 6 Dwellings proposed include triple parking (13%). This is not ideal, but at this time there is no specific policy that restricts this arrangement to base a defensible refusal upon and is less in proportion than other recent housing applications approved.

## **6. Design and Layout**

- 6.1 Policy CS5 requires development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site

and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting. Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.

- 6.2 Chapter 12 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 6.3 The housing design is not inspiring in itself and fails to be traditional or seeks to take on a new sense of place of its own making. It is similar to many estates around the district. It is also true to say the development is not in keeping with the adjacent development, but these are large detached properties and most of a bespoke design on very spacious plots and difficult to replicate successfully. However, the site is set on the other side of the road from existing development and can enclose and serve its own place without unduly influencing existing dwellings that are set back and well enclosed themselves. It is also very spacious for a modern estate given the extent of green space and density and this is an important characteristic of the rural edge environment of Rags Lane and Drinkstone Road. A further consideration is the housing mix and this development provides a lot of smaller properties likely to be available for those at the beginning of the housing ladder, rather than expensive detached bespoke properties that would be more comparable to the adjacent development. On balance the design and layout are considered acceptable

## **7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 7.2 The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. Nor is the site adjoining, or in proximity to, any designated landscape areas of special significance.
- 7.4 The application site is visually well contained owing to existing boundary planting and residential development bounding its western, northern and eastern boundaries. The site reads essentially as a large infill plot owing to the pattern of nearby residential development. Development of the site would represent a natural extension of the village in visual terms. It is concluded that the site is visually well related to the body of the village and landscape harm would be limited. An absence of landscape harm weighs favourably in the planning balance.
- 7.6 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 7.7 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

- 7.8 The NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.9 An Ecology Report supports the application. The same report supported the previously withdrawn 60 dwelling application of which Council's Landscape Consultant reviewed and raised no objection. The suggested conditions put forward by the consultant in respect to the previous application are supported by officers and recommended. The proposal responds favourably to Policy CS5 of the Core Strategy and Policy CL8 of the Local Plan and is therefore not a negative consideration in the planning balance.

## **8. Land Contamination**

- 8.1 The application is supported by the necessary contamination assessment. Environmental Health do not raise an objection to the scheme.

## **9. Heritage Issues**

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 9.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 9.3 Where policies are out of date, the NPPF says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 9.4 The NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.5 Council's Heritage Team consider there to be less than substantial harm. It is noted that the Heritage Team did not object to the proposed offsite highway works at Drinkstone Road and Green Road and it is concluded that this element of the scheme does not adversely affect the character and appearance of the Conservation Area to a degree that is considered unacceptable.
- 9.6 The heritage effects are not considered to constitute a negative consideration in the planning balance and the wider public benefits in terms of housing need, deliverability and affordable housing does outweigh the less than substantial harm.

## **10. Impact on Residential Amenity**

- 10.1 Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.

- 10.2 The layout demonstrates the site is readily capable of accommodating 45 dwellings in a manner that will not result in detriment to the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings.
- 10.3 Internal amenity for future occupants will be of a sufficient standard, with all dwellings provided reasonable levels of private open space and appropriate aspect/outlook. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between properties, appropriate privacy is afforded to each plot. Separation distances between dwellings and carefully sited garages ensures any visual bulk effects will be minimised, safeguarding future occupants' amenity.
- 10.4 A planning condition could be imposed to ensure the construction phase of development is carried out in a manner that safeguards neighbouring residents' amenity.
- 10.5 The proposal accords with the aspirations of local Policies H13 and H16 and the NPPF.

## **11. Flooding and Drainage**

- 11.1 Objectors raise concerns regarding surface water run-off and flood risk. The site is located in Flood Zone 1. The application is supported by a Flood Risk Assessment (FRA). The Lead Flood Authority has reviewed the submitted FRA and having first raised a holding objection based on insufficient information has now found the development acceptable with additional information.

## **12. Delivery considerations and relationship to land supply aspects**

12.1. The emphasis placed upon housing delivery has been constantly evolving at a national level, and in the circumstances it is noted that all policies within the development plan are greater than five years' old<sup>1</sup> and that the Council cannot presently evidence that it has a five-year supply of deliverable housing sites.

12.2. The NPPF makes clear that it is the Government's intention to significantly boost the supply of housing and in support of that objective it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 59). The deliverability of a development is an important factor in an assessment as to its sustainability (in terms of its benefits) and in terms of its contribution to the supply of housing in the District; considered to be more compelling in the event that there is a demonstrable shortfall in housing supply.

12.3. It is important, therefore, to identify the contribution that the proposed development might make to the five-year housing land supply of the District when ascribing weight to the potential benefits of housing delivery that would accrue if granting outline planning permission in this instance. Or, in broader terms, the deliverability of the proposed development noting the Government's desire to significantly boost the supply of housing. Whilst the weighting and balance of material considerations remains the preserve of the decision-taker, it is noted that within the Woolpit appeal the Inspector afforded a *substantial* weighting to the delivery of 49 no. dwellings against the context of a significant land supply shortfall; this application would provide for the delivery of up to 45 no. dwellings.

