

## **Committee Report**

**Item 8A**

**Reference:** DC/18/04247

**Case Officer:** Bradly Heffer

**Ward:** Elmswell & Woolpit.

**Ward Member/s:** Cllr Helen Geake. Cllr Sarah Mansel.

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## **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS**

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### **Details of Development**

#### **Description of Development**

Outline Planning Application (Access to be considered) Erection of up to 300 dwellings, construction of a new spine road, land for a new primary school, burial ground extension, village car park and associated infrastructure.

#### **Location**

Land Off Bury Road, The Street, Woolpit, IP30 9SA

**Expiry Date:** 28<sup>th</sup> February 2020

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Hopkins Homes Limited

**Agent:** Bidwells

**Parish:** Woolpit

**Site Area:** 23.4 hectares

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** Yes - Ref. DC/18/01205

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

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

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

**Details of Previous Committee / Resolutions and any member site visit**

None

**Has a Committee Call In request been received from a Council Member?**

No

**Details of Pre-Application Advice**

Prior the submission of this current application, the applicant company's agent submitted a pre-application enquiry (ref. DC/18/01205) in order to obtain an officer's opinion on the proposed development. The subsequent written response from the officer included the following concluding remarks:

'...The principle of the proposal is considered acceptable however, the overall quantum of development taking into account other recently submitted development in the village and the cumulative effects of developments in this settlement should be considered. The applicant will need to demonstrate that the development would not be detrimental to the village's infrastructure and services and is therefore sustainable...'

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**PART TWO – POLICIES AND CONSULTATION SUMMARY**

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**Summary of Policies**

NPPF - National Planning Policy Framework

**Core Strategy 2008**

- 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
- CS09 - Density and Mix

**Core Strategy Focused Review 2012**

- FC01 - Presumption In Favour Of Sustainable Development
- FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development
- FC02 - Provision And Distribution Of Housing

**Mid Suffolk Local Plan 1998**

- CL05 - Protecting existing woodland

CL08 - Protecting wildlife habitats  
CL02 - Development within special landscape areas  
CL11 - Retaining high quality agricultural land  
T01 - Environmental impact of major road schemes  
T04 - Planning Obligations and highway infrastructure  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
T13 - Bus Service  
RT04 - Amenity open space and play areas within residential development  
RT12 - Footpaths and Bridleways  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB08 - Safeguarding the character of conservation areas  
H03 - Housing development in villages  
H04- Proportion of Affordable Housing  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H17 - Keeping residential development away from pollution  
SB02 - Development appropriate to its setting  
SB03 - Retaining visually important open spaces

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area. Members are advised that the Woolpit Neighbourhood Plan has been submitted to the District Council, and the Reg 16 Submission Consultation began on Monday 16<sup>th</sup> December, ending on 7<sup>th</sup> February 2020. The Plan would then go to Independent Examination, with that process currently scheduled to start late February 2020. Accordingly, limited weight can be given to the Plan at this stage.

### **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/Parish Council (Appendix 3)**

The following comment has been made by **Woolpit Parish Council**:

*Woolpit Parish Council objects to this application for the following reasons:*

*1. Woolpit currently has approximately 900 houses and planning approval has recently been granted for a further 169. With the 300 from this application, the number of homes in the village will rise by some 50%. This is a disproportionate increase which will overwhelm the village and its*

facilities and destroy the unique character of Woolpit. A village would become a town.

2. The traffic through the village is already an issue for the many listed buildings in the conservation area and the additional traffic from 300 more houses, much of which will use the village centre, would have a serious detrimental effect on the mediaeval core. The narrow pavements and pinch points of the centre will create additional congestion and make pedestrian safety a serious issue.

3. Sustainability. The development is not sustainable within the definition of the NPPF, in that it does not meet the needs of the present without compromising the ability of future generations to meet their own needs.

Firstly, the economic objective is not met. Economic sustainability builds a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

We have seen no evidence that this development is of the right type, in the right place or at the right time to support growth. We have seen no evidence that it will support innovation or improve productivity locally.

We also have concerns about infrastructure. Although the railway station at Elmswell is close by, it is very difficult to get to without using a car. Cycling is dangerous and walking the short distance is terrifying. There is no mention of increased bus services, which are limited during the day and non-existent in the evening. The lack of access to public transport coupled with the easy access to the A14 in both directions means that those living here will be encouraged to drive rather than use public transport. This also has implications for a transition to a low carbon economy (see below under environmental sustainability).

Secondly, the social objective is not met. Social sustainability supports strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; it fosters a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being.

The huge scale of the proposed development, in conjunction with other developments already granted planning consent locally, means it cannot be socially sustainable. Over 170 new dwellings already have planning consent in the parish, and the 300 proposed here will take the total to over 470 a more than 50% increase in the number of dwellings in the parish. This will overwhelm the village in terms of infrastructure and social cohesion, and the estate risks being seen as separate to the village. The easy access to the A14 in both directions means that the estate will be more dormitory than community.

Thirdly, the environmental objective is not met. Environmental sustainability contributes to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Services in the village centre are between 345 and 435m distant; this is roughly twice the desirable distance quoted in the transport assessment of 200m. The health centre is 790m away, nearly twice the desirable distance of 400m. It seems likely that vehicular transport will be used to access the centre of the village and certainly the health centre. This is unsustainable in terms of transition to a low carbon economy.

4. Wildlife. The site is locally important for wildlife. The ecological survey acknowledges the high

*number of skylarks, a red-list species in severe decline, nesting in the fields; skylarks are in decline due to loss of habitat, and this development cannot be mitigated in a way that will not contribute to their decline. It also found evidence that eight of the 17 UK bat species roost or forage here, that there is good evidence for common lizards and that there are great crested newts that will be affected by the development. Local mitigation may be possible for these, but the continued piecemeal loss of habitat is not sustainable. The ecological survey mentioned two owl species, little owl and barn owl, but did not apparently find the tawny owl well known to those living on this side of the village, nor the hedgehogs which are found on both sides of Bury Road. Increased street lighting will be to the detriment of Woolpit's dark skies (it is a relatively dark village for its size, with few street lights) and to the detriment of bats, owls and night-time pollinators such as moth species.*

*Increased traffic on Bury Road will be detrimental to those species which are vulnerable to road traffic, such as hedgehogs and barn owls.*

*5. Proposals do not provide for a footpath and cycle links to Elmswell to give access to the railway station. Proposals should incorporate a cycle track link to the village through Rectory Lane and a cycle track to Elmswell. A safe crossing for the pedestrian/cycle track at the existing roundabout at J47 interchange of the A14 is required.*

*6. No improvements are proposed to the narrow footway between Wrights Way and Windmill Avenue (Woolpit Business Park entrance). There will be a considerable increase in traffic along this section of road with vehicles accessing the business park through the new link road from the A14 which will significantly increase the danger to the many pedestrians who use the path. The width of the existing path requires many pedestrians, and particularly wheel chair users and those with pushchairs, to walk in the road.*

*7. Heavy vehicles should not be allowed to use the spine road to access Woolpit Business Park from the A14 but should be required to take their existing route via the A1088. The spine road would be a residential street which should have a weight restriction imposed together with traffic calming and a 20 mph speed restriction.*

*8. Historic England is concerned for the setting of the Grade 1 listed St Marys parish church. They say that they are concerned that development of the application site would result in harm to the significance of the listed building and it would not achieve the NPPF overarching aim of promoting sustainable development.*

*9. This site has open and extensive views across to Norton Wood and to the church tower of Elmswell which will be damaged by the development. The views inward are from the A14 and White Elm road of the village with the Woolpit church spire. These views are of significant importance to the village - in the words of the Landscape Appraisal undertaken for Woolpit Neighbourhood Plan they are "distinctive and valuable". The appraisal also says, "Development in this area also has the potential to alter the settlement form and character, undermine the rural setting to the church and alter perceptions of arrival." There will also be some loss of public amenity in the form of views over Street Farm from White Elm Road, Bury Road, and Hay Barn Meadow.*

*10. Provision should be made for housing for older people. The village questionnaire which is part of the emerging Neighbourhood Plan shows there is a high demand for accommodation which would allow older people to relocate within the village without leaving the community in which they*

have lived for many years.

