

Committee Report

Item No: 3

Reference: 4491/16

Case Officer: John Pateman-Gee

Ward: Woolpit.

Ward Member/s: Cllr Jane Storey.

Description of Development

Change of use from agriculture to open space including a surface water management scheme and wildlife enhancement area

Location

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

Parish: Woolpit

Site Area: 1.7ha

Conservation Area: The site is located within the Conservation Area

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

Received: 03/11/2016

Expiry Date: 30/12/2016

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: New Hall Properties (Eastern) Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

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 with a site area over 0.5 Hectares, but this would not automatically require a committee decision. It is considered that this application is appropriate to consider in context with the proposed housing scheme adjacent that is part of this agenda.

PART TWO – APPLICATION BACKGROUND

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

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
H03 - Housing development in villages
H04- Altered Policy H4
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
T10 - Highway Considerations in Development
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB08 - Safeguarding the character of conservation areas
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways

Details of Previous Committee / Resolutions and any member site visit

Members visited the site on the 13th August to familiarise themselves with the site and the surroundings.

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 grade I listed church of St Mary and in part have resulted in this proposal for significant open space area.

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

Historic England

Refers mainly to adjacent housing scheme. No objection to the public open space, but seeks more information on parking area. Note – It is considered that a condition on the details for the parking area would be appropriate.

SCC Rights of Way

No objection

Woolpit Parish Council

Objects to this proposal for the following reasons:

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: This proposal does not include the Lady Well site, only an agricultural field around the site. Given the nature of this application for just change of use, the land itself would not be altered as no details of engineering works have been included. Should ponds or other drainage requirements be required, these would need to be detailed and are conditioned.

2. A Landscape Appraisal needs to be undertaken to ensure appropriate treatment of the setting of the Scheduled Monument and the proposed Conservation Area.

Officer Note: This is for change of use, there are no changes to levels or building works

3. A management plan for the proposed wildlife area should be provided.

Officer Note: Agreed and conditioned

4. There is no provision for cycle tracks across the open space either to access the village and Health Centre from the development or to access Lady's Well.

Officer Note: No, nor is there a policy requirement.

5. A direct cycle footpath/cycle track should be provided across the open space from near plot 12 to the Heath Road/Old Stowmarket Road crossroads. The crossroads is the nearest point to the village and the shortest distance to the crossroads is the route that residents will take from the houses to the village.

Officer Note: No, nor is there a policy requirement.

6. The developer should be required to contribute towards the planned cycle path from Wool pit to Elmswell which passes the site.

Officer Note: No, nor is there a policy requirement. The status and ability of implementation of the planned cycle path is also not known

7. Parking should be provided near Lady's Well for users of the site. Not every visitor will be able to access the site by foot or cycle. Vehicle access is required for maintenance purposes and the existing access direct off Elmswell Road is dangerous.

Officer Note: This is not proposed. The current situation is therefore unchanged and it is for the development to only mitigate the impact of the scheme itself. There is an opportunity for a parking area,

but this would need management and paying for and perhaps the management company or owner who would take on this area might consider this.

8. A commitment to remove all the overhead electricity wires across the entire frontage of the Lady's Well site should be provided. It will not be satisfactory to terminate the overhead section of wires either within or in front of the Scheduled Monument site.

Officer Note: No, nor is there a policy requirement.

SCC Highways

Recommends conditions

MSDC heritage

Objection to the application, but this is in relation to the adjacent housing scheme.

SCC Archaeology

Recommends trial trenching and further information.

SWT – Suffolk Wildlife Trust

Supports potential ecological enhancements.

MSDC Environment Health

No objections.

Ramblers

No comments

B: Representations

- The benefit of the application would be much increased access to the Lady's Well, and an enlarged community green space.
- very important that the drainage of the estate should not adversely affect the spring and water table, the most significant item in Lady's well for the mediaeval community was the spring.

Suggestions include, Lady's Well and the new wildlife enhancement area are managed together and lots of other suggestions such as play equipment to be added to the space and improvements to the moat system. Mainly objections that relate to housing scheme adjacent and not this application.

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.

The site is an open agricultural field. A parcel of land sits to the east of the application site, in the same land ownership, is subject to a current planning application under reference 4489/16 for up to 79 dwellings.

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.

East Boundary: This is field current and the site of the proposed housing development of up to 79 dwellings and beyond a mature boundary which is shared with Woolpit Nurseries.

North Boundary: The Lady's Well and Moat (SAM) and 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. The scheduled ancient monument enclosed by trees and it is not part of this application.

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/Heath Road and the Old Stowmarket Road junction where a petrol station/garage exists.

2. The Proposal

2.1. The proposal is for change of use of the field to form public open space. Ponds and paths are indicated on the land. While there is another application for housing adjacent, this application could be considered on its own merits and as a separate application.

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 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 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 73: Access to high quality open space.

Para 75: Protection and enhancement of public rights of way.

Para 109: Planning system should contribute to and enhance the natural and local environment.

Para 112 & 117–118: Development affecting agricultural land & protected wildlife

Para 125: Planning and darker skies.

Para 128: Conserving and enhancing the historic environment

Para 131: Determining planning applications that affect heritage assets.

Para 132: Significance of heritage assets.

