

Committee Report

Item No: 1

Reference: DC/18/03592

Case Officer: John Pateman-Gee

Ward: Haughley & Wetherden.

Ward Member/s: Cllr Rachel Eburne.

[temporary support being provided by Cllr Keith Welham]

RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION

Description of Development

Outline planning permission (all matters reserved) except the access point for the demolition of existing industrial buildings and construction of 149 dwellings, provision of public open space including playing fields, village greens, green corridors, community orchard, landscaping and surface water attenuation and associated works

Location

Former Poultry Processing Plant , Haughley Park, Haughley, Stowmarket IP14 3JY

Parish: Haughley

Expiry Date: 15/11/2018

Application Type: OUT - Outline Planning Application

Development Type: Major Large Scale - Dwellings

Applicant: Amber REI Holdings Ltd

Agent: Mr Stuart Wells

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

Details of Previous Committee / Resolutions and any member site visit

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CL09 - Recognised wildlife areas
CL11 - Retaining high quality agricultural land
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS07 - Brown Field Target
CS09 - Density and Mix
E06 - Retention of use within existing industrial/commercial areas
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
GP01 - Design and layout of development
H03 - Housing development in villages
H04- Altered Policy H4
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
HB07 - Protecting gardens and parkland of historic interest
RT12 - Footpaths and Bridleways
SAAP - Stowmarket Area Action Plan
T10 - Highway Considerations in Development
NPPF - National Planning Policy Framework

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

Haughley Parish Council

Objection – Please see full text in bundle

Elmswell Parish Council

Objection – Please see full text in bundle

Wetherden Parish Council

Objection – Please see full text in bundle

Arboricultural Officer

No objection to this application at this stage. Should the layout design alter then updated tree protection measures, including a Tree Protection Plan, will be required.

Strategic Housing

Provides advice on affordable housing provision to be secured in any Section 106 agreement.

SCC Flood & Waste Management

Recommends approval subject to conditions.

Anglian Water

Unacceptable risk of flooding downstream

Suffolk Constabulary

No objection subject to the amendments to the removal of two flying freeholds and two rear parking areas looking at indicative scheme.

Natural England

No comments

Highways England

No objection

Suffolk County Council Highways (FULL)

We have reviewed the Transport Assessment and the data supplied with this application, the summary of our findings are as follows:

- . The maximum 85th percentile speed recorded on Haughley New Street adjacent to the site is 54mph. There is a proposal to introduce a 40mph speed limit to allow 2.4m x 120m visibility splays.
- . The total daily 2-way flow of traffic on Haughley New Street is over 2000 vehicles and the additional vehicles from the development with no intensification from its previous use therefore, will not have a significant impact on the junctions.
- . There are a number of slight injury accidents in the area but none have patterns or significant deficiencies to highway safety.

Taking all the above into account, it is our opinion that this development would not have a severe impact (NPPF para 109) therefore we do not object to the proposal.

The proposal to install a 40mph speed limit approx. 150m west of the access to the development is required in the interest of highway safety as outlined in Drawing No T16026/SK04 & SK05. The intention will be for the developer to enter into unilateral undertaking with us to create the Traffic Regulation Order (TRO) to introduce the speed limit.

For the site to be acceptable from a transport perspective, the proposed footway from the site access to the junction to Park Road needs to be extended into Park Road as far as Park View. This is to ensure connectivity to the bus stops and the centre of Wetherden village.

Travel Plan comments;

There are no measures identified in the Travel Plan on how primary and secondary school pupils will travel to the school by non-car means. The Travel Plan document itself is very generic and not site specific, as it has more or less been written in the style for an urban development, not a rural development. Also a traditional Travel Plan is unlikely to work on this site, due to the rural location with extremely limited sustainable transport options.