11. Land on the application site at the junction of Bury Road and White Elm Road is higher than that of the existing adjacent homes in White Elm Rd which will be overlooked and dominated by new properties.

12. Provision for a new primary school should not be included whilst discussions are currently taking place with Suffolk County Council for an extension of the existing school.

13. Hopkins Homes originally proposed 600 houses on their 90 acre site. They are now proposing 300 units on about half this area. If this development proceeds, it is probable that there will be an application for a further 300 units in due course.

14. The site is high quality grade 2 agricultural land.

#### **National Consultee (Appendix 4)**

**Highways England** has requested that conditions be added to a grant of planning permission. The following comment is also made:

*'The proposed development consists of 300 dwellings, a primary school and other community infrastructure on land adjacent to junction 47 of the A14 at Woolpit in Mid Suffolk. The developer's transport consultants engaged with us in pre-application discussions earlier this year to discuss the development, their access proposals and the potential implications for the SRN.*

*One of the proposed principle accesses to the development site involves changes to the layout of the slip road arrangement at junction 47 by replacing the current priority 'T' junction layout with a roundabout incorporating an additional arm to serve the development site. We offered advice on the scope of the assessment that would be required for our purposes, and this was duly undertaken to our specification and incorporated in the transport assessment submitted alongside the application.*

*The applicant has demonstrated that their proposed works at junction 47 will operate satisfactorily both for their development and for the SRN. Our conclusion, therefore, would be to recommend the proposed changes to junction 47 are implemented in a timely manner, and our formal recommendation is given below.*

*The applicant should be advised that they will need to enter into an agreement under section 278 of the highways act 1980 with one or both of the highway authorities to procure and implement the highway works depending on the relative extents of works on the SRN and local roads. For the avoidance of doubt, we should point out that all works on the SRN will need in all respects to comply with the Design Manual for Roads and Bridges.'*

**Anglian Water** has requested the inclusion of a condition and informatives on the grant of a planning permission for the proposal. This would require the agreement of a phasing plan in order that an adverse effect on drainage infrastructure is avoided.

The **Environment Agency** has lifted its original holding objection to the proposal, following the submission of additional information. The Agency now recommends the imposition of conditions on a grant of planning permission.

**Natural England** has no comments on this application, but draws the Council's attention to its standing advice in relation to protected species and ancient woodland/veteran trees. It is also recommended that specialist ecological advice is obtained.

**Historic England** initially did raise concerns regarding aspects of the proposed development, but following liaison with the applicant's planning agent the following response was made:

*'Thank you for discussing the above case on the phone with me and for your helpful summary of the discussion in your previous email. I think this summarises our position well, namely that we acknowledge the way the proposed layout has responded to the constraints of the historic environment and would not object to the application but do retain some concerns about the impact on views of the parish church from the north. The way proposed building is set away from the Conservation area boundary and the lower density of development with open space adjacent is very positive and does much to reduce this impact. We would therefore leave it to the Council to consider if further improvement could be made in this area, but as I say, would not object to the application.'*

### **County Council Responses (Appendix 5)**

**Suffolk County Council Highway Authority** has no objection to the proposal, subject to the imposition of conditions on a grant of planning permission. It is also recommended that the diversion of existing bus routes into the site is explored by the developer and, if this is not feasible, it is advised that a contribution of approximately £15,000 per site is required to construct or improve bus stops nearby.

The following comments are also made:

*'The location of the development is adjacent to J47 of the A14 with a proposal to create safe links to the development and will be beneficial to the existing highway network. this proposal is designed with an access strategy in order to reduce the impact on the A14/A1088 interchange and the new site access junction with The Street.*

- *Pedestrian and cycle links to sustainable modes of transport such as bus stops and rail station are being promoted.*

- *The proposal is to extend the 30mph speed limit and 7.5t weight limit to include the site and proposed roundabout at the A14 interchange.*

- *The estimated total additional vehicle trips in the AM peak hour is 299 vehicles (average 5 vehicle every minute the additional vehicles from the development will not have a severe impact on the surrounding road and junctions.*

- *There is one slight injury accident recorded in Woolpit village and fourteen on the A14 junction. It is considered the introduction of the roundabout on the A1088 will reduce the risk off accidents at this location.*

- The proposed footway and cycle links improves access to village amenities for cyclists and pedestrians.*

- SCC to consider it necessary to create a footway/cycle link between Woolpit and Elmswell. This scheme will be a sustainable solution as outlined in the NPPF and Mid*

*Suffolk Core Strategies S03 and S06. We are working with the developer to bring part of this scheme to fruition.*

*Further to the above, we have asked for a signing strategy to be designed to ensure clear and concise signage for HGVs and general access into the village is introduced for the area.*

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

**Suffolk County Council Strategic Development Team** has identified the following areas where mitigation of the impacts of the development would be sought via s106 agreement:

- 2.2 hectares of land for a new primary school
- Total primary school s106 contribution of £522 625
- Total s106 early years contribution of £529 497

It is also confirmed that a future bid for CIL funding would be made towards libraries provision (£64 800), waste provision (£33 000), secondary education provision (£1 091 424) and sixth form provision (£227 380).

**Suffolk County Council Flood and Water Management** recommend approval of the development subject to the imposition of conditions on a grant of planning permission.

**Suffolk County Council Fire and Rescue Service** has advised that access to buildings for fire appliances and firefighters must accord with current Building Regulations, fire hydrants be provided and sprinkler systems be considered.

**Suffolk County Council Archaeology Service** has stated that there are potential for finds to be made on the site and two conditions should be imposed on a grant of planning permission.

**Essex County Council Place Services - Ecology** has advised that it has no objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

**Essex County Council Place Services – Landscape** has identified a series of design considerations that are recommended in the event that outline planning permission is granted for the development. In addition conditions are recommended, including the requirement to provide a detailed masterplan, a detailed landscape strategy and phasing and delivery of landscape infrastructure.

### **Internal Consultee Responses (Appendix 6)**

**Planning Policy** has commented as follows on this planning application:

#### ***1. Infrastructure Delivery Plan (IDP) position***

*The IDP (July 2019) sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 22<sup>nd</sup> July 2019 as evidence which supports the Joint Local Plan and is an iterative document which will change over time dependent on changing infrastructure capacity, requirements and priorities.*

*The application site is part of the proposed site allocations of the emerging Joint Local Plan, southern section of policy reference LA095. For the purpose of this response, and to understand the impact on infrastructure capacity, the content of the IDP has been considered together with the existing planning permissions and responses from infrastructure providers.*

*Set out below are the current planning applications (over 10 dwellings) and emerging Joint Local Plan land allocations in Woolpit, and because it is of relevance, the applications for Elmswell are also listed:*

*Woolpit - Existing Permissions (169 dwellings)*

- 1636/16 Land south of Old Stowmarket Road – Outline permission for 120 dwellings (Emerging JLP LA094); DC/19/05196 Reserved Matters application for 115 dwellings awaiting decision. This site is also listed in the emerging Neighbourhood Plan for Woolpit, site WPT3, providing around 120 dwellings.*
- 2112/16 Land On East Side Of Green Road – Full permission for 49 dwellings (Emerging JLP LA093). This site is also listed in the emerging Neighbourhood Plan for Woolpit, site WPT4. Site recently under construction.*

*Woolpit - Planning applications awaiting determination (other than this application) (40 dwellings)*

- DC/19/02656 Land South Of Old Stowmarket Road – Outline application for 40 dwellings. This site is also listed in the emerging Neighbourhood Plan for Woolpit, site WPT5, providing around 40 dwellings.*

*Woolpit – Other emerging Joint Local Plan site allocations (540 dwellings)*

- LA095 Land south of A14, north east of The Street and east of White Elm Road - 500 dwellings (300 dwellings under this application). With land allocation for pre-school and primary school.*
- LA096 – Land north east of Heath Road, adjacent to Woolpit Primary School – 10 dwellings*
- LA097 - Land west of Heath Road – 30 dwellings*

*Elmswell - Existing Permissions (634 dwellings)*

- 0846/13 former Grampian Harris site - 190 dwellings (under construction)*
- 0210/17 – Land To The East Of Ashfield Road - 106 dwellings (awaiting decision on Reserved Matters)*
- 4911/16 – Land adjacent to Wetherden Road - 240 dwellings (Full planning permission obtained October 2018)*
- 3469/16 – Land to the East of Borley Crescent - 60 dwellings (Full planning permission obtained June 2019)*
- 4909/16 – Land east of Warren Lane & west of Cresmedow Way - 38 dwellings (Outline planning permission obtained June 2018)*

