

Committee Report

Item No: 3

Reference: DC/18/04811

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. Full Planning Application - Erection of 41 Affordable dwellings (Class C3) (following demolition of existing buildings); Conversion of Victorian building to library (Class D1) and associated works including parking, highways and landscaping.

Location Site At Needham Market Middle School, School Street, Needham Market

Parish: Needham Market

Expiry Date: 05/02/19

Application Type: Full planning application

Development Type: Residential/Community Facilities

Applicant: A. Bennett, Mid Suffolk District Council

Agent: Ingleton Wood LLP

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

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

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

GP01 - Design and layout of development

HB01 - Protection of historic 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

T09 - Parking Standards

T10 - Highway Considerations in Development

SC11 - Accommodation for voluntary organizations

National Planning Policy Framework (NPPF)

Supplementary Planning Documents
Suffolk Adopted Parking Standards (2015)

Consultations and Representations (as of 08/01/19)

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 has submitted its comments through a Planning agent which, in conjunction with a transport consultant, has listed three main areas of objection:

- Highway safety (this is reported in more detail in the relevant section);
- Residential Amenity (noise and light from the existing neighbouring sports facility);
- Lack of community engagement.

Following the provision of further information (including a speed survey), the Parish and their agent were then re-consulted and provided further comment. The objection remained, raising concerns with the applicant's conclusions and time available to comment.

At the time of writing, the agent was given a further two weeks to respond to the Highway Authority's amended comments (until Monday 25th February). This will be reported in the late papers.

The points raised are discussed in the relevant sections below.

Historic England

No comments, advised that we seek views from our specialist.

SCC Infrastructure

CIL requirements – Education, pre-school and libraries.

Environment Agency

No comments.

Arboricultural Officer

No objections, subject to the works being in accordance with the measures outlined in the accompanying arboricultural report.

Transport Strategy

No comments.

Anglian Water

No objections, suggested liaison with the local lead flood authority for SUDS matters.

Floods

Holding objection. Whilst most of the required details have been provided, there are "insufficient details on the surface water drainage assets."

OFFICER COMMENT – This issue is explored below and it is concluded that this matter can be satisfactorily dealt with by way of condition.

SCC Highways Authority

The HA raised concerns about the visibility splays on to The Causeway. It asked for speed surveys to inform what highway improvements may be required.

A survey was undertaken, and your Officers met on site with the applicant and the Highway Authority.

In addition, comments were made about parking arrangements and footways – amendments were requested.

Following the speed survey, a solution was found to address the HA's concerns, this is covered in greater detail in the relevant section below.

Heritage

Overall no concerns other than the large gable which was originally proposed detracting from the conservation area and a request that the building next to the old school be modified to reflect that building.

OFFICER'S COMMENT – These modifications have now been secured.

Natural England

No comments, offered standard advice.

Strategic Housing

Supported the scheme, other than requesting, in respect of the 1 bed flats, should be for rent rather than shared ownership.

Sustainability

Expressed disappointment at the lack of sustainable elements to the scheme and asked that this be covered by condition.

County Archaeological Service

No issues, not need for any archaeological mitigation.

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.

Suffolk Police

Supported the idea of a single vehicular access, adding "In general the site layout is good." It recommended some alterations, such as to the library windows, defensive planting, barriers to the car park and more surveillance of parking areas. External lighting was also recommended, especially for the car park.

OFFICER COMMENT – The Police's general support is welcomed. Not all of the additional ideas will be taken up, although a security lighting strategy can be agreed by condition.

Economic Development

Support the provision of the new library facility as part of this application, noting the value of libraries as a community resource; would welcome a new employment offer at this location should it be proposed, but had no other comment to make.

BMSDC Air Quality

An air quality assessment was requested.

OFFICER COMMENT – There is no policy justification for such an assessment and this area is not an Air Quality Management Area. However, Babergh and Mid Suffolk have an emerging document to deal with the issue of air quality by encouraging electric vehicles - "Electric Vehicle Infrastructure." It would be prudent to deal with this issue by imposing an Electric Vehicle condition.

BMSDC Land Contamination

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

Suffolk Wildlife Trust

No objection, requested that the findings of the ecological survey be carried out in full.

