

Committee Report

Item No: 1

Reference: DC/18/05104
Case Officer: Mark Russell

Ward: Needham Market

Ward Member: Cllr Wendy Marchant, Cllr Mike Norris

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application. Redevelopment for Class C3 Residential (94 Units) & Class A1 Retail Uses, incorporating demolition works and the construction of new buildings, with associated works and infrastructure.

Location

Former Mid Suffolk District Council Offices & Associated Land, 131 High Street, Needham Market

Parish: Needham Market

Expiry Date: 28/02/19

Application Type: Full planning application

Development Type: Residential/Commercial

Applicant: Mid Suffolk District Council

Agent: Lawson Planning Partnership

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- It is a 'Major' application for the erection of more than 15 dwellings
- It is the Council's own application.

Details of Previous Committee/Resolutions and Member Site Visit

None.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS07 - Brown Field Target
FC02 - Provision And Distribution Of Housing
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
CS12 - Retail Provision
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB02 - Demolition of listed buildings
HB03 - Conversions and alterations to historic buildings
HB08 - Safeguarding the character of conservation areas
H13 - Design and layout of housing development
H16 - Protecting existing residential amenity
E12 - General principles for location, design and layout
S07 - Provision of local shops
S10 - Convenience Good Store
T09 - Parking Standards
T10 - Highway Considerations in Development
SC11 - Accommodation for voluntary organizations
E06 - Retention of use within existing industrial/commercial areas

National Planning Policy Framework (NPPF)

Supplementary Planning Documents
Suffolk Adopted Parking Standards (2015)

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

Town Council

Needham Market Town Council objects to the planning application on the grounds it fails to meet the applicant's own Housing Policy H4 PROPORTION OF AFFORDABLE HOUSING IN NEW HOUSING DEVELOPMENT.

OFFICER NOTE – *The applicant has submitted a Financial Viability Appraisal and this has been assessed by an external third party. It concludes: “we do agree that there is no additional viability surplus to additional affordable housing than that being offered. We therefore recommend that the Applicant’s offer of 10 affordable houses is reasonable.”*

Sport England

No comment as the development does not fall within statutory or non-statutory remit. However, offered general advice.

Historic England

No comments, but advised that we seeks views from our specialists.

SCC Infrastructure

CIL requirements – Education: Approximately £550,000; Pre-school £100,000; Libraries £20,000; Also standard comments re-play-space provision, transport, waste, supported housing, SUDS, fire service and broadband.

Environment Agency

No objection subject to conditions including: no further development until remediation measures are agreed if contamination is discovered; no drainage unless agreed; no piling unless agreed.

Waste Services

No objection, subject to conditions.

SCC Highways Authority

The HA did not object, but requested changes to some aspects of the parking provision: i.e. the removal of visitor parking from road bends and junctions and from proximity of residential parking spaces and the relocation of some accesses.

It was also noted that insufficient turning space was available for a few plots and the Highway Authority also raised concerns that rear parking provision may lead to vehicles being left on pavements to the front.

Conditions were requested for:

Visibility Splays;
Details/provision of roads;
Details of discharge of surface water to the Highway;
Refuse/recycling details;
Construction Management Plan
Travel packs
Electrical charging points

ECC Place Services - Heritage

Did not object to the principle of the proposal, but voiced concerns about the loss of the historic redbrick garden wall on the south side of Hurstlea Road as this is the only surviving element of the former boundary, and the proposed roof extension to the annexe of Number 131, concluding that there would be there would be less than substantial harm to the listed building and conservation area.

OFFICER NOTE – The applicant has pulled the roof extension a further 500mm back from the front, leaving a stand-off of 2.3 metres. Due to head height issues, it has not been possible to drop the height of this element. This means that only the eaves of the building will be visible across the High Street and the Heritage Officer has confirmed that this appears to be acceptable, but has suggested marked up photographs to illustrate this reduced harm.

The wall is to be carefully disassembled and reassembled, with the bench, elsewhere on site as a reference to the history of Hurstlea.

Overall, the reduced harm, when compared with the public benefit, means that the scheme is acceptable in heritage terms.

Tree Officer

Raised concerns that a valuable tree was being proposed for removal

OFFICER NOTE – The tree in question is now to be retained. A verbal update will be given with regards to this.

Natural England

No comments, offered standard advice.

Strategic Housing

Holding objection subject to submission and scrutinization of the Financial Viability appraisal to establish the level of affordable housing on site – Also suggested several minor modifications to change room sizes.

