

Committee Report

Item No: 2

Reference: 4489/16

Case Officer: John Pateman-Gee

Ward: Woolpit.

Ward Member/s: Cllr Jane Storey.

Description of Development

Application for Outline Planning Permission with all matters reserved, except for Access, for the erection of up to 79 dwellings.

Location

Land North Of Old Stowmarket Road, Woolpit IP30 9QS, ,

Parish: Woolpit

Site Area: 2.78 ha

Conservation Area: Site is not within Conservation Area

Listed Building: Affects Setting of Grade II and Setting of Scheduled Ancient Monument

Received: 03/11/2016

Expiry Date: 30/09/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: New Hall Properties (Eastern) Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

Defined Red Line Plan:

The defined Red Line Plan for this application is drawing number 1635 101 received on the 3rd November 2016.

Approved Plans and Documents:

Application form received on 3rd November 2016

Proposed site plan reference number 1635 200 Rev B received on 3rd November 2016.

Site access plan reference number 1687-02 Rev A received on 3rd November 2016.

Overview sketch plan which is unnumbered and received on the 3rd November 2016.

Archaeological Survey received on 3rd November 2016.

Ecological report (Newts) received on 3rd November 2016

Ecological report (Bats) received on 3rd November 2016

Noise Survey received on 3rd November 2016

Transport Statement received on 3rd November 2016

Design and Access Statement received on 3rd November 2016
Heritage Statement received on 3rd November 2016
Planning Statement received on 3rd November 2016
Flood Risk & Drainage Statement received on 3rd November 2016
Habitat Survey received on 3rd November 2016

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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:

Summary of Policies

GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
H03 - Housing development in villages
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
NPPF - National Planning Policy Framework

Details of Previous Committee / Resolutions and any member site visit

Members visited the site on the 13th August 2017 to familiarise themselves with the site and the surroundings. This application was also deferred from Committee B in order to seek further information on noise from Gold Star and consider the application at the same time as the adjacent open space proposal.

Details of any Pre Application Advice

Pre application advice has been received from both MSDC and Historic England in respect of this application. Special consideration has been given to the setting of the Scheduled Ancient Monument (SAM) and views towards the spire of St Mary's church from Old Stowmarket Road, and the dwelling numbers have been reduced to account for these factors and to provide significant open space areas (part of which is subject of a separate planning application – 4491/16).

Consultations and Representations

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

A: Summary of Consultations

Woolpit Parish Council

They object to the proposal for the following reasons (Officer notes in brackets):

1. Bearing in mind the proximity to Lady's Well, a Scheduled Monument, a full archaeological survey and assessment, rather than a desk-top, is necessary before any planning permission is granted.
(Officer Note: Old maps and given the previous Church use as well the main road introduced in the late 50s do not highlight this site to be highly sensitive to require upfront surveying, especially when the development is for "up to" and can adapt at reserved matter stage.)
2. Para 4.13 of the applicant's Transport Statement says that each property shall have two cycle storage spaces per dwelling. However, no provision has been made for cyclists within and outside of the site.
(Officer Note: This would be a matter for reserved matters internally. There is no policy for provision externally beyond the applicant's control.)
3. It is unacceptable to assume that that the crossroad junction and other improvements proposed for the Old Stowmarket Road South development (1636/16) have been completed

before development work for this current application takes place. This application should contain its own proposals for road, footpath and cycle track improvements.

(Officer Note: No assumption is made and the applications own improvements are proposed.)

4. Provision should be made for a revised junction at the crossroads suitable for the combined Old Stowmarket Road North and South developments possibly using land which is part this application.

(Officer Note: A revised junction is the subject of another application and this application and both would be suitable for the combined impact. The need for any land from this application is not required while it may be desired for a different solution to those proposed.)

5. Traffic data appears to be flawed as does not include the addition traffic using the new car park at the rear of the Health Centre generated by vehicles for the school and Health Centre itself.

(Officer Note: SCC Highways have received all information required for reasonable assessment to be made and will have considered all current proposals)

6. A commitment to carry out external road improvements before site work commences should be provided.

(Officer Note: It is unclear as to the benefit of this approach or harm that would be mitigated. Normal approach would be prior to first occupation. Specific improvements related to construction traffic may be reasonable.)