B: Representations

As of 06.02.19, Approximately sixty representations had been received, the vast majority of these were objections. Having amended the scheme a re-consultation was sent out in January, resulting in eight representations (all objections). This does not imply that the previous objectors had removed their objections.

The nature of objections was:

- Too much traffic
- Danger to pedestrians
- Narrowness of street
- Paths too narrow, cars often go on the paths
- Construction traffic will be dangerous
- Single access is dangerous, road should go through The Drift, should be on to Chainhouse Road
- Too many houses
- Affordable is to compensate for lack of such at Needham HQ
- Plot 7 close to the community centre, noisy
- Would be a good location for a doctor's surgery
- Motives of MSDC as a property developer are questionable
- School building is too small to be a library
- Should be used, at least in part, as a community facility
- Inadequate infrastructure, doctor's surgery etc.
- This and other developments mean significant growth.
- Fails to regenerate and engage with citizens
- Fails to address the needs of young people

PART THREE – ASSESSMENT OF APPLICATION

Synopsis

The site in question, is one of a number in the locality (including the former Mid Suffolk District Council HQ building nearby) which have a previous public sector use and are no longer required for their original purpose.

Since the middle school vacated the premises in 2015, the site has remained unused.

Despite the fact that MSDC is the applicant, the Local Planning Authority must judge the case on its merits as if it were from a private developer or other third party.

The following text describes the proposal at hand, for 41 affordable residential units. Consultation replies are listed, which elicit proposed amendments to the design of some of the dwellings as well as small changes to some of the unit sizes.

Issues of highway safety, heritage, residential amenity, parking, flood and other matters are then considered and, in the context of these and with the provision of 41 units to Mid Suffolk's housing supply, the scheme is found to be acceptable.

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

1.0 The Site and Surroundings

- 1.1 The entire application site is 1.22 ha. This comprises the former school buildings (the original Victorian red-brick and the many newer constructions) and the school grounds.
- 1.2 The site is located on School Street immediately opposite the Needham Market Conservation Area. Over the road to the east is an eclectic mix of buildings, many of them the same age as the school.
- 1.3 To the north is a modern flatted development which turns the corner on to The Causeway, where further housing backs on to the site.
- 1.4 To the south-east is the Community Centre, outdoor sports courts and Needham Town Council's offices. To the south and west are football pitches.

2.0 The Proposal

- 2.1. The proposal is for a residential development of 41 units, all of which are to be affordable.

3.0 The Principle of Development

- 3.1 Following the closure of the Needham Middle School over three years ago, the site has remained vacant. It is desirable to bring it back in to some form of use. The site is situated within the settlement boundary of Needham Market, designated as a town by Core Strategy CS1, wherein development will be directed. Whilst Mid Suffolk cannot currently demonstrate a 5-year supply of housing land the site is nonetheless considered to be a sustainable location for development given the access to services and facilities, and benefits from the re-development of the site and provision of housing. As such the principle of the development of the site is considered to be acceptable, subject to the requirements of the NPPF with particular regards to paragraph 11 of the NPPF wherein permission should be granted unless the proposal conflicts with the NPPF, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
 - 3.2 Whilst the desire for some other form of community use is understood, the economic reality is that this is an unlikely proposition (it must be recalled, in addition, that part of the site is indeed to be given over to a community-type use, i.e. the use of the old school building as a library). The proposal as submitted must be considered on its own merits, notwithstanding any preferences for other uses for the site.
 - 3.3 The site is very centrally-located, close to the shops and services of Needham Market High Street, close to a school and to a railway station. Given this point and the fact that it is within a
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predominantly residential area, a residential use is acceptable in broad terms, having particular regards to the requirements of sustainable development at paragraph 8 of the NPPF.

3.4 Added to this, Mid Suffolk needs a five year supply of housing land and this site helps towards that delivery – with the added bonus that this is all to be affordable.

3.5 The principle of residential, with a community use on site, is therefore acceptable.

4.0 **Site Access, Parking and Highway Safety Considerations**

4.1 It must be clearly stated that, at no point, has the Highway Authority (HA) objected to the proposal. However, it held off giving a full recommendation pending further information.