OFFICER NOTE – The applicant has agreed to the minor amendments. See notes above in the Town Council section.

County Archaeological Service

“This site lies in an area of archaeological potential recorded on the County Historic Environment Record, partially within the historic medieval core of Needham Market (NDM 026). A desk-based assessment (Purcell, October 2018) submitted with the application showed that there is potential that archaeological remains may survive from earlier periods; any surviving remains may be of some significance at a local to regional level. Thus, 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 to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.”

Two standard conditions were then proposed.

County Fire and Rescue Service

No objection – as standard, advised that access to buildings for fire appliances should meet with Building Regulations conditions and that fire hydrants should be installed and that a sprinkler system be installed.

Planning Policy

Planning Policy took a view at pre-application stage about the loss of employment land and how this should be assessed. Also expressed views on the location of a retail unit outside of the main shopping centre of Needham. These issues are explored in the assessment below.

Economic Development

OFFICER NOTE – at the pre-application stage, the Economic Development Officer in the Open for Business (OFB) team had voiced concerns about the loss of employment space and was concerned that the site had not been sufficiently marketed.

During the application stage, the same Officer stated: “The OFB Team base position is established in the pre-application advice that the applicant has included in the submitted application documentation. The assumptions and information presented to address the OFB position are noted, and the OFB Team has no further observations to make.

The issue of alternative employment use is explored in greater depth below.

Landscapes

Flagged up two main points: Desired retention of a Category A tree which was shown to be removed and also requested more of a buffer between the two parts of the site.

OFFICER NOTE – The comments were noted and acted on in part. The Category A tree is now to be retained. Regarding the desire for greater planting between the two parts of the site, the initial section from Barretts Lane is indeed well landscaped, with trees and a retained pond. However, the decision has been made to have the retail unit visible from Hurstlea Road and it was not considered appropriate to plant around it. Historically there has not been planting along this road beyond what is now being proposed and, whilst there will be fewer trees, they are in approximately the same position as now. The retail store, fronting the road, will be in the approximate position of the current car park. Overall, the balance has been struck between soft planting and the built form and what is being offered is held to be acceptable.

Place Services - Ecology

No objection, subject to securing biodiversity mitigation and enhancement measures.

BMSDC Air Quality

No objection.

BMSDC Land Contamination

No objection, but requested to be informed if unexpected ground conditions were encountered.

NHS

No objection. Noted that the application was not of a size which would require a s.106 contribution, but that a proportion of the funding for the provision of increased capacity at Needham Market County Practice would be sought from the CIL contributions.

Travel Plan Officer

No comments - confirmed that any Travel Plan related comments would form part of the formal Suffolk County Council Highway response.

Highways England

No objection.

Suffolk Police

Voiced concerns over the site being open and stated they would prefer back-to-back gardens and parking areas to be closer to houses. Adding “police prefer all properties to have a garage and that garages are placed next to properties.”

Recommended some measures such as flow restrictors and lighting.

OFFICER COMMENT – The Police’s comments are noted, but to pick up on each point would be to produce a very prescriptive layout with wide plots alien to the heritage context, particularly in such proximity to the listed building . Not all of the additional ideas will be taken up, although a security lighting strategy can be agreed by condition as can a condition to look at flow restrictors at the end of footpaths, albeit that the path next to Hurstlea House is particularly visibly sensitive.

SCC Flood and Water

After seeking further amendment and clarifications, no objections subject to the strategy for the disposal of surface water and the Flood Risk Assessment being implemented in full, details of SUDS components and piped networks and a Construction Surface Water Management Plan being agreed.

B: REPRESENTATIONS

As of 12th February 2019, seven representations had been received, five were from nearby properties and the others from the Needham Market Society (NMS) and the Suffolk Preservation Society (SPS). Five of these representations (including the NMS and SPS) were objections and two were neutral.

In summary, the key aspects of the objections were:

- Objection to retail unit off of the High Street;
- This, combined with the Middle School application, fails to take into account Needham Market as a whole (loss of school, loss of bank, loss of Local Authority HQ). Application should retain a MSDC presence within Needham.
- Loss of privacy and light (to The Old Methodist Church and 143 High Street)

The “neutral” comments contained elements of support including:

- Conversion of Listed Building and removal of more modern addition are welcome as is opening up of rear garden area;
- Public parking behind old bank site and pedestrian areas to rear and north of 131 High Street are welcomed;
- Overall design of residential scheme is considerate

And objection, including:

- Differences in land levels leading to potential drainage issues, loss of privacy and light;
- Proposed parking area could cause damage to wall;
- Loss of green space and trees around the proposed retail unit

Requests were also made to provide close, off-road parking and to improve the design of the recent extension to 131 High Street; to retain more land around the pond by reconfiguring the proposed car park and road and a condition to control demolition works to protect neighbouring timber properties.