7. The 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.

(Officer Note: Since this was written applications have been refused or withdrawn and pre applications are not material. There is one significant pre app known that currently is considering 300 dwellings, but at very early stages. Currently, there is only this application and the application opposite for 120 dwellings for consideration.)

8. The noise survey is flawed. Only continuous noise levels have been measured with no record of the levels resulting from 'single sound' events. Goldstar Transport, the operator of the adjacent lorry park and container storage depot has a record of problems resulting from 'single sound' events, particularly at night, when containers are being moved. Further measurement and a more comprehensive report is necessary. Reference must be made and consideration given to the numerous complaints that have been made by residents to MSDC Environmental Health over several years up to the present time about noise emanating from Goldstar Transport.

(Officer Note: EH has commented on the proposal and further work has been carried in by the applicant working with EH.)

9. There has been no public exhibition or community engagement for either application. This is particularly disappointing considering the importance of the site at the entrance to the village and its proximity to a Scheduled Monument. The public's views should be sought before the applications are considered.

(Officer Note: There is no requirement for pre application engagement by the applicant with the public, this is not a material planning consideration.)

10. There is significant light pollution emanating from the Goldstar Transport site. A report on the effect of this on the proposed development should be provided before the application is determined.

(Officer Note: Light pollution, if it can be proven, on a development is not an issue officers are aware would be reasonable grounds to refuse and policy would not support such action. The amenity of the new dwellings would be a matter of buyer beware to a certain extent, but also given the degree of light of the industrial site against the dark countryside if compared to a town lit area it is unlikely to be significantly different.)

11. The application should include a minimum of 35% affordable homes. *(Officer Note: It is proposing 35% affordable housing)*

12. All brownfield sites within the district should be utilised for development before any further agricultural land is taken for development.
(Officer Note: While encouraged, it is not a policy requirement at a local or national level to only develop brownfield site first.)

13. The applicant in reports refers to Woolpit being a small town with large scale industrial sites in Old Stowmarket Road. This is absolutely not the case. Woolpit is a medium sized medieval village with great character and with many significant Listed Buildings. Old Stowmarket Road, particularly in the area of the application near Lady's Well, is still semi-rural in nature and not dominated by industry.
(Officer Note: The application is wrong in this respect as Woolpit is a village and not a town in legal status. This error is not considered material in planning terms. The site is semi rural and lies adjacent existing dwellings, a SAM and Gold Star industrial site and commercial nursery.)

SSC Footpaths

No objections

MSDC - Environmental Health - Land Contamination

They have no objections to the proposed development.

MSDC – Environmental Health

Seeks information on renewal energy and efficiently considerations to be explored further (See assessment for comment).

MSDC – Environmental Health Noise

Concerns with regard to the potential noise from adjacent industrial uses. Following deferral by the Committee of the application a further noise survey has been carried out by the applicant to assess any noise issues with the neighbouring Gold Star Transport Depot. Noise mitigation measures including the provision of a 3 metre high acoustic fence along the northern and part of the eastern boundaries and location of bungalows in the north east corner of the site are considered acceptable by the Council and will be secured by way of a Condition.

SCC – Archaeological Service

Due to lack of any previous survey on this site and given surrounding historic interests, recommends extensive archaeological works prior to determination of application. (See assessment for comment)

Anglian Water

No objections

Natural England

No comments to make.

Suffolk Wildlife Trust

Have read the ecological survey report (T4 Ecology Ltd, April 2016), bat report (Robson Ecology, September 2016) and Great Crested Newt eDNA survey report (T4 Ecology Ltd, August 2016) and we are satisfied with the findings of the consultants. Recommend all recommendations in report are secured via condition.

MSDC - Tree Officer

No objection to this proposal as the site involved does not contain any trees. However, trees are situated along some of the site boundaries and these will be important to help soften and integrate any development within the local landscape. The site layout plan indicates they should not be adversely affected by the proposal although ground protection and protective fencing might be necessary in some areas

MSDC Heritage Officer

Objects to the scheme on the grounds of support for the comments made by Historic England. Considers that the density of the scheme is too high and there is a need to increase open space around the houses to ensure that the historical setting of the Ancient Monument which lies nearby is maintained. To resolve this situation, Heritage has requested a redesign of the layout of the site.

Officer Note: As outline and layout is not included and the development is "up to", reserve matters could seek to resolve this point.

Historic England (Summary)

The Heritage Statement has provided a detailed assessment of the significance of the designated heritage assets affected by the proposed development, including a good consideration of setting and the contribution it makes to the significance of these assets. This has taken on board the comments made by Historic England at the pre-application stage in regards to the setting of the scheduled monument, the character of the conservation area and the views of the church spire. Welcomes changes since pre application enquiry, but still wishes to see lower density. Considers the development to cause harm of moderate to high in respect of the Scheduled Ancient Monument, does not set aside principle of housing development and instead would like more detail and understanding. Historic England conclude that the proposals in the application would cause "Less Than Substantial Harm" to the heritage asset.

Fire Service - County Fire Officer

Recommends that fire hydrants should be secured by condition.

NHS/Primary Care Trust (Summary)

No objection to the scheme. They are to seek a contribution towards health care provision via CIL and at this stage, they are unable to advise what this amount is likely to be.

SCC - Obligations Manager (Update 1st March 2018)

Sets out obligations that Suffolk County Council would like to secure through CIL and Section 106. Includes contributions for new primary school and early years. Please see full response.

Flood and water management

Notes connection needed to adjacent application site. Seeks further information which can be conditioned.

SCC Highways

Does not raise any objections to this scheme subject to the imposition of standard highways conditions. Requests that the council secures traffic calming, walking and cycling improvements on Heath Road including a pedestrian crossing facility, a footway/cycle track link between Old Stowmarket Road and Rectory Road. A contribution of £40,000 is required to secure the above.

They have also requested bus stops with easy access kerbs which can be secured via a CIL bid as these are included in the Councils 123 list.

Highways England

No objections

B: Representations

17 letters of objection have been received in relation to this proposal raising the following issues:

- Need for suitable junction improvements to Church Road
 - Need for footway improvements to Church Road
 - Need for improvements to Woolpit Health Centre before any further development.
 - Traffic concerns
 - Should be 35% affordable housing and not anything less, concerns over the lack of social housing
 - Needs a landscape appraisal and concerns over treatment of SAM
 - Public green welcome, but management?
 - Loss of agricultural land
 - Affects character of village
 - Noise and lighting impact on new housing
 - Impact on newts in Lady's Well Scheduled Ancient Monument
 - Drainage concerns
 - Need more bungalows
 - fear of becoming a town
 - object to all development across entire village in general
 - should built in Stowmarket first
 - ownership issues
 - covenants on land to fund church
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- lack of public consultation from the developer
- Have suggested other sites which they consider to be more appropriate

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 within the northern part of Woolpit on land to the north of Old Stowmarket Road. Woolpit is 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.

1.2. The site is an open agricultural field. A parcel of land sits to the west of the application site, in the same land ownership, is subject to a current planning application under reference 4491/16 that would contain some of the drainage solutions needed to support this application. On this basis it is not considered unreasonable to condition a scheme for drainage that might require onsite works on this adjoining land.

1.3. South Boundary: This is a mostly open boundary that fronts Old Stowmarket Road and access is proposed from this road. Opposite is Saffrons Close, a small modern housing estate and further fields on which an application for a further residential development is proposed.

1.4. East Boundary: A mature boundary which is shared with Woolpit Nurseries.

1.5. North Boundary: Mature boundary shared with Gold Star Transport. This use can be seen in part from the site depending on where you stand and the time of the year. In the north west corner is Lady's Well, a scheduled ancient monument enclosed by trees and it is not part of this application.

1.6. West Boundary: Mature boundary and fronts Heath Road, which is the main road from the A14 junction into Woolpit. To the West is the centre of Woolpit village where you can see the church. To the south west are Church Road/Health Road and the Old Stowmarket Road junction where a petrol station/garage exists.

2. The Proposal

2.1. This application is an outline application for up to 79 dwellings. An indicative plan has been submitted to demonstrate how 79 dwellings may be positioned, but this may not be how the scheme is progressed under a reserved matters scheme if planning permission is granted for this proposal as the applicant has only requested that the principle of the development and the access details are considered at this outline stage.

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

3.1. 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.

4. The Principle Of Development

4.1. 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.

4.2. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable. 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 (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) 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 ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted without delay (unless material considerations indicate otherwise). Mid Suffolk does not have a five year housing supply.

4.3. The NPPF requires that development be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

4.4. The NPPF 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."

4.5. The site is outside the development limits for Woolpit and in conflict with the policies as contained in the adopted Core Strategy and Local Plan. It is clear on reviewing the guidance in the NPPF that, as the Council does not have a five year supply of housing land, the housing delivery policies CS1 and CS2 of the core strategy, along with policy H7 of the Local Plan, should not be considered to be up-to-date. In this respect, refusing the application solely on the basis of the development being outside the development limits of Woolpit, would not sit comfortably with the requirements of the NPPF that looks to consider the sustainability of the development in relation to the environmental, social and economic strands of sustainability.

4.6. The contents of paragraph 55 of the NPPF are also considered to be material in the making of a decision on this case. Paragraph 55 of the NPPF makes it clear that Councils can no longer consider sites that are adjacent or near to a settlement limit to be unacceptable simply because they are the wrong side of the line. It now makes it clear that 'new isolated homes in the countryside will not be supported and that Councils are encouraged to promote sustainable development in rural areas by considering housing development in locations where they could enhance or maintain the vitality of rural communities. It gives an example in paragraph 55 that new housing could provide increased facilities in one settlement which would be of benefit to it and the other surrounding settlements.

4.7. Having regards to the above, it is considered that the application site is not in an isolated location as it is adjacent to the built up part of the village, and the scheme will bring with it contributions towards enhancements to local facilities which will be of benefit to the residents of Woolpit and the surrounding hinterland. Therefore, in terms of paragraph 55 of the NPPF, this proposal could be considered to promote sustainable development in a rural area. However, having regards to the fact that the Council does not have a 5 year supply of housing and has to balance the negatives of the scheme against the positives that it brings in line with the requirements of the NPPF.

4.8. Policy FC1 of the Mid Suffolk District Core Strategy Focused Review states that it takes a positive approach to sustainable development and, as with the NPPF requirements, 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.

4.9. The settlement of Woolpit offers a wide range of local services and local infrastructure to its residents. Woolpit has a primary school, shops, a business park and a number of other local facilities which act as a service to the inhabitants of the village as well as providing employment opportunities. Woolpit also has its own health centre which can potentially be expanded in the future to meet future population needs.

4.10. 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 79 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, the highway network and other social infrastructure (public open space, education, health care) through a CIL contribution, or where appropriate, a section 106 agreement.

4.11. Consideration of whether this proposal is 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 will be reached in the overall conclusion to this report.

5. Site Access, Parking And Highway Safety Considerations

5.1. Policy T10 of the Mid Suffolk District Local Plan provides criteria on highway considerations when assessing planning applications. This policy requires access points into and out of the site to be safe and an assessment made as to whether the existing local roads can suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrians and cyclists have been met. This policy is considered to carry significant weight in the determination of this application as it is in compliance with paragraph 32 of the NPPF which requires all schemes to provide safe access for all.

5.2. Objections have been received in relation to this scheme on the basis of highway safety grounds, specifically the increase vehicle movements which would occur on the public highway if this scheme was to be approved and also concerns about the capacity and the safety of the Heath Road/Old Stowmarket Road junction. Suffolk County Council Highways has been consulted on this proposal and they have not objected to it subject to the imposition of highway conditions. In their assessment of the proposal, they have noted that application 1636/16 (which was previously recommended for approval by the committee) which proposes residential development across the road from this site on land to the south of Old Stowmarket Road had as part of that scheme a double roundabout arrangement which would overcome the concerns of the parish and the objectors in relation to vehicle movements at the Heath Road/Old Stowmarket Road junction. The Highway Officer noted in his consultation response that the additional movements associated with application 1636/16 would not be significant and the additional movements associated with this scheme would also not be significant and when considered together, the mitigation measures as proposed would be sufficient to ensure that highway safety and the free flow of traffic in the locality would be maintained.

5.3. The Local Highway Authority has identified that the scheme will offer sustainable travel options to residents as additional pavements and linkages to the village are proposed. This will help to improve accessibility on foot and via cycles without the inhabitants having to use their own cars to exclusively access local services. The Local Highway Authority is recommending that the applicant is obligated via a S106 agreement to provide the sustainability measures outlined above.

5.4. Having regards to the specific and cumulative highway impacts of the scheme it is considered that the proposal complies with the requirements of policy T10 of the local plan and paragraph 32 of the NPPF, in that safe and suitable access for all people can be achieved and that cost-effective improvements can be undertaken to the transport network to ensure that non-motorised modes of transport can be used to access local facilities.

6. Design And Layout [Impact On Street Scene]

6.1. 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.

6.2. The application is in outline form and the plans as submitted provide an indicative layout of how the scheme could potentially look should this outline planning application be approved. This scheme specifically relates to the principle of the development of the site. This site does extend the residential footprint of the village, however it is neighboured to its north by the haulage yard and to the east by the plant nursery and to the south by existing residential development with a further housing site proposed to the south. As such it has the appearance of an infill site rather than being an open field on the edge of the village jutting into the countryside. The applicant is suggesting the use of open space to the western part of the site and along the boundaries to ensure that the scheme fits in to the surrounding environment. Beyond this there is a further application to consider open space provision.

6.3. If you take both applications and consider the area as a whole, the indicative density of the site at 16 dwellings per hectare is low and is not out of keeping with other residential development in the locality. Objections have been received stating that the density of the scheme is high, but when taken in the context of the amount of open space provided by the applicant, it is clear that for the site the density of the dwellings at 16.1 is low and cannot realistically be considered to be excessive.

6.4. Setting of Church - Objectors have referred to the fact that the proposed development does not safeguard views of the church and in fact blocks some potential views. However, these potential views do not exist for the public, only the owner of the field at this time. Furthermore, views of the church relate essentially to views of the church spire, a dominant feature on the village. Views of this will not be affected by current proposals. This development will allow new public views of the church spire from the field from the new open space area and from the new housing area in part. Far more people will enjoy the public views (and some private ones) that will be made available should this scheme go ahead.

Historic England had been concerned that views of the church from Old Stowmarket Road, the only views currently enjoyed by the public would be obscured by the proposed development. The Applicant has responded to this concern by removing all proposed housing from the southern section of the site, thereby protecting the view of the church from Old Stowmarket Road.

6.5. Setting of the Lady's Well Scheduled Ancient Monument (SAM) - This is set within a wooded enclosed space and does not form part of the application. It is open to the public, but there is no vehicular access or parking for it. Pedestrian access is via the busy main road. Placing public open space adjacent to it may allow for better opportunity for the enjoyment and maintenance of this asset.

6.6. The setting of the SAM has been significantly altered in the post-war decades. At one point it was connected to the church, but this visual link was severed when the A14 link road was built. The present perceived rural character is largely provided by the large field to the south, which is enclosed by the transport depot to the north, nursery to the east, recreation and development to the west and some residential uses to the south. There is a further field to the south of Old Stowmarket Road, part of which can be seen from the SAM, which has recently received planning permission for residential development. The open field immediately to the south of the SAM is itself in part a modern setting, the result of recent farming techniques. Older OS maps show the field divided into three parts, with a line of trees down the centre from north to south. In other words, where the housing is proposed would have once been a separate field, screened by trees in views from the SAM and the village centre.

6.7. In design terms the development has attempted to respect these historic boundaries and keep a distance from the SAM. Up to 79 dwellings when considered in terms of the developable part of the site only (i.e. when not considered with the three open space areas shown on the plan) amounts to 29 dwellings per hectare which is higher than that seen in the locality, but just below policy. However, it is considered that any decision made on this basis whereby the scheme is not considered as a package and both the residential and open space areas are not considered together would potentially be perverse and not likely to be defensible at appeal. It must also be remembered that Saffrons Close which lies across the road from this site is clearly a suburban estate opposite the site which sets a local building precedent.

6.8. The design is not detailed at this stage, but on balance it is considered that at reserved matters stage a scheme can be brought forwards that will function well, add to the overall quality of the area, establish a strong sense of place, create attractive spaces, preserve the setting of the SAM and improve public access to and enjoyment of the SAM.

7. Landscape Impact

7.1. 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. As noted under the design heading above, the site is enclosed and not a location likely to be intrusive to open countryside. The vast open space areas can represent significant opportunity for landscaping and wildlife that can be assessed under reserved matters.

8. Environmental Impacts - Trees, Ecology and Land Contamination

8.1. 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.

8.2. 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. At outline stage details of drainage are not available and a holding objection from SCC SuDs team. However, given the available land and the details shown in the indicative plans, it is considered that a suitable approach and scheme can be secured in terms of drainage both in terms of the additional land of open space adjacent to the site and the “up to” nature of the application. On this basis a delegated recommendation is sought to enable officers to secure the required information prior to any decision being issues. This is considered to be a pro active approach to allow the comfort that all other material considerations are resolved by members prior to any significant on site investigation works. In conclusion 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.

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

9.1. 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.”

9.2. Objections have been received from the Council's Heritage Officer and Historic England on the grounds of harm to the setting of the Scheduled Ancient Monument and the grade I church of St Mary. They advise that amendments to the layout of the scheme could overcome the concerns, and the scheme has been amended to preserve the view of the spire of St Mary's church from Old Stowmarket Road, a concern raised by Historic England. In reality, distant views towards the church are essentially views of the spire, a dominant feature which will remain unchallenged should this development proceed. Indeed, new public views towards the spire will be created. Overall, Historic England consider that the harm would be less than substantial. Para 134 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. Equally layout is indicative, and the number of dwellings is "up to" and so reserved matters can allow for changes to the layout

9.3. The NPPF defines setting as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral'. As made clear from the applicant's Heritage Statement, the setting of the Lady's Well SAM has significantly changed in recent years. Its wider setting has been compromised by a new road and light industrial and suburban development. The heritage asset is experienced from within a small and inaccessible copse, with no parking or easy public footpath access to it. The development will preserve the open space to the south of the SAM as a publicly accessible space, and will provide easy and safe public access to the SAM and in accordance with NPPF Para 137 provide the opportunity to "better reveal the significance of the heritage asset." This is a public benefit, to be weighed against any perceived harm to the setting of the heritage assets.

9.4. It must be remembered that the application as submitted is in outline form and the plan as submitted is only indicative. The erection of 79 dwellings on the parcel of land as shown amounts to only 16 dwellings per hectare, retaining large areas of open space in the form of the historic field boundary to the south, to preserve and enhance the immediate setting of the SAM and (more distantly) the church. It is considered that the applicant has responded to pre-application advice, by reducing density and providing open space to preserve the settings of the heritage assets. However, as the scheme is in outline form, further amendments can be made at reserved matters stage if this is considered necessary.

9.5. The Council does not have a 5 year supply of housing as required by paragraph 47 of the NPPF (the current supply is 3.9 years), and the proposal will help to contribute towards this deficit by providing 79 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 £378,444 in contributions which cover matters such as an improvement to: library facilities; bus stops; road improvements and a new primary school. It is considered that these public benefits, coupled with the heritage benefits of increased public access to and enjoyment of the SAM, outweigh the less than substantial harm to the setting of the SAM.

10. Impact On Residential Amenity

10.1. Given the distances involved and location it is considered unlikely that there would be any significant detriment on amenity for existing residents as a consequence of the design and form of development, but this would be a matter for reserved matters.

11. Biodiversity And Protected Species

11.1. 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. The content of paragraph 118 of the NPPF is also applicable to the consideration of this proposal as it states that when determining planning applications, consideration must be given to 6 principles. The two following principles are applicable to this scheme:

- a. If significant harm is caused which cannot be avoided or mitigated by conditions then planning permission should be refused.
- b. Opportunities to integrate biodiversity in and around developments should be supported.

11.2. Suffolk Wildlife Trust has not raised any objections to this scheme. An isolated colony of Great Crested Newts has been identified in the Moat which forms part of the SAM. Part of the development proposal provides for a large area of open grassland adjacent to the SAM which will enhance and improve the environment for these newts arguably instead of a regularly ploughed field. The open space afforded by the development proposal will improve the biodiversity offer of the site and as such, the scheme is considered to be in compliance with paragraph 118 of the NPPF.

12. Other issues

12.1. 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.

12.2. 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.

12.3. Cumulative impact - Comments have been made that this application is one of many that have been submitted for Woolpit and the other villages along the A14 corridor and that the Council needs to consider the cumulative impact of all of these schemes before granting planning permission. The British planning system requires each submitted planning application to be considered on its individual merits, but the Council is working with other colleagues within the Council and in the County Council to

understand the impacts of all of the separate applications on the infrastructure of the affected parts of the district. This is to understand what is required to mitigate the impacts of the proposals (such as funding for school places or doctors surgeries etc.) and where mitigation is not possible, what grounds could be used to refuse planning permission for some of the schemes.

13. Planning Obligations / CIL

13.1. 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.

13.2. The Council has now implemented CIL which accordingly takes on some infrastructure requirements such as open space contribution, libraries, 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.

13.3. Affordable Housing is not part of CIL and members should note that policy to seek up to a 35% provision remains in effect. The applicant have confirmed that they can provide affordable housing of a policy compliant 35% as part of this scheme.

13.4. In terms of education, there are currently 25 spaces at the local primary school and if this scheme is delivered first, the children of the occupiers of the dwellings would take up these spaces. Therefore, this scheme would not have to contribute towards primary education as there would be sufficient capacity to meet the identified need. However, should one of the other schemes that are coming forwards in Woolpit come first and use the 25 spaces, then the County Council has identified that there will be a need to find land and provide a new 420 place school and combined pre-school on it, and the developer of this site would be expected to contribute £363,880 towards that. However, to complicate matters further, there are negotiations with another developer to provide land to the existing primary school which would facilitate an extension of it. The County Council has advised that an extension to the existing school would be their preferred option and to secure this they would bid for it under Mid Suffolk's CIL scheme. Whilst the above may sound complex, there is a strategy in place to mitigate the impact of the proposal on the local education infrastructure, please also see recommendation.

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

14.1. Non materials include Council Tax payments from the dwellings when built, Planning Delivery Grant from Central Government for delivering the dwellings. Materials considerations will be matters of the Section 106 agreement and CIL.

PART FOUR – CONCLUSION

15. Planning Balance

15.1. Woolpit is a key service area and one of the more sustainable areas available to grow and to take on the significant housing need the District has to address. Such areas will need to develop and grow in the future to serve the need and current gap in housing supply in the district. The lack of a 5 year housing supply means that little weight can be given to local policies that restrict housing supply, 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.

15.2. Woolpit is a sustainable settlement with the site being on the edge of the settlement with development 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 as part of this scheme. Development is not considered likely to cause detriment to the character of Woolpit and its history or its conservation area. Although it will impact on the rural character of the setting of the Lady's Well SAM, the area to the south of the monument will be retained as a publicly accessible buffer zone, and public access to and enjoyment of the SAM will be increased. In terms of design, the proposal is an outline application and the details of the houses are not for consideration at this stage. However, it is considered that a suitable scheme can be provided at reserved matters stage making best use of the substantial open space and landscaping that is shown on the indicative plans with this outline application. Whilst traffic will increase in the area as a result of this development, it is not considered that it will be 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.

Any harmful impact of the scheme will be less than substantial and needs to be weighed against the public benefits. These include the provision of 35% affordable housing and contributions which cover matters such as an improvement to health facilities, library facilities; bus stops; road improvements and a new combined primary and pre-school facility. Harm to the setting of heritage assets has been mitigated and needs to be weighed against the improved public access to the SAM. 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 granted without delay as the benefits of the scheme are considered to outweigh the adverse impacts.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Outline 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:-

- 35% Affordable Housing
- The provision of on-site public open space
- Contribution of £363,880 toward the purchase of land and to facilitate the building of a new 420 place primary school (if capacity does not exist at Woolpit Primary School at first occupation of the dwellings hereby approved).
- Contribution of £133,328 for Early Years (if capacity does not exist in Woolpit at first occupation of the dwellings hereby approved).
- A scheme of traffic calming, walking and cycling improvements on Heath Road including; a pedestrian crossing facility; a footway / cycle track link between Old Stowmarket Road and Rectory Road; a footway widening scheme south of Mill Lane; and dropped kerbs for pedestrians at the junctions of Steeles Road and Mill Lane and Heath Road/Old Stowmarket junction improvements and footpaths to be agreed (if not already in place prior to commencement of development) prior to occupation of the 20th dwelling.

And that such permission be subject to the conditions as set out below

1. Standard Time for outline and reserved matters.

2. Approved Plans
3. Fire Hydrants number and location to be agreed
4. No works shall commence until surface water and drainage management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water and drainage strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
5. Highways conditions as recommended by SCC
6. Site construction traffic condition.
7. Tree Protection to be agreed
8. All recommendations of T4 Ecology Ltd April 2016 report to be secured and implemented in full
9. Archaeological programme of works condition
10. Concurrent with Landscaping Reserved Matters, Details of proposals for improved access to SAM
11. Noise Mitigation measures for new dwellings
12. Provision of 3 metre high acoustic fence along northern boundary of site