4.2 Whilst the HA has flagged up one or two minor points, it is supportive of the highway visibility on to School Street. However, it has raised concerns about the potential intensification onto the junction with The Causeway.

4.3 It requested a speed survey and stated that its findings would inform the possible need for works to the junction. This survey has been undertaken and its findings made public. The conclusion is that mitigation is, indeed required at the junction.

4.4 The survey showed that average speeds were less than 20mph in both directions, and a low number of movements was counted. On this basis, the HA requested 33 metres visibility splays. The applicant showed that some improved splays were possible, the desired splays were not.

4.5 The Town Council's representatives were furnished with the new information and were consulted. They have responded thus:

- Unclear whether speed survey relates to total trips or vehicle trips;
- Most children walk to school;
- A comparison to a doctor's surgery is not considered appropriate;
- Residential traffic in the morning would be more out-bound;
- Not clear where the surveys were conducted;
- Speed surveys not relevant in any case;
- No attempt has been made to provide improved footway provision;

The original six points were then re-iterated:

1) Poor footway infrastructure and increased potential for conflict between the vehicular and vulnerable road users.

2) Lack of suitable infrastructure for cyclist in the immediate vicinity of the Site (*"The provision of cycle parking is welcomed, but the wider highway infrastructure has not been addressed"*).

3) Substandard visibility at School Street/The Causeway and The Causeway/High Street junctions is considered detrimental to highway safety.

4) Lack of detailed accident analysis required to verify involvement of vulnerable road users or HGV's.

5) Failure to present a fully usable parking layout for proposed development, assess on street parking during peak hours, taking account for parking impact of the community centre events.

6) Failure to assess current levels of traffic at key local junction and assess the impact of event traffic on local highway network.

OFFICER RESPONSE – This does not appear to be raising any new issues, but repeats a belief that the junction is dangerous and criticises the submitted report from the applicant. The applicant has been asked to provide a response to the points raised.

- 4.6 Following the HA's amended response, The HA Safety Auditor has further assessed the matter and concluded that, due to the low level of traffic movement (84 total movements in a five-hour period, or one every three minutes) and given the fact that the site carries an existing use and is likely to carry some future use, concluded that the visibility splays of 33 metres, whilst desirable, could not be insisted upon.
- 4.7 It was, however, concluded that some additional mitigation was necessary such as a table top junction and/or contrasting materials which would encourage vehicles to slow down. The former might not be possible due to topography and possible drainage issues, so the latter is more likely. This scale of work is significant enough to have an effect, without being so intrusive as to interfere with the existing road network or inconvenience its existing users.
- 4.8 Additional smaller works required to the junction would involve a realignment of some of the lines. In addition, the removal of coach parking on The Causeway and hatching outside of the school. In the latter case, a Traffic Regulation Order (TRO) will lead to yellow lining the road to prevent parking (the HA is currently trying to establish whether a TRO already exists from the site's days as a school, if not, one will be sought).
- 4.9 The Town Council's representatives have been advised of the Highway Authority's amended response and have the opportunity to respond to these prior to Committee. This will be reported in the late papers.
- 4.10 The point must also be made that, although historically traffic movements were considered to be low as many walked to the school or were dropped off nearby, the site could change to another D1 use (Non-residential institution) such as a clinic, health centre, crèche, day nursery, day centre, art gallery, museum, hall, place of worship or law court without requiring any planning application.
- 4.11 The applicant makes the further point that the recently extended parking area at the community centre did not occasion any improvement works to the School Street/The Causeway junction.
- 4.12 Despite an objection from Needham Town Council and its representatives, and despite the fact that the required splays are not quite achievable, the fact that they are being improved and that there is a low level of traffic movement at the junction means that a refusal on highway grounds would be difficult to sustain at appeal. The NPPF states at paragraph 109 that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.13 Regarding the other matters raised by the HA, it was concerned that some of the parking was too close to the proposed road, especially in proximity to bends. Amended drawings have been submitted which overcome these concerns.
- 4.14 In terms of the existing narrowness of the footway; this is noted, but is pre-existing and unless School Street is further narrowed to a single lane, this issue is insurmountable given that the built form is hard up against the carriageway on the eastern side.
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- 4.15 The HA has also stated its preference for there not to be parking to the rear of properties (albeit that, in this case, there are not many incidences of it here). However, whilst this is noted, this approach is too prescriptive for sites in historic urban settings with tight-grained development, especially in or near conservation areas. Parking to the front and side can be visually discordant and immediately dictates wide plots or integral parking which jars with traditional street layouts. Discreet rear parking is, therefore, a logical solution.
- 4.16 Overall matters of highway safety and efficiency have been carefully assessed and it is concluded that these have been addressed adequately to make the proposal acceptable, and would not be contrary to the requirements of the NPPF.