Para 134: Development and less than substantial harm

Para 137: Enhance or better reveal significance of a Heritage Asset.

Para 186: Approaching decision taking in a positive way.

Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.

Para 197: Assessing and determining application applying the presumption in favour of sustainable development.

P203 -206 – Planning conditions and obligations.

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

4.1. A Neighbourhood Plan designation was confirmed 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.

5. The Principle Of Development

5.1. As an agricultural field, it could be put out of use without needing permission and so could become a form of grassland and just maintained as an open space. So, in visual and physical terms the land can become essentially what is proposed without needing permission. The proposal is for the use of the field to change that would allow its enjoyment as an open space by local people as an open space and that is what needs permission. In addition to this there is a proposal for ponds and these might also need to serve as a drainage scheme. However, there is not a lot of information on this aspect because it is not known to what extent such elements would be needed as partly this relates to the potential housing scheme being proposed adjacent. If refused, the need for any drainage scheme would be removed, but if the adjacent scheme is approved the extent of drainage would depend on the concluded number of dwellings which is unknown being outline. In any event the location of ponds, number and design could all change, but given the size and levels of the land that forms this site it is concluded that there is more than enough space.

5.2. Potentially this proposal has significant community benefits and could open up the setting of the Scheduled Ancient Monument (SAM). This 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 this subject of this application 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 adjacent is now being proposed would have once been a separate field, screened by trees in views from the SAM and the village centre.

5.3. The NPPF provides (para 137) states that “local planning authorities should look for opportunities for new development within conservation areas and World Heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” On this basis it is considered that the proposed development has the potential to better

reveal the significance of Lady's Well Scheduled Ancient Monument, through improved access and understanding, and creating an appropriately landscaped setting to the south.

5.4. The application is located outside the settlement boundary of Woolpit. Policy CS2 of Core Strategy that states that development in the countryside development will be restricted to defined categories in accordance with other Core Strategy policies. One of these defined categories is recreation and tourism. The proposal is for change of use to open space and wildlife enhancement. The applicant has confirmed that the open space will be open to the public and will therefore provide for recreation. In conclusion the principle of this application is considered acceptable.

6. Site Access, Parking And Highway Safety Considerations

6.1. Suffolk County Council Highways has been consulted on this proposal and they have not objected to it subject to the imposition of highway conditions. The response from SCC relates in part to the adjacent housing scheme, so only relevant considerations have been considered in respect of this proposal. Junction and wider footpath improvements are a matter for the housing scheme proposal.

6.2. The conditions proposed for this application are as follows:

Condition: Prior to the commencement of any part of the development, details of the proposed tree planting and landscaping including root management measures and of the proposed vehicular access for construction and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.

Reason: In the Interests of highway safety, to prevent damage to adjacent roads and to ensure that visibility splays and street lighting remain unobstructed by proposed planting.

Condition: Before the development is commenced, details of the footpaths which shall be 3m wide, including layout connecting to Heath Road crossing locations, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the footpaths are constructed to an acceptable standard to accommodate cycling to promote sustainable transport.

This are agreed subject to slight modification, see recommendation.

7. Design And Layout

7.1. Design etc details

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.

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

7.3. Given the nature of this proposal it is not considered that there are any significant design matters that would warrant refusal.

8. Landscape Impact

8.1. 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. The site is enclosed and not a location likely to be intrusive to open countryside. The large open space areas can represent significant opportunity for landscaping and wildlife in the use proposed.

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

9.1. There are objections from both Historic England and MSDC Heritage, however these are in relation to both applications focused mainly on the housing proposal. On the individual merits of this application and what should be considered for this application, the setting of historic assets will be altered as the agricultural use would be removed and replaced by being public amenity open space. As established earlier, much of the physical change this might involve could occur without permission. It is not concluded that this change would cause harm, but if considered to be less than substantial harm, as a public use this proposal would result in significant wider community benefit that would outweigh such harm on balance.

10. Impact On Residential Amenity

10.1. None known.

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.

27. 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 to enhance and improve the environment for these newts. 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.

PART FOUR – CONCLUSION

12. Planning Balance

12.1. This proposal is a stand alone application, but being realistic would be unlikely to come forward without the adjacent housing scheme. As an individual proposal, the scheme would offer significant community benefit and lots of potential enhancement to both the SAM in terms of setting and potential access and ecology. Views of historic assets from this new publicly accessible area will be made available.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning GRANT PLANNING PERMISSION and that such permission be subject to the conditions as set out below:-

1. Standard Time
2. Approved Plans
3. Any drainage works proposal on this site as may be necessary shall not 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.
4. Prior to first use, details of the proposed tree planting and landscaping including root management measures and of the proposed vehicular access for construction and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.
5. Notwithstanding details submitted, prior to first use, details of any footpaths proposed (which shall be 3m wide), including layout connecting to Heath Road crossing locations, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority.
6. Landscape Scheme and Tree Protection to be agreed
7. All recommendations of T4 Ecology Ltd April 2016 report to be secured and implemented in full
8. Archaeological programme of works as need for any areas of land disturbed or involved in engineering works
9. Details of any parking area, including surfacing and management.
10. Management of open space area and wildlife areas and opportunities for enhancement to be agreed.
11. Notwithstanding details submitted, details of design, location and drainage details of any ponds shall be agreed.