*Elmswell - Planning applications awaiting determination (105 dwellings)*

- DC/18/02146 – 105 dwellings (Emerging JLP LA065)*
- DC/19/03924 - 65 dwellings*

*Elmswell - Emerging Joint Local Plan site allocations (not under application) (160 dwellings)*

- LA064 - Land north of Church Road – 60 dwellings*
- LA066 - Land west of Station Road – 100 dwellings*

*There are several essential infrastructure needs for Woolpit that are identified:*

- Education*

*The IDP states that within Woolpit a new pre-school setting for 60 places is needed with proposed land allocation on LA095. This is also required in the response from the County Council dated 21/10/2019, to establish a new early education setting on the site of the new primary school. A new primary school is also to be provided in Woolpit to supply growth of Elmswell and Woolpit. This is identified in the IDP as a 210 place school initially and able to expand to 420 places. We understand that the needs for a new early years setting and new primary school are addressed within the proposed scheme. The County Council (response of 21/10/2019) have confirmed an area of 2.2ha will be sufficient. This new primary school would have the potential to provide for this development together with the committed growth and other Joint Local Plan proposed allocations. For the secondary school provision, the expansion of Thurston Community College from 1940 to 2190 places is planned, to provide for this development together with committed and planned growth of the Joint Local Plan.*

- Transport

*The IDP states that within Woolpit, contributions towards the new footway links would be required as well as the mitigation measures already agreed with the County Council and Highways England for the A14 junction 47. Specific site details and required contributions are provided through the County Council Highway response. The IDP also refers to contributions towards a new cycle/pedestrian link between Elmswell and Woolpit. This currently cannot be provided through the Community Infrastructure Levy (CIL) and it would be appropriate to seek S106 contributions. As per the response from the County Council Highways of 24/10/2019 we understand that part of this scheme is to be delivered by the developer either by condition or S106 contribution.*

- Health

*The local practice is Woolpit Health Centre, where the IDP refers to expansion of the practice and CIL contributions would be required.*

## **2. Other Policy Considerations**

*There is general conformity with elements of the emerging Joint Local Plan land allocation policy LA095.*

*The emerging Woolpit Neighbourhood Plan is currently out for Regulation 16 Submission Consultation (ends on the 7<sup>th</sup> February 2020). The application site is not identified as an allocation within the Neighbourhood Plan. The Regulation 16 Plan identifies three key views which relate to this site which should be taken into consideration.*

## **3. Summary**

*It will be essential that the above points are considered in conjunction with the current application process and infrastructure needs must be satisfactorily addressed in accordance with the respective infrastructure providers consultation replies and the IDP.*

*In terms of the infrastructure proposed through this development, the identified needs of the IDP are met in terms of the new primary school and early years setting and are identified as essential infrastructure for the delivery for the planned growth of the emerging Joint Local Plan. The scheme also contributes to the delivery of other key infrastructure required to enable the sustainable growth of the area, such as the new cycle/pedestrian link between Elmswell and Woolpit, as well as mitigation measures/contributions towards highways, health, open space, bus stops, car parking for the village and improvements for the burial ground (access and car park).*

***The scheme is therefore supported by the Strategic Planning Team.*** [officer emphasis]

The **Arboricultural Officer** has no objection in principle to the proposed development, but would want the identified requirements of the submitted Arboricultural Impact Assessment and the Tree Protection Plan to be secured via condition.

**Environmental Health – Contaminated Land** officer has no objection to the proposal and has recommended a condition attached to a grant of planning permission.

**Environmental Health – Air Quality** officer raises no objection to the proposal.

**Environmental Health – Sustainability** officer has identified that the elements in sections 7.43 to 7.63 of the Design and Access Statement should be achieved rather than aspired to. The provision of electric vehicle charging points is also identified as a requirement.

**Environmental Health - Other Issues** officer has considered the findings of the submitted Noise Assessment and has no objections to the proposal. A condition is recommended that would require the submission of a Construction Environmental Management Plan.

**Strategic Housing** officer has identified the policy requirement to achieve a 35% affordable housing provision. As the proposal would achieve a 20% provision, this would need to be justified via a viability appraisal. Members area advised that an appraisal has been submitted and independently verified by the District Valuers Office. This has found the 20% provision to be justified.

**Heritage Officer** has commented as follows:

*‘Following the submission of the ‘Overview of approach to heritage issues’ report by CgMs, the Heritage Team maintains its initial view set out in our response dated 07/01/2019. The report has summarised the heritage issues considered in the application but it is not clear that the scheme has altered.*

*The current application is in outline form with access only to be considered. The proposed masterplan showing layout and other plans demonstrating density etc. are only indicative and so the development is entirely subject to all details required in a reserved matters application, should the outline scheme be approved. Whilst the principle of a modest amount of development is not opposed, there are various heritage issues which would need to be addressed in a detailed scheme. If the suggested number of houses is to remain at 300, the proposal would undeniably cause a level of harm to designated heritage assets.’*

## **B: Representations**

**Suffolk Wildlife Trust** objected to the proposal, following initial submission, on the basis of insufficient ecological information being provided. Members will note that the Council's Ecological consultants, having considered subsequently-submitted additional information, do not object to the proposals.

**Suffolk Preservation Society** has identified concerns with regard to impacts arising from the proposal on heritage assets and the landscape.

At the time of writing this report at least 69 letters/emails/online comments have been received, in which objections are raised to the proposal. A verbal update shall be provided as necessary. All comments received have been taken into account when providing the recommendation in this report.

Views are summarised below:-

- Woolpit struggles to cope with the existing amount of traffic and this proposal will exacerbate matters. The development is unsustainable.
- The village has recently experienced permissions for additional growth and, in combination, these would significantly alter its character. The density of development proposed is unsuitable for this location.
- The proposal will destroy the character of the village and also the current outlook for many. This sort of proposal should be located adjacent to larger towns where it could be assimilated more easily. The density of development proposed is not found elsewhere in the village.
- The scheme could prove to be socially divisive. The element of affordable housing is not clear and provision for the elderly should be made.
- The development will result in the loss of a significant amount of prime agricultural land.
- The proposal could lead to more development proposals in the vicinity.
- Existing school infrastructure cannot cope with the development.
- The local Council does have a 5-year land housing land supply and this proposal fails to take in to account other permissions that have been granted in the area.
- The scheme conflicts with the emerging Neighbourhood Plan and the Joint Local Plan.
- The proposal would result in the loss of hedgerows that would have a detrimental impact on ecology. Existing trees on the site should be retained.
- The proposed car park could act as attractor for anti-social behaviour. It is too remote from the village's facilities.
- The existing village amenities will struggle to cope with the development proposal. There is no suggested increase in employment provision.
- The development could adversely impact on the existing water supply and on waste water drainage. The site experiences flooding issues.
- There is no indication of the likely use of the land allocated for a new school, in the event that this is not needed.
- The proposed link road should be barred for use by HGVs. The cycle link to Elmswell should include a link to the village centre.
- The privacy of some existing dwellings in the area could be compromised. In addition, air, noise and light pollution will result from the development.
- The proposal could adversely impact on heritage assets.
- The extension to the cemetery and the spine road are probably good ideas.
- Determination of this application should be delayed until elements such as the Neighbourhood Plan have been properly progressed.
- The scheme is similar in character to a development refused by the Council (land to the east of Poplar Hill between Stowmarket and Combs). This application site acts as a buffer between the villages of Woolpit and Elmswell.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

|                         |   |                                    |
|-------------------------|---|------------------------------------|
| <b>REF:</b> DC/18/02287 | Screening Opinion for proposed development - Outline Planning Application (with means of access to be considered) for the residential development of the site for up to 300 dwellings, new access road and off site highway improvements, primary school, sport pitches, extensions to cemetery, public car park and associated infrastructure. | <b>DECISION:</b> EAN<br>08.06.2018 |
| <b>REF:</b> DC/18/04247 | Outline Planning Application (Access to be considered) Erection of up to 300 dwellings, construction of a new spine road, land for a new primary school, burial ground extension, village car park and associated infrastructure.   | <b>DECISION:</b> PCO               |

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## **PART THREE – ASSESSMENT OF APPLICATION**

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

- 1.1. The application site is located immediately to the north of the village of Woolpit. It has an area of 23.4 hectares. It is bounded to the west by White Elm Road; the fronts of dwellings on the western side of this road face across the application site. To the south the boundary abuts The Street and the curtilages of dwellings comprising the residential enclaves of Hay Barn Meadow and Mason's Lane. The eastern boundary of the site abuts Woolpit Cricket Club and a tennis court area, accessed via Rectory Lane. Lastly, the northern boundary abuts rural land currently used for agricultural purposes and, for approximately half its length, is defined by an established hedgerow, containing some trees. The north-eastern corner of the site extends to, and includes part of the A1088 junction with the A14 trunk road.
- 1.2. The site is utilised for agricultural purposes and, topographically, slopes gently away to the north. There is no built form on the site at present.