5.0 Design and Layout

- 5.1 Policy CS5 of the Core Strategy 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.
- 5.2 Paragraphs 124-127 of the NPPF attach great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 5.3 The layout is logical within the broadly rectangular site. Buildings face School Street with their long axes and give a reasonably continuous built-form to the public realm. This turns into the new access road and carries on along its northern drag, with an area of public open space to the south. Back gardens border those of The Causeway to the north and the sports pitches to the west.
- 5.4 The development largely comprises blocks of three or four units, with a few comprising two. This reflects a traditional form of development.
- 5.5 The basic form of the buildings draws from vernacular references, albeit that the detailing is more modern. However, greater attention has been paid to the buildings fronting School Street. These will have chimney breasts and window sills and splayed heads, echoing the remaining Victorian school building.
- 5.6 It is concluded that the design and layout of the scheme reflects the local character of Needham Market and is one that is supported by officers.

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 170 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.
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- 6.3 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 6.4 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.
- 6.5 In this instance, the site is almost entirely built-form and hardstanding, with a few trees and pockets of grass. The scope for wildlife is, thus, limited, but cannot be discounted given the small areas of vegetation as well as potential for bats and nesting birds in the roof of the old school building.
- 6.6 An Ecology Report supports the application and concludes that no bats have been detected in the old school building and that the likelihood of reptiles and newts being affected is small. It did, however, sound a note of caution about nesting birds and advised a watching brief to this end.
- 6.7 Its other recommendations include measures such as swift bricks, starling boxes, house sparrow terraces and house martin nest cups as well as native planting. These measures shall be secured by way condition.
- 6.8 The application is supported by a Tree Survey which has been reviewed by Council's Arboricultural Officer. The Arboricultural Officer does not raise an objection. There will be no loss of significant trees and landscape planting will offer enhanced local arboricultural values.
- 6.9 There are, therefore, no outstanding concerns with regards to the natural environment.

7.0 Land Contamination

- 7.1 There are no issues here; and the Contaminated Land Officer has asked to be informed should any unexpected contamination arise.

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 129 of 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. Paragraph 134 of 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.
- 8.3 The site is largely outside of Needham Market Conservation Area (NMCA), whose boundary is the other side of School Street. The only exception is the footprint of the Victorian school building and its immediate curtilage, which is included within the NMCA.
- 8.4 Your heritage officer was concerned about the effect on the setting of the NMCA, with explicit reference to the building containing flats 3 and 4, with its wide, road-facing gable. This has now
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been altered so that a long, full-roofed, axis faces the road (as would be expected in a vernacular form), with the building double-piled back to provide the required accommodation.

8.5 This, together with a closer attention to detail on the School Street-facing aspect, means that the proposal is satisfactory from a heritage perspective.

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 The site is comparatively aloof from these considerations, given that it has no neighbouring residential properties on two sides. However, consideration of the north (The Causeway) and the east (the opposite side of School Street) is set out below.

9.3 The layout is friendly to the properties on The Causeway, with existing and proposed buildings being 40-45 metres apart, largely due to the generous gardens on The Causeway.

9.4 Closer to the site are the properties across School Street. These are approximately 15 metres away. This is enough to allay concerns about loss of light according to the British Research Establishment (BRE) guidelines, which indicate a minimum ten metres front-to-front spacing.

9.5 There are generally no concerns regarding overlooking. One exception is the flatted block of unit 1-2, where there may be some incidental overlooking from first floor lounge windows. Earlier proposed balconies have been removed to lessen the effect of this. Overall this is held to be acceptable.

9.6 Demolition and 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. Hours of use for the development can be similarly conditioned.

9.7 The Town Council's representative has also voiced concerns over the amenity of *new* residents due to the juxtaposition with the existing community centre and outdoor sports pitches and lighting.

9.8 The NPPF gives clear guidance on new housing next to existing uses as follows:

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable

restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 9.9 In anticipation of this concern, the matter was explored at great depth during a recent planning application at the Community Centre (ref: DC/18/05039) for "Refurbishment of existing sports areas to provide two fenced and floodlit netball/tennis courts and creation of additional car parking spaces." Our Environmental Control team, was satisfied with the raft of measures in place at the time.
- 9.10 The sports uses are controlled by planning condition such that their use and the lighting will not stray in to the "night-time" hours of 23:00 – 07:00. There will be, therefore, no statutory nuisance, albeit that the operator of the community centre is beholden to ensure that the shrouding of the lights remains as per the above planning permission.
- 9.11 However, the issue of possible noise nuisance from the Centre requires careful thought. There are sometimes late functions (the building does enjoy a late licence) which might involve noisy music, for example. Whilst our Environmental Control section has advised that there has been no history of noise complaints from the site, the proposal does bring residential properties closer to a potential source of noise nuisance.
- 9.12 It is further worth mentioning that only two houses border the Community Centre and its grounds, Plot 8 which is side on to the tennis courts and does not give rise to any concerns and Plot 7, which is side on to the community centre with no important windows (a small toilet window at ground floor and a landing window at first floor).
- 9.13 An acoustic fence is shown, which will assist at ground floor level. However, more mitigation is required at first floor level for that unit. Our Environmental Health Officers have advised as to conditions which will ensure this. These are referenced at the end of this report.
- 9.14 In conclusion, matters of amenity for both existing and proposed residents are held to be satisfied, and can be adequately controlled by means of condition.

10.0 Flooding and Drainage

- 10.1 The Floods team has requested several details prior to determination. Most of these can be satisfactorily dealt with by way of condition.
- 2. Submit details of how surface water from trafficked areas will be treated prior discharge to ground in line with the Ciria SuDs manual*
 - 3. Submit detailed drawings of the surface water drainage assets and maintenance access point*
 - 4. Submit a detailed layout plan showing individual plot soakaways where possible or soakaways located in none trafficked areas a. If soakaways are to be shared, demonstrate how they will be maintained for the lifetime of the development"*
- 10.2 The following clause, however, requires consideration:
1. "Submit a detailed contaminated land survey to demonstrate that it is safe to utilise infiltration on this brownfield site"
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The applicant has advised that it is not possible to do this prior to works commencing (i.e. this survey requires on-site demolition).

- 10.3 It is possible that a condition will be crafted agreeing to the submitted scheme, but with a proviso that another scheme will be required if the findings of point 1 are not favourable.
- 10.4 This matter is to be delegated to the Corporate Manager of Growth and Sustainable Planning (see recommendation).

11.0 Other Matters

- 11.1 Needham Town Council's representative has claimed that there was not sufficient public engagement. However, in response to this, our Community Development Officer has stated:

“There has been ongoing engagement with the community and stakeholders throughout the process, a range of the community were consulted throughout the process and several meetings with the Town Council, Community Centre and stakeholders.

Mid Suffolk District Council (MSDC) held a public consultation in April at the internet café for the HQ site, but displayed a board showing a very basic outline of the Needham Market Middle School (NMMS) site and an illustration of what might be developed, we felt this necessary as it provided an opportunity for the community to participate in an early discussion and get involved and engaged as early as possible – however MSDC were criticised by the community and Town Council as they wanted more detail. They may have misunderstood the point of the exercise.

MSDC held the formal public consultation event in July for the NMMS site and the scheme that was displayed demonstrated the community facilities being developed as part of the site. As the discussions progressed it became quite clear that the various stakeholders (Library service, internet café and community centre) required different outcomes, hence why we are still exploring the options.

To add complication to the matter, when Suffolk County Council still owned the site they commissioned Concertus to do a report to look at the community taking on the NMMS site, however that never went anywhere and we (MSDC) purchased the site, hence some continued confusion.

The site has changed as a result of the public consultation and is not significantly different from what came out of that exercise, other than housing the community facilities elsewhere within and around the site.

I do not think it is justified to say that the community has not been consulted or engaged with.”

- 11.2 It is understood that there are differing views and feelings are strong about what happens to this site in the heart of Needham Market. However, it does seem that a reasonable amount of consultation has taken place.
- 11.3 The scheme currently under consideration is, in your Officer's view, better than that shown in indicative drawings shown in July. The layout and townscape being offered, including more built form along School Street, are visual improvements.
- 11.4 The other main differences are the swapping of the library from a purpose-built building on the southern side of the site, with the old school serving as the new library; and the lack of a café.
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11.5 It must be recalled that no Development Brief or Supplementary Planning Brief exists for the site and the Council as applicant is not tied to any scheme. However, the proposal at hand is substantively the one which was open to public consultation in 2018.

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

12.2 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*.

12.3 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.

12.4 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 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 41 no. dwellings. The fact that all of these are to be affordable also constitutes a notable provision to affordable accommodation in the district.

12.5 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."

12.6 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.”

12.7 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 this case) 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.

12.8 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 also prepared to accept a time limit for commencement of **18 months** rather than the usual three years.

12.9 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

- 12.10** The development/site is considered available because there are no known legal or ownership problems relating to the site and in light of the agreed Delivery Statement, there is a confidence held that this is the case in accordance with the advice contained within the PPG. Furthermore, in accordance with the PPG, the delivery record of the developer proposing the development of this site has been considered. It is evident that the Council can influence delivery directly.
- 12.11** 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.
- 12.12** 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.
- 12.13** The proposed development is considered to be deliverable.

12.14 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.

- 12.15** 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.”

Given the Council’s role in relation to the scheme as applicant, it is considered that the site can materially contribute to land supply.

12.16 Conclusion – Delivery and housing land supply:

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.

12.17 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

13.0 Planning Balance and Conclusion

- 13.1** The site in question is in the heart of Needham Market, has been without a use for over three years and is in need of some beneficial use in the interests of visual amenity of the conservation area and bringing back to life the Victorian building.
- 13.2** Mid Suffolk requires a five-year housing land supply and what is more, it requires a steady supply of affordable housing. This site makes a useful contribution to that supply.
- 13.3** Matters of conservation, design, highway safety and residential amenity have been satisfied.
- 13.4** The proposal constitutes sustainable development for which the NPPF carries a presumption in favour and therefore the application is recommended for approval.

RECOMMENDATION

(1) a. That, subject to an acceptable drainage scheme being provided to the satisfaction of the Local Planning Authority, that authority be delegated to the Acting chief Planning Officer and;

b. 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:

- Affordable Housing
- Provision of Library, that

2) The Acting Chief Planning Officer be authorised to Approve Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary:

- 1) Non-standard time limit (18 months)
 - 2) Drawing numbers
 - 3) Materials to be agreed
 - 4) Demolition and investigation Management Plan
 - 5) Construction Management Plan
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- 6) Floods condition – scheme to be altered if infiltration not possible
- 7) Works to be in accordance with the measures outlined in the accompanying arboricultural report.
- 8) Landscaping as shown
- 9) Report unexpected contamination
- 10) The findings of the ecological survey be carried out in full (including a watching brief).
- 11) vis splays to be provided
- 12) Details of School Street/The Causeway junction improvements
- 13) Delivery of School Street/The Causeway junction improvements
- 14) Details of roads
- 15) Details of storage/refuse
- 16) Electric Vehicle Charging
- 17) Sustainability measures
- 18) Lighting scheme to be agreed
- 19) Environmental Health conditions (inc. a scheme to mitigate against noise)
- 20) PD removal (class A).
- 21) Garages/carports retained as such.

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

Informatives:

- 1) Fire Hydrants
 - 2) Works to the highway
 - 3) Anglian Water informative
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