12.4. In respect of this application the applicant is a national housebuilder with historic and ongoing land interests within the District. Members should note that in support of this proposal the applicant has agreed

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<sup>1</sup> Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

a Statement of Common Ground with officers which includes projections for the delivery of the proposed development should permission be granted. This has been agreed with officers and follows the approach as recommended by national guidance.

12.5. The applicant is committed to the delivery of this site such that it is willing to accept a shortened timescale for commencement/lead-in, in accordance with Paragraph 76. In this respect, a shortened time limit of 18 months to implement the scheme. This would not compromise (it would run in accordance with) the accelerated delivery projections provided by, and agreed with, the applicant and demonstrates a clear and tangible commitment in that regard.

12.6 This site is considered to be deliverable within 5 years if the holding objection from highways can be overcome and the application can be supported by the Planning Committee. There are no issues or constraints with this site that would cause concern or delay the development. Should planning permission be granted, and subject to the discharge of any pre-commencement of works conditions, it is envisaged that construction would get underway by March 2020 and would be built in one phase with completion in 2021.

12.7. It is the Government's intention to significantly boost the supply of new homes. That cannot displace the primacy of the development plan; however, it is a material consideration for Members to take into account, alongside the policies contained within the NPPF. Further, the thrust of governmental policy and supporting guidance is aimed at ensuring that sites are brought forward as quickly as possible and that it is incumbent to demonstrate that this can be achieved

12.8. In light of the foregoing, and as a matter of planning judgement, officers apply a substantial weighting to the considerations of housing delivery, where: the development would of itself make a significant contribution by way of housing delivery and there is support for an assertion that the development is deliverable; and, further, where there is a confidence and reasoned expectation that the development would make a valuable contribution to the five-year land supply period in the short-term and at an expeditious rate. The considerations and weighting identified will be carried through to the planning balance at the conclusion of this report.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 Council cannot demonstrate a five-year housing supply. Local policies relating to the supply of housing, including Policy CS2, CS11 and CS15, must be considered not up-to-date in accordance with the NPPF.
- 13.2 Where policies cannot be considered up-to-date, the NPPF cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 13.3 Officers conclude that specific policies do not indicate development should be restricted (as set out at footnote 6 of the NPPF). Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development – the 'tilted balance' approach.

- 13.4 The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 13.5 The economic and social gains will be substantial, the most notable being the boost to the housing supply and increase in much needed affordable housing stock. These are positive planning outcomes weighing favourably in the planning balance. It must be acknowledged that the Inspector for the Green Road appeal also gave a substantial weighting to the provision of 40+ new homes. Furthermore, officers have confidence that if permission were to be granted then the development would be delivered very quickly and in full. This further weighs in favour of the scheme.
- 13.6 The proposed development is physically well related to the village and the site is visually well contained. Landscape harm will be less than moderate, even taking into account the loss of some trees and hedgerows. The indicative design and layout is average poor and with unremarkable housing types, but considered to be acceptable in the planning balance.
- 13.7 However, whilst the site is not distant from local services, the local road network is such that there is no pedestrian connectivity between the site and much of the services on offer. The lack of footway links do not allow sustainable travel modes to be maximised. Residents of 45 households traversing narrow (in the case of Drinkstone Road unlit) roads by foot is an unacceptable planning outcome. The site is not a sustainable location for residential development given the absence of viable sustainable modes of transport.
- 13.8 Notwithstanding the proposed traffic calming measures, the proposal represents an unsatisfactory highway safety outcome because of the potential for serious vehicle/pedestrian conflict, a conclusion supported by the Highway Authority. This represents a less than desirable planning outcome and one that merits considerable planning weight as the risk to pedestrian safety is considered to be unacceptable.
- 13.9 The benefits of the proposal, mainly the contribution to housing supply and affordability, would be significantly and demonstrably outweighed by the real risk of significant harm to highway safety as well as the environmental disbenefit associated with what would be a high level of car dependency. For these reasons, the balance of planning advantage falls in favour of rejection of the proposal.
- 13.10 The application is recommended for refusal.

## **RECOMMENDATION**

- (1) That the Acting Chief Planning Manager be authorised to Refuse Planning Permission for the following reasons:
  - (a) The proposed development, by reason of the lack of pedestrian connectivity to local services, would not represent a sustainable location for residential development. The environmental harm is not outweighed by the public benefits of delivering 45 additional dwellings. On that basis the proposal would not constitute sustainable development, contrary to the National Planning Policy Framework and contrary to policies FC1 and FC1.1 of the Core Strategy Focused Review 2012 and policy CS6 of the Core Strategy 2008.
  - (b) The proposed development would result in an unacceptable highway safety outcome by way of increased potential for vehicle and pedestrian conflict in Rags Lane and Drinkstone Road. This social and environmental harm is not outweighed by the public benefits of delivering 45 additional dwellings. On that basis the proposal would be unacceptable having regard to the National Planning Policy Framework and contrary to policy FC1.1 of the Core Strategy Focused Review 2012, and saved policies T9 and T10 of the Mid Suffolk Local Plan 1998.