### **2. The Proposal**

- 2.1. The application submission seeks outline planning permission for the erection of up to 300 no. dwellings on the identified site, and therefore appearance, landscaping, layout and scale would be issues to be determined through the submission of reserved matters application(s). However, Members are advised that approval for the means of access to the site is being sought at this stage.
- 2.2 The application submission is accompanied by supporting information that includes a land use plan, density plan, a character area plan and a masterplan that show how 300 no. units could be accommodated on the site. The proposals for the vehicular accesses to the site are supported by a range of detailed drawings. In regard to the outline element of the application, the submitted information variously refers to indicative and illustrative material; the applicant's agent has confirmed that the information is illustrative for the purposes of formal consideration.
- 2.3 In order to provide context, the following extracts are taken from the Planning Statement and Design and Access Statement that accompany the application submission:

'...The site is a sustainable option for delivery of new housing to help meet the identified housing need in the District, given its favourable location in relation to local services, facilities and employment opportunities in Woolpit. This application will also deliver a significant amount of infrastructure to the local area, providing a new direct access to the village off the A14, land for a new primary school, land for a burial extension to help support the existing village cemetery, new village hall car park, sports pitches, and significant informal and formal open space, including potential to facilitate expansion of the existing facilities at Woolpit Cricket Club...The application seeks outline planning permission with all matters reserved except for access for the phased construction of up to 300 dwellings (including 240 market and 60 affordable homes)...The development proposals incorporate an indicative mix and range of housing types, varied street scenes and roof scape with a mix ranging from single storey to defined areas of up to 2.5 – 3 storey development to form key/feature buildings within the development. The majority of the development will comprise 2 storey development, to reflect the character and topography of the site and its surroundings, whilst also delivering the required mix of housing anticipated to meet the local housing needs and demand in the area...Access to the site will be achieved through the construction of a development Spine Road, which would connect The Street Woolpit to junction 47 of the A14... Parking provision will be provided across the site for residential dwellings through a combination of garages, car ports and allocated parking spaces, meeting with the Council's adopted standards. As part of the Proposed Development, a village car park will be provided to the south of the site to help reduce existing parking pressures in Woolpit...The proposed illustrative masterplan for the development site...has arisen out of contextual analysis of the proposal site, its surroundings, the townscape analysis, alongside consultation with other professionals and stakeholders...This engagement has been brought together to create an illustrative development layout, that is based on a strong design fabric with a landscape framework which preserves and enhances existing characteristic landscape features where possible...'

- 2.4 In addition to the Planning Statement and the Design and Access Statement, the following documents have been submitted in support of the planning application:

- Flood Risk Assessment/Drainage Strategy
- Ground Investigation Report
- Ecological Survey and Impact Assessments
- Archaeological Assessment (Desk Based Assessment and Geophysical Survey)
- Built Heritage Statement
- Affordable Housing Statement (incorporated in the Planning Statement)
- Transport Assessment/Framework Travel Plan
- CIL Supporting Information
- Landscaping & Visual Impact Assessment, Plan and Strategy
- S106 Heads of Terms
- Site Management Plans
- Arboricultural Assessment
- Agricultural Statement (incorporated in the Planning Statement)
- Infrastructure and Utilities Statement
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement
- Viability Appraisal

(Members are advised that the range of supporting documentation included with the application submission was agreed with the relevant Council officer as part of the pre-application process).

2.5 Also, the application is accompanied by various plans as follows:

- Location Plan
- Illustrative Masterplan
- Open Space and Landscape Plan
- Access and Movement Plan
- Land Use Plan
- Character Areas Plan
- Density Plan
- Various Junction and Highways Plans (submitted in relation to the Transport Assessment)
- Various ecological impacts and mitigation plans.

### **3. The Principle Of Development**

3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that ‘...where making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise...’ In this case the development plan consists of the Core Strategy (adopted 2008), the Core Strategy Focussed Review (adopted 2012) and the Local Plan (adopted 1998). Within the development plan the identified site is not allocated for development, and is considered on that basis to be greenfield land located within the countryside, where permission would not ordinarily find favour in principle.

Therefore, the proposal does represent a departure from the plan when taken as a whole – and indeed has been advertised as such albeit, as set out below, the development would nevertheless accord with the broader spatial strategy of the current Plan. In light of s38(6), however, the question remains for Members as to whether other material considerations indicate that permission should be granted as a determination other than in accordance with the Plan. Such considerations would include the NPPF which can affect the weight to be afforded to current policies and the emerging Joint Local Plan which proposes to allocate the site for development.

- 3.2 In the case of the development proposal, the key policies that are considered relevant to consideration of this proposal are Core Strategy policy CS1 which addresses settlement hierarchy, CS2 which is concerned with development in the countryside and Local Plan policy H7, which relates to rural housing. In relation to policy CS1 this identifies a settlement hierarchy within the District and, as a consequence, directs growth in accordance with this hierarchy. The policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by Key Service Centres, Primary Villages and Secondary Villages. Woolpit is identified as a Key Service Centre within the policy.
- 3.3 Leading on from this, policy CS2 identifies that development in the District's countryside areas will be restricted to a defined range of specific land uses. The proposed development does not accord with the identified categories. Within the Local Plan Policy H7 seeks to restrict housing development in the countryside i.e. outside of settlement boundaries in the interests of protecting its existing character and appearance. As the site is allocated as countryside within the adopted development plan, its use for residential purposes would at face value conflict with the terms of policies CS1, CS2 and H7. However, the underlying aims of those policies would nevertheless be met given the development is sited adjacent to a Key Service Centre, a sequentially-preferable tier within the current settlement hierarchy and an appropriate location for growth. The significance of the conflict with those policies is therefore considered to be low. Members will be aware that the adoption of the current development plan took place prior to central Government's publication of the National Planning Policy Framework (NPPF). The restrictive approach to development in the district's rural areas, as outlined in the identified policies, does not reflect the approach taken within the NPPF which requires a more balanced approach to decision-making, and therefore relevant policies must be considered out of date in this regard. As Members will be aware, the NPPF identifies the core planning theme of the presumption in favour of sustainable development. The Council's Core Strategy Focused Review (2012) was a response to the changes arising from the NPPF. In this regard, policies FC1 – Presumption in favour of sustainable development and FC1.1 – Mid Suffolk approach to delivering sustainable development espouse a more positive approach to proposed development.
- 3.4 Having regard to the above, for decision-taking, the NPPF at paragraph 11(d) requires that '...where...the policies which are most important for determining the application are out of date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole...' Footnote 7 of the NPPF identifies that the term 'out of

date' includes the situation where a five year supply of deliverable housing sites cannot be demonstrated. In this instance it is considered that the Council is able to demonstrate a five year housing land supply, as set out in the Council's Housing Land Supply Position Statement and Joint Annual Monitoring Report, both published in September 2019.