The SPS and NMS cited further areas of concern:

- The proposed roof pavilion on Hurstlea House;
- The loss of a pond (“Horse Pond”);
- Loss of brick entrance posts and iron railings;

PART THREE – ASSESSMENT OF APPLICATION

Synopsis

The site in question, is one of a number (including the Needham Middle School site nearby) which have a previous public sector use and are no longer in use or required for their original purpose.

Since Mid Suffolk District Council (MSDC) vacated the premises in 2017, the site has remained unused.

Despite the fact that MSDC is the applicant, no regard must be had to this fact and the Local Planning Authority must judge the case on its merits as if it were from a private developer or other third party.

A separate Listed Building application (DC/18/05254) for works to the listed building, including demolition of the newer outbuilding and removal of part of the wall, has been submitted and is covered by a separate report, although the commentary does overlap in places.

A response from the Economic Development team raises concerns over the loss of employment space and our Strategic Housing Officer also objects due to the lower than policy-compliant amount of affordable housing. These matters are assessed below.

Both of these major points are considered and have been responded to by the applicant via an Employment Viability Appraisal and a Financial Viability Appraisal, which show that the site is marginal in terms of profit and has received limited commercial interest from potential employers.

Issues of heritage, residential amenity, parking, flood and other matters are then considered and, in the context of these and with the provision of 94 units to Mid Suffolk's housing supply, are given due consideration.

Approval is then recommended, subject to affordable housing provision and conditions.

1.0 The Site and Surroundings

- 1.1 The entire application site is 2.41 ha. This comprises two distinct parcels: i) The main former Mid Suffolk HQ site, which houses the former offices, car park and gardens; and ii) the car park and landscaped area to the west of Hurstlea Road.
- 1.2 The first of these parcels is sensitively located, being within the Needham Market Conservation Area, fronting the town's main thoroughfare and containing the Grade II listed 131 High Street and its garden, as well as bordering further Grade II listed buildings at 129, 133 -135, 106-114 High Street and 2 Hawks Mill Street.
- 1.3 Deeper within this parcel are the newer Council buildings, some landscaped gardens and extensive car parking around to the west and south of the site.
- 1.4 The western parcel of the site, across Hurstlea Road, is dominated by car parking, with a treed area and pond in its southern part and a further pond in the middle section.
- 1.5 The surroundings of the site are: Residential properties across Barrett's Lane to the south, Needham's High Street and conservation area to the east, the housing of Cedar Walk to the north (separated from the site by "The Limes" (an avenue of trees) and the housing of Hurstlea Road and Gilbert Close to the north and west, with the Crowley Park Playing Field to the west.

- 1.6 The site also contains potentially contaminated Land (ref: 094/0018/2002), is within several Airfield Safeguarding zones, associated with RAF Wattisham.

2.0 The Proposal

- 2.1. The proposal is for a mixed development (though predominantly residential) including 94 units and a retail unit of 365m². This includes affordable housing and areas of public open space.

3.0 The Principle of Development

- 3.1 The Needham site, former headquarters of Mid Suffolk District Council, is a unique scenario given its scale and windfall nature. As such, the unique set of circumstances require a bespoke analysis and can be broken down in to: i) the loss of employment land ii) provision of retail and iii) provision of residential accommodation.
- 3.2 i) Loss of Employment Land: At pre-application stage, the applicant provided an Employment Viability Appraisal. Our Policy team has stated that this has some shortcomings, such as a seemingly illogical comparison with Ipswich and an understatement of rail connections
- 3.3 The applicant has replied that this response fails to recognise that the site has been properly marketed and has received little or no interest. It is also noted that Ipswich, described as a regional hub, has itself had trouble with take-up of office space, including units within some buildings which are a similar size to, or larger than, the site in question. Thus a general picture of market saturation and lack of interest is apparent.
- 3.4 Key points in its Employment Viability Appraisal are: i) It is considered highly unlikely that the office will be disposed of in a single letting given the fact that no office deals have occurred within a ten mile radius in the last five years that have involved the disposal of more than 20,000 sq. ft. in any one deal; ii) There is over 291,000 sq. ft. of available office space within a 10 mile radius of the property with a further 320,000 sq. ft. of office space that is proposed or under construction (all of which is to be delivered in close proximity to major employment hubs); iii) On average office disposals take no more than 2,300 sq. ft. per transaction with only 6 deals occurring over the last 5 years that have taken more than 10,000 sq. ft. – all of which occurred in Ipswich.
- 3.5 It is accepted that a large range of local authority buildings are best used for just that purpose, but that another end-user of the same size is very unlikely to be found. This is even more the case given the relatively small size of Needham Market and the presence of larger urban settlements in both Suffolk and Essex within easy reach.
- 3.6 There is also an up-and-coming employment provision within sites such as the Mill Lane Employment Zone, incorporating, Gateway 14 and Stowmarket East.
- 3.7 **CONCLUSION** – The principle of the loss of employment land can be supported because there are cogent reasons that indicate the loss is acceptable.
- 3.8 ii) Provision of Retail: There is a potential issue of impact on Needham Market town centre. Whilst not required by our policies, a Retail Impact Assessment has been submitted by the applicant as good practice, especially given that the emerging policies will contain this requirement. This shows that there is a variety of units in Needham, with A1 (retail) providing about 65 per cent of units and a very low vacancy rate (about 5 per cent).
- 3.9 The same assessment also contained a survey of shopping habits, where it was found that a small percentage use Needham town centre for their food shopping, many shopping out of town (in Stowmarket or Ipswich) or in the Barking Road store outside of Needham's central shopping area.

The creation of a new supermarket could, therefore, actually attract or secure trade in the town, albeit at an edge of town centre location.

- 3.10 In terms of sequentiality, the judgement is a balanced one. There is a potentially available site, the Turner's Garage site, which is in the High Street. However, the applicant has stated that site does not provide sufficient car parking provision or adequate servicing for rigid and articulated HGV's. This is a credible commercial consideration.
- 3.11 There is an existing supermarket (Co-operative) set off of the High Street (on King William Street), with notional parking of about four spaces. This site is twenty metres from the High Street, whilst the application supermarket is about 150 metres distant. The existing supermarket is approximately 225m², as compared to the 365m² proposed here.
- 3.12 CONCLUSION – Given that the proposal is for a larger store than currently exists, which may attract or secure trade in the town, rather than leaking trade to other centres and because of the relative proximity to the main shopping street, the view can be taken that the retail element of the scheme is acceptable in terms of impact and sequentiality.
- 3.13 iii) Provision of residential accommodation: The site is unusual in that it is a relatively large one within the Built Up Area Boundary of one of Mid Suffolk's major centres. With the issue of employment dealt with (above), it is a clear consideration that a residential redevelopment is likely. This is given greater weight by Mid Suffolk's requirement to provide a five-year housing land supply.
- 3.14 At only a very short distance from Needham's facilities (including shops, schools and the railway station) the location is highly sustainable in all senses – environmentally due to a reduced requirement for the car, socially as the site knits in to the urban fabric of the town, economically due to the increased spend in Needham Market by the new residents, as well as the short-term economic benefits for those employed in building out the scheme.
- 3.15 CONCLUSION – Given the above-mentioned factors, and in particular the site's inherent sustainability and the District's need for housing, the residential proposal can be supported.
- 3.16 In the round, this scheme for the redevelopment of employment land and provision of residential homes, with the creation of a small element of retail use, would deliver a positive economic outcome which is preferable to the continued vacancy of the site and its potential deterioration having a negative impact on the town.

4.0 Site Access, Parking and Highway Safety Considerations

- 4.1 The Highway Authority (HA) has raised no objection in terms of the main elements of the scheme, but it has requested some minor changes in relation to some of the parking provision. These requests can be largely satisfied and an amended layout has been requested to reflect this.
- 4.2 The HA, along with the Police, has also raised a point about rear parking. There is no policy or guidance which precludes such a provision. Indeed, the adopted "Suffolk Guidance for Parking" (Second Edition 2015), whilst stating a preference for front parking, gives guidance as to how rear parking should work.
- 4.3 There is a clear justification for having continuous built form on to street frontages, with minimal "leakage" which would occur if parking provision were to the sides of each dwelling. In addition, the site is relatively constrained and works more efficiently by avoiding wide plots.
- 4.4 The addressing of street-fronts is also augmented by the addressing of walkways, both in the case of the path linking through between the listed building and the High Street and also the northern end of the site and the aforementioned "The Limes."

- 4.5 Overall, the site is unashamedly public-facing, with car parking generally discreetly-located. This mimics the traditional form within a late Victorian/Edwardian development, whilst at the same time recognising the requirements of 21st century living, namely the need for parking provision. See “Design and Layout” section below.
- 4.6 The section of site west of Hurstlea Road has a different character, being generally rectangular, as well as not being part of a heritage site or listed building in its own right. This allows for some plots to be wider as well as more curtilage parking. This is more akin to what one would expect with a modern development.
- 4.7 Parking provision is 220 vehicles. This breaks down as follows:
- 4.8 On the eastern part of the site, with 61 dwellings, the per unit allocation is in excess (by one space) of the adopted Suffolk Parking Standards and the visitor allocation is slightly deficient from the standards (i.e. 25 per cent, or 15 spaces). The public parking area is in the location of the current car park.
- 4.9 On the western part, the per unit allocation is exact, with visitor provision also correct (i.e. 25 per cent, or 8 spaces).
- 4.10 The retail element has a slight over-provision, with 25 spaces being provided against an expected provision of 23 spaces (at one space per 16m² in a 370m² retail area).
- 4.11 The HA’s suggestion that there should be adequate turning in a forward gear on plot is noted, but within the constraints of the site this is not possible, nor would it be necessarily expected on what would be relatively minor roads. Provided the appropriate visibility splays and removal of problem layby parking are achieved, then this issue is not held to be crucial to the acceptability of the scheme.
- 4.12 **CONCLUSION** - With these amendments, the proposed scheme is acceptable, having regard to Local Plan Policies T9, T10 and Paragraph 32 of the NPPF.

5.0 Design and Layout

- 5.1 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; whilst Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused. Members will be aware that both policies have been commented upon in the Woolpit appeal for compliance with the NPPF.
- 5.2 Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 5.3 The layout comprises two distinct areas, bisected by the existing Hurstlea Road. The eastern parcel is to be residential only, with the western section housing the proposed retail store as well as residential properties. A landscaped area around the pond in the southern end of the western half, when combined with the retail unit beside it, give space between and differentiate the two areas.
- 5.4 The fundamentals of the general layout have been discussed in the “Parking and Highway Safety” section above, but it is worth re-emphasising that the scheme has two distinct segments – the heritage site proper and the former car park site west of Hurstlea Road.

- 5.5 As one walks, or drives, through the heritage segment, the grain is tighter, with fewer leaks between buildings and through most of the development it is generally the buildings, rather than front gardens or parking spaces, which are immediately present.
- 5.6 An exception to this is the section with units 4.01 – 4.04 at the northern end of the site, where the back gardens will give out on to the roadside. This approach was informed by pre application advice from the Heritage Officer at Place Services, who advised that the character of the former orchard grounds ought to be emphasised (contextually) by retaining and repairing the existing flint/ brick walls which enclose the former orchard in this area – the wall would therefore read as a continuous historic feature rather than being punctuated by front garden gates/ drives and so on.
- 5.7 The pattern of development is shown as being loosely regimented and logical, with rows of no more than six units.
- 5.8 Having taken vernacular cues in terms of layout and spacing as well as basic form, the proposal then deviates from a completely vernacular approach, with the detail and fenestration of the dwellings being fresh, uncluttered and contemporary, namely with aluminium windows and no chimney breasts for example.
- 5.9 Blocks 2, 4 and 5, and parts of Block 6, were initially shown as being gable-end on to the road. This gave a series of steeply-pitched roof slopes in a repetitive “saw-tooth” pattern which was alien in context. In the case of Block 2, this is of particular concern, given its proximity to the listed buildings. This has now been altered to show a single range to the road front, with piled sections extending to the rear.
- 5.10 Blocks 3 and the remaining part of block 6 were originally presented in this way and did not require amendment.
- 5.11 Where the development climbs down the slope, in particular on the western part of Block 6, the roofs are to be stepped down in a way which one would expect in a traditional street. This, and other rows, are also punctuated by “book-ends”, with buildings being higher at the ends for accentuation.
- 5.12 On the western half of the site, the grain is more dispersed, incorporating a retail outlet and its car park. Blocks 7 and 8 mimic the style of the eastern half, but there are also more modern references.
- 5.13 Block 9, is a three-storey blocks of flats with dual-pitched roofs and contrasting materials. This building underlines the difference between the parcel of land west of Hurstlea Road from that to the east.
- 5.14 Block 10, the “Retail Block” contains a number of gabled projections and a unifying main ridge.
- 5.15 A mixed palette of materials, including different bricks (with a heavy emphasis on reds, particularly on the eastern parcel) is required to give the scheme some “lift” and variety. Materials can be agreed by discharge of condition post-permission.
- 5.16 **CONCLUSION** - in sum, it is concluded that the design and layout of the scheme reflects the local character of Needham Market and is one that has not been opposed by Historic England and is supported by officers. Matters of heritage are separately considered, below.

6.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 6.1 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.
- 6.2 Paragraph 109 of 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.
- 6.3 Whilst the site is not a designated "landscape" of any sort (albeit that it is, in part, the garden of a listed building), your Landscape Consultant has requested some modifications. However, as discussed in the "Consultations" section above, the prospect of landscaping around the retail element is not held to be realistic and this suggestion will not be carried forward.
- 6.5 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 6.6 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.
- 6.7 Paragraphs 174-177 of the NPPF instruct Local Planning Authorities in terms of ecology. In this instance, given the largely developed/hard-surfaced or lightly-treed nature of the site, there are no serious concerns.
- 6.8 An Ecology Report supports the application. The Place Services Ecology Consultant has agreed with its findings and recommended mitigation and enhancement.
- 6.9 The application is supported by a Tree Survey which has been reviewed by Council's Arboricultural Officer. The Arboricultural Officer who has raised concern at the loss of a Category A tree. However, an amended drawing now shows this tree to be retained.

7.0 Land Contamination

- 7.1 There are no known issues and our expert has asked to be advised should any unexpected contamination emerge.

8.0 Heritage Issues

- 8.1 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. 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.
- 8.2 Paragraph 192 of the NPPF states "In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."

- 8.3 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 8.4 Paragraph 196 states: "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 including, where appropriate, securing its optimum viable use."
- 8.5 The site at hand has heritage issues which require close attention. The eastern section is within the Needham Market Conservation Area and contains the Grade II listed former HQ building at 131 High Street. Also within the conservation area and forming a boundary with the site are the Grade II listed buildings of 143, 137, 133 and 129 High Street. Amongst these is also the undesignated heritage asset the Old Methodist Church which dates from the 1840s.
- 8.6 Historic England as a statutory consultee has not objected to the proposal. However, the Heritage consultant has raised concerns over the proposed roof extension on the "annexe" of 131 High Street as well as the loss of walling. As discussed, the latter will be relocated on site and the former has been reduced.
- 8.7 Regarding any residual harm, this is less than substantial and Paragraph 196 of the NPPF (July 2018) instructs us: "*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 including, where appropriate, securing its optimum viable use.*"
- 8.8 The public benefit would be a significant contribution of 94 residential dwelling units to the housing stock of Needham Market and Mid Suffolk as a whole. The viability of the site is marginal and the loss of units (which removing the roof extension over 131 High Street would entail) would impact upon this viability.
- 8.9 Moreover, putting the site into positive use in a timely way with the inherent economic activity of redevelopment and achieving an appropriate wider setting of the listed building would deliver its own clear public benefit.
- 8.10 In addition, the listed building is to be repaired and reused and its setting is to be enhanced. Whilst the roof extension will be a visible element in the conservation area's skyline, the building will be given "room to breathe" on the right-hand-side, where it is currently visually crowded and undermined by a series of 20th century accretions and additions with very slack pitched roofs clearly in view. These additions have had a functional justification in the past when this was a Local Authority building, but they have no architectural merit, are visually discordant and undermine the setting of the listed building and the conservation area. Their removal speaks in favour of the proposal.
- 8.11 So too does the proposed accessway from the High Street along the right-hand side of the building, which allows the general public to enjoy the listed building from its north-western and rear aspects in a way which has not been possible for many years.
- 8.12 Experience of the rear perspective is further enhanced by the removal of existing outbuildings and the provision of a memorial garden. This will allow long views back on to the rear of the listed building such as have not been enjoyed for several decades.
- 8.13 The removal also frees up public views of the listed buildings 133 and 137 High Street and of the undesignated Old Methodist Chapel.

- 8.14 In terms of archaeology, the County specialist has advised that there may be some potential for finds and this is covered by condition.
- 8.15 The delivery of new housing, together with these improvements, and the public benefit which they provide in terms of enjoyment of the asset and economic and housing activity are held to outweigh any harm caused by the proposed roof extension.

9.0 Impact on Residential Amenity

- 9.1 Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
- 9.2 Much of the site is free from such concerns. However, there is an interface with, the neighbouring properties to the north-east: 133, 135, 137, 141 and 143 High Street (which are all residential) as well as the former Methodist Chapel, which used to be an old people's home and may change to C3 use and the former bank on the corner (129 High Street) whose future use may also change.
- 9.3 The positioning of the current and proposed buildings is such that issues of overshadowing and loss of outlook do not arise. However, there is a potential for overlooking which must be assessed.
- 9.4 The initial drawings showed external sitting out areas at first floor to the rear of Block 3 which could give rise to uncomfortable overlooking to some of the above-mentioned neighbouring properties. The applicant has been advised to change this and remove those elements. This would simply leave first floor windows from plots 3.01 – 3.04. However, the distances of between 16 and 35 metres are sufficient not to raise concerns about an unacceptable loss of privacy.
- 9.5 The occupier of the old Methodist Chapel has raised concerns about overlooking, which are dealt with in part by the exclusion of the balconies. The proposed first floor bedroom windows would only lead to an incidental loss of privacy. The same property voiced concern about three storey buildings casting shadow. However, the buildings are only two-storey and are set further away than the existing office buildings.
- 9.6 A specific concern has been raised by the occupiers of 143 High Street, given the possibility of the retained wall having the ivy cleared from it. However, no windows are tabled to face that way. There is, therefore, no concern about privacy loss.
- 9.7 Construction hours can be managed by planning condition, to ensure the construction phase of development is carried out in a manner that safeguards neighbouring residents' amenity.
- 9.8 Hours of use for the retail unit, including delivery hours, have been agreed by your Environmental Health Officer. It is understood that retail use and deliveries are a normal part and parcel of retail use, with some limited amenity impacts which are not unacceptable.
- 9.9 CONCLUSION – There are no unacceptable issues of residential amenity which would warrant refusal.

10.0 Flooding and Drainage

- 10.1 A Flood Risk Assessment was submitted; the Floods Authority some clarifications and has now withdrawn its holding objection. Conditions are proposed. This matter is, therefore, dealt with.

11.0 Delivery considerations and relationship to land supply aspects

- 11.1 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 and that the Council cannot presently evidence that it has a five-year supply of deliverable housing sites.

11.2 In that respect, and further to the revised NPPF published in July of this year, the following documents are considered to be relevant to the determination of this application where they place the consideration of housing delivery within a focused context:

- DCLG (2017), *Fixing our broken housing market*.
- DCLG (2017), *Planning for the right homes in the right places: consultation proposals*.
- MHCLG (2018), *Government response to the housing White Paper consultation: Fixing our broken housing market*.
- MHCLG (2018), *Government response to the Planning for the right homes in the right places consultation*.
- MHCLG (2018), *Technical consultation on updates to national planning policy and guidance*.

11.3 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.

11.4 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 94 no. dwellings.

11.5 The NPPF, within its glossary (Annex 2) defines 'deliverable' as follows:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."

and:

"Sites with outline planning permission... should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."

11.6. The PPG gives further guidance on those considerations under the chapter heading, 'Housing and economic land availability assessment' and including three, important concepts: suitability, availability, and achievability. Whilst primarily aimed at aiding the plan-making process, the principles are no less useful when considering the deliverability of this development.

Firstly, it states that the following factors should be considered to assess a site's suitability for development now or in the future:

- *physical limitations or problems such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;*
- *potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation;*
- *appropriateness and likely market attractiveness for the type of development proposed;*
- *contribution to regeneration priority areas;*
- *environmental/amenity impacts experienced by would-be occupiers and neighbouring areas.*

Secondly, it highlights the factors which should be considered when assessing availability:

“A site is considered available for development, when, on the best information available... there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners.”

and:

“... Consideration should also be given to the delivery record of the developers or landowners putting forward sites.”

Thirdly, factors that should be considered when assessing achievability:

“A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”

11.7 In addition to the above, the PPG provides examples (not exhaustive) of the kinds of evidence that might be sufficient to satisfy the need for clear evidence in determining a planning proposal (as in as deliverable, including:

- any progress being made towards the submission of an application;
- any progress with site assessment work;
- any relevant information about site viability, ownership constraints or infrastructure provision; and
- a statement of common ground between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates.

11.8 In respect of this application the Applicant is the Council and is in control of deliverability in a way that is quite unique. It is prepared to accept a standard commencement condition of **18 months** as opposed to the usual three years.

11.9 Assessment – Deliverability:

In light of the preceding considerations within this report, the site is considered to be suitable where there are no technical objections to the development as proposed and where officers do not consider that there are any policies which would of themselves direct that development should be restricted by virtue of physical limitations or social, economic, or environmental impacts; the development would provide for net gains across the three objectives of sustainable development, as envisaged by Paragraph 8 of the NPPF and where it is considered that there should be a momentum towards securing development built upon such principles. Furthermore, the development would provide for a significant delivery of homes against the context of a shortfall and the Governmental objective to significantly boost housing supply

11.10 The development/site is considered available because there are no known legal or ownership problems relating to the site and there is a confidence that this is the case in accordance with the

advice contained within the PPG. It is evident that the Council as applicant developer has a clear control over delivery.

11.11 The development is considered achievable because the known viability context has been established and there is a clear prospect of delivery being achieved within an expeditious timeframe. The applicant has agreed to work to a shortened commencement period to support this consideration.

11.12 The site and development proposed is therefore considered to be suitable, available, and achievable, with officers not considering that there are any constraints that would unduly inhibit delivery.

11.13 The proposed development is considered to be deliverable in the round and the prompt timeframe is a positive consideration to be weighed in the balance.

11.14 Contribution to Housing Land Supply:

In order to understand the contribution that this development could make to the land supply of the District, it is important that the information on availability, suitability and achievability is considered alongside the likely lead-in time and build-out rate of the proposed development.

11.15 In this respect the PPG advises:

“The local planning authority should use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. This may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites allowance should be made for several developers to be involved. The advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.”

In this instance, it is understood that build out will enable this site to make a positive contribution to the District’s land supply.

11.16 Conclusion – Delivery and housing land supply:

11.17 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.

11.18 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.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 The proposal at hand leads to the technical loss of employment land, but the reality is that the chance of a site-user emerging is remote (and the provision of a retail outlet will create some jobs). In the absence of this there is a credible chance that the site will remain unused and deteriorate in appearance and condition.
- 12.2 The creation of 94 homes would be a material contribution to Mid Suffolk's five-year housing supply requirement and would see a beneficial use of the listed building and an improvement of the setting and enjoyment of the listed building, its, grounds and surroundings and of the Needham Market Conservation Area.
- 12.3 Whilst some less than substantial harm has been identified by the loss (or, rather, the relocation) of a wall and creation of a roof extension, this does not outweigh the public benefits outlined above.
- 12.4 Whilst the loss of some loss of trees is noted, a comprehensive landscaping scheme will improve the area.
- 12.5 The proposal constitutes sustainable development for which the NPPF carries a presumption in favour and therefore the application is recommended for approval.

RECOMMENDATION

- (1) That, subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Acting Chief Planning Officer to secure:

- 10 Units of affordable housing
- Public rights of way through the site
- Securing of public open space

- (2) subject to conditions as summarised below and those as may be deemed necessary:

- Standard Time Limit Condition (Full)
- Drawing Numbers
- Materials TBA
- Archaeological Works
- Archaeological Site Investigation
- No further development until remediation measures are agreed if contamination is discovered;
- No drainage unless agreed;
- No piling unless agreed.
- Works to comply with Arboricultural Method Statement
- Removal only of trees shown to be removed

- Visibility Splays;
- Details/provision of roads;
- Details of discharge of surface water to the Highway;
- Refuse/recycling details;
- Construction Management Plan
- Travel packs
- Electrical charging points
- Landscaping
- Biodiversity mitigation and enhancement measures.
- Contaminated Land Specialist to be consulted if unexpected contamination is discovered;
- Lighting scheme
- Flow restriction scheme
- PD removal (extensions and outbuildings)
- Garages/car ports to remain as such
- Fire hydrants
- Re-location of wall and bench.
- Management scheme for shared areas

(3) And the following informative notes as summarised and those as may be deemed necessary:

Informatives:

- Footpaths;
- Section 38 of the Highways Act 1980
- Section 278 of the Highways Act 1980
- Natural England Standing Advice
- Fire hydrants/sprinklers