Suffolk Wildlife Trust

No objection

Place Services

No objection subject to securing biodiversity mitigation and enhancement measures

Environment Agency

We have inspected the application, as submitted, and have no objections to the proposal provided that the conditions outlined below on groundwater and contaminated land are included should permission be granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Suffolk Fire & Rescue Service

No objection

SCC Infrastructure (FULL)

A consultation response was submitted by way of letter dated 10 September 2018. New information has since come to light which needs urgent consideration. Ideally, the County Council would like to see a planned approach to housing growth in the Haughley locality, which would also clearly identify the infrastructure requirements based on cumulative growth. The risk here is that individual developer-led applications are granted planning permission without proper consideration being given to the cumulative impacts on essential infrastructure including highway impacts, early years and primary school provision. The revised NPPF in paragraphs 38 - 50 sets out the approach to decision-making. In paragraph 41 it says, "The more issues that can be resolved at pre- application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits." However, the applicant has failed to resolve with Suffolk County Council an appropriate early years and primary school mitigation strategy. Ensuring that there are sufficient early years and primary school places for the village is a fundamental issue relating to whether this particular development will be acceptable in principle, which is the type of situation reflected in paragraph 42 of the NPPF.

The District Council Joint Local Plan consultation document (Regulation 18) was published on 21 August 2017. The merits of this development proposal must be considered against this emerging document, plus other local planning policies and the NPPF. It is suggested that consideration should be had to the published call for sites submission document (April 2017) - with an initial consideration by the District's planning policy team set out in the SHELAA (August 2017). The SHELAA identifies sites considered with potential capacity for future development and sites which have been discounted.

The current village primary school sits on a small constrained site. The site is already well below Building Bulletin 103 space standards for schools. For a 105-place primary school these guidelines suggest a minimum site size of 5,496 square metres, whereas the school actually sits on a site of only 1,496 square metres. For early years further consideration is also required to ensure that local facilities are sufficient to meet the needs of existing and any new residents.

The County Council needs more time to fully consider the implications of this development proposal on local early years and primary school provision for the village of Haughley, including consideration of the options available to mitigate the impacts if this application was granted planning permission. It is also important to have engagement with the local community on this issue, as highlighted in paragraphs 39 and 40 of the NPPF.

On this basis, Suffolk County Council therefore submits a formal holding objection. However, we are willing to work with the LPA, the applicant and local community in a proactive, positive and creative way in order to ensure that the proposed development will not adversely harm the social conditions of Haughley.

Environmental Health – Noise/Light/Odour

No objection subject to conditions

Historic England (Summary)

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 193, 194, 196 and 200 of the NPPF. In determining this application, you 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 features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us. Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity. Please contact me if we can be of further assistance.

MSDC Heritage (Summary)

The Heritage Team raises no objection, considers the development enhancement and recommends that further mitigation be sought of the impact of development on the setting of the listed house.

NHS England

No objection

Environmental Health – Land Contamination

No objection

Environmental Health – Sustainability

Objection

The Open for Business Team (Summary)

Objection to loss of employment land – see bundle for full response.

B: Representations

Objections

Proximity to historic park and wedding venue

Need to protect this parkland for existing recreation, adventure, cycling and tourism activities

Woodland and parkland at risk if given residential status

Increased traffic and pollution, reduced safety for events and activities held in Haughley Park

Development too close to the grade 1 listed building and historic parkland

Dangerous access road

Unsustainable location, affects the setting of listed buildings, effect of the use of the parkland for leisure and sports events.

Traffic impact on Wetherden and Haughley villages detrimental to pedestrian safety

Impact on bird and wildlife populations

Safeguarding issues with proximity to leisure activities

Creating an isolated community

Adverse impact on grade 1 listed building and curtilage

Restore greenfield site

Unpleasant and antisocial place to live

Direct housing away from Haughley Park

Access inadequate

Inadequate infrastructure to support this development

Potential loss of important tourist attraction

Alternative locations should be sought

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings



- 1.1. The site is in a countryside location and located alongside the A14 and part of a former chicken processing factory site. Approximately one half is previously used land and the other is greenfield. Access is from Haughley New Street through the Haughley Park Estate and past Haughley Hall, which is Listed.

2. The Proposal

2.1. Outline planning permission with all matters reserved except the access. The proposal is for the demolition of existing industrial buildings and construction of 149 dwellings with provision of public open space, surface water attenuation and associated works. The site is 11ha (including driveway) and so the proposal would be 13 dwellings per hectare.

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. As the application is submitted in outline the most important initial issue to resolve in respect of the weighting to be attributed to policies is to what extent are policies that relate to the principle of new residential development up-to-date and therefore capable of being significant weight. 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 sufficient 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. A Neighbourhood Plan will be considered as part of the Development Plan, once "made". There is no neighbourhood plan that includes this site location which has been made at this time.

3.12. The proposal will result in the loss of an employment site. Economic Development has objected to this, but it is agreed that a replacement factory use would be unlikely and not viable. The nature of the buildings would not allow for adaptation and so new commercial buildings would be needed. The removal of the buildings and contamination issues also mean that the cost of redevelopment is likely to be significant and may not allow other commercial uses to be viable on this site, but there is not evidence to support this point. Regardless while policy supports new employment opportunity only policy E6 of the MSDC Local Plan seeks retention unless there is benefit:

"POLICY E6 (RETENTION OF INDIVIDUAL INDUSTRIAL/COMMERCIAL AREAS)

THE DISTRICT PLANNING AUTHORITY RECOGNISES THE IMPORTANCE OF EXISTING INDUSTRIAL AND COMMERCIAL SITES AS PROVIDING LOCAL EMPLOYMENT OPPORTUNITIES. IN CONSIDERING APPLICATIONS FOR CHANGE OF USE OR THE REDEVELOPMENT OF EXISTING PREMISES TO NON-EMPLOYMENT GENERATING ACTIVITIES, THE DISTRICT PLANNING AUTHORITY WILL EXPECT A SIGNIFICANT BENEFIT FOR THE SURROUNDING ENVIRONMENT, PARTICULARLY IN TERMS OF IMPROVED RESIDENTIAL AMENITY OR TRAFFIC SAFETY."

In terms of the environment the significant benefit is argued to be the removal of the factory buildings on the setting of the Listed Hall and its estate. Equally the introduction of permanent residents instead of workers may have disadvantages for the environment. The overall benefits and impacts will be further considered in this report below.

4. Nearby Services, Infrastructure and Connections Assessment of Proposal

4.1. SCC Infrastructure team have outlined that the current village primary school is constrained and appears unlikely to have capacity for expansion. The situation is similar for early years provision. Given other developments approved at this time in Haughley, Woolpit and Elmswell there is not a clear solution for ensuring suitable provision for children from the proposed development and busing children from this location is likely not to be practical given the remote location and result in significant distance to reach available schools.

4.2. The site is essentially enclosed by the A14 and the Haughley Park estate for which no access would be available except for the driveway to the main road. This means this will be an isolated location. Efforts to demonstrate that the development could provide open space and recreation areas within the site are noted.

4.3. The distance of the proposed development would be more than 2km from essential services (for example Elmswell) resulting in the likely reliance on private motor vehicle use and increase in traffic. Less integrated communities lead to poor social cohesion and failure to take opportunities to design for functional communities. There is also a lack of lit footways leading to potential conflict with traffic, such that access to services is unsustainable in this respect. The proposed footway is noted, but this does not lead to a sustainable service centre. There is insufficient access to public transport alternatives available within short walking distance from the site to otherwise outweigh considerations of the location and poor access to services outlined.

5. Site Access, Parking And Highway Safety Considerations

5.1. Within the site it is considered in principle that the development can achieve the current advisory parking standards. SCC highways have not objected to the proposal in terms of access.

6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

6.1. The development would be on previously used land in part, the environmental harm of such development is considered to be better than development of land not previously developed. Most of the open space is indicative as being on the greenfield side of the site.

6.2 Para 180 of the NPPF says dwelling/s should not cause light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. It could be argued that the proposed development by reason of its design, scale and layout would likely result in significant light pollution, but this needs to be balanced with the impact of the A14 adjacent and previous use of the site. The site is

also well enclosed thanks to the need to mitigate for the A14 and attempts to hide the factory buildings from the Haughley estate over the years. On balance it is not considered that landscape impact can be a reason for refusal and subject to mitigation and design there would be not be significant harm to biodiversity given the existing use and buildings.

7. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

7.1. At the heart of this matter is the current buildings that have a detrimental impact on the current historic setting and historic buildings adjacent. It is believed that the factory site helped finance the restoration of the Hall, but today does distract from it. The removal of the buildings would improve the setting and it would be hoped that reserved matters for the proposed housing would not create a new distraction and result in equal detriment. Those details will need to await reserved matters and demonstrate that suitable development can match the quality of the setting in this case. Given the indicative plan and current situation MSDC Heritage resolve to conclude the opportunity in principle as potential enhancement. Historic England are more balanced in their consideration and have concerns that will need to be considered further in the layout and reserved matter stage. However, at outline stage it is not considered on balance that heritage issue can warrant refusal of the scheme.

8. Impact On Residential Amenity

8.1. The site is some distance from neighbours, with exception of occupiers of the Hall. Amenity of occupiers will be impacted with traffic passing the hall to access the site and this will be day and night and all seven days of the week. While this traffic may be comparable to what the potential traffic of a fully operational and busy factory site, the context will be different and at different times. On balance however, it is not considered to be significant to warrant refusal.

PART FOUR – CONCLUSION

9. Planning Balance and Conclusion

9.1. The proposal would result in the removal of unattractive building and could be a significant enhancement of the setting of a historic building and parkland. On the other hand, the introduction of residential use would create an isolated community unsupported by services and infrastructure. While the loss of employment is proposed, there is the need to balance the economic growth of new housing and construction as well as unlikely potential of other commercial uses coming forward. However, current MSDC policy does seek benefit to come from the loss of employment sites and given the scale of the development the harm of such a remote development and its burden is not considered to be in its favour. These matters are finely balanced and given time some infrastructure issues may be resolved and perhaps weighing may be different with a different scale of development and reduced burden, but currently this is not the position and this application needs to be considered at this current time. The scale of the development is significant and its current burden on infrastructure should in officer opinion be given reasonable weight.

RECOMMENDATION

That authority be delegated to the Acting Chief Planning Officer to Refuse Planning Permission for the following reasons:

1) The National Planning Policy Framework (NPPF) identifies that the basis for determining development proposals is the adopted Development Plan. In addition, the NPPF reinforces the need for development proposals to be sustainable in nature. Policies CS1 and CS2 of the Mid Suffolk Core Strategy (September 2008) identify the Council's intention to direct new housing development to identified settlements and define developments that are appropriate in rural locations. In addition, policies FC 1 and FC 1.1 of the Mid Suffolk Core Strategy Focused Review (December 2012) underpin the Council's positive approach to sustainable development proposals within the district. Lastly, policy H7 of the Mid Suffolk Local Plan (September 1998) identifies the Council's aim to restrict housing development in the countryside. The application site is located in the countryside outside of a settlement boundary as defined in the adopted Local Plan. The Council considers that the proposed redevelopment of the identified site for residential purposes represents an unsustainable form of development in the countryside for which there is no essential justification. The provision of a significant number of new dwellings in this location, which is remote from essential facilities and has limited provision of alternative modes of access, would create a development, the occupiers of which in all likelihood would be significantly reliant on the use of the private motor car. The distance of the proposed development from essential services is significant resulting in increased motor vehicle use, with less integrated communities leading to poor social cohesion and failure to take opportunities to design for functional communities. Services to ensure sustainable development are also unavailable by reason of lack of lit footways leading to potential conflict with traffic. There is insufficient access to public transport alternatives available within short walking distance from the site to otherwise outweigh the considerations of the location and poor access to services outlined. Public benefit of the development is not considered to outweigh the harm of the development identified and furthermore, the development would lead to the loss of an employment site and create a significant burden on school infrastructure that at this time can not be mitigated. This unsustainable development of this scale in the Council's view creates a clear conflict with the aims of the identified policies and the requirements of the NPPF.