- 3.5 Notwithstanding the Council's current housing land supply position, in your officers' view the fact that identified key policies can reasonably be considered out of date, means that paragraph 11(d) is engaged where taken in the round those policies are the most important for the determination of this application. The engagement of paragraph 11(d) is widely known as the 'tilted balance'; in broad terms this means that planning permission should be granted unless there are compelling reasons against doing so. On this basis, in determining this application, the Council as local planning authority is required to look at all other material planning considerations, and assess whether the nationally and locally important need to deliver new housing and other positive impacts to be delivered by the proposed development are outweighed by other negative impacts. It cannot be ignored that policies most important for determining the application are inconsistent with the NPPF, and therefore less weight is given to these policies as identified above; they are out of date. While tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF and where the underlying aims of the settlement policies are being met.
- 3.6 Leading on from this, Members are advised that within the emerging Joint Local Plan (JLP) the site identified for this planning application forms part of a larger site (ref. LA095), with a given area of 36.2 hectares, that is proposed for residential development. The overall site is one of five growth sites for Woolpit proposed within the JLP. The stage that the JLP has reached in its formation means that it has limited weight as a material consideration at this stage. That said, it does provide an indication of the intended 'direction of travel' with regard to the Council's approach to sustainable growth within Woolpit, in order to meet ongoing needs locally and within the District. The fact that the Council has already set out its intent to allocate the site for development is an important one and it is important for Members to consider the consistency of that decision given the individual circumstances of this application.
- 3.7 For the purposes of context, it is identified in the JLP that the overall site (i.e. beyond the current application boundary) could accommodate approximately 500 dwellings (with associated infrastructure). In addition the JLP identifies that development proposals would be expected to comply with the following:
- The relevant policies of the Joint Local Plan
  - Sympathetic design, layout and landscaping
  - Ecological survey and mitigation
  - Surface water and fluvial flood risk mitigated
  - Free serviced site of 2.2 hectares should be reserved for a new pre-school and primary school plus proportionate contributions towards the build costs
  - Satisfactory contributions to secondary school provision, healthcare provision and mitigation measures for the A14 junction 47.

- 3.8 In addition to the emerging JLP, Members will also be aware that Woolpit Parish Council has created a Neighbourhood Plan, which is currently at consultation stage, leading to independent examination – a process that is scheduled to begin in late February 2020. Again, the stage that this Plan has reached means that limited weight can be attached to it. Nevertheless, the Neighbourhood Plan does identify various sites in the village where residential growth could take place. The site for this planning application is not included within the proposed sites. However, as set out in the JLP, the minimum identified housing requirement for Woolpit is 727 homes. The emerging Neighbourhood Plan seeks to provide for a minimum of 250 dwellings (which is based upon the previous Reg 18 draft of the JLP, now superseded). Where a minimum housing requirement has been provided by the Council within the Reg 18 draft, the higher figure is preferred as relating to the most up to date position of the Council, informed by up to date evidence. As a result, the significance of any perceived conflict with the nascent Neighbourhood Plan is deemed to be very low.
- 3.9 On the basis of the above there is a tension between the emerging JLP and the emerging Neighbourhood Plan in relation to the future growth of Woolpit. In this regard, Members will note the comments that have been received from the Planning Policy team. In particular, the Planning Policy team has identified the requirements and priorities in the Council's Infrastructure Delivery Plan (IDP) – which is a key iterative document underpinning the emerging JLP. The IDP has identified various essential infrastructure needs for Woolpit, including additional primary/early years education provision, that would meet the need arising from the proposed development, together with committed growth and other Joint Local Plan proposed allocations. In addition, contributions towards the provision of a new cycle/ pedestrian link between Woolpit and Elmswell is also identified in the IDP, and it is noted that the proposed scheme would enable part of this link to be delivered. In relation to Health service provision, the IDP has identified that the expansion of the Woolpit Health Centre would be necessary as part of planned and committed growth. The following concluding remarks are made:
- ...In terms of the infrastructure proposed through this development, the identified needs of the IDP are met in terms of the new primary school and early years setting and are identified as essential infrastructure for the delivery for the planned growth of the emerging Joint Local Plan. The scheme also contributes to the delivery of other key infrastructure required to enable the sustainable growth of the area, such as the new cycle/pedestrian link between Elmswell and Woolpit, as well as mitigation measures/contributions towards highways, health, open space, bus stops, car parking for the village and improvements for the burial ground (access and car park)...
- 3.10 In summary, therefore, the submitted application does conflict with key development plan policies that are relevant to its determination. That said, the age of the policies and their clear non-conformity with the NPPF means that paragraph 11(d) of the NPPF is engaged and this identifies the presumption in favour of sustainable development. For the reasons considered above it is the case that other material considerations indicate that the significance of any conflict with the development plan is low and that, as set out in this report, such considerations direct that planning permission should be granted.

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

- 4.1. Paragraph 72 of the NPPF identifies that the provision of large numbers of new dwellings ‘...can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages or towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities...’ Within the adopted development plan the village of Woolpit (excluding Woolpit Green, Heath and Borley Green) is identified as a Key Service Centre. It is identified that main residential growth will be focused at Stowmarket, Needham Market and Eye, with the Key Service Centres also accommodating appropriate levels of residential growth.
- 4.2 In the case of the application site, it is located adjacent to and abuts the established settlement boundary for the village. Woolpit contains a number of facilities that would be utilised by the population that would be created as a result of the proposed development taking place. These include various shops, a primary school, village hall, pubs, employment opportunities etc. In addition, the village does benefits from regular bus services that run throughout the week, bar Sunday, and these would be within convenient walking distance of the proposed development.
- 4.3 As part of the development proposal, the scheme would include improved connections via the provision of the spine route through the site (incorporating a cycleway). This spine route would be able to accept buses; were this service diversion deemed to be appropriate by service providers. In addition, the scheme would contribute towards the creation of improved cycle/pedestrian links between Woolpit and Elmswell (which is on the rail network). The proposed development is therefore considered to be located sustainably in relation to service and connection provision.

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

- 5.1. The NPPF identifies at paragraph 108 that in assessing specific applications for development, it should be ensured that, inter alia, significant impacts on the transport network and highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 109 recognises that development ‘...should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...’
- 5.2 The requirement for safe access is reflected in development plan policy CS6, which identifies the need for new development to provide or support the delivery of appropriate and accessible infrastructure, and policy T10 which lists criteria that will be considered in regard of new development proposals.
- 5.3 As Members will note, the impacts arising from the traffic generated by the proposed development is one of the concerns identified by objectors. As stated elsewhere in this report, full planning permission is being sought for the means of access to the site, as part of this application submission. The suite of supporting documents includes a Transport Assessment (TA) which identifies the following elements proposed as part of the development scheme:
- Vehicular access to be taken from two locations – The Street on the southwestern boundary of the site, and off the A1088 at the junction with the A14. These two

points of access would be joined by a new link road through the site. Both accesses would take the form of roundabout junctions.

- Provision of new footways within the proposed development, that would link to the existing network.
- A 3 metre wide cycle and pedestrian link being provided within the development site adjacent to the primary spine road.
- Provision of part of a footway/cycleway route that would link Woolpit with Elmswell.
- Wayfinding signage to identify cycle access to Elmswell railway station and National Cycle Network Route 51.

The TA also advises that, as part of the proposals, the existing Traffic Regulation Order currently in place around the village, which restricts access for larger vehicles to loading only, would be extended to include the application site. This would discourage larger vehicles utilising the spine road to access the village from the proposed A1088/A14 junction access.

- 5.4 Members will note that the Highway Authority has no objection to the proposals, but would require the imposition of conditions that, amongst other things, would secure details of the proposed junctions, roads and footpaths etc. In addition, the ongoing aim to secure sustainable forms of development in the District has underpinned its desire to achieve a safe footway and cycleway link between the villages of Woolpit and Elmswell. It is noted that as a consequence of development taking place on this site the developer would be expected to either provide part of a link through agreed S278 works, or alternatively provide a financial contribution in lieu – in order to fund the works being undertaken by the highway authority.
- 5.5 Bearing in mind that the development would require alterations to the existing junction of A1088 with the trunk road, the views of Highways England on the proposals, in so far as they impact on the trunk road network, are an important consideration. To this end, it is noted that Highways England have no objection to the proposals, but would also require the imposition of a condition on a grant of planning permission. This would require the implementation of the agreed works to the A14 junction prior to the occupation of any part of the proposed development.
- 5.6 As regards the parking provision for the proposed development, it is borne in mind that apart from the means of access to the site, all other matters are reserved. Therefore, consideration of the parking provision across the site would be possible when detailed plans submission takes place. That said, the following comments are made within the submitted Planning Statement:
- ‘...Parking provision will be provided across the site for residential dwellings through a combination of garages, car ports and allocated parking spaces, *meeting with the Council’s adopted standards* (officer emphasis). As part of the proposed development, a village car park will be provided to the south of the site to help reduce existing parking pressures in Woolpit...’
- 5.7 On the basis of the above it is anticipated that a scheme that fully accords with the Council’s adopted standards can be achieved on this site. In addition, it is noted that the

Highway Authority refers specifically to vehicle charging points being provided as part of a recommended condition attached to a grant of planning permission.

