

Committee Report

Item No: 2

Reference: 2112/16

Case Officer: Dylan Jones

Ward: Woolpit.

Ward Member/s: Cllr Jane Storey.

Description of Development

Erection of 49 dwellings (including 17 affordable dwellings) and construction of new access.

Location

Land On East Side Of Green Road, Woolpit

Parish: Woolpit

Site Area: 2.33

Conservation Area: Site is not within the Conservation Area, but off site highway works could potentially affect the Conservation Area.

Listed Building: Priory Cottage, Grade 2 listed which is opposite to the north of the site on Green Road. Also, other listed buildings on Green Road towards the centre of the village which may be affected by highway works which are necessary to make this scheme acceptable.

Received: 05/05/2016

Expiry Date: 18/07/2017

Application Type: Full

Development Type: Smallscale Major Dwellings

Environmental Impact Assessment: Not required

Applicant: Landex Ltd

Agent: Artisan PPS Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

This proposal was deferred from Development Control Committee B on the 22nd February 2017 for the following reasons:

1. To allow late information in relation to infrastructure to be fully evaluated
2. To allow a site inspection to take place
3. To allow this proposal to be resubmitted for determination together with applications for other

sites in Woolpit.

In relation to point 1 above, the infrastructure issues related to two specific matters, these being education and highways.

Education

The scheme as originally presented to the committee advised that the SCC Obligations Manager was not requesting funding for primary school places as there was sufficient capacity in the local primary school to deal with this proposal. They did however indicate that £186,654 would be sought through a CIL bid for 10 secondary school places.

However, on the 21st February the County Council reconsidered their position and sent a revised consultation response to the Council which advised that following consideration of all of the new schemes that were coming forwards in Woolpit, as well as the outcome of a feasibility study detailing how and if the existing primary school could be expanded, the County Council advised that the local school could only accommodate 25 additional children in the future (100 homes) and that anything above that would need a new 420 place school which would replace the existing one.

The County Council has stated in its consultation response to this scheme that the 25 spaces were to be allocated to another application in Woolpit (1636/16 – Land to the South of Old Stowmarket Road) which had previously been to a committee and received a resolution to approve subject to completing an S106 agreement, and as such, the applicant for the Green Road scheme (i.e. this proposal) would be expected to contribute towards the purchase of land and a new school to help meet the deficit in school places that the scheme would cause. This scheme would generate the need for 11 primary age pupils and as such the County Council has requested a contribution of £180,719 towards the new school as well as £14,234 towards the cost of the purchase of the land. However, they have indicated that at present, the County Council has not identified a 2.2ha parcel of land to develop the school on and as such there will be a need for a temporary classroom to accommodate the increased numbers of primary aged students that would be generated from this scheme. The County has requested a contribution of £45,837 towards the temporary classroom which represents the pro-rata costs of the 11 places that this scheme would generate. Unlike in their earlier consultation response, the County has not asked for contributions towards secondary or 6th form education as they now consider that there will be sufficient capacity in the locality to meet future needs.

Having regards to the County Council's request, the developer for this proposal identified that the scheme that the County Council had allocated the 25 spaces to had not received planning permission; it had been to a committee and had received a resolution to approve subject to the completion of a S106 agreement. The agreement had not been concluded and planning permission had not been issued and as such, it was considered to be unfair to continue to allocate the spaces to planning application 1636/16 (the report to that application is also being returned to this committee for consideration having regards to the above) as any of the other applications in Woolpit could potentially be completed first with the occupants of those dwellings claiming the spaces before application 1636/16. Members should be aware that negotiations have also been taking place between a developer and the County Council to potentially provide land to expand the existing school which would be an alternative and a preferred option for the County Council over a new school.

The above situation is complex, but it is considered that there is a way to ensure that this and the other schemes in Thurston do not have a negative impact on education provision in the locality. It is recommended that this scheme in terms of primary education is considered in this way:

1. Should this scheme be built first and uses 11 of the existing 25 places available at the local primary school – No contributions under CIL or S106 would be required for education purposes; or
2. If another scheme uses the 25 available spaces first, then the developer for this proposal would be required to enter into a S106 agreement to contribute a pro-rata payment of £226,566 towards the purchase of land and the provision of a primary new school; or
3. If the County Council has secured land for the expansion of the existing school and they decide that this is their preferred strategy for dealing with education, then the requirements for the provision of a new school falls away and the County will secure monies via a CIL bid for the extension. There will then be nothing extra for the developer to pay and the contribution towards the new school will not be collected, or will be returned if already paid by the developer.

The developer has agreed to the above as a way forwards to resolve the issues. It is therefore considered that in terms of education infrastructure that the scheme can be made acceptable.

Highways

The scheme as originally submitted proposed highway works along Green Road and within the central part of Woolpit where The Street and Green Road meet up in a triangle. The works proposed a build out area along Green Road in the area of Mill Lane and road markings to the north within the triangular part of Green Road to reduce traffic speeds and to improve accessibility, and to formalise the current haphazard parking within the triangular area. The aim of the works as originally presented was to ensure that increased capacity is provided to accommodate the additional vehicles that are to be generated from this scheme as well as ensuring that highway safety along Green Road is improved. The County Highways Officer did not object to the original proposal, but the Town Council and the members at the February Planning Committee meeting asked officers to discuss with the County Council if all of the works as proposed was absolutely necessary and raised concerns that the works could potentially harm trade for the businesses in the locality, the character of the conservation area and also, the setting of adjacent listed buildings.

Following the committee meeting in February, the applicant and the County Council has been in negotiation and they have agreed that the works within the triangular part of Green Road/The Street is not necessary and can be deleted from the mitigation works. However, the narrowing of Green Road from Mill Lane to the north to create an informal priority system is still considered to be necessary. The revised scheme has been presented to the Council and no objections have been received to it from the County Highways Authority. Therefore, it is considered that the scheme as proposed can provide safe access for all in line with the requirements of paragraph 32 of the NPPF and will address the concerns flagged up by the members and the Parish Council as discussed above.

Conclusion

The conclusion to the report in February considered that Woolpit is a key service area and one of the more sustainable areas available to grow and take on significant housing development in the district to

meet the existing housing need. As the Council still does not have a 5 year supply of housing, the situation has not changed since February and little weight can be given to housing delivery policies in the consideration of new schemes. The contents of paragraph 114 of the NPPF continue to apply and officers are still of the opinion having regards to the clarification given to the matters for which this case was deferred from the February meeting that the scheme continues to constitute sustainable development, either when considered on its own or in combination with the other schemes which are currently being brought forwards in Woolpit, and as such should be approved without delay as the benefits that the scheme bring are still considered to outweigh the adverse impacts of doing so.

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site that is an agricultural field

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of member site visit

Members of the Referrals Committee visited Woolpit on the 13th July to view this proposal and its impact on the triangular centre part of Woolpit as well as two other schemes on Old Stowmarket Road (one to the south and another to the north) and another scheme on Rags Lane to understand the current development pressure that Woolpit experiences.

Details of any Pre Application Advice

Pre application advice has been given in respect of this application highlighting transport and landscape matters as issues to be carefully examined. Your planning officers were not involved with any wider engagement with Suffolk County Council or other external organisations in respect of this application

Consultations and Representations

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

A: Summary of Consultations

Woolpit Parish Council

1. Traffic in Green Road - The narrow section of Green Road (just to the north of the junction with Drinkstone Road to past the junction with Mill Lane) will be required to take an unacceptable level of traffic. The road is narrow and dangerous at this point and is effectively one-way only unless passing vehicles mount the footpath, which is what occurs now, creating a dangerous point on the road. An increase in traffic at this narrow position, as will result from the proposal, is totally unacceptable. 76% of correspondents making comments to the Parish Council raised this issue.

The proposed highway changes at this pinch point in the road are unacceptable as they will worsen the current traffic problems and create delays and hazards particularly with the lorries, buses, emergency vehicles and large agricultural vehicles which pass through this section of road with listed buildings next to the highway. Such a scheme is totally inappropriate in a Conservation Area. The scheme is contrary to policies GP1, H7, H15, T3, T10, cor5, cor6, csfr-fc1, csfr-fc1.1, NPPF.

2. Parking in the village centre - The proposed changes to parking are unacceptable. They will lead to a reduction of parking spaces in an area which is very often full and affect trade at shops and businesses. The proposed kerb arrangements will make parking in the area more difficult and residents will have problems with deliveries. Woolpit is a busy village which has a shortage of parking already. With additional houses already approved elsewhere in the village increasing parking pressure, the last thing Woolpit needs is a reduction in on-street parking.

The road markings associated with the parking plan would be totally out of keeping in the Conservation Area. The scheme is contrary to policies HB1, HB8, HB12, H16, cor5, cor6, NPPF, csfr-fc1, csfr-fc1.1.

3. Traffic in the Conservation Area and impact on listed buildings - Increased traffic from the development will result in even more congestion in The Street, a road which is at the heart of the conservation area and contains many listed buildings which will be harmed by the additional traffic. The Street is already frequently blocked by commercial vehicles, buses, through traffic and shoppers' cars, and is unable to accept the additional vehicles this proposal will create.

The adverse impacts on the character and setting of historic buildings and highway safety do not constitute sustainable development and it is not considered that any benefit to housing provision would outweigh the harmful impacts described. The scheme is contrary to policies HB1, HB8, GP1, H15, H16, T10, cor5, cor6, csfr-fc1, csfr-fc1.1, NPPF.

4. Wildlife Habitats - Insufficient study has been made of wildlife habitat and the loss that will result. The ecological report states that there is no pond on site whereas in fact a linear pond runs along the edge of the site next to Green Road. This has produced frog spawn in the past and could be a habitat for newts. Skylarks have recently been seen over the site but no reference is made to this in the survey. Only blackbirds and pigeons were reported as being on site whereas the boundary hedges during the nesting season contain birds of many species. A colony of Pipistrelle bats has recently been identified in the roof of Priory Cottage (a Listed Building) which is in Green Road opposite the site. Consideration needs to be given to the effect of the development on the bat population. A more detailed ecological survey is required. The scheme is contrary to policy CL8 and cor5.

5. Access from the Site into Green Road - The positioning of the proposed new road access from Green Road into the site is unsuitable. Green Road has high recorded speeds of traffic, the junction is on a dangerous bend and the vehicular access and exit to Priory Cottage will be made hazardous. If the application is approved, the junction needs to be reinstated to the position proposed in the original application and improvements carried out to Green Road as required in the SCC Highways consultee report of 30 June 2016. An emergency exit from the site also needs to be considered. The scheme is contrary to policies GP1, cor5, NPPF, csfcr-fc1 and csfr-fc1.1.

6. Loss of valuable agricultural land - There would be a loss of valuable agricultural land. The site is outside the existing settlement boundary and this development would be an encroachment of the village on the hamlet at Woolpit Green. Contrary to policies H7, CL11 and cor5.

7. Traffic survey figures quoted by the applicant are surprising and hard to believe. Woolpit Parish Council invites MSDC to examine these in detail.

8. In its Planning Statement, Artisan says that 'it is considered that there is support locally for the proposed development and that the full extent of it will become clear during the application's formal determination'. The applicant does not have significant support locally. The comments made to the Parish Council by residents, with 34 letters objecting to the proposal and two supporting, show this to be the case. 107 residents attended the Parish Council meeting to discuss the original application in June and a further 81 for the revised application in December, with the overwhelming majority voicing their objections and concerns.

9. Woolpit Parish Council is concerned at the potential rate at which this and other possible developments could produce new housing in the village. The general infrastructure of Woolpit requires time to evolve and absorb new residents at a reasonable speed as development takes place. There is unease that new developments will result in Woolpit losing its 'village feel' and for it to become 'a town'. This application should not be considered in isolation but as one of several at the application or pre-application stage which together could add some 700 homes to the existing 900 in Woolpit.

10. Woolpit has a Neighbourhood Plan under preparation and it is becoming very apparent that residents consider that any development should take place on sites on the northern side of the village, enabling traffic to access the A14 without traversing the centre of our medieval village. Woolpit Parish Council believes MSDC should consider the information coming from the evolving Neighbourhood Plan before determining this application.

11. There is no doubt development pressure exists on nearby villages in the A14 corridor. MSDC should look at the needs of the wider area and spread new housing so as not to put excessive pressure on any particular village which might appeal to developers.

12. MSDC should take into account the recent East Bergholt High Court judgement which determined that the District Council should consider the housing needs of the core village and its local environs rather than the needs of the district as a whole.

Suffolk Constabulary - Police Architectural Liaison

Object to the scheme on the following grounds:

- Raises concerns in terms of safety that the public open space area including the children's play area is to be sited close to an electricity substation;
- The play area is also to be sited too close to a public highway which also raises safety issues.
- The play area is lacking in natural surveillance as the houses that surround it do not directly face onto it.

- The footpath to the south and the east of the site needs to be illuminated to ensure that it does not provide criminal opportunities.

MSDC - Environmental Health - Land Contamination

No objection

MSDC - Waste Manager (Summary)

I have no objection to the planned proposal, consideration for bin presentation points are clear and straightforward for the dustcart to access.

Anglian Water (Summary)

Confirms sewerage system at present has available capacity. They have requested that an informative be included on any planning permission that may be granted for the site bringing to the attention of the applicant that Anglian Water has assets in the locality which need to be considered in relation to this scheme.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided that the surface water hierarchy as detailed in building regulations part H has been followed such as infiltration test results and investigations in out discharging at a watercourse. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

Accordingly recommends a condition that surface water drainage details shall be agreed.

Natural England

No comment

Suffolk Wildlife Trust

Raise concerns that the access point into the site may impact on any species which may inhabit the ditch that lies to the top of the western boundary of the site with Green Road and will result in the loss of part of the hedging and trees in this location which will provide habitat for birds. Ask if the access point can be moved elsewhere.

Also raise concerns that the hedging and trees on the western and eastern border of the site could be incorporated into the gardens of the dwellings and could be mismanaged by the new owners to the detriment of the bats that have been identified as currently living in this location.

They also raise concerns that suitable nesting locations for Skylarks will be lost as part of this application and that suitable compensation will be required.

MSDC - Tree Officer

No objection

MSDC Heritage Officer

Has reviewed the scheme and considers that the proposal will cause less than substantial harm to the setting of the listed buildings that are adjacent to the site. In terms of the highway mitigation works to the

conservation area the Council's Heritage Officer considers that the impact of the works on the setting of the conservation area will be low and that the harm can be considered to be less than substantial harm.

Fire Service - County Fire Officer

Recommends a condition for the installation of fire hydrants

MSDC - Strategic Housing (Summary)

This is a development proposal for 50 residential dwellings and triggers an affordable housing provision requirement of 35% under altered policy H4 of the Mid Suffolk Local Plan (on development proposals of 5 units and over outside of Stowmarket and Needham Market) equating to 17 affordable housing units. It is noted that this application proposes 18 AH units which is welcomed.

The Council's Choice Based Lettings system currently has circa 1039 applicants registered for housing in Mid Suffolk, as at May 16. 31 applicants were registered as seeking accommodation in Woolpit, with 18 of those identified as having a local connection.

This site is a S106 planning obligation site therefore affordable housing will be to meet district wide need hence the 1039 applicants registered is important in this case.

Based upon the housing needs and choice based lettings information above the following mix is recommended:

Affordable Rent Tenancy:

6 x 1 bed flats @ 50sqm

6 x 2 bed 4p house @ 79sqm

1 x 3 bed 5p house @ 93sqm

Shared Ownership:

3 x 2 bed 4p house @ 79sqm

2 x 3 bed 5p house @ 93sqm

The scheme has been amended by the applicant so that the dwellings proposed meet the specific requirements of the Council's Strategic Housing Team.

NHS/Primary Care Trust (Summary)

The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £16,460. This would potentially be part of a CIL bid by NHS for the Council's Infrastructure Team to consider.

SCC - Obligations Manager (Summary)

The local catchment schools are Woolpit Primary Academy and Thurston Community College. There is sufficient capacity at the local catchment primary school to accommodate the demand arising from this

development; however, funding is required for all 10 secondary school places arising from this development, at a total cost of £186,654.00. Suffolk County Council will bid for CIL funding to provide for these additional places.

Therefore no contribution is required for Early Years for this development as in this area there is one provider with 24 places available.

In terms of public transport, a financial contribution will be required for the extension of footway down Green Road to provide a suitable walking route to the existing Post Office bus stops. Funding will also be required for improving these bus stops with raised kerbs. This will be at a total cost of £5,000.

On the basis of an average of 2.4 persons per dwelling, the capital contribution towards the development of library services arising from this scheme is £10,800. This would be spent at the local catchment library in Stowmarket (Milton Road) and allows for improvements and enhancements to be made to library services and facilities.

Strategic waste disposal is dealt with by the County Council, which includes disposal of household waste and recycling centres. For this development that would be a capital contribution of £2,550.

The total contribution for the above matters would be £205,004.00 and would potentially be part of a CIL bid by the Suffolk County Council for the Council's Infrastructure Team to consider.

SCC Senior Landscape Officer (On Behalf of MSDC) (Summary)

Although the site is adjacent to the existing built environment it will create a new built boundary with the surrounding countryside. It is also notable that development of the site will create a new 'gateway' to the village of Woolpit. Therefore the creation of robust boundary planting and relation of existing vegetation, where it exists, are important to integrate the development into the wider landscape.

The indicative scheme of landscaping appears, in general, to be appropriate. I note that applicant has identified the southern boundary as broadly in line with the former location of an historic field and proposes to reinstate this to provide landscape, ecological and access benefits.

This approach is very welcome subject to an appropriate and effective scheme of management for this area, which will be outside the domestic curtilage of any dwellings. I also note that planting is proposed as part of the SUDs design within the development. This is very welcome, as modified tree pits with cell systems can be an effective part of the SuDs train. The details however are matters for the relevant consultees. Given the importance of this strategic planting to the design of the scheme, I suggest final details are secured by a separate condition from that for the plot planting.

Recommends that the proposal is acceptable in landscape terms subject to conditions.

Flood and water management (Summary)

SCC Position: SCC have reviewed the FRA by GH Bullard (ref 112/2015/FRA and dated April 2016) and subsequent documents including the GI Report by Notts Group. Overall the proposed surface water system is acceptable to SCC however we require further information before approval can be granted.

Officer Note: SCC has not objected to the scheme and it is considered on this basis there is not sufficient cause to warrant a refusal subject to the addition information being secured via condition.

SCC Highways

Highways conditions in relation to the site are recommended and improvements to Green Lane as shown on plan are sought to be secured.

B: Representations

This is a summary of the representations received.

Objections to the Original proposal

Highway matters

- Would increase traffic congestion in the area and would be detrimental to highway safety (areas including north end of Green Road/Mill Lane, junction in centre of village, new access itself to Green Lane).
- Green Road not capable to take development as its a small country lane.
- Narrow lanes unsuitable, references make to various pinch points.
- Fails to include Woolpit Green and Monkey Puzzle House area in transport assessment.
- Notes Elmswell railway station in cycling distance, but assessment fails to note A14 junction in between.
- Should be more than one access road.
- Should have direct vehicular access to Steeles Close and Road to better disperse traffic.
- Limited bus service.
- Need double yellow lines in village centre to ensure flow of traffic.

Heritage matters

- Fails to maintain character and setting of the Conservation Area (views towards and increased traffic within).
- Adversely affects Listed Building Priory Cottage (affects rural setting).
- Adversely affects setting of historic Vine Cottage (not listed).
- Increased traffic would have detrimental impact on setting, appearance and character of Listed Buildings and Conservation Area.

Biodiversity issues

- Adverse impact on wildlife (notes skylarks and others not found by assessment, but residents' state they are there).
- Loss of wildlife pond (linear dry ditch that fills at various points during a year).

Character and appearance

- Negative affect on village and hamlet distinctiveness (extending towards Woolpit Green).
- Cramped urban style development.
- Scale and density inappropriate.
- Loss of agricultural land.
- Development on rising land would have overbearing impact and harmful landscape impact.

Local facilities

- Lack of open public recreational space within the development and notes policy consideration for on-site provision.
- No job creation, just residential.
- Significant impact on school and health centre which will not be able to cope.
- Affordable housing welcome, but unlikely to be type needed by village.

Environmental (including impact on amenities)

- Light pollution and water run problems likely.

- Overlooking by new housing onto properties in Green Road, Steeles Close and Road.
- Concern at how site can be developed in terms of construction traffic, routing without damage.

Other issues

- Makes Woolpit a town and not village, it will increase too much in size.
- Contrary to policies H3, HB1, CS2, CS5 and NPPF.
- Site is least suitable option to develop for housing in Woolpit.
- Need for new villages and not ruining old ones.
- Woolpit's ability to absorb the development should be understood.

Support for the Original Proposal

- Would support as might be able to afford to return to village.
- Need for younger generation and families in the village.
- Support for homes that may be available for employees of Woolpit Business park.

Objections to the original amended plans:-

- Support reduction of housing, but other objections remain.
- Highway proposals underline severe traffic and highway safety issues.
- Highways improvements would result in loss of parking and further highway issues.
- Highway improvements would be detrimental to Conservation Area.
- Repeat of comments for original scheme.
- Play area proposed compromised by sub-station and not supervised enough.
- Support for some development in Woolpit, not this site.
- Consider reports submitted to be inadequate.
- Local plan is not out of date.
- Alternative sites being proposed should be considered first.
- Should be no more than ten units.
- Loss of views.

Objections to the 23rd January 2017 amended plans

- Four additional letters have been received but none of these raise any specific issues to the changes suggested in the amended plans and only reconfirm their original objections to the scheme.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

1.1. The site is located to the south side of Woolpit. Woolpit is a designated as a Key Service Area within the Core Strategy. The site itself has no designations within the Development Plan and lies outside the defined settlement boundary.

The site is an open agricultural field that is classified as part 2, part 3a and part 3b under the agricultural land classification system.

South Boundary: This is an open boundary with the continuation of the field beyond. Looking at old maps this proposed boundary is located very closely to what was once a field boundary and is clearly shown on maps of 1884. This historic boundary disappears in maps around 1975, but when it was removed is not known.

East Boundary: A straight line boundary of trees/hedge beyond which is residential properties, some recent in respect of a recent expansion of adjacent residential development southward. Between the site and existing development is a public footpath running along the length of the site linking Steeles Road across fields, pass 'The Grange' (Listed Building) and reaching the Hamlet of Woolpit Green.

North Boundary: Essentially this boundary involves three elements. Located to the eastern end the boundary forms a garden boundary of mature trees and hedge to the rear gardens of No 94 and 96 Steeles Road. The middle section of the northern boundary is again hedgerow and trees, but serves to landscape Steeles Road itself. It is at this point potentially a pedestrian link between the development and Steeles Road could be created. Finally towards the western end of the north boundary it forms part of the curtilage boundary for Vine Cottage fronting Green Road.

West Boundary: This boundary fronts Green Road and would be the location for the main vehicular access. For the most part this is enclosed by mature trees and hedgerow. A drainage ditch also runs along this boundary almost for the full extent of the site. Green Road is a main road, but not very wide and twists and turns. It has no footpaths along the part that would serve the boundary of the site. The footpath starts in front of Vine Cottage adjacent to the north west corner of the site. On the opposite side of Green Road at the north west end of the site is Priory Cottage, a 1 1/2 storey Listed cottage within a generous plot. Priory Cottage stands as currently as the first dwelling as you approach the village using Green Road. Opposite the site to the west and southwest the fields are very open.

Woolpit Green and 'The Grange' (Listed) lie southwards beyond Woolpit and the site. They are however linked to Woolpit by virtue of the fact that you follow Green Road to reach them. The footpath from Woolpit adjacent and to the east of the site also provides a connection to both 'The Grange' and Woolpit Green.

2. The Proposal

2.1. This is a full planning application for the erection of 49 dwellings of which, 17 are affordable properties (35%). The dwellings are broken down as follows: 3 no. 1 bedroom ground floor flats; 3 no. first floor flats; 5 no two bedroom bungalows; 6 no. three bedroom bungalows; 11 no two bed houses (which are all affordable properties); 16 no. 3 bedroom houses and 5 no. four bedroom houses. Vehicular access into the site will be from Green Road via a new access point which has been relocated by the applicant from its originally proposed location to the northern end of the site. Pedestrian access will be provided from the estate roads to the public footpath to the east and also onto Green Road via access points in the most northern and southern part of the site. These access ways form a landscaped path that runs along the edge of Green Road in a north/south orientation and then link into a greenway that runs west/east at the most southern part of the site. This then provides a link into the existing public footpath that runs to the eastern of the site.

2.2. The houses on the southern part of the site are laid out in a north/south orientation with the exception of three which face onto Green Lane in an east/west orientation. The remainder of the houses are proposed to be sited in four separate rectangular blocks within the site to provide an attractive public environment whilst also facilitating links into the village. A further link is provided off the estate road between plots 24 and 48 onto Steeles Road to provide more direct pedestrian access into and out of the site. The applicant has amended the layout of the site in early January 2017 to meet the affordable

housing specification of the Council's Affordable Housing Officer and he has also re-orientated the houses facing the open space area so that natural surveillance of this area will occur to help prevent the occurrence of crime and antisocial behaviour.

3. National Planning Policy Framework

3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

The following parts of the NPPF are considered to be applicable to this scheme:

- Para 6: Achieving sustainable development
- Para 7: Three dimensions to sustainable development
- Para 11 – 15: The presumption in favour of sustainable development
- Para 17: Core planning principles
- Para 32 and 34: Transport movements
- Para 47: Delivering a wide choice of high quality homes (including the need to have a 5 year deliverable supply of housing)
- Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 55: To promote sustainable development in rural areas.
- Para 56 & 60: Requiring good design
- Para 64: Development of poor design must not be supported.
- Para 69: Promoting healthy communities
- Para 70: Delivery of social, recreational and cultural facilities that the community needs.
- Para 72: Provision of school places.
- Para 73: Access to high quality open space.
- Para 75: Protection and enhancement of public rights of way.
- Para 100: Development and flood risk
- Para 103: Development and increasing flood risk elsewhere
- Para 109: Planning system should contribute to and enhance the natural and local environment.
- Para 112 & 117–119: Development affecting protected wildlife
- Para 123: Planning and noise.
- Para 125: Planning and darker skies.
- Para 128 & 129: Describing the significance of a designated heritage asset.
- Para 131: Determining planning applications that affect heritage assets.
- Para 132: Significance of heritage assets.
- Para 134: Development and less than substantial harm
- Para 186: Approaching decision taking in a positive way.
- Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
- Para 196: Plan led planning system.
- Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
- P203 -206 – Planning conditions and obligations.
- Para 211 - 212: Using development plans and the NPPF in decision making.

Para 214 – 215: The weight attached to development plan policies having regards to their consistency with the NPPF.

Para 216 – Weight given to policies in emerging plans

4. Core Strategy

4.1. Core Strategy Focused Review

FC1 – Presumption in favour of sustainable development.

FC1.1 – Mid Suffolk's approach to delivering sustainable development

FC2 – Provision and distribution of housing.

Core Strategy

CS1 – Settlement hierarchy

CS2 – Development in the countryside & countryside villages

CS4 – Adapting to climate change.

CS5 – Mid Suffolk's environment

CS6 – Services and infrastructure

CS9 – Density and mix

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. A Neighbourhood Plan designation was conferred on 4th May 2016 and covers the Parish of Woolpit. At the time of the consideration of this proposal there are no policies associated with the plan and the comments made by the parish about giving its evidence base weight is noted. However, having regards to the contents of paragraph 216 of the NPPF it is considered that given the early stage of plan preparation that little material weight can be given to the Neighbourhood Plan. Usually Neighbourhood Plans are given greater weight where they have received their examination or have been through the local referendum which is not the case in this instance.

6. Saved Policies in the Local Plans

6.1.

GP1 – Design and layout of new developments

HB1 – Protection of historic buildings

HB13 – Protecting ancient monuments

HB14 – Ensuring that Archaeological remains are not destroyed

H3 – Housing developments in villages

H13 – Design and layout of development

H15 – Development to reflect local characteristics.

H16 – Protecting existing residential amenity

H17 – Keeping new development away from pollution

CL8 – Protecting wildlife

CL11 – Retaining high quality agricultural land

T9 – Parking standards

T10 – Highway consideration in developments

RT4 – Amenity open space and play areas within residential development

RT12 – Footpaths and bridleways

SB3 – Retaining visually important landscapes

7. The Principle Of Development

7.1. At this time Mid Suffolk does not have a five year Housing Land Supply. The most recent published figures have demonstrated that there is a 3.3 year supply of Housing Land within the district. Relevant to this is Paragraph 49 of the National Planning Policy Framework (NPPF) which states;

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." (para. 49)

Paragraph 14 of the NPPF reads,

"where the development plan is absent, silent or relevant policies are out of date, granting permission unless 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; or specific policies in this Framework indicate development should be restricted"

7.2. The NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits. The NPPF (paragraph 7) defines three dimensions to sustainable development - the economic role, social role and environmental role. These roles should not be considered in isolation. Paragraph 8 of the NPPF identifies that environmental, social and economic gains should be sought jointly. Therefore the Core Strategy Focus Review 2012 (post NPPF) policy FC1 and FC1.1 seeks to secure development that improves the economic, social and environmental conditions in the area and proposal must conserve and enhance local character. Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The proposal therefore must be determined with regard to sustainable development as defined by the NPPF.

The NPPF also provides (para 187) that *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*

7.3. Objections to the scheme have been received stating that the Local Plan is not out of date and that the Council should give its housing delivery policies significant weight. However, it is clear on reviewing the guidance in the NPPF that housing delivery policies CS1 and CS2 of the core strategy should not be considered to be up-to-date along with policies such as H7 of the Local Plan. On this basis residential development on the site should be considered on its own merits in accord with principles of sustainable development and improvements that can be achieved for the area in line with the guidance in the NPPF.

Cumulative Assessment

7.4. Officers suggested to the committee in February that it would be appropriate to consider this scheme with the other proposals that are currently with the Council for residential development in Woolpit due to the cumulative impacts on local infrastructure of all of the schemes. The following applications are also being considered at this committee:

- 1636/16 - Outline Planning Permission for the erection of up to 120 dwellings, access point, landscaping, a proposed new car park for the Woolpit Health Centre and highway improvements to Heath Road and Old Stowmarket Road.
- 4489/16 - Outline Planning Permission with all matters reserved, except for Access, for the erection of up to 79 dwellings on land north of Old Stowmarket Road, Woolpit

7.5. Since this application was deferred from the committee in February an application for the erection of 60 dwellings, access, open space and associated infrastructure on land on the south side of Rags Lane, Woolpit (DC/17/02767/FUL) has been submitted to the Council. This scheme is still at an early stage in the system and as such it would be premature to bring it to this committee for consideration at this stage.

7.6. When considered cumulatively, the three schemes (excluding the Rags Lane scheme) bring with them 248 new houses of which 75 of these would be affordable (please note, application 4489/16 offers 20% affordable housing following a viability assessment), contributions towards education either via CIL or S106, CIL contributions towards health care and library provision as well as improvements to the highway network. The benefits attached to the schemes when considered either singularly or cumulatively need to be considered when carrying out the balancing exercise that is part of the requirement of paragraph 14 of the NPPF where the Council cannot demonstrate a 5 year supply of housing. This assessment will be done in the new conclusion to the report which will follow.

Agricultural Land Classification

7.7. In considering the application at the February committee meeting, members questioned the agricultural classification of the scheme having regards to the contents of paragraph 112 of the NPPF. The applicant had indicated to the case officer that the land was a grade 3b which is not best and most versatile agricultural land, but at that point, the scheme was not accompanied by an agricultural land classification (ALC) report to categorically establish this.

7.8. The applicant has subsequently commissioned an ALC from a suitably qualified expert and they have confirmed that the land is grade 2 which is categorised as best and most versatile agricultural land. Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the best and most versatile agricultural land when making planning decisions. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of higher quality land. Paragraph 112 does not preclude the development of land classified as best and most versatile agricultural land; it requires local authorities in making decisions to consider the economic and other benefit of the best and most versatile agricultural land.

7.9. In assessing the application it must be made clear that appeal decisions which are a material consideration in the determination of all applications have indicated that a parcel of land such as this one cannot be considered to be 'significant' as 'significance' is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 where it states that Natural England should only be consulted on plans involving the loss of 20ha or more of land on grades 1, 2 and 3a. As such, the parcel of land falls significantly below the threshold and, therefore, it is not considered to be necessary as advised in appeal decisions to sequentially consider other land which are of a poorer quality elsewhere.

7.10. In considering the economic and other benefit of the land, it must be remembered that the parcel of land constitutes only 2.3ha out of the total amount of agricultural land which is within an agricultural use in Mid Suffolk. Having looked at the agricultural land classifications for Mid Suffolk, most of the land within the district is classified as 2, 3a and 3b with very little land in the lower categories. As the district is predominantly rural in character it is not considered that the loss of this relatively small parcel of land will have a significant and negative impact on agriculture, specifically food production, or on the functioning of the local rural economy.

8. Sustainability Assessment Of Proposal

8.1. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

8.2. Paragraph 14 of the NPPF refers to a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision making, the NPPF states that this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate that development should be restricted.

8.3. Policy FC1 of the Mid Suffolk District Core Strategy Focused Review states that it takes a positive approach to sustainable development and like in the NPPF, the Council will work proactively with developers to resolve issues that improve the economic, social and environmental conditions in the area. Related policy FC1.1 makes it clear that for development to be considered sustainable it must be demonstrated against the principles of sustainable development. The policy goes on to say that proposals for development must conserve and enhance the local character of the different parts of the district and how it addresses the key issues of the district.

8.4. The settlement of Woolpit offers a wide range of local services and local infrastructure. Woolpit has a primary school, a doctor's surgery, shops and pubs and a business park together with a number of other local facilities which act as a service to the inhabitants of the village as well as providing employment opportunities. As part of this application, the applicant is proposing to put links in through from the site to Steeles Road to ensure that the residents have access to the local services listed above as well as to public transport to access services elsewhere.

8.5. In relation to paragraph 7 of the NPPF, the proposals would contribute to building a strong, responsive and competitive economy through the creation of construction and related jobs and the on-going contribution to the local economy from the creation of up to 175 additional households in the area. The proposals would also contribute towards providing the supply of housing required to meet the needs of present and future generations and by having the potential to create a high quality built environment, as well as contributions towards affordable housing and other social infrastructure (public open space, education and health care) through a CIL contribution, or where appropriate, a section 106 agreement.

8.6. It must also be remembered that paragraph 49 of the NPPF makes it clear that housing applications should be considered in the context of sustainable development. The applicant is proposing up to 49 dwellings in this instance and they have confirmed that it is their intention if they get planning permission to commence with work on site as soon as possible following the granting of this full planning application. To speed this up, they have agreed to have a shorter period than is usual to commence with work on site (2 rather than 3 years) which helps to justify that as a developer, they are serious about delivering the houses and the necessary infrastructure on site which all contribute to the sustainability of the scheme.

8.7. On balance, therefore, the proposals are considered to constitute sustainable development, having regard to the contents of policies FC1 and FC1.2 of the Adopted Core Strategy Focused Review and the contents of the NPPF.

9. Site Access, Parking And Highway Safety Considerations

9.1. The site is located to the south west of the village and as a consequence to reach the A14 junction north of the village will likely result in traffic going through the village retail and residential centre.

Alternative routes are available, but given the routing available and the nature of these routes it has been concluded that the additional traffic will result in a burden to the area. Working with SCC Highways the applicant has designed a road improvement scheme to mitigate the burden of development and improve the road network in terms of safety. This includes the expansion of footpaths and introduction of a priority scheme to part of Green Road (please see the Conservation area part of this report for specific details of the works proposed). In turn this will remove/discourage parking of cars that may obstruct the free flow of traffic and those that have previously illegally parked across junctions. It is recognised that this will remove some on road parking provision for central area of the village and while this could have the potential to have an impact on retail trade, there is a balance in respect of additional households to improve the viability of retail uses as well as other facilities in the area.

9.2. As part of the amended plans, the applicant has improved pedestrian connectivity throughout the site by providing a pedestrian link that runs west to east and also north to south through the site which link into Green Road, Steeles Road and also the existing public footpath that lies to the east of the site. This meets the requirements of part 32 of the NPPF which requires all schemes to provide safe and suitable access for all people.

9.3. Woolpit Parish Council has objected to this scheme on the grounds that the proposal will significantly increase traffic levels at the junction of Green Road with Drinkstone Road and that the works proposed in the centre of the village to ease traffic flow will negatively impact on parking provision. They also comment that the access point into the site from Green Road as proposed in the amended plans is unacceptable and they question whether the traffic survey information as submitted is a reflection of reality. Similar comments to those received from the parish council have also been received from the objectors to this scheme.

9.4. SCC Highways has examined the traffic data provided and do not consider that the proposal will have a severe impact on the highway network as referred to in paragraph 32 of the NPPF and agree that the impacts of the scheme can successfully be controlled by the imposition of planning conditions to provide the road improvements that the applicant has proposed. The Highways Authority have not raised any objections to the scheme in relation to highway safety and neither have they objected to the scheme on the grounds that car parking will be lost in the centre of the village or that the submitted transport and traffic data is inaccurate or unrealistic or that a second vehicular access point is needed into the site as raised by the Parish Council and the objectors. Matters in relation to the provision of traffic regulations in the centre of the village (e.g. yellow lines) to control parking is not a matter that can be considered under this planning application as these are matters that are controlled by Highway Legislation and not via the Planning Acts.

9.5. Having regards to the above, it is considered that the proposal complies with the requirements of paragraph 32 of the NPPF in that safe and suitable access for all people can be achieved and that improvements can be undertaken to the transport network that cost effectively limits the significant impacts of the development. Concerns by the objectors to the scheme in terms of the impact of construction traffic on the surrounding highways network can be controlled by the imposition of a suitable condition on any planning permission that may be granted.

10. Design And Layout [Impact On Street Scene]

10.1. Section 7 of the NPPF refers to design. Specifically, paragraph 56 states that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials,

while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 60) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 64). In addition policy CS5 provides that *"All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area"* and echoes the provision of the NPPF.

10.2. Objections have been received stating that the scale and density of the proposal is inappropriate and that it constitutes a cramped urban style development that would have a negative effect on the village of Woolpit and the hamlet of Woolpit Green. The Police have also objected to the scheme on the grounds that the layout does not provide adequate natural surveillance for the play area and that the footpath to the south and east could provide opportunities for crime and should be illuminated.

10.3. The comment of the objectors are not shared as it is considered to constitute good design in line with the requirements of the NPPF and local policy CS5 as it proposes a form of development that reflects the character and appearance of the surrounding streetscape. The edges of the site on all elevations are to be planted with landscaping in the form of trees and hedging which will help to soften the built edge of the proposal, and help to integrate it into the surrounding open countryside. Therefore, the comments of the Police in terms of illuminating the path is not agreed to as this would have a negative impact on the soft edge of the site and the surrounding dark open countryside. In terms of the design of the dwellings, it is considered that what is proposed is in keeping with the various styles and types of dwellings which exist in the surrounding area and the applicant has re-orientated the dwellings adjacent to the public open space area in his January 2017 amended plans so that they overlook it and provide natural surveillance to help prevent the occurrence of crime and anti-social behaviour. This has therefore overcome the Police's objection to that aspect of the scheme. Having regards to the above, the proposal is considered to constitute good design and is in line with the requirements of the NPPF in section 7.

11. Landscape Impact

11.1. Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in one of the requirements of policy H13 of the Mid Suffolk District Local Plan. It is proposed to retain the trees and hedging along the northern part of Green Road and supplant these with new hedging and trees from this point to the southern boundary. The applicant is proposing to reinstate the former field boundary to the southern part of the site which will include a mixture of trees and hedging and a landscaped greenway directly to the north of it which will form part of the pedestrian links throughout the site. The existing trees and hedging along the northern and eastern boundaries of the site are to be retained with some new planting proposed along the most southern part of the eastern boundary. Within the site itself, trees and hedging are proposed between the dwellings and the public spaces to provide an attractive soft environment.

11.2. Having regards to the requirements of policy H13 of the MSDC Local Plan and paragraph 58 of the NPPF, it is considered that the scheme provides substantial landscaping both within and on the boundaries of the site to ensure that it assimilates well into the rural edge of Woolpit and provides an attractive environment both for the new residents of the site and those living in the surrounding locality.

12. Environmental Impacts - Trees, Ecology And Land Contamination

12.1. Paragraph 100 of the NPPF makes it clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of highest risk. The contents of policy CS4 of the Mid Suffolk Core Strategy is in line with the requirements of the NPPF in terms of flood risk and

carries significant weight in the determination of this application. In terms of flooding from rivers, the site complies with local and national policy as it lies in a flood zone 1 area which is land at least risk of flooding. Objections have been received in relation to the impact of the scheme on surface water drainage and flooding in the locality. Anglian Water and the County SuDs Team have been consulted on this proposal and both organisations have advised that they do not object to the scheme subject to the imposition of a condition requiring additional technical details relating to the submitted drainage strategy. Having regards to the above, it is considered in terms of flood risk that the scheme can be made acceptable subject to the imposition of a suitably worded condition to meet the requirements of paragraph 100 of the NPPF and policy CS4 of the Mid Suffolk Core Strategy.

13. Heritage Issues - The Impact of Offsite Works On The Character And Appearance Of The Conservation Area

13.1. Woolpit has a Conservation Area and an up to date appraisal. This site itself is not within the Conservation Area or within sight of it. However, the offsite road improvements between the junction of Drinkstone Road and where Green Road joins up with 'The Street' will affect the Conservation Area that covers the centre of Woolpit and objections to the scheme have been made on this ground.

For the sake of clarity, the offsite works involve the following:

- Creation of a priority system by the use of a pavement which will reduce the highway running along Green Road on its eastern site from outside Jasmine Cottage up to the junction with Mill Lane. Signs and road markings will be in place to notify drivers of this change.
- To the north of Mill Lane and into the point where the triangular centre of Green Road starts it is proposed to build out the footway to prevent cars parking dangerously on the junction point (which occurs currently). While line markings are to be extended directly opposite this point to emphasise the change.
- Directly outside Palmers Bakery but on the opposite side of the road (adjacent to the triangular parcel of land that splits the road in two) and up to the junction point where Green Road joins up with 'The Street', parking bays are to be created. These will be demarked by hatched road markings.
- When turning from 'The Street' into the short one way street part of Green Road (heading south) an overrun kerb area is to be provided either side of the junction to replace the current white line arrangement to prevent cars from parking on the junction edges. Parking bays are shown on either side of the one way street (in the same locations as existing).

13.2. In relation to the impacts upon the Conservation Area, the changes outlined above are considered to be limited to the potential increase in the amount of vehicles and associated noise, pollution and disturbance in the locality, thereby affecting the appreciation of the Conservation Area, and a potential increase in people accessing the area. The Council's Heritage Officer has been consulted on these changes and he has advised that the highway improvement works will cause less than substantial harm to the conservation area with the impact being low. In line with the guidance contained in paragraph 134 of the NPPF, it is considered that the public benefits of the proposal, including the delivery of housing, affordable housing and employment, outweigh any harm to the Conservation Area.

14. Heritage Issues - Impact On The Setting Of Neighbouring Listed Buildings

14.1. Policy HB1 (Protection of Historic Buildings) places a high priority on the protection of the character and appearance of historic buildings, particularly the setting of Listed Buildings. In paragraph 17 of the NPPF it makes it clear that development should "*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*". Para 131 goes on to state that "*In determining planning applications, local planning*

authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.” Furthermore Para 132 states “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 more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

14.2. Objections have been received to this scheme on the basis that the proposal is harmful to the setting of listed buildings in the vicinity and other local buildings that the objectors consider to be historically important.

14.3. *Priory Cottage* to the west and opposite the site is Grade II Listed. To the south of the site and beyond the site within open countryside, but within visual range is *The Grange* which is also Grade II Listed. *Priory Cottage* is a rendered 1 1/2 storey cottage of a reasonable size on a large plot. Mature planting surrounds the site, but it is more open in winter months. Currently the Listed Building represents the gateway to Woolpit as the first building on the Green Road approach to the village. It has a strong rural setting that will be affected by building development opposite. However, the Listed Building maintains open fields to the south and west that will continue to frame the view of this building without influence of new development opposite given the route of the road. Having regards to the contents of part 7 of the NPPF, it is not considered that the harm to the setting of *Priory Cottage* can be considered to be substantial as the cottage itself is not affected by the proposal. However, it is considered under the requirements of paragraph 134 of the NPPF that the harm to the setting of *Priory Cottage* as a Grade II Listed Building is considered to constitute less than substantial harm where the harm needs to be considered and weighed against the wider public benefits of the scheme.

14.4. It is considered that as the Council does not have a 5 year supply of housing as required by paragraph 47 of the NPPF (the current supply is 3.3 years) that the proposal will help to contribute towards this deficit by providing 49 new dwellings. The scheme will also deliver 35% of the dwellings as affordable houses to help to meet the need in the locality and a further £205,004 in contributions which cover matters such as an improvement to: library facilities; waste facilities; bus stops; road improvements and secondary school places. It is considered in this situation, that the package of benefits that are to be provided to the wider community outweigh the harm to the setting of *Priory Cottage*.

14.5. *The Grange* is over 250m to the south of the site. Views from this building will be impacted by the development, but given the distance seen in context with the rear of Woolpit and its built form the impact will be minimal. However, in line with the NPPF, the impact on '*The Grange*' is considered to constitute less than substantial harm in line with the requirements of paragraph 134 and the package of wider benefits as outlined above would be considered to outweigh this harm. The same argument would be the case in relation to the impact on the other 'non designated heritage assets' in the village. In relation to the impacts upon the Listed Buildings within the centre of the village these are considered to be limited to the potential increase in the amount of vehicles and associated noise, pollution and disturbance in the locality, thereby affecting the appreciation of the Listed Buildings, and a potential increase in people accessing the area. In this regard, the proposal is considered to cause less than substantial harm, whereby the public benefits as outlined above would outweigh any harm that would occur to the settings of the Listed Buildings.

15. Impact On Residential Amenity

15.1. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement is emphasised in the NPPF Core Values in paragraph 17 where it states that all schemes should seek a good standard of amenity for all existing and future occupants of land and buildings.

15.2. Objections have been received to this scheme on the basis that the dwellings as proposed will overlook the existing dwellings on Green Road and Steeles Road to the detriment of the living conditions of the occupiers.

15.3. It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason of form, design, the distance between the dwellings and the substantial landscaping that is proposed along the periphery of the site and as such the proposal meets the relevant NPPF core value in paragraph 17.

16. Biodiversity And Protected Species

16.1. When the report was submitted to the committee in February, mention was made of the fact that the Wildlife Trust had commented that the applicant had not surveyed the site at the correct time of year for Skylarks and that the scheme should provide mitigation for the loss of Skylark habitat. Since the meeting, the Council has consulted with its consultant ecologist and they agree that the survey that accompanied the application was done at the incorrect time of the year to ascertain if Skylarks inhabit the site. However, the ecologist confirms that following a site visit during the summer of 2016 Skylarks were noted over the site and the surrounding fields and as such they support the stance of the Wildlife Trust and advise the Council that offsite mitigation for the loss of habitat for the Skylarks, which are a priority species, is required to make this scheme acceptable.

16.2. The applicant has agreed to this and it is recommended that a mitigation strategy is provided as part of the S106 agreement for this proposal.

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. Woolley v Morge determined that in order to discharge its regulation 9(5) duty a Local Planning Authority must consider in relation to an application (full, outline or listed building) the following:-

- (i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and
- (ii) if one or more such offences are likely to be committed, whether the LPA can be satisfied that the three Habitats Directive ""derogation tests"" are met. Only if the LPA is satisfied that all three tests are met may planning permission be granted.

These three tests are:

1. the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. As follows

- (a) scientific or educational purposes;
- (b) ringing or marking, or examining any ring or mark on, wild animals;

- (c) conserving wild animals or wild plants or introducing them to particular areas;
- (d) protecting any zoological or botanical collection;
- (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (f) preventing the spread of disease; or
- (g) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

2. there must be no satisfactory alternative, and

3. favourable conservation status of the European Protected Species in their natural range must be maintained – this is the test that drives the need for the developer to provide replacement habitat.

Whilst a number of local residents and the Parish Council have objected to the scheme on biodiversity grounds, and the Suffolk Wildlife Trust has raised concerns about the scheme, there are no recordings of protected species or their habitats in the immediate area. It is highly unlikely that any protected species would be found within this site as the land is farmland with the majority of the trees, hedges and the ditches which could potentially contain protected species still being retained along its periphery with the majority of them being outside the garden boundaries of the new dwellings. Furthermore, the substantial new planting that is proposed along the western and southern boundaries of the site will provide additional habitat for the Skylarks as requested by the Wildlife Trust and will improve the biodiversity offer of the site.

17. Other issues

17.1. Local Bus Service –

Comments have been made that the local bus service is poor that it will not be adequate to accommodate the needs of the new residents. On examining the local timetables, buses 384 and 385 operate in the locality offering services to Bury St Edmunds and Stowmarket. The first bus of the day (Monday to Friday) going through Woolpit to get to Bury is 6:50am with the last bus at 18:20 with regular services running throughout the day at approximately 1 hour intervals. On Saturdays, the service runs on an approximate hourly basis from 07:45 to 16:30, but with no services on Sundays.

The service between Woolpit and Stowmarket commences at 8:04am during the working week with the buses running at approximately 1 1/2 hourly interval throughout the day to 18:49. Saturday services commence at 8:04am and again run at 1 1/2 hourly interval until 18:19. Again, no service runs on a Sunday.

For a rural location and in the current economic climate the bus service appears to be reasonably adequate compared to some other rural locations elsewhere. It can also be argued that by granting permission for additional dwellings in the locality, there will be more residents and hence more potential customers for the local bus service which could act as a catalyst in the future for an improvement to the local bus service to meet a potential increase in demand.

17.2. Loss of agricultural land - Objections have been received to this scheme on the basis that the development of the land with houses will result in the loss of agricultural land. According to the Council's maps, the application site is partly classified as Grade 2 (this is a small parcel adjacent to the field drain on the western side of the site) with the remainder being Grade 3. The applicant has confirmed that the part that is classified as grade 3b which is not land of best and most versatile agricultural quality. For the sake of clarity, Grades 1 - 3a are classified as the best and most versatile agricultural land with grades 3b to 5 being classified as land of poorer quality that is not the best and most versatile.

Paragraph 112 of the NPPF makes it clear that in the consideration of planning applications where the best and most versatile agricultural land (Grades 1 to 3a) is to be lost for significant amounts of development this has to be demonstrated to be necessary and consideration should be given to the development of poorer agricultural land in preference. It is clear on reviewing the Natural England maps for the district that the majority of the land in Mid Suffolk is grade 3 (whether it is 3a or 3b is not defined) with the remainder being higher quality grade 2 land. There is very little land in the district in the lower categories (4 - 5) and as such it is considered that the loss of the small part of grade 2 land will not have a demonstrable economic impact on agriculture and overall food production in the locality. In terms of paragraph 112 of the NPPF, development on Grade 3b (or lower category) land can proceed without justification as it is not considered to be the best and most versatile land and is not worthy of protection.

17.3. Local support for the scheme - The parish has commented in their supporting statement that the applicant has misrepresented in his supporting statement the amount of local support that has been shown for this scheme. Whilst the parish and the applicant may have different opinions in terms of the level of support for the scheme, this on its own is not a material consideration in the determination of this application.

17.4 Lack of public open space in the development - Comments have been made that the proposal is deficient in public open space. Following discussion with the case officer, the applicant has amended the scheme and an open space area is to be provided between plots 24 and 48 with links through to Steeles Road which also includes a 355m² equipped play area which meets the Council's policy requirements.

17.5 Makes Woolpit a Town rather than a village - This is an individual's observation/opinion on the scheme and is not a material consideration in the determination of this application.

17.6. No Jobs, just residential - This is again an individual's opinion of the scheme. There are no national or local policy requirements for the applicant to provide a commercial element with this scheme. Whilst the proposal is for residential development it will result in the creation of jobs for the construction phase of the site.

18. Planning Obligations / CIL

18.1. Objections have been received in relation to this scheme on the grounds that the local schools and the health care provision will not be able to cope with the requirements of the scheme.

18.2. The Council has now implemented CIL which accordingly takes on board requirements such as open space contribution, NHS and education contributions. Recent development resolved to be approved adjacent to the Woolpit Health Centre includes additional car parking to serve the Health centre and that in turn provides future capacity for the expansion of the Health Centre for the area and the NHS Trust have asked for £16,460 towards this.

18.3. Affordable Housing is not part of CIL and members should note that policy to seek up to a 35% provision remains in effect. Affordable Housing of 35% is proposed and recommended to be secured for this proposal. The applicant has amended the layout of the site in January 2017 to meet the requirements of the Council's Affordable Housing Officer in terms of the types and sizes of properties that are required.

18.4. In response to the objectors comments, it must be made clear that this scheme will deliver £205,004 in contributions which cover matters such as an improvement to library facilities; waste facilities; bus stops; road improvements (both on-site and off-site) and secondary school places so that the impacts of the proposal on the local infrastructure can be mitigated against.

18.5. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the

Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

19. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

19.1.

Council Tax payments from the dwellings when built
Planning Delivery Grant from Central Government for delivering the dwellings
35% of the scheme delivered as affordable housing

S106 Agreement:

- £5000 for highway improvement works in the centre of Woolpit.

CIL:

- £186,654 towards primary school places
- £10,800 contribution for local library provision.
- £2550 for improvement to waste facilities
- £16,460 towards improvements at the Woolpit Health Centre

PART FOUR – CONCLUSION

20. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

20.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

20.2. In this case the planning authority has worked with the applicant to resolve issues with the impact of the proposal on the local highway network, the types of affordable housing proposed, the location of the electricity substation and overlooking of the playground area by the houses.

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

21. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

21.1. There are no known legal implications derived from the determination of this application.

22. Planning Balance

22.1. Woolpit is a key service area and one of the more sustainable areas available to grow and take on the significant housing need the District has to address. Such areas will need to develop and grow to serve the need and current gap in housing supply in the district.

22.2. The lack of a 5 year housing supply means little weight can be given to local policies that prevent housing on the outside of settlement boundaries, especially when dealing with a sustainable centre such as Woolpit. Paragraph 14 of the NPPF makes it clear that where a development plan is out of date, planning permission should be approved without delay unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or any specific policies in the framework that indicates that development should be

restricted. Therefore, new housing should not be poorly designed, harm the landscape, cause traffic issues that cannot be mitigated, impact on flood risk or have a negative impact on designated heritage assets or have other demonstrable adverse material impact.

22.3. Woolpit is a sustainable settlement with the site being on the edge of the settlement with residential dwellings to the north and east and partly to the west. Due to this, the residents of the site will be within a reasonable distance of the village centre to enjoy its facilities and it will be possible to access these by walking due to the enhanced pedestrian links proposed. The site is very much a part of the village and its development is not considered likely to cause detriment to the character of Woolpit and its history or its conservation area. In terms of design, the dwellings are considered to be in keeping with the style and design of the properties within the surrounding area and substantial new landscaping is proposed to enhance the existing trees and hedgerow that exists on site so that the proposal is softened and to help it assimilate into the surrounding countryside. Traffic will increase in the area as a result of this development, but not to the extent that it could be considered to be severe and the applicant is proposing mitigation in the centre of the village to help ease traffic flow.

22.4. While the development is not considered to cause harm on its own merits, it does provide additional benefit to the local community by the provision of 35% affordable housing and £221,464 in contributions which cover matters such as an improvement to health facilities, library facilities; waste facilities; bus stops; road improvements and school places. Therefore, it is considered that the proposal meets the three strands for sustainable development as outlined in paragraph 7 of the NPPF and in line with the requirement of paragraph 14, planning permission should be approved as the benefits that the scheme bring are considered to outweigh the adverse impacts of doing so.

RECOMMENDATION

That the Corporate Manager - Growth & Sustainable Planning be authorised to Grant Planning Permission subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms and that such permission be subject to the conditions as set out below.

Heads of terms:

- 35% Affordable Housing
- The provision of on-site public open space
- Off site Highway works on Green Road in line with agreed plan 112-2015/04
- Skylark mitigation strategy
- Contribution of £226,566 towards securing land and the provision of a new primary school

Conditions

1. Standard Time
2. Approved Plans
3. Fire Hydrants number and location to be agreed
4. Drainage
5. Hard and soft landscaping details to be submitted.
6. External lighting details
7. Tree protection methodology
8. Highway conditions
9. Site construction traffic methodology statement
10. Scheme to be completed in accordance with the recommendations of the ecology