## **6. Design And Layout [Impact On Street Scene]**

- 6.1. As Members are fully aware, good design is a key aspect of sustainable development, as made clear in the NPPF. This requirement is reflected in adopted development plan policies CS5 and GP1, both of which identify that development will be of high quality design that respects the local distinctiveness and built heritage of Mid Suffolk. The application submission, being in outline (with the exception of the access proposals), does not include details of the design of individual buildings and this issue would be considered as part of a reserved matters submission. That said, the application does include a Design and Access Statement (DAS) that advises of the design principles that have been applied, following a study of the application site and its context. The document, importantly, recognises the constraints that are presented by the listed buildings in proximity of the site and also the fact that the historic core of the village has conservation area status.
- 6.2 The DAS advises that the design approach taken with the development would, inter alia, include issues such as appropriate scale and design of dwellings that would reflect the local vernacular. In addition, the design development has been cognisant of landscape appraisal work that has been undertaken as part of the emerging Woolpit Neighbourhood Plan.
- 6.3 The submission documents include a range of plans including a density plan that identifies a range of dwelling densities across the site – ranging from 20 d.p.h. up to 45 d.p.h. It is noted that the use of lower density development would be towards the edges of the site (in particular the western and southern boundaries), with higher density development being located in a more central position. This approach to the arrangement of development would be utilised as a method to create various individual character areas within the development, including the ‘country edge’ (containing the lowest dwelling development), the ‘central spine road’ and ‘village green/open space enclosure’.

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

- 7.1 Conservation and enhancement of the natural environment is a fundamental theme of the NPPF and one reflected in policies CS4, CS5, CL1 and CL8 of the development plan. The site identified for the development contains natural features such as hedging and trees, and these elements add significantly to the overall contribution that the site makes to visual amenity to the north of Woolpit.
- 7.2 Members are advised that the application submission includes a suite of documents to quantify various impacts that would arise from the proposed development, including a Landscape and Visual Impact Assessment, Arboricultural Assessment (including a tree survey) and an Ecological Survey and Impacts Assessment. The information contained in these documents has been considered by the relevant consultees and no objection has been received in relation to the submitted development proposals. The Landscape and Visual Impact Assessment does consider the Landscape Appraisal (Alison Farmer

Associates March 2018) prepared to support the emerging Neighbourhood Plan. This has been recognised in the Place Services consultation response to the application which includes the following comment:

*'The illustrative masterplan, although indicative, has taken on board the comments made in the Woolpit Neighbourhood Plan Landscape Appraisal and has positioned the majority of the residential development within the south western parcel of land, which means views of the church can be retained and there is clear separation between the residential parcels and the A14. As part of the proposal there is large areas of public open space (POS) and retention of existing landscape features that will contribute to enhancing the landscape character.'*

*The LVIA accurately presents the likely effects of the proposed development on the landscape. After a site visit and desktop assessment it was clear that although 'views are critical in defining and reinforcing sense of place and local distinctiveness 'the site is generally visually contained by the surrounding hedgerows, trees and topography of the landscape and therefore the proposed development will not have a detrimental impact on landscape character and visual amenity, nor the gateway character as you approach the village from the A14 to the north. The Landscape Strategy Plan within the LVIA identifies how a development proposal can be designed sensitively and should be applied to any future masterplan development.'*

*The DAS highlights the opportunities and constraints of the site and how these have been applied to the design principles for both the built and natural environment. Although prescriptive, we would expect the principles to be applied to any future reserved matters application.'*

- 7.3 Officers endorse that position. In relation to impacts on trees and hedging, Members are advised that the majority of the current features are shown as being retained on the submitted indicative plan. A plan submitted with the application shows that, in relation to the illustrative masterplan proposals, the development would result in loss of hedgerow to facilitate construction of part of the spine road serving the development. Additional hedgerow would be removed to facilitate the southern access on to The Street. Lastly, a length of hedgerow would be removed in the central area of the site. By way of compensation, a new line of hedgerow (and associated tree planting) would be provided on the boundary of the proposed eastern area of open space with the land identified for the possible future development of a primary school. The Council's Arboriculturalist has confirmed that the approach taken to trees and hedging on the site is acceptable.
- 7.4 In relation to ecological impacts, the supporting application information included an Ecology Report. The report identified that the site supported a limited range of habitats '...being almost entirely dominated by intensively managed arable land of limited ecology and biodiversity value...' Whilst a holding objection was initially raised by the Council's retained consultant – further information being requested, following clarification on various matters it is advised that there is no objection to the proposal. Recommended conditions would require, inter alia, that a further badger survey takes place prior to the

commencement of development, new hedgerow planting should be native species-rich, and the provision of a Biodiversity Enhancement Strategy and wildlife-sensitive lighting.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 The NPPF at paragraph 178 identifies inter alia that planning decisions should ensure that a site is suitable for its proposed use. In addition, paragraph 179 makes clear that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In addition, Local Plan policy SC4 identifies the Council's intention to ensure that new development proposals minimise the risk of contamination of underground water resources. Members are advised that the application submission is accompanied by a Site Investigation Report, that includes a Contamination Assessment. This information has been considered by the Council's Land Contamination Officer and it is noted that no objection to the proposal is raised. Members are advised that the Officer would require the imposition of the standard condition on a grant of planning permission.
- 8.2 In relation to flood risk and drainage the NPPF identifies at paragraph 155 that '...Inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk...' Leading from this, development policy CS4 identifies that '...the council will support development proposals that avoid areas of current and future flood risk...' In this regard it is noted that the entire site for the proposed development is located within flood zone 1 i.e. an area having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%). Therefore the site is not considered to be liable to unusual flooding events, and in that regard accords with the identified requirements of the NPPF and development plan policy in this regard.
- 8.3 Members are advised that a main contributory factor to the delay in reporting this proposal to Committee was addressing issues raised by the Environment Agency and the Lead Local Flood Authority (LLFA) following initial submission of the application. Notwithstanding the fact that the application documentation included a Flood Risk Assessment, the LLFA identified various areas where additional information was required – some of which required extensive investigatory work in relation to available watercourses etc. In addition, the Environment Agency identified that the application was not supported by sufficient information to demonstrate that the potential contamination risk to controlled waters was properly mitigated – including that arising from the proposed cemetery area. Members will note that following various exchanges of information it is now clarified that both the LLFA and the Environment Agency have no objection to the proposals – subject to the imposition of conditions on a grant of planning permission.

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

- 9.1 The protection of heritage assets from inappropriate forms of development is an established tenet of planning control. Section 66(1) of the Planning (LBCA) Act 1990 requires local authorities to afford special attention to the desirability of preserving or enhancing the character or appearance of listed buildings, including setting. In addition, in the relation to conservation areas, section 72 of the Act identifies that '...special attention

shall be paid to the desirability of preserving or enhancing the character or appearance of that area...'. The NPPF at paragraphs 189 - 192 describes how development proposals affecting heritage assets should be considered. In addition, paragraph 193 makes clear that '...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...'. The NPPF also identifies at paragraph 196 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...'. Bearing in mind the identified requirements of the NPPF, Officers consider that there are tangible public benefits that would arise as a result of the proposed development taking place – not least a significant contribution to the District's available housing stock and other infrastructure improvements identified elsewhere in this report, which have been identified in the Council's IDP as key to the successful delivery of the Council's emerging Joint Local Plan i.e provision of a primary school site which will serve both Woolpit and Elmswell. This weighs in favour of the scheme.

- 9.2 Core Strategy policy CS5, inter alia, identifies the Council's aim '...to protect, conserve and where possible enhance the natural and built historic environment...'. In addition policy HB1, deals with the protection of historic buildings, and specifically states that '...Particular attention will be paid to protecting the setting of listed buildings.' Leading on from this policy HB8 specifically relates to the aim to safeguard the characters of the District's Conservation Areas. Although limited weight can be attached to the Council's emerging Joint Local Plan at this point, it is the case that the proposed allocation of land to the north of Woolpit for residential development does identify that design, layout and landscaping is sympathetic to the close setting of the Conservation Area and heritage assets.
- 9.3 The outline nature of the application submission (bar access) means that detailed consideration of the impacts of the proposed development on identified heritage assets is not possible at this stage. Nevertheless, the application does include an illustrative plan that shows the possible arrangement of built form on the site. The application submission also included a Built Heritage Statement (BHS) which identified a total of 62 no. listed buildings, 2 no. conservation areas and 4 no. non-designated built heritage assets located within a 1 km search area of the application site. The BHS concludes that the identified site does not form part of the setting of 60 no. of the identified listed buildings (including the grade II\* Church of St John at Elmswell, the Drinkstone Conservation Area and all four non-designated heritage assets).
- 9.4 The location of the application site means that it is within proximity of listed buildings, and the south-eastern corner of the site (location of the proposed burial ground) is located in the defined Woolpit Conservation Area that is drawn around much of the historic core of the village. The nearest listed buildings to the southern boundary comprise two dwellings, the Old Rectory and Monks Close, which both have a grade II listing, and the Church of St. Mary, which has a Grade I listing. Although the proposed development would not impact physically on these identified assets, the impact on their *setting* is a material consideration, as is the impact on the setting of the conservation area in which these, and other more distant listed buildings are located.

- 9.5 In relation to the impacts of the proposal on Woolpit Conservation Area, the BHS concludes that the proposals to provide cemetery land on the application site would not result in a direct impact on the significance of the conservation area. In relation to the application site's overall impact to the Conservation Area the BHS finds that this is low and states that '...The proposals will produce negligible and minor impacts on the rural context to the character and appearance of the Conservation Area. In the context of the NPPF, this would result in less than substantial harm...' It is noteworthy that the Heritage team do not object to the principle of development.
- 9.6 In relation to the impacts on listed buildings the Heritage Team does identify that the settings of St Mary in Woolpit, and St John in Elmswell '...requires thought in regard to the extent of development on the proposal site.' Concerns are expressed with regard to proposals to create designated sight lines through the proposed development, which is unsupported. Instead, it is recommended that '...consideration is given wholesale to the extent, layout, density and massing of any potential development on this site...' Members are advised that following the comments made by the Heritage Team, and also Historic England, and concerns expressed by the Suffolk Preservation Society, the applicant produced a further explanatory document in relation to heritage impacts. The Heritage Team subsequently acknowledges the outline nature of the development proposals, and advises that '...While the principle of a modest amount of development is not opposed, there are various heritage issues which would need to be addressed in a detailed scheme. If the suggested number of houses is to remain at 300, the proposal would undeniably cause a level of harm to designated heritage assets...'. The fact that the Heritage Team is not opposed to the principle of the development, considering the resulting effect to be less than substantial is a key consideration. Matters of layout, siting, design etc. can be considered that the reserved matters stage.
- 9.7 In relation to comments received from Historic England (HE) following initial submission, which also expressed concerns regarding setting impacts, further liaison took place between HE and the applicant's consultant. HE has since advised that it has no objection to the proposal and comments that '...we acknowledge the way the proposed layout has responded to the constraints of the historic environment and would not object to the application but do retain some concerns about the impact on views of the parish church from the north. The way the proposed building is set away from the Conservation area boundary and the lower density of development with open space adjacent is very positive and does much to reduce this impact. We would therefore leave it to the Council to consider if further improvement could be made in this area, but as I say, would not object to the application...'
- 9.8 Submitted information includes a range of plans that would set the parameters of development including land use designations and building heights. Coupled with the known nature and extent of the development that has been applied for this has allowed for consideration to be given to likely effects and an "envelope" of assessment as to the final planning outcomes. It is your officer's opinion that a form of development for this site could be designed and formulated which was properly cognisant of the constraints presented by local heritage assets. This view is supported by the fact that significant areas of the overall site would remain undeveloped – being given over to open space and amenity use. While no doubt the density of development in individual areas of the site would vary, in combination with the response use of open space, appropriate

development forms could be achieved which addressed the concerns expressed regarding heritage impacts.

- 9.9 Nevertheless, and having considered the range of opinions expressed in relation to heritage matters, officers consider that a degree of harm albeit low – “less than substantial” in NPPF parlance – would remain and this relates to a negligible level of harm to the Woolpit Conservation Area and a low level of harm to St Mary’s Church by virtue of changes within their setting that would affect their significance. It is not considered that the scheduled monument of Lady’s Well would be harmed, nor would any other identifiable designated or non-designated asset within the local environs.
- 9.10 In line with statutory duties, considerable importance has been applied to the harm that has been identified and the desirability for keeping heritage assets from harm. In such circumstance where “less than substantial” harm has been identified, the NPPF requires that harm, to which great importance must be attached (para 193), to be weighed against the benefits of the proposal (para 196). Officers have undertaken that balance.
- 9.11 The benefits that would flow from allowing development to proceed are of significance and principally relate to the provision of up to 300 dwellings and infrastructural provision that would provide wider utility and meet IDP requirements key to the successful delivery of the emerging Plan. Even where considerable importance is attached to the heritage harms within that balance, the benefits of the development outweigh them.
- 9.12 In light of the satisfactory outcome of that balance the development is considered to be acceptable in heritage terms noting the policies of the development plan and the NPPF. Further, and taking that into account, there are no policies within the NPPF (that protect areas or assets of particular importance) that would indicate that permission should be refused. The “tilted balance” therefore remains engaged as a result albeit the heritage harm must be once again considered within that balance amongst the other considerations.

## **10. Impact On Residential Amenity**

- 10.1 The consideration of residential amenity impacts is a key planning consideration. The Council’s adopted development plan policies SB2 and H3 make clear that development proposals would be considered inter alia in respect of the likely impacts that would arise in relation to residential amenity.
- 10.2 Bearing in mind that the application is submitted in outline, with all details reserved save for access, it is not possible at this stage to assess the likely residential amenity impacts that could arise from the provision of new built form on the identified site. However, given the size of the site and the indicative material submitted in support of the application, it is anticipated that it would be possible to locate new development on the land without unacceptable impacts being experienced by existing residents by reason of overshadowing or overlooking.
- 10.3 Apart from the impacts that may result from physical development, other environmental impacts such as noise, fumes etc. need to be assessed. As part of the application submission, the supporting material included an Air Quality Assessment and a Noise

Assessment. These have both been considered by relevant officers in the Council's Environmental Health team.

- 10.4 It is identified that the main noise source that would affect the proposed development is road traffic using the A 14 trunk road. It is identified that noise impacts on proposed dwellings nearest this source, and also those that would face The Street, could be mitigated by the installation of thermal double-glazing windows. It is identified by Environmental Health that a condition should be attached to a grant of planning permission, whereby a Construction Environmental Management Plan is submitted to and approved in writing by the Council.

## **11. Planning Obligations / CIL**

- 11.1 Members are advised that the application submission made to the Council included an assessment of the proposed development's viability – this on the basis of the costs arising from the development of this site; a key element of which is the required improvements to the adjacent road junction to provide access to the site. As a result of the assessment the applicant proposes a 20% affordable housing provision on the site, in lieu of the requirements of altered policy H4 which seeks to secure up to 35% provision.
- 11.2 The submitted assessment has been considered on the Council's behalf by the District Valuers Office, and has been found to be robust. The 20% affordable housing (which equates to 60 units) would be in a mix that meets the Strategic Housing team's requirements – and this mix would be incorporated within a s106 agreement.
- 11.3 In addition to affordable housing provision, in order to mitigate the impacts of the development, it would be necessary for the applicant to enter into a s106 agreement that would secure the following:
- £522 625 – primary school contribution
  - £529 497 – early years contribution
  - Primary School land – 2.2 hectares of land reserved and offered to SCC or its nominee for the provision of a new 420-place primary school together with a 90-place pre-school centre. The land would be fully serviced by road access, drainage and utilities
  - Open space provision including: green buffer area between the proposed development and existing dwellings on White Elm Road; smaller pockets of green space (including formal areas of play - LEAPs) suitable for play areas; and open space to the east of the site to allow for future expansion of the Woolpit Cricket Club in association with the Playing Fields Trustees. The maintenance and management would be transferred to either the District Council, Parish Council or Management Company.
  - Village Hall Car Park – to provide a village hall car park (specification to be agreed) and, once constructed, transfer the land/car park to MSDC, Parish or its nominee.
  - Burial Ground Extension – to provide land for a burial ground extension
  - A contribution of approximately £15,000 per site is required to construct or improve bus stops nearby.
  - A contribution of £220 000 to provide the footway/cycleway link between the site and the A1088/Church Road junction if not achieved through s 278 agreement.
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- 11.4 The above identified Heads of Terms for the proposed s106 have been agreed with the applicant and a draft agreement is being prepared. Therefore in the event that Members agree the recommendation made in this report, it is not anticipated that the completion of the agreement would take a significant period of time.
- 11.5 In terms of CIL, SCC has advised that a future bid for CIL funding would be made for the following elements – libraries provision, waste provision, secondary and sixth form education provision. It is also anticipated that the mitigation of impacts arising from the development on Healthcare provision locally would be sought via CIL from the Health Authority.
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## **PART FOUR – CONCLUSION**

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### **12. Planning Balance and Conclusion**

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Given the breach of housing policies identified, the application cannot be said to accord with the development plan when taken as a whole. However, as noted in this report, the development plan policies that are considered to be most important for determining the application, namely CS1, CS2, H7 and FC1.1 are considered to be out of date when weighed against the requirements of the NPPF. Therefore, the weight that can be attributed to them in the consideration of this planning application is reduced. Furthermore, while there is conflict with those policies, their underlying aims would be met thus reducing the significance of that conflict.
- 12.2 The Council embraces its statutory duties in relation to the historic environment and considerable importance has been attached to the harm, albeit limited, that has been identified in relation to heritage assets. Nevertheless, the benefits of the development outweigh that harm and the application satisfies the policies of the development plan and the NPPF.
- 12.3 Importantly, irrespective of the Council's current stated position in relation to a five-year housing land position, it is considered that the 'tilted balance' position described in paragraph 11(d) of the NPPF is engaged. This remains the case where there are no applicable policies within the NPPF that would disengage that balance.
- 12.4 It is fully acknowledged and appreciated that, at this point, the site identified for the proposed development is outside of an area that is allocated for residential development. That said, it abuts the established settlement boundary for Woolpit, which has Key Service Centre status within the adopted Local Plan. The application site is considered to be located in a sustainable position, being adjacent to the village and accessible. The fact that the site falls outside of the current settlement boundary is not, in itself, considered to

be a sound reason to reject the proposed development, particularly given the status of the identified policies.

- 12.5 It is considered that the proposal can reasonably be determined to be sustainable development bearing in mind its location, access to local service provision (including public transport), etc. In addition the population generated by the development would assist in helping to sustain local services. The impacts arising from the development could, it is felt, be adequately mitigated through s106 agreement and the imposition of conditions on a grant of planning permission. Lastly, the outline nature of the application means that the Council would be able to consider detailed development proposals through submission of reserved matters. The application is considered to accord with the policies of the NPPF when taken as a whole; the NPPF directs that planning permission should be granted.
- 12.6 The Council has, through the JLP process, identified that the site would be suitable for residential development; forming one of a number of growth sites in the village. The emerging Neighbourhood Plan does not identify the site as suitable; identifying a range of other sites where growth would be appropriate. The status of both the JLP and Neighbourhood Plan means that, at this point, limited weight can be attached to either document as a material consideration. However, it is noted that the level of growth envisaged for Woolpit in the JLP significantly exceeds that in the Neighbourhood Plan, based upon up to date evidence of district and village housing need. The fact that the Council has already proposed to allocate the site for residential development further weighs in favour of the scheme.
- 12.7 Having regard to the above, it is assessed that there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Noting the significant benefits to be realised in allowing the development to proceed, it is considered that there are numerous and compelling reasons to grant planning permission other than in accordance with the existing development plan and even where weighed against any identified harm.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT OUTLINE PLANNING PERMISSION FOR THE SUBMITTED DEVELOPMENT PROPOSAL INCLUDING MEANS OF ACCESS TO THE SITE

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:**

- Affordable housing – note this reflects the acceptance that a 20% affordable housing provision is justified in this case through Viability Assessment.

This shall include:

### **Rented (45): -**

- 6 x 1 bed 2-person flats @ 50sqm
- 4 x 2 bed 4-person flats @ 70 sqm
- 4 x 2-bedroom 3-person bungalows @ 61sqm
- 24 x 2 bed 4-person houses @ 79 sqm
- 7 x 3 bed 5-person houses @ 93 sqm

### **Shared Ownership (15): -**

- 4 x 2 bed 4-person flats @ 70 sqm
- 8 x 2 bed 4-person houses @ 79 sqm
- 3 x 3 bed 5-person house @ 93 sqm.

- Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
- All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
- Adequate parking provision is made for the affordable housing units including cycle storage for all units.
- Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.

- £522 625 – primary school contribution
- £529 497 – early years contribution
- Primary School land – 2.2 hectares of land reserved and offered to SCC or its nominee for the provision of a new 420-place primary school together with a 90-place pre-school centre. The land would be fully serviced by road access, drainage and utilities
- Open space provision including: green buffer area between the proposed development and existing dwellings on White Elm Road; smaller pockets of green space (including formal areas of play - LEAPs) suitable for play areas; and open space to the east of the

site to allow for future expansion of the Woolpit Cricket Club in association with the Playing Fields Trustees. The maintenance and management would be transferred to either the District Council, Parish Council or Management Company.

- Village Hall Car Park – to provide a village hall car park (specification to be agreed) and, once constructed, transfer the land/car park to MSDC, Parish or its nominee.
  - Burial Ground Extension – to provide land for a burial ground extension
  - Possible contribution of £220 000 to provide the footway/cycleway link between the site and the A1088/Church Road junction if not achieved through s 278 agreement.
  - A contribution of approximately £15,000 per site is required to construct or improve bus stops nearby.
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**(2) That the Chief Planning Officer be authorised to GRANT Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (Outline/Full for means of access)
- Approved Plans (Plans submitted that form this application)
- Development of detailed masterplan and detailed landscape strategy
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Submission of EPS Licence for Great Crested Newts or statement from the relevant licensing body that it isn't required
- Submission of an ecological Construction Environmental Management Plan
- Skylark Mitigation Strategy
- Pre-commencement survey for Badgers
- Submission of a Landscape and Ecological Management Plan
- Submission of a Biodiversity Enhancement Strategy
- Wildlife Sensitive Lighting Design Scheme
- SuDs conditions
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Energy and renewal integration scheme to be agreed
- Rainwater harvesting to be agreed
- Construction Plan to be agreed.
- Development carried out in accordance with the accompanying arboricultural report
- Submission of detailed Arboricultural Method Statement and Tree Protection Plan
- Standard Land Contamination condition
- Submission of Written Scheme of Investigation for Archaeology and completion of works in accordance with the Scheme
- Completion of the mitigation measures for A14 junction 47 in accordance with an agreed timescale
- Details of roundabouts, estate roads and footpaths

- Details of the shared cycle link from the A1088 roundabout with Church Road Elmswell
- No occupation of dwellings until carriageways and footways serving that dwelling have been satisfactorily constructed
- New estate road roundabouts with A1088 and The Street to be provided prior to any other works commencing or delivery of any other materials
- Areas for loading, unloading, manoeuvring and parking of vehicles (inc. electric vehicle charging points) and secure cycle storage
- Submission of a Deliveries Management Plan (to include all HGV traffic movements to and from the site over the duration of the construction period).
- Prevention of surface water discharge on to the highway.
- Provision of Travel Information Packs for residents
- Submission and approval of Travel Plans both for residents, and prior to first occupation of the school
- Details of storage of refuse/recycle bins
- Identified mitigation measures in the submitted Noise Assessment to be secured
- Submission and approval of a Construction Environmental Management Plan (CEMP)
- Achievement of sustainability targets for the development as identified in the Design and Access Statement
- Provision of vehicle charging points
- Phasing plan in order avoid adverse impacts on drainage infrastructure
- Submission of scheme on-site foul water drainage works
- Conditions requested by the Environment Agency

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

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds**