

## **Committee Report**

**Item No:**

**Reference:** DC/17/06293

**Case Officer:** John Pateman-Gee

**Ward:** Debenham.

**Ward Member/s:** Cllr Kathie Guthrie.

## **RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS**

### **Description of Development**

Outline Planning permission (all matters reserved except for access immediately from the public highway), for: the erection of up to 295 dwellings, 2ha for potential primary school site/education use or community/care use, and two new vehicular accesses from Gracechurch Street, together with associated developments including flood alleviation and attenuation features for wider mitigation and separate SuDS for site; associated public open space and landscaping; and other infrastructure and utilities.

### **Location**

Land to the North of, Gracechurch Street, Debenham, Suffolk

**Parish:** Debenham

**Expiry Date:** 21/12/2018

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

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

**Applicant:** Taylor Wimpey UK Ltd.

**Agent:** James Bailey (Boyer)

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

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

It is a “Major” application for 15 or more dwellings.

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

None

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

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

H16 - Protecting existing residential amenity

HB01 - Protection of historic buildings  
HB08 - Safeguarding the character of conservation areas  
CL08 - Protecting wildlife habitats  
CL09 - Recognised wildlife areas  
CL11 - Retaining high quality agricultural land  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
CS04 - Adapting to Climate Change  
CS03 - Reduce Contributions to Climate Change  
CS09 - Density and Mix  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
GP01 - Design and layout of development  
NPPF - National Planning Policy Framework  
RT12 - Footpaths and Bridleways  
SC08 - Siting of new school buildings  
T10 - Highway Considerations in Development  
T09 - Parking Standards

The emerging Debenham Neighbourhood Plan is noted and referenced later in this report

### **Engagement, Consultations and Representations**

Engagement took place throughout the pre-application phase of the planning process whilst the applicants explored the potential for development of the site at Debenham. Taylor Wimpey (TW) then engaged with Planning Officers and Members at Mid Suffolk District Council, Suffolk County Council, as well as with the Parish Council, and other local stakeholders. The applicant initially met with the Parish Council's Neighbourhood Plan Group (NPG) in July 2017.

After this the applicant met with representatives of both the Debenham Neighbourhood Plan Group and Parish Council a number of times between July 2017 and October 2017. It is understood from Taylor Wimpey that discussions with the Parish's NPG centred around consideration of key characteristics, issues and opportunities for the village and the site itself as well as potential information sharing and gathering.

On submission of the application Local Planning Authority (LPA) officers have held meetings with the applicant, agent and County stakeholders on a number of occasions to consider consultee responses and infrastructure issues arising through the processing of the application. In order to consider planning and infrastructure aspects within Debenham wider than purely this application officers have also met regularly with representatives of the Parish to maintain dialogue through the Neighbourhood Plan (NP) preparation. All such meetings have been conducted on a without prejudice basis seeking to constructively develop planning authority understandings.

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

#### **A: Summary of Consultation Responses**

##### **Debenham Parish Council (Summary of planning issues, please see full account)**

The Debenham Parish Council would like to strenuously recommend the refusal of this planning application.

- a) The proposed development will not improve the economic, social and environmental conditions in the area
- b) The Proposed development does not accord with many of the existing relevant planning policies
- c) The proposed development goes against a number of policies on the emerging Debenham Neighbourhood Plan (it will be most interesting to see the weight this is given by the planning authority)
- d) The proposed development is on a site identified on the emerging Local Plan (via the “call for sites” exercise but discounted on a very recent AECOM report commissioned for the Neighbourhood Plan)
- e) A number of Material Considerations indicate that this planning application should not be approved
- f) The adverse impact of granting permission would significantly outweigh the benefits

- Although these plans would result in an increase of up to a third in the current no. of dwellings, there appeared to be no proposals which would mitigate or improve any of the ongoing concerns re traffic, parking and general infrastructure, such as doctor surgery and school provision. (Officer Note, there are proposals for traffic and land provision for school if needed, also given CIL is adopted it is not possible for Section 106 to consider CIL matters of infrastructure)
- This site would be the worst of all available from a flooding risk point of view, even taking into account the flood attenuation tanks, as any flooding would end up travelling through the village and exacerbating an existing problem.
- The two main arterial routes through Debenham are Gracechurch Street and the High Street, which cannot realistically be improved. Therefore, to place additional pressure on this area would be extremely challenging.
- The positioning of the development on this site would detract from the overall character and charm of the village. There are other much better placed sites within the village that have been independently assessed (AECOM report) and deemed to be suitable for development, whereas this site has not.
- Such a considerable development would not only have a tremendous impact on the village of Debenham but also all the neighbouring villages.
- A development of this scale and size would take some time to conclude and without a Construction Management Plan to refer to, it is extremely difficult to envisage how this would impact not just in Debenham but neighbouring villages alike. (Officer note: A construction management plan is drafted and would be conditioned)

The Debenham Parish Council has taken account of the following policies when considering this application:

- a) POLICY HB8 (SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS)
- b) POLICY T10 (HIGHWAY CONSIDERATIONS IN DEVELOPMENT)
- c) POLICY CL1 (GUIDING PRINCIPLE TO DEVELOPMENT IN THE COUNTRYSIDE)
- d) POLICY CL11 (RETAINING HIGH QUALITY AGRICULTURAL LAND)
- e) POLICY CL4 (PROTECTING THE RIVER VALLEYS AND FLOOD PLAINS)
- f) POLICY CL8 (PROTECTING WILDLIFE HABITATS)
- g) POLICY H13 (DESIGN AND LAYOUT OF HOUSING DEVELOPMENT)
- h) POLICY H15 (DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS)
- i) POLICY H16 (PROTECTING EXISTING RESIDENTIAL AMENITY)
- j) POLICY H3 (HOUSING DEVELOPMENT IN VILLAGES)
- k) POLICY H7 (RESTRICTING HOUSING DEVELOPMENT UNRELATED TO THE NEEDS OF THE COUNTRYSIDE)
- l) POLICY HB8 (SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS)
- m) POLICY SB3 (RETAINING VISUALLY IMPORTANT OPEN SPACES)
- n) POLICY SC1 (PROGRAMMING OF INFRASTRUCTURE)
- o) POLICY SC5 (AREAS AT RISK FROM FLOODING)
- p) POLICY T10 (HIGHWAY CONSIDERATIONS IN DEVELOPMENT)
- q) Policy CS 6 (Services and Infrastructure)

r) Policy CS 9 (Density and Mix)

And if referring to Policy FC1, to please also be mindful of Policy FC 1.1:

(Officer notes:

*1) Policies CL1 is not saved and replaced by Core Strategy CS2. CL4 is not saved and was replaced by Core Strategy CS4 and CS5. Policy H3 does not apply as that policy only refers to development within settlement boundaries. Policy SC1 was replaced by Core Strategy CS6, but in turn that policy is also out dated by change to CIL. Policy SC5 is replaced by CS4 of the Core Strategy. Please note the site is not located within a Conservation Area as may be implied by reference of both a and l above, but there is a Conservation Area designation within Debenham.)*

*2) Comments from Debenham Parish Council were made prior to the submission of the Neighbourhood Plan for examination and the results of the examination. The examination resulted in the change and removal of some of the proposed policies may have included some of the policies referenced by the Parish Council as being contrary. The report has gone through the neighbourhood plan in detail and refers to the amended emerging document post examination as this is given significant weight and supersedes the submission document referenced by this consultee response.*

### **Winston Parish Council (Summary of planning issues, please see full account)**

As a neighbouring Parish to Debenham, our community relies on vital services such as medical and education provided in Debenham and it will be significantly affected by additional commuting traffic resulting from such a large development.

- Debenham High School is already oversubscribed. It is not acceptable to allow a large housing development within the Debenham Parish boundary thereby potentially excluding pupils from our parish and other neighbouring parishes within the Debenham Schools catchment area. Winston pupils would have to travel a far greater distance for their education.
- The Surgery in Debenham for all local medical needs is already at full stretch.
- The only nearby shops, recreational and social facilities available to Winston residents are in Debenham. Public transport to Debenham from Winston Parish is virtually non-existent. Since the two roads to Debenham from Winston Parish are very busy with speeding cars and trucks, blind bends and without pavements or street lighting, the only safe way to visit these facilities is to travel by car. Parking anywhere in Debenham is already difficult. Travel through the High Street and Gracechurch Street in Debenham, with vehicles parked on one side and insufficient passing space on the other, is hazardous and frustrating. Adding further traffic from the proposed housing development would substantially exacerbate these parking and congestion problems.
- There are very few available jobs in Debenham itself. There are no educational facilities in Debenham beyond High School level. Bus services are very infrequent and go only to Ipswich. Therefore, occupants of these proposed 295 dwellings will almost inevitably increase the volume of road traffic. Most people would be travelling to the Ipswich, Stowmarket and Woodbridge areas for work and education, thereby taking them along one of the two roads through Winston Parish.
- Adding 295 dwellings in Debenham will also inevitably add further traffic passing through Winston Parish to service this additional community.
- Winston Parish Council has over many years and intensively in the past 5 years, worked with MSDC, Suffolk County Council and Suffolk Constabulary to try to make the B 1 077 and C477 roads in Winston Parish less dangerous. Due to the road topography, housing on both sides of the road, no pavements, no street lighting, rejection of appeal for a 30mph speed limit instead of 40mph, no police speed enforcement, etc. little or no progress has been made on this issue. Adding yet more commuting traffic from this significant housing development will just increase the risk of accidents along these rural roads.

- Suffolk County Council are already making efforts to improve flood protection in Debenham. Some properties in Winston Parish are downstream and close to the River Deben and therefore impacted by flooding. Adding a further 295 dwellings with all of the hard-standing surfaces which this development entails will only increase the pressure on potential flooding into Derry Brook which has been evident in Debenham since 1816.

- We note that there is no further sewerage capacity available for Debenham residencies. The sewerage treatment plant is very close to some Winston Parish properties and already foul smells are frequent and obvious in our community. Permitting further housing development in Debenham before increasing the sewerage capacity would be inappropriate and irresponsible.

For the above reasons, all of which will adversely affect the general well-being, access to essential services and safety of Winston residents, the Parish Council urge you to reject this Application.

### **Pettaugh Parish Council (Full response)**

Pettaugh Parish Council would like to make the following representations on the proposed development of land to the north of Gracechurch Street, Debenham.

- The development will have a significant negative effect on the well-being of the residents of Pettaugh by exacerbating the traffic problems the village. These include danger to pedestrians due to few pavements and risk of collisions caused by congestion on an inadequate road system designed for horse-drawn carts. The increased traffic will generate increased pollution and increased noise.
- The traffic flows on the C477 road from Debenham and C446 road towards Crowfield have increased significantly over the past five years with the development that has already taken place in Debenham. There is a major problem with speeding through Pettaugh village where there are few pathways.
- The ever-increasing traffic flow on the A1120 as well as its dangerous junction with the C477 and C446 has been the site of collisions.
- A large proportion of the working population of Debenham already commute daily to areas such as Ipswich and Stowmarket. This number can only increase with the proposed new development which will lead to increased car journeys through Pettaugh.
- Pettaugh has young people who attend school in Debenham. The High School is already oversubscribed with applications from pupils who live 'in catchment'. The addition of 295 extra dwellings will only increase the problem. Unless there is a major development in Debenham schools, Pettaugh pupils will need to travel some distance for their education.
- The proposed development will cause further pressure on the Debenham surgery and medical practitioners who support the residents of Pettaugh.
- With no local shop, many residents of Pettaugh rely on shops in Debenham for their daily needs. The parking in Debenham is already a very serious problem for people who need the shops. The problems can only increase if the proposed development is approved.
- The outline plan addresses none of the above points.

The Parish Council is disconcerted and dissatisfied that MSDC failed to notify it of this development which will have an adverse effect on people living in Pettaugh.

### **MSDC Heritage response on highways works.(Full Response)**

Thanks for raising with us the proposed highway works which we presume would be required in the event of approval. Our understanding is that SCC Highways have access to their own heritage advice internally and follow the relevant SCC Design Guide. In any event, while there would be a certain degree of visual intrusion in the streetscape, we think in the context that this would amount to very little harm, which would be offset by positive factors such as restricting parking in sensitive areas and encouraging pedestrian access in the town's historic core. In summary, we do not consider any of the proposed works would be unduly harmful to nearby heritage assets.

*(Officer note: This is taken to be very little harm, but technically regarded as less than substantial harm in respect of the NPPF. On this basis the Heritage officer has considered such harm is offset by the wider benefits of the highways improvements and your officers would consider that the wider benefits and betterment offered by the development as a whole would significantly outweigh this lowest amount of harm identified.)*

### **MSDC Heritage repose for scheme as whole (Full Response)**

The Heritage Team does not wish to offer comments on this proposal. The Heritage team considers that the proposed development would have no material impact on the setting of listed buildings or on the setting, character or appearance of the Debenham Conservation Area.

### **Place Services Landscape Team (Instructed by MSDC)(Summary)**

With careful design and appropriate mitigation, the negative impact of this development can be managed and reduced including appropriate landscape mitigation, architecture and design layout, and appropriate choice of materials. The site itself has been identified through the SHELAA process as a site with development potential on Babergh and Mid Suffolk Consultation Joint Local Plan, 2017 (Draft).

This response makes a number of recommendations and in response the applicant has provided a landscape strategy and demonstrated each recommendation can be taken into account for reserved matters that would include landscaping and layout as reserved matters. The conclusion of Place Services based on recommendations being implemented as may be agreed at reserved matters is *“As part of a desktop study and the review of the submitted documents the proposals are not considered to have a significant adverse landscape/townscape or visual effect if the above recommendations are implemented appropriately.”*

### **Place Services Ecology Team (Instructed by MSDC)(Summary)**

No objection subject to conditions to secure: a) ecological mitigation and enhancements measures. b) a HRA to determine potential impacts on Deben Estuary SPA/Ramsar *(Officer Note: This has been prepared and raised no objection)*

The mitigation and enhancement measures identified in the Phase 1 survey, Phase 1 addendum (James Blake Associates, December 2017), Breeding bird Survey (December 2017), Otter and Water Vole Survey (October 2017), Great Crested Newt Survey (July 2017) and Reptile Survey (June 2017) - should be secured and implemented in full.

The conditions recommended have been included as summarised in this report recommendation, they will be as recommended by Place Services in the final decision if approved. *(Officer Note Place Services were asked to consider all evidence of Debenham Neighbourhood Plan on ecology grounds and this site in respect of this proposal and their response.)*

### **MSDC Tree Officer (Full Response)**

Due to the existing agricultural land use there are unlikely to be any significant arboricultural issues relating to this proposal. The majority of trees are located along the boundary of the site and if provided with sufficient space in the layout design should remain unaffected. I therefore have no objection to the application at this stage subject to it being undertaken in accordance appropriate protection measures that will need to be agreed as part of reserved matters or at full application.

### **MSDC – Policy Team (Summary)**

The planning policy team object to this planning application. Section 70(2) of the Town and Country Planning Act 1990 as amended is clear that a local planning authority must have regard to a post-examination draft neighbourhood plan, so far as material to the application. The Debenham Neighbourhood Plan is at the advanced post examination stage in the planning process. The Examiner's report for the emerging Debenham Neighbourhood Plan was published on 29th October 2018. In accordance with the Town and Country Planning Act 1990, from this date Section 70(2) applies and the Neighbourhood Plan must be given significant weight in planning decisions. The Neighbourhood Plan is scheduled for consideration to progress to referendum by Mid Suffolk District Council's Cabinet on 10th December 2018. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum as stated in the Government's Planning Practice Guidance. In assessing the Neighbourhood Plan, it is necessary to refer to the referendum version which includes the Examiner's modifications. If a decision is taken contrary to the Neighbourhood Plan, then the reasons for this decision and the weighting given to other material considerations need to be clearly explained. Policies for the supply of housing are set out in DEB1 (Policy 1 – Growth) which identifies the quantum of development in the Neighbourhood Plan and through the site allocations contained within the Neighbourhood Plan (DEB3, DEB4 and DEB5). These set out the level of development planned for in Debenham over the plan period, which also includes a small windfall amount. The Examiner's considerations on the Growth proposed in the Neighbourhood Plan and the allocated sites were that: 92. Whilst the site selection process has been criticised, the chosen sites received local support during a transparent and robust consultation process. From the Site Assessment Report (December 2017) and the Debenham Neighbourhood Plan [Strategic Environmental Assessment] Environmental Report in June 2018, I am satisfied that the chosen sites are deliverable, as much as I can reasonably be expected to be, and together with the overall housing strategy in the Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth. In particular, I am satisfied as far as I can reasonably be expected to be, that suitable vehicular access to the sites is obtainable and that there are no insurmountable restrictions on development. 93. Subject to my comments with regard to the details of the site-specific allocations below, I consider that the allocated housing sites meet the Basic Conditions. Thus, I do not consider it necessary for the inclusion of additional, or alternative, sites. Subject to the decision of Mid Suffolk District Council's Cabinet meeting on 10th December 2018, a referendum on the Neighbourhood Plan is anticipated in late January 2019. If the result of the referendum finds in favour of the Neighbourhood Plan, it comes into force immediately as part of the statutory development plan.

### **Anglian Water (Summary)**

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment:- The foul drainage from this development is in the catchment of Debenham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed. (Officer Note, this is conditioned.)

### **MSDC Waste Services**

No objection

### **SCC Archaeological Service (Summary Response)**

Provides details of likely archaeological potential given its topographic location and based upon information recorded within the County Historic Environment Record. Notes the cropmark of a ring ditch/circular feature is recorded within the site (DBN 029), at the eastern end. This may represent the remains of a prehistoric burial mound and therefore has the potential to be associated with human burials, however, the field within which this feature is located is called 'The Butts' and so this may be a feature of medieval date associated with an archery practice site. A large scatter of medieval/late Saxon and Roman pottery is recorded from within the site, potentially indicating occupation, and metal finds from medieval and later periods are also recorded (DBN 096). Notes of finds in areas beyond site.

A geophysical survey undertaken at the site has identified several anomalies of potential archaeological origin and notes need for trench work to be carried out. Development may have potential impact on archaeological if not identified. The applicant should be required to provide for a full archaeological evaluation of the site prior to the determination of any planning application submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined.

*(Officer Note: The areas identified by SCC services not are within the indicative development areas and are also the more logical areas for landscaping, open spaces and the attenuation areas. At the same time this development is for “up to” and not a fixed number of housing allowing flexibility in the layout when considered at reserved matters. Accordingly the LPA as advised by the SCC maintain control over preservation of any such interests as may be needed. It would be useful for the archaeological work to inform any reserved matters application and is considered appropriate to condition such works to be undertaken concurrently.)*

### **SCC Public Rights of Way (Summary)**

Provides that government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 - Defra October 2009, para 7.2) and that public rights of way should be protected.

Public Footpath 46 is recorded through the proposed development area. No objection, proposes a number of informal notes as guidance on rights of way.

### **Environment Agency (Summary)**

No objections. Notes site in Flood Zone 1 except for north boundary and states sequential test is not required on this basis. Also states “*We are satisfied that the flood risk assessment, referenced CCE/U491/FRA-01 and dated December 2017, provides you with the information necessary to make an informed decision.*”

*In particular:*

- *Drawing CSA/3219/118 shows all proposed development lies within Flood Zone 1*
- *The access and egress route travels through Flood Zones 1 and therefore does have a safe route of access.*
- *Flood Storage Compensation is not required.”*

Incorporating New Climate Change Allowances:-

As the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, we feel it is unnecessary to request the applicant to re-model the River Deben; designated main river in order to incorporate the new climate change allowances. This is because the majority of the new climate

change allowances have not exceeded the current extent of the existing flood zone 2. Notes an Environmental Permit for Flood Risk Activities may be needed for works within 8 metres (m) of the river Deben.

### **Environment Agency Note on Flood Alleviation (Summary)**

We are pleased that conclusion 4.2 has been incorporated into the FRA, declaring the intention to provide "*an opportunity to deliver (either physically or via financial contribution) a Natural Flood Management (NFM) scheme in the Derry Brook catchment to contribute to the wider flood management of Debenham village*". This is in keeping with our strategic approach to managing flood risk in Debenham. We have been working in partnership with Suffolk County Council Holistic Water Management Project and The Rivers Trust Essex and Suffolk Catchment Partnership to promote and deliver a range of flood attenuation Natural Flood Management features upstream of the village of Debenham.

In 2015, JBA carried out a 'High Level Assessment of flood storage options in Debenham: Phase 1- Natural Flood Management'. The original JBA flood model of 2014 (on which the Phase 1 NFM report was based) has now been replaced by the Debenham 2017 flood model. Although the baseline information on which the 2014 report was based is now out of date, the general conclusion still applies: that it demonstrates a clear benefit of flood attenuation storage upstream of Debenham.

Thus, the provision of a flood attenuation feature of approximately 5000m<sup>3</sup> would complement the overall strategic approach and would potentially contribute to a reduction in flood risk in the village. We are therefore pleased to note the presence of a Flood Alleviation Feature on the Development Framework Plan drawing CSA/3219/118. Without specific details regarding the contributing catchment and the required storage volumes, it is not possible to provide comment on whether the allocated space is appropriately sized. However, it is encouraging that such a space is being allocated to this cause.

### **Suffolk County Council, Flood and Water Management (Summary)**

We have reviewed the following submitted documents and we recommend approval of this application subject to conditions.

Flood team also confirm that there are two types of betterment being offered as part of the outline application.

1. A 30% reduction in the surface water runoff from the site, known as a pluvial Improvement (On this basis the development represents a reduction of 30% in surface water runoff than the current field that exists)
2. An offline flood attenuation area approx. 5,000m<sup>3</sup>, known as a fluvial improvement (Additional storage for flood events in the village)

### **Suffolk County Council Infrastructure and Education (Summary)**

The local catchment schools are Sir Robert Hitcham CEVAP School, Debenham, Debenham High School (11-16) and Hartismere School (16-18).

Primary School

Forecasts provided from SCC. The allocated sites and windfall within the emerging Neighbourhood Plan (316 dwellings), plus the Taylor Wimpy Proposal (295) would generate an estimated 152 (79+73) primary

school pupils and in order to accommodate this the primary school will need to expand to accommodate the potential 300 pupils (152 + 148) from a 210 place school to a 420 place school,

Feasibility work has been undertaken to ascertain whether such an expansion is possible and discussion with the school has been undertaken to consider the practicalities involved in the options around expansion, the school is willing to work with Suffolk County Council. Expanding the school to 420 within its current site could remain within government guidance (Building Bulletin 103) on site area.

## Secondary School

Since the previous consultation, the County Council has learned that Debenham High School has a capacity of 720, rather than the previously stated 654. As the school is an Academy it is able to make modifications to facilities without informing the County Council, which is why this was not known at the previous stage of consultation. The growth of 611 homes (316+295) proposed by the Neighbourhood Plan and the Taylor Wimpy Proposal would generate an estimated 109 (57+52) pupils, taking the school well above the 95% capacity by 2022. An additional 109 pupils would increase the total from 636 in 2022 to 745.

Debenham High School is an 11-16 Academy and the School currently working to a Pupil Admissions Number (PAN) of 135 in each year group and is currently a 675 place, five form of entry (FE) secondary school base on groups of 27 pupils. The school is located on a 3.67-hectare site (which is already undersized for a 675 place secondary school) and there have been various additions to the original building since then including some two-storey classroom extensions.

In responding to the Neighbourhood Plan consultation, Suffolk County Council advised that the Neighbourhood Plan Growth could be accommodated by internal reconfiguration of the school. This has been based on a detailed review of the existing school and its curriculum (which alters the need for different types of classroom for example). Internal reconfiguration was an option identified that could take the school up to 810 places (770 at 95% capacity) without additional land (although the site would still be undersized for an 810 place secondary school). Therefore, with a total of 745 pupils from the Taylor Wimpy and Debenham Sites, there would be space within the school for it to operate at 95% capacity. This would be funded by development through the Community Infrastructure Levy.

SCC recognise that rearrangement of the high school is not the optimum solution and further development within the catchment of the school beyond the demands of this application and Neighbourhood Plan growth forecast will lead to the need for additional outdoor sports facilities, such as a running track or the re-provision of existing courts through a multi use games area. Therefore, there is need to reserve land within the Taylor Wimpey site for a replacement of the tennis courts and for staff parking (which could facilitate improved bus parking and manoeuvring) until alternative are secured.

*(Officer note: Please see extensive report from SCC on this issue as it is based on specific work for Debenham.)*

## **MSDC Leisure Advisor (Summary)**

See potential for enhanced youth play on open space.

## **MSDC Strategic Housing (Summary)**

This is an open market development and should offer 103 affordable housing units which = 35%. The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2017, confirms a continuing need for housing across all tenures and a growing need for affordable

housing. The 2017 SHMA indicates that in Mid Suffolk there is a need for 94 new affordable homes per annum.

Preferred Mix for Open Market homes:-

- 10% x 2 bed bungalows
- 10% x 3 bed chalet bungalows
- 25% x 2 bed houses
- 40% x 3 bed houses
- 15% x 4 bed houses

Preferred Mix for Affordable homes:-

Rented 75% = 77 dwellings: -

- 6 x 1 bed 2-person flats @ 50sqm
- 8 x 1 bed 2-person houses @ 58 sqm
- 6 x 2 bed 4-person bungalows @ 70 sqm
- 8 x 2 bed 4-person flats @ 70 sqm
- 37 x 2-bedroom 4-person houses at 79 sqm
- 10 x 3 bed 5-person houses @ 93 sqm
- 2 x 3 bed 6-person houses @ 102 sqm

Shared ownership 25% = 26 dwellings: -

- 4 x 2 bed 4-person bungalows @ 70 sqm
- 16 x 2 bed 4-person houses @ 79 sqm
- 6 x 3 bed 5-person house @ 93 sqm

### **MSDC Environment Health (Air Quality) (Full response)**

I have reviewed the application and do not believe that the development is likely to compromise the otherwise good air quality currently experienced at the development site and surrounding area being of a predominantly rural nature. I therefore have no objection to the proposed development from the perspective of air quality.

### **MSDC Environment Health (Contamination) (Full Response)**

Having reviewed the application and the supporting Phase I Geoenvironmental Report I can confirm that I have no objection to the proposed development from the perspective of land contamination. As with all applications, I would request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **MSDC Environment Health (Other Issues) (Summary)**

No objection in principle to this application. I do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the groundworks and construction phases of the development and I would recommend the following conditions:

1. Hours of construction work between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries/collections shall only be made during these hours.
2. Construction Management Plan.
3. During any ground works/demolition/construction no burning of materials on the site.
4. Any external lighting associated with the development both during construction and as part of the proposal shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.

*(Officer note - These recommendations are included as part of the recommendation.)*

### **NHS England (Summary)**

The proposal comprises a development of up to 295 residential dwellings, which is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure levy (CIL).

### **SCC Fire and Rescue (Summary)**

Provides guidance and recommends standard fire hydrants condition

### **Suffolk County Council Highways (Full)**

Notice is hereby given that the County Council as the local highway authority does not object to the proposal subject to the imposition of the conditions shown below on any permission to be granted and the completion of a S106 planning obligation to its satisfaction:

The role of the Highway Authority is to protect the users of the public highway. The Highway Authority do not have grounds to recommend refusal on this application as the safety aspects associated with the proposals on Gracechurch Street are acceptable. It does accept that the current scheme as proposed has made significant improvements in terms of the potential risk to pedestrians. The proposed alterations in the Highway will be subject to a planning condition required to deliver highway works. The highway works agreement (Section 278 agreement), the developer will be required to enter into in order to deliver the conditioned works, will include the appropriate safety audits and technical approvals in due course.

We consider the proposal to include a pedestrian crossing facility at Gracechurch Street/Little Back Lane acceptable in the interest of highway safety. The intension will be for the developer to enter into an unilateral undertaking with SCC to create the Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions.

We recommend that the applicant considers waiting restrictions near the accesses to the development as these may become obstructed during school drop off/pick up times.

We consider further pedestrian improvements on Derry Brook Lane and The Butts should be investigated, especially near the school, as this is the desire line for residents of the development to the existing Primary School. As there are no footways due to the edge of the river on one side and hedgerows and banks on the other, there are limited areas where pedestrians can take refuge if a vehicle wishes to pass. Although it is accepted that a high proportion of drivers using the access will be local residents who are familiar with the conditions, these roads are narrow and insufficient for the increased intensification. This is to ensure the availability of pedestrian from the site, to promote, encourage and support the principles of sustainable transport as in the NPPF.

If flood alleviation features and SuDs basins are designed to be above the highway, the retaining wall I earthworks must both strong and leak proof to avoid any risks of flooding onto the highway.

Conditions are recommended, and these are summarised in the recommendation, but will be replicated in full on the decision if approved.

### **Highways England (Full)**

Offers no objection.

## **B: Representations**

### **Support - Nos 4**

- Ensures housing for local families.
- Will lead to improvement of local doctors and schools.
- Local businesses will benefit from development both shops and suppliers to build.
- More jobs.
- Would need road improvements.
- Support development as ideal for walking distance to centre and current schools.
- Ideal location for new school.
- Support affordable housing.
- Design can be potentially in keeping.
- Do not support number and suggests below 167.
- Support providing all benefits of development built upfront, include broadband, parking, traffic control, more buses.
- No employment/retail within development to ensure high street maintained.
- Chance to make Debenham a thriving village again.

### **Objections - Nos 418**

- Concerned with commuter traffic increase on roads beyond Debenham (Various estimates from 60% to 85%).
- Concerns for traffic levels within village.
- Roads beyond village dangerous.
- Safety of pedestrians.
- Insufficient infrastructure to sustainable growth in area.
- Numbers too high and neighbourhood plan should be considered
- The SHELAA only suggests a potential maximum yield of 150 dwellings on 14.6 ha (Officer note this is correct, but the site is for a larger area than the SHELAA of around 18ha)
- Unacceptable adverse impacts in terms of increased traffic, reduced safety for cyclists and pedestrians within the village, adverse landscape impacts and irreversible loss of agricultural land of value.
- Impact on horse riders
- Loss of greenfield land and wildlife
- Attention is drawn to the Supreme Court judgment (Suffolk Coastal DC v Hopkins Homes Ltd, 10 May 2017).
- Should be reduced to smaller development, far too big.
- Need for traffic regulation order and if this would be enforced for Gracechurch Street.
- Do not agree with assumptions of transport assessment submitted.
- Adverse landscape and visual impact changing the character of the village.
- More cars will be dangerous to my horse riding in the area.
- Design indicative fails to demonstrate in principle development can be achieved in keeping with the character of the village.
- Loss of village ice (Officer note: It is not clear what this refers to)
- Destroy green space.
- Not sufficient parking in village to support development or access to businesses when visiting village.
- Will destroy village character and create dormitory village that everyone from surrounding villages uses.
- Debenham draft neighbourhood plan accepts the need to build some more houses and identifies more acceptable sites and this is not a referred site.
- Other draft neighbourhood plan sites can provide 262 dwellings if put forward.

- Village infrastructure can not sustain such a huge development for hundreds of people and associated consequences.
- Unsustainable development.
- Increased litter.
- Reduce attraction as a tourist village.
- Development would be out of character with village.
- Local Plan is out of date and far behind.
- Object to increase in traffic.
- Loss of land, increase in food prices.
- Lack of parking in village.
- Competition over village services.
- Would only add to high numbers of commuting working adults.
- Would increase noise, congestion and road damage.
- References to High St and Gracechurch St being narrowed and would be adversely impacted along with reference to current uses include butchers and school/leisure centre as possible conflicts.
- Concern with traffic wanting to escape traffic using adjacent existing estates.
- Wildlife loss unacceptable.
- Proposed accesses opposite school a cause for concern.
- Roads in area of insufficient quality for increase being country lanes or similar.
- Insufficient bus and public transport system to support development.
- Concerned with the construction period in respect of length of time and access arrangements along Gracechurch Street.
- More cars means less parking available in the village and this would close businesses not help them with new customers.
- Traffic increase may conflict with need for emergency services need to access area at busy times.
- MSDC has not yet worked out Infrastructure Development Plan and so may be years before infrastructure needed catches up to the development.
- Noise and disturbance during construction on existing high school and harm to pupils.
- Unclear on issues of school and surgery infrastructure.
- Contrary to NPPF on need for sustainable transport.
- Reference to social cohesion and need to encourage integration of proposal to existing.
- The development would significantly damage the amenity of the village, e.g. through noise from cars and long-term major construction, increased difficulty in parking/traffic flow, flooding risk, lack of safety for pedestrians on Gracechurch St (particularly children), pollution, the damage to social cohesion and the sense of community, and the removal of an exceptional green landscape which is greatly valued and critical to Debenham's fundamentally rural setting and character.
- Flood risk and likelihood that EA may revise current flood maps.
- High water table suggested.
- The visual impact on a main approach to the village, and opposite the High School, currently so integral to the village, and very attractive and uplifting, would become profoundly negative.
- Debenham is already a viable, indeed thriving, core village while recognising the national need to build more housing, especially affordable homes, and willing to play its part, in itself it does not need an estate this big to enable it to function well.
- Reference to appeal in Yatton, N Somerset (reference not provided).
- Not sufficient water in area to serve development.
- Removes what is to be considered mostly 3a Agricultural land.
- Not enough police or fire officers to support development.
- Current broadband overused.
- Need for such extensive new woodland and amenity space to hide inappropriate development.
- Impact, including traffic, on conservation area and listed buildings within Debenham.
- Existing school part of the heritage and character of the village, would be a shame to lose it.
- Development would block in high school and they would loss view.
- If development goes forward, need 1 and 2 bed homes.

- *Ruin sleepy character and appearance of the village, prefer neighbourhood plan locations for long period of development for less housing.*
- *Sewage is inadequate and will not cope.*
- *Suggests scheme should ensure it includes all renewal technologies.*
- *Will create pollution and affect climate change.*
- *Will create intense pollution along Gracechurch Street and affect the children's health.*
- *Fear of erosion causing roads to subside and flooding from planned attenuation basins.*
- *Concern with cars going past primary school and increasing danger to children.*
- *Need to ensure not disturbing any historic evidence.*

## **Other Matters and Questions**

Other matters have been highlighted within all types of representation received. These relate to the need of housing, numbers of dwellings built in Debenham over the years, loss of view, existing houses for sale, comments on public engagement of the applicant, impact of children from new estate pushing out existing children from the schools, references to the applicant's service and future plans, estimates at types/quality of likely housing and cost, not believing anything the applicant produces as evidence. Also, other comments made regarding being on a north facing slope and not attractive to buyers, house values, need for mobile masts as no phone signal to serve site, types of people who might live there, potential trigger of new supermarket, profits of scheme, alternative sites for housing and increase in council tax.

Many representations had regard to unsold housing within the village. This may be the case, but does not form a material consideration as these houses are not related to this application site, reasons for being unsold are not known and may not relate to market demand at all. These housing may be sold, but visually this does not appear obvious to observers. Furthermore, builders need to plan for future development and timetable events to ensure materials and builders are available at the right time. It is not uncommon for new projects to be planned and overlap any previous development being completed to ensure continuation of employee employment, building output and financial stability as well as account for different markets.

Many representatives were unclear on how Outline permission worked and also some included the following questions:-

- Who would be responsible for attenuation basins?
- What happens if those looking after open space and basins go bankrupt?
- Skylark plots will take land out of production, who will compensate farmer?
- What is mitigation for wildlife during construction?
- How many large dwellings will there be?
- Has plans allowed for at least two parking spaces per dwelling?
- Why do we need a primary school site?
- Has there been any archaeology work carried out?
- Will this school site just become housing?
- How many affordable houses?
- How long will this take to build?

*Officer Notes:-*

*- The number of comments are recorded as the total of individual letters/emails or online submission even if from the same address. - More than one letter from the same person and at the same address will have been counted as one representation and it is noted that there are a number of these due to the word limit available online. To get around this limitation, some 3rd parties have sought to make a number of separate submissions to ensure all of their points are made in full.*

- On this basis duplicate submissions have been made given available access to email, online and postal representations. Accordingly, there is a chance of some double counting in this case if a duplicate was missed. Therefore, the numbers are provided as guide with the understanding that these are likely to represent a figure higher than received overall, but not less. The points made are the important element to consider and weigh up in the considerations of the merits of this case.

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- A very few representations had missing addresses and are counted as being in Debenham.

This number of representations in this report may be different from those recorded in our automated online system that totals online representation by address point. For the purpose of this report each letter has been reviewed and the total numbers stated in this committee report are considered to be a fair reflection of representations made.

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

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

1.1. The site is located north of Gracechurch Street (main road, two-way traffic) and south of The Butts (single lane) alongside the River Deben. It is adjacent to the settlement boundary of the key service centre on the south and east sides. The current use of the land is agricultural use and is farmed fields.

1.2. The northern boundary with The Butts is the lowest part of the site. This is open in part to the road or otherwise consists of the boundary with Derry Brook Farm, a two-storey dwelling and related outbuildings.

1.3. The eastern boundary consisting of the rear fences and gardens of Nos 8 to 26 Henniker Road (Mix of bungalows and 1.5 storey chalet bungalow) and side boundary of No 11 The Butts (Detached two storey dwelling).

1.4. The southern boundary along Gracechurch Street is more complex to describe. For the eastern end Nos 40 to 76 front Gracechurch Street with good sized rear gardens backing onto the site. These are a range of 1.5 or 2 storey dwellings of various sizes and ages from historic to more recent. In addition, Nos 32, 34 and a small part of 36 Henniker Road (all bungalows) also back onto the south boundary of the site. Then the boundary is open to its south boundary as you journey away from the centre of Debenham, but opposite the site the built form continues with housing and both Debenham High School and Leisure Centre. It is around the High School and Leisure centre that we find the highest point of the site.

1.5. The west boundary is open field in part and is in part bound by a thin line of scattered trees, beyond which are fields and a small wooded area.

1.6. The site defined by the application is not in a Flood Zone 2 or 3 as set out by the Environment Agency, but is adjacent such zones given the River Deben along the northern boundary.

1.7. The site is not within a Conservation Area and not within view or adjacent to any Listed Buildings.

1.8. A public footpath runs north to south between Gracechurch Street (going between No 56 and “Hilly Filly” Gracechurch Street) and The Butts towards the eastern end of the site. There are no other constraints designated by the development plan or otherwise on the site.

### **2. The Proposal**

2.1. Outline Planning permission (all matters reserved except for access immediately from the public highway), for the erection of up to 295 dwellings. Two vehicular access points along Gracechurch Street and a number of pedestrian links. A pedestrian link to The Butts. Separate SuDs for site and children's play area.

2.2. Outline for 2ha for potential primary school site, education or community use

2.3. Outline for an offline flood attenuation area min. 5,000m<sup>3</sup>, known as a fluvial improvement (Additional storage for flood events in the village)

2.4. Associated public open space and landscaping; and other infrastructure and utilities.

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

3.1. The planning system continues to be plan-led and S38 of the Planning and Compulsory Purchase Act 2004 [PCPA] restates the requirement that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*". The Council's Adopted Development Plan comprising the Adopted Local Plan [1998] and Core Strategy [2008] and Focused Review [2012] is the Council's primary planning document and within the context of S38 [PCPA] provides the 'Plan-Led' basis for determining planning applications in the District.

3.2. The NPPF sets out a presumption in favour of sustainable development and details the circumstances where the 'Presumption' applies; this includes, and presents the 'tilted balance', where the policies which are the most important for the decision are out of date. The issue in such cases is to what extent are relevant individual policies within the Adopted Development Plan considered absent, silent [about the issue/circumstances at hand] or out of date and therefore how much relative weight can they be given compared to those in the NPPF [2018]. In other words which needs to take precedence.

3.3. As the application is submitted in outline the most important initial issue to resolve in respect of the weighting to be attributed to policies is to what extent are policies that relate to the principle of new residential development up-to-date and therefore capable of being significant weight. To some extent a recent Woolpit appeal (Land on East Side of Green Road, Woolpit (Appeal Reference: 3194926) has crystallised the position in respect of some of the relevant policies. It concluded that the following policies are 'Out of Date':

CS1: [due to it conflicting with paragraph 77 and 78 of the NPPF [2018]

CS2: [due to it obviating planning balance and being contrary to paragraphs 77 & 78 of the NPPF [2018]

CS5: [due to it exceeding what is required in the NPPF]

FC2: [conflict with paragraph 73 of the NPPF [2018]

Housing Land Supply status of Mid Suffolk

3.4. Paragraph 73 of the NPPF requires Councils to identify, and update on an annual basis, a supply of deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements. Further to this, the Council's housing land supply should be assessed against a requirement based on the standard method for calculating local housing need (LHN), because the strategic policies concerning housing need are more than 5 years old.

3.5. The LHN should be calculated using the latest Household Projections, which at the time of the publication of this report are the 2016-based projections. Paragraph 73 of the NPPF then goes on to state that the specific supply of deliverable sites should also include a buffer. In the case for Mid Suffolk, the buffer will be determined through the results of the Housing Delivery Test (HDT); the results of which, are to be published by Government in November 2018. At the time of the publication of this report, based

on previous guidance related to the 2012 NPPF a 20% buffer is applied. Using the 2016-based projections to calculate the LHN and a 20% buffer, the 5-year requirement for Mid Suffolk is 3,540 dwellings, or 708 dwellings per annum.

3.6. The Council's most recently published housing land supply position is contained within the 2018 Annual Monitoring Report (AMR), published in July 2018 and prior to the publication of both the revised NPPF and updates to the national PPG in September 2018. The AMR position set out the deliverable sites the Council considered to contribute to its five-year housing land supply and which was the subject of examination at a recent planning appeal for a development in Woolpit (Land on East Side of Green Road, Woolpit (Appeal Reference: 3194926).

3.7. At Paragraph 73 of the Woolpit appeal decision the Inspector concludes that there is a 3.4-year housing land supply. This equates to a supply of 2,387 dwellings in the 5-year period. The Council is preparing a new 5-year housing land supply position statement, with a base date of 30 September 2018, to replace the 2018 AMR and acknowledging that the previous position was based on methodology and evidence not now consistent with current national requirements.

3.8. It is accepted that, at the current time, the Council is unable to demonstrate a five-year housing supply [because it does not presently have the necessary evidence to demonstrate delivery timetables on outline planning permissions] and that without compelling evidence to the contrary, 3.4 years is an appropriate figure to use for decision-taking purposes. It is clear from the Woolpit decision that the new NPPF has significantly raised the bar in the evidence required to demonstrate deliverability. Whilst the Council may currently be reviewing its estimates of expected delivery it must accept that until it is able to demonstrate that it has a 5YHLS the Inspectors assessment will be the benchmark. On this basis it must be accepted that the 'tilted balance' will continue to apply in Mid Suffolk and that significant regard must now be given to paragraph 11 of the NPPF [2018].

3.9. Policy CS5 provides that *"All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area"*. However, the Woolpit appeal decision is clear that this exceeds the statutory duty of the Listed Buildings Act (1990) and goes further than paragraph 192 of the NPPF. The policy also fails to acknowledge the balancing exercise required by the NPPF. As such the Inspector considered Policy CS5 to be out of date.

3.10. Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that *provides "development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents."* This policy reflected the requirements of the NPPF (2012), however due to the change in tests detailed in the NPPF 2018 this policy is out of date.

3.11. A Neighbourhood Plan will be considered as part of the Development Plan, once "made". Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Currently the Debenham Neighbourhood Plan has just undergone independent examination and is an emerging document that is gaining weight with regards to decision making and is a material planning consideration.

Paragraph 48 of the NPPF states:

*“Local Planning Authorities may give weight to relevant policies in emerging plans according to:*

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);and*
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

3.12. When considering the weight that may be given to the emerging Debenham Neighbourhood Plan it should be noted that paragraph 214 sets out that plans progressing prior to 24th January 2019 can continue to be considered against the policies of the National Planning Policy Framework 2012 when considering consistency with the Framework, rather than the NPPF 2018. Further advice on the weight to attach to the Neighbourhood Plan can be found in the NPPG.

3.13. With regards to the weight that may be given to the emerging Debenham Neighbourhood Plan these policies could, notwithstanding their recency, be considered out of date where there is not a supply of deliverable housing land in the circumstances below. NPPF Paragraph 14 confirms that the presumption in favour of sustainable development should not apply, with a Neighbourhood Plan not considered ‘out-of-date’ if all of the following apply:

- “a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) The Local Planning Authority has at least a three-year supply of deliverable housing sites (against its five year housing land supply requirement, including the appropriate buffer as set out in paragraph 730; and*
- d) The Local Planning Authority’s housing delivery was at least 45% of that required over the previous three years.”*

3.14. Both the Neighbourhood Plan and evidence supporting the plan are material considerations, but need to be judged appropriately. The Neighbourhood Plan would have significant weight as an “made” element of the development plan where it would be less than two years old, has allocated sites for housing and the LPA would have a housing land supply above three years

3.15. It should be noted that the Debenham Neighbourhood Plan does not have housing supply policies except for the allocations, but these allocations do not alter housing supply considerations or the weighing up of the principle of housing development on its merits anywhere else. The Neighbourhood Plan does refer to existing settlement boundaries, but acknowledges that development may need to take place on greenfield sites outside of those boundaries whilst a presumption in favour of development will apply within them. As a matter of record the application site was put forward as a potential allocation in the NP but was not taken forward following AECOM’s assessment of site suitability. The NP Examiner considered the site allocation work to be proportionate to the production of a NP notwithstanding criticism of that process.

3.16. Under the Neighbourhood Planning Act 2017 amending Section 70(2) of the The Town & Country Planning Act 1990 as amended the local planning authority must have regard to a post examination Neighbourhood Plan so far as material to the application where it has been decided that a referendum is to be held on that Plan and the local planning authority must take the plan into account as it would be if modified in accordance with the Examiners recommendations. At the time of writing it is expected that the decision by the District Council whether to hold a referendum on this Plan will be taken before the

application is reported to Committee and that the Neighbourhood Plan and Examiners Report should be had regard to proportionate to the position on that at the time of decision. A verbal update will be given.

#### **4. Neighbourhood Plan and SHELAA Site SS0267**

4.1. The application site is not allocated within the Neighbourhood Plan as noted above. The conclusion being (Page 23) *“SS0267 Land north of Gracechurch St, entire site not suitable, eastern half suitable with medium constraints, Yield 80-188.”*. This is based on the 2017 AECOM report assessment. At face value this indicates a rejection of the site as suitable for housing development but clearly an absence of allocation cannot fetter the discretion that must be exercised by the planning authority against an application on its merits.

4.2 In preparing this report your Officers have considered it useful to look at the Aecom report assessment as this is evidence that supported the Neighbourhood Plan. Looking at that report there were six areas of assessment and this site scored the highest rating of *“likely positive effect”* for two of these assessment areas being **“Population and community”** and **“Health and wellbeing”** and one scored *“uncertain effect”* for **“Climate change”**.

4.3. For the climate change assessment area, the score of *“uncertain effect”* is based on the fact that a small part of the site is in “flood zone” (in fact Flood Zone 2 and 3 only go up to the north boundary line) and may increase further, despite also stating that *“However it should be noted that this area of flood risk does not affect a significant part of the site itself.”*

In respect of this application the Environment Agency have assessed the development and are satisfied that the flood risk assessment, referenced CCE/U491/FRA-01 and dated December 2017 provides the information necessary and the proposed development lies within Flood Zone 1 and so outside Flood zone 2 and 3. The development proposed has a safe route of access and Flood Storage Compensation is not required, but is being provided by the applicant above and beyond what is necessary for the benefit of the village.

The Aecom report also states for this climate change section that *“This site is within walking distance of village centre facilities (660m). As such it performs relatively well with regards to minimising greenhouse gas emissions as it likely to encourage the use of alternative modes of transport to the private car to reach the village centre.”*

4.4. There were three areas scoring “Likely adverse impact”, but with the disclaimer that such assessment is without mitigation being considered. Thus, leading to the potential that a better rating might be achieved if mitigation measures were taken into consideration. This is where the individual merits of any planning application need to be considered and should go beyond the pure allocation assessment exercise and proceed to evaluate whether the application proposal would address the relevant planning issues. This point is important as the merits and demerits of the current application and its specific mitigation should be assessed and considered as appropriate. The current exercise does not therefore alter any conclusion of the NP evidence and the Neighbourhood plan choice not to have included the application site in the plan.

4.5. The three remaining areas were “Transportation”, “Land, soil and water resources” and “Landscape and historic environment”. These are examined in more detail below.

**4.6. “Transportation”:** Aecom report stated *“Given the size of the site, significant traffic impacts have the potential to occur as a result of an allocation at this location. This includes at the existing bottleneck on Gracechurch Street towards its junction with the High Street. An allocation of this size offers opportunities for new pedestrian and cycle links as part of new development.”*

The size of site considered for the neighbourhood plan was 11.6ha. It is assumed Aecom was considering development to be 30 dwellings per ha per Local Plan minimum requirements and with consistency with the other sites considered, meaning the Aecom report was considering an unmitigated scheme of 348 dwellings.

The current proposal is for 295 houses on an 18.13ha site (Gross = 16 dwellings per ha). In terms of traffic generation Suffolk County Council as the highway's authority have specifically looked at the traffic issues of the site and evidence specific to the application. This is further considered in the relevant highways section below.

**4.7. "Land, soil and water resources":** Aecom states *"The site is located on grade 3 agricultural land. Readily available data does not differentiate as to whether this grade 3 (lower quality agricultural land) or grade 3a (e.g. the best and most versatile agricultural land) or grade 3b (land not classified as such. However, development of this will result in the irreversible loss of this agricultural land and therefore will result in negative effects. There is no evidence to suggest ground contamination of this site."*

The Aecom report was unable to assess the actual grade of land and carried out no survey. The application site land is for the most part Grade 3a as specifically surveyed by the application. However, this conclusion of "Likely Adverse" impact was also the exact same conclusion for all other potential allocation sites in the Neighbourhood Plan including all three sites allocated and accepted by the Inspector as put forward by the Neighbourhood Plan, these being:-

SS0031 Land north of Ipswich Road  
SS0268 Land east of Aspoll Road (opposite primary school)  
SS0902 Land south of Low Road

**4.8. "Landscape and historic environment":** Aecom states *"There are no heritage constraints in immediate vicinity of the site. However, with consideration to the size of the site (11.6Ha), the open, elevated and visible nature of the site would have a significant negative impact on surrounding landscape character and villagescape."*

It is assumed that by "heritage constraints" Aecom is referring to both Listed Buildings and Conservation Area designated assets but has not defined if non designated assets were included. In terms of the application no objections have been received from formal consultees in respect of heritage.

It is in respect of landscaping that Aecom considers the site would have a negative impact. Again, the site being assessed in the Aecom report being 11.6ha and potential density of 30 dwellings per ha meaning 348 dwellings were likely to have been considered as an unmitigated scheme. However, the application itself proposes a far greater area to consider beyond the assumptions of Aecom site area and for less dwellings. Accordingly, the application has land available to allow for mitigation. Landscape also features as a key policy in the Neighbourhood plan to protect, but does not restrict housing supply and is detailed further under the Neighbourhood Policies later in this report.

**4.9. In conclusion of the six assessment aspects in relation to site SS0267, two were positive, one uncertain and three likely adverse without mitigation. On closer examination of these adverse areas it is considered that some assumptions by Aecom are not clear and sites were considered on an unmitigated basis. The viability and deliverability of the allocated sites were not considered in detail as the Examiner as outlined in their report.**

**In summary and in your officer's opinion, the inclusion of mitigation is a relevant consideration to the weighing of the AECOM assessment work as a reference point for the determination of this planning application. At face value it must nevertheless be acknowledged that the site has been considered as part of the Neighbourhood Plan process and not taken forward to allocation. To**

**this extent that exclusion must indicate a Neighbourhood Plan preference for other development sites in comparison with this. Nevertheless, the scheme does include planning merits as submitted and these must be given careful consideration.**

## **5. Neighbourhood Plan Policies**

5.1. The Neighbourhood Plan in addition to the allocations made has the following policies, **referendum copy (RC) numbering in brackets.**

### **5.2. DEB 1 (Policy 1 - Growth) (RC DEB 1)**

This policy provides *“It is estimated that this Plan can provide around 316 dwellings to be developed in Debenham between 2016 and 2036. The actual number of homes to be built will be subject to detailed site assessments of the allocated sites based on the relevant policies in the development plan. This growth will be met through the allocation of the following sites”* and the four sites are listed and windfall sites.

The Neighbourhood Plan Examiner gave careful consideration to the amount of growth which the Plan should provide for. The Examiner did acknowledge that certainty could not be provided that a higher figure for the likely housing requirement in Debenham beyond that provided for in the NP could be ruled out by the District Council at this point in the preparation of the Joint Local Plan. On this basis the Examiner expressed the amount of growth as an estimation rather than an upper limit.

### **5.3. DEB 2 (Policy 2 - Appropriate Housing) (RC DEB 2)**

This provides that all new housing development should take account of, and respect, the special landscape and built character of the village. The scale and nature of all schemes must ensure an appropriate level of services, facilities, and infrastructure are available, or provided, to serve the proposed development. It is considered that the application proposed can achieve a scheme that would satisfy these points, but some details explored by this policy would need to be considered under reserved matters.

The policy also seeks that *“All development proposals for sites adjoining the settlement boundary must avoid hard edges with the existing built-up boundaries, and with the countryside by creating landscape buffers.”* In relation to this Outline application it would ultimately be a matter for reserved matters to satisfy this provision, but the indicative plan has demonstrated this is possible to achieve given the size of the site available.

This part of the policy anticipates that development will occur outside the settlement boundary as acknowledged in paragraph 4.14 of the NP referencing the 1998 Local Plan..

Furthermore, the policy seeks *“Developments must incorporate good pedestrian and cycle routes within the development, and off site of the development. In particular, developers must ensure adequate links exist or can be provided into the village centre and local schools.”* This application site is well placed being very close to schools, the village centre and facilities as well as provide a range of routes to these elements and includes offsite improvements. In addition, this point is expressively made by the Aecom report that supports the Neighbourhood Plan.

Lastly, the policy DEB 2 also provides that *“New dwellings must be no more than 2 storeys, with accommodation only permitted in roof space when it is in keeping with the surrounding properties and area.”* This has been taken to mean 2 storey development, but with allowance of a third storey in the form of rooms in the roof also referred to as a ½ storey. Again, this detail would be confirmed under

Reserved Matters and while not strictly necessary, a condition based on this policy to ensure a maximum of 2 ½ storey development comes forward is recommended.

**5.4. DEB 3, 4 and 5 refer to allocations. DEB 6 and 7 were removed by the Examiner of the Neighbourhood Plan.**

**5.5. DEB 8 (Policy 8 - Housing Mix) (RC DEB 6)**

This policy states *“Housing development must contribute to the existing and future needs of the village. A mix in the type of housing will be required taking into account the needs of young people looking for 2 – 3 bedroom properties as well as the needs of an ageing population looking to downsize into smaller homes that match their needs”*. This policy does not provide any minimum proportional amounts of the house types or size to consider and so each application can be judged on their individual merits. However, the affordable housing mix sought to be secured for the 103 affordable homes would ensure this policy aim is achieved. Reserved Matters can consider the housing mix at a later date for market homes.

**5.6. DEB 9 (Policy 9 – Residential Car Parking) (RC DEB 7)**

This provides that development should be resisted if it reduces existing levels of “off street” parking and resists parking in frontages instead of garden. The application proposal does not include layout at this stage for either of these policy elements to be considered. Given the size of the development in principle there is no reason to consider that current parking standards guidance from the SCC can not be achieved and that this would avoid frontage parking that would then be in accord with this policy.

**5.7. DEB 10 was removed by the Examiner of the Neighbourhood Plan**

**5.8. DEB 11 (Policy 11 - Traffic flows and non-residential car parking) (RC DEB 8)**

This provides development proposals which would involve an increase in traffic generation will need to demonstrate that they do not give rise to unacceptable highway dangers. On this basis a range of evidence has been provided by the applicant and Suffolk County Council as the Highways Authority does not object on this basis. This policy is not against increases in traffic in principle.

This policy also seeks *“When proposals for development are considered, opportunities to provide public car parking near the primary school, high school, and leisure centre will be taken, subject to the statutory tests in the Community Infrastructure Levy Regulations 2010, and the delivery will be secured through the planning process.”* On the basis of this policy, the consideration and recommendations of the SCC Infrastructure team and along with the location of the school opposite the site, the necessary parking provision that is being sought as an opportunity can in fact be secured in this case.

**5.9. DEB 12 (Policy 12 – Non-motorised networks) (RC DEB 9)**

This policy seeks to protect and enhance footpath networks and it is not considered that this development would be in conflict with this policy. No objection from the SCC Public Rights of Way team has been received in this regard.

**5.10. DEB 13 (Policy 13 - Supporting Financial Sustainability) (RC DEB 10)** is for tourism and does not apply to this development proposal.

**5.11. DEB 14 (Policy 14 – Employment) (RC DEB 11)** is in respect of employment sites and does not apply to this development proposal.

**5.12. DEB 15 (Policy 15 – Broadband) (RC DEB 12)** this requires the development to include suitable infrastructure to enable high speed broadband (if available to the area) and a condition is recommended on this basis. At the same time the revised NPPF 2018 has also updated its guidance on such provision and is also material to secure broadband infrastructure.

**5.13. DEB 16 (Policy 16 – Debenham’s Retail Core) (RC DEB 13)** refers to retail provision and protection and not this development

**5.14. DEB 17 (Policy 17 - Landscaping) (RC DEB 14)**

This policy has two elements in respect of new development.

The first provides:-

*“a) The design and layout of new development on or close to the edge of the village should take account of, respect, and seek to preserve the character of adjacent countryside, green spaces, and landscape setting by providing appropriate landscaping, open areas and tree planting to act to help, to assimilate the proposal into its context.”*

The application proposal is on and close to the edge of the village. The outline proposal in terms of the indicative plans and site area accepts that appropriate landscaping, open area and tree planting will be necessary to assimilate the development. Layout at this time is not a matter for consideration and so reference to this part of this policy can be considered further at Reserved Matters.

The second element provides:-

*“b) In order to maintain the historic landscape character of the village, new developments should avoid upper valley sides and ridgelines. In order to mitigate the impact of development on lower slopes, substantial landscape belts should be provided on upper valley sides and ridgelines.”*

This outlines that new development should avoid upper valley sides and ridgelines. This is required to maintain the historic landscape character of the village. Looking at the background text to support this states 1) *“The close juxtaposition of the village’s historic buildings to the adjacent grassland and fields is an important component of the character of the village.”* 2) There is also reference to the *“joint Babergh and Mid Suffolk Landscape Character Assessment which steers new development in Debenham ‘away’ from ridge tops and upper valley sides’.”*

In respect of 1) the site’s eastern boundary shares the boundary with bungalows along on Henniker Road which are last century, but not considered historic. As for the southern boundary this in part shares the boundary with the development of Henniker Road and Gracechurch Street. While there are historic dwellings toward the centre of the Debenham to the east, to the south boundary with the site there is either an open boundary (opposite the high school) or development of the 1940s development onwards with the exception of two older dwellings. Referring to historic maps from 1885 these two dwellings are shown as the only development along this side of the site and these are very much altered, extended and with additions within the large rear gardens. Neither of these buildings face the site and have large rear gardens. In conclusion while the historic buildings relationship with the adjacent grassland and fields is important it is much diminished in this case. It would be difficult to base a refusal on this element for this site given the current relationships and minimum historic interests available.

In respect of 2) the Babergh/Mid Suffolk Character Assessment (that is a material consideration in itself) provides the key point taken by the Neighbourhood Plan as below. This applies across the entire district and not specifically to Debenham or to any specific location identified.

*Babergh/Mid Suffolk Character Assessment :- “2.3.3 New development in the countryside should be carefully sited to ensure the best fit with the landscape and to minimise its impact on the appearance of the landscape. Development should be located:*

*I. Away from ridge tops, upper valley slopes or prominent locations.*

*II. Where existing mature planting can screen, filter or soften/ integrate (depending on what level is necessary to mitigate development) what is proposed.*

*III. Where there is a backdrop of woodlands or valley side so the development does not break the skyline.*

*IV. Below the skyline using dark materials to the roof (unless using a natural clay pan or plain tile).*

*V. Close to woodlands or groups of buildings which can anchor the building*

*VI. Sympathetically with the natural landform – and to avoid hard engineering solutions.”*

Taken as a whole the Character Assessment seeks to avoid ridge tops, upper valley slopes or prominent location, but goes on to consider other locations such as backdrop of valley sides to ensure development does not break the skyline and other situations where such development is acceptable. It is noted that the Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015 and Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District Councils have been considered.

In respect of the application site, it is clearly located on a valley side. Survey information accompanying the application indicates that the gradient falls away from south to north with the highest part of the site in the south western corner. The red lined application site therefore includes both upper valley slopes and part of the ridgeline upon which Gracechurch Street runs. The Illustrative Masterplan provided with the application at submission depicts built development from Gracechurch Street northwards. Given that the County Council do not require a primary school site there is the opportunity to revise the site layout and to limit built development on the upper valley side and ridgeline. There is also an opportunity to provide substantial landscape belts within part of the upper valley side and ridgeline whilst also safeguarding some open views across the upper valley side and ridgeline. It is acknowledged that some development within the mid and mid/upper valley side is foreseeable. Development within the latter area would therefore be in partial conflict with DEB17.

Careful consideration as to the detailed design of new buildings/housing would be needed, including looking at dark materials to the roofs as part IV above encourages, to maintain the current situation under Reserved Matters.

**5.15. DEB 18 (Policy 18 - Green Spaces) (RC DEB 15)** provides the designation of green spaces where development will be resisted. There are no designations of such space within the application site and no conflict with this policy.

**5.16. DEB 19 (Policy 19 - Gardens) (RC DEB 16)** provides that all development should have a private amenity space. It is noted that the policy does not provide any minimum standards. Considerations of the character of such space and provision can be considered under reserved matters, but rear amenity would be an important detail part of the layout.

**5.17. DEB 20 (Policy 20 – Public Realm) (RC DEB 17)** provides that all development will be expected to be of high-quality design to promote a strong sense of place and an accessible and inclusive village. Appearance and layout are reserved matters and this policy will be an important consideration at that stage to ensure an appropriate development and high-quality design.

**5.18. DEB 21 (Policy 21 – Historic Environment) (RC DEB 18)** With reference to the Conservation Area and Historic Environment this policy provides a range of criteria to consider in design and preservation terms. Much of this judgement will need consideration at reserved matters, but in principle terms the development is considered by MSDC Heritage officers and is not in a Conservation Area or affects Listed Buildings.

**5.19. DEB 22 (Policy 22 – Views) (RC DEB 19)** this policy identifies views of value to the Neighbourhood Plan. The policy does not seek to resist development of these areas in principle only providing that development responds to the site features. The policy provides that *“Development which affects these highly valued views must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the boundaries between the village edge and the countryside.”* The Examiner’s comments on Policy 22 highlight that the policy does not seek to restrict development in areas where the views are identified, provided that the key features of the views can continue to be enjoyed.

In this case there are three views identified in the NP from roughly one position close to the High School Gracechurch Street outwards across the valley and parts of the proposed site detailed below. View 1 is from the approach into the village from opposite the Leisure Centre looking northeast, with a residential property visible in the right of the view. View 2, which is on the same approach and looks towards the northwest is taken from opposite the High School. View 3 is taken from the public footpath travelling south just beyond the property of ‘Hilly Filly’ looking towards the modern properties on Henniker Road and along The Butts. View 11 taken from the opposite valley slope and looks back across the village overall.

Reference is made to the key text taken directly from the Neighbourhood Plan and should be used to identify the elements of the key features of the view.

### **View 1**

*“Opposite the Leisure Centre looking towards the Primary School and ‘The Butts’, and across site SS0267. Land drops down towards the estate, dwellings nestling in the landscape with trees breaking up the roofscape on the skyline. Visual Sensitivity (VS) HIGH”*

Key feature/s:

- 1) Estate and Dwellings nestling in landscape
- 2) Trees breaking up roofscape

The proposal would likely include housing that would potential replicate views of dwellings within the landscape and suitable landscaping can break up the views. The area around “The Butts” would likely remain open given the open space and basins proposed on the indicative plan and to be subject to consideration of layout under the reserved matters.

### **View 2**

*“Opposite the High School looking down to Derry Brook, and across site SS0267. Open land gently rolling downwards to the farm. A highly important local public view on entrance to the village that looks down to the source of the River Deben, across open landscape of an historic/archaeological significance. VS HIGH”*

Key feature/s:

- 1) Open Land between position and Farm
- 2) View to source of river Deben

This view across the field has been picked up by the indicative plan in terms of a green corridor running through the proposed development. It is considered that this green wedge should be wider, a matter that can be considered when layout and landscaping are submitted as reserved matters.

### **View 3**

*“Hilly Filly’, looking across site SS0267, down to Derry Brook, land drops down to Derry Brook, looking towards the Butts estate the dwellings nestle in the landscape with trees breaking up the roofscape on the skyline. Highlights the special character of Debenham, its relationship with the River Deben, with the village hidden and screened in the lower reaches of the valley. VS HIGH”*

Key feature/s:

- 1) Includes same features as 1 and 2 of View 1
- 2) Hidden village at lower part of valley.

## **View 11**

*“View from vehicular track and footpath adjacent to Mount Pleasant, looking towards the church. This is a low shallow sided valley with attractive mix of village scape in the distance, with trees and hedging along the valley floor and on the skyline that hides and softens the impact of the built up area. The view across SS0642 provides an understanding of the historic and landscape character of Debenham. VS HIGH”*

Key feature/s:

- 1) A view of a view and wider version of above from wider angle
- 2) Church and roofscape
- 3) Landscape

In summary the key features in relation to these views are the undulating valley landscape, wooded horizons and small blocks of trees through the landscape and scattered farmhouses and buildings surrounded by stands of trees.

Although Views 1 and 2 are identified as visually sensitive, their sensitivity should be weighed in the context of the presence of the Leisure Centre and School opposite them and Officers consider that these cannot be excluded from an experience and enjoyment of “place” in this location. In developing the proposals, the indicative plans do demonstrate that views toward the wider landscape to the north can be retained through the open spaces on the Landscape Strategy. The development extends no further west than Mill House, and some views similar to View 2 will continue to be able to be enjoyed from Gracechurch Street beyond the development. Taking the NP’s sensitivity at face value development of the site will introduce built development and human activity into the landscape, that said the Aecom report also accepts development on the eastern half of the site where many of these views converge. At heart the issue is whether the development would cause harm and whether that harm would be unacceptable and reduce enjoyment of the view.

In relation to View 3 in your Officers note the presence of the existing built form within the view across an arable field and alike to Views 1 and 2 these must inform an on the ground experience and enjoyment of “place” in this location. View 11 takes a far wider position as it is set back and from a higher position looking back across the site and takes on more of the current village setting and includes a greater degree of built form.

The introduction of a development at the scale of this application will foreseeably introduce built development and human activity which would be in tension with the key features identified in View 1 in particular of dwellings nestling in the landscape and of trees breaking up the roofscape on the skyline. View 2 makes reference to open landscape and open land rolling downwards to the farm, inter alia, as key features and this development would impact upon the extent to which the present experience could continue to be enjoyed. View 3 is noted as “Highlights the special character of Debenham, its relationship with the River Deben, with the village hidden and screened in the lower reaches of the valley.” The photograph View 3 speaks for itself and taken at face value there would be a clear experiential change from this development. The text accompanying View 11 refers to a shallow sided

valley with attractive mix of village shape in the distance, with trees and hedging along the valley floor and on the skyline that hides and softens the impact of the built up area. The view across SS0642 provides an understanding of the historic and landscape character of Debenham. The introduction of residential development at the scale and extent proposed would impact upon the viewers experience of the valley landscape.

Policy DEB 22 as a material consideration makes reference to development ensuring that key features can continue to be enjoyed. Clearly the introduction of any built development and human activity into View 1, 2, 3 and 11 will constitute change in that landscape. It is foreseeable that the viewing public would consider the construction phase and associated activity to be clearly noticeable in this valley landscape and many would consider that to be injurious to their enjoyment of that view. In the medium, post construction, phase the built edge of the settlement would be altered and the view occupied by built development. Whilst a careful approach to the reserved matters could introduce some mitigation of impact for example by the establishment of planting and landscaping belts and open spaces these would need to become fully established in the long term.

The benchmark of view enjoyment set out in DEB 22 is clearly open to subjective interpretation in the absence of a formal definition. For the purpose of weighing this planning application your officers acknowledge that the development would be in tension with DEB22 and can to some degree be considered to depart from its expectations in relation to Views 1,2,3 and 11. The degree of tension and the extent to which future enjoyment would be compromised in each View differs and would evolve through the construction and occupation phases. In weighing that tension and impact upon future enjoyment a common-sense judgement should be applied to DEB 22.

As the NP is not currently “made” this is a material consideration rather than strict “departure”.

In weighing any application in the round your officers consider that the determining issue should be unacceptable harm rather than simply the presence of harm of itself. The latter is inevitable in the short term with any landscape change such as the introduction of new housing development. Most settlements have seen built change through the centuries and over time these typically become assimilated into the experience of those settlements. With that in mind truly long term harm requires a measured balance considered over time.

**5.20. DEB 23 (Policy 23 – Nature Conservation) (RC DEB 20)** this provides encouragement for better wildlife connections. It is not considered that there would be any likely conflict with this policy.

**5.21. DEB 24 (Policy 24 - Financial Contributions) (RC DEB 21)** is a statement in respect of spending of CIL payments by the Parish Council.

**5.22. The Neighbourhood Plan policies for Debenham provide useful policy, guidance and specific criteria for future development and will help ensure and encourage suitable design, layout, scale and landscape proposals for this proposal, especially at reserved matters stage. The emerging policies will require a high-quality development. Many of the policies have meant conditions and requirements can be imposed for various elements including broadband, parking and scale of the development that could not be justified otherwise for sites outside the Neighbourhood Plan area can reasonable be included. Due to the size of the development some of the Neighbourhood Plan goals of parking, public realm, significant landscaping, integration with the village, links and housing mix can be achieved. There is acknowledged conflict in part with DEB22 in respect of the identified views, but this material consideration must play out in the overall planning balance.**

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

6.1. SCC as Highways Authority do not object to the proposal, subject to recommended conditions as well as a travel plan and bus routing considerations. Improvements along Gracechurch Street are sought to be secured. They have considered as highways authority the safety aspect of the proposal and capacity of the various junctions. It is noted that this view will be opposed to residents and Parish councils who are concerned with traffic within Debenham and the wider road network. In addition, this would be opposed to the Neighbourhood Plan when it considered this site and did not take it forward, but the evidence in the neighbourhood plan was considering an unmitigated scheme, not specific survey work and likely housing numbers higher than proposed.

6.2. Officers from SCC Highways have visited the site and surroundings a number of times specifically for this application and that includes at peak times for the high school. They have considered the 157page transportation assessment submitted with the application. All agree that the levels of traffic and junction capacity would be acceptable and can undertake the growth proposed.

6.3. Improvements are also proposed at the pitch point of the High St and Gracechurch Street junction referenced by both the evidence to the neighbourhood plan and representations and is sought to be addressed as follows:-

- Removal of three unrestricted on street parking spaces (the space outside No 6 Gracechurch is in fact illegal as any parking or deliveries would be within 10 metres of the Little Back Lane junction).

- Replacement of the three spaces with time restricted parking spaces (with consideration of 10metres legal requirement). In other words, not the removal of any valued parking for residents, but ensuring no parking or deliveries at peak times, e.g. when the school bus needs to use the street and is forced to cause a traffic jam. Also ensuring illegal parking that has caused inconvenience is removed.

- Little Back Lane that exits onto Gracechurch Street has poor visibility towards the High St junction and while this is mostly due to the building on the corner, it is not helped by any illegal parking of vehicles and this represents an improvement.

6.4. These works may be considered as unnecessary in respect of this proposal, but even without the proposed development the growth forecast for the High School catchment from Debenham and beyond would likely require these changes eventually.

6.5. A lack of parking for the high street shops has been raised as a concern. The argument being that more housing would add more pressure on the parking for shops. On the other hand these would be more customers. While officers have never failed to find parking in Debenham in their experience, there may be a local issue given that this is a key service centre and a number of villages surrounding Debenham do visit to access its services and shops. On this basis development for Debenham should be where the development would be the most likely integrated and encourages short walking to schools, services and shops. It is on this point that this site scored highly in the neighbourhood plan evidence. In conclusion, providing the development provides sufficient parking within the site to serve its own residents and not lead to any overspill of residential parking onto anywhere else causing displacement of visitors, no detriment should result. Given the site area proposed and details provided, this has been demonstrated as achievable through reserved matters and the proposal is also seeking to additional parking for staff and public for the school as well.

6.6. There is going to be an increase in traffic. From the development site traffic will head to the High Street junction eastwards. Alternatively, they can go west out towards Mickfield, or discover as a local resident the labyrinth through Henry Street/Gardeners Road to get to Low Road and bypass the High Street and head south. They might also try Henniker Road that will get them onto the High Street/Aspall Road and out of Debenham to the north. The point being there are options available and while there is

going to be some increase of traffic it is not considered significant and especially not demonstrous to warrant refusal and would come with improvements that would improve the flow of traffic in the area.

## **7. Landscape Impact and Trees**

7.1. Landscape has been explored significantly by this report given the Neighbourhood Plan policy and Aecom report references. Joint Babergh and Mid Suffolk District Council Landscape Guidance provides that the area is Rolling Valley Clayland. This “is found in the upper reaches of most of the east Suffolk rivers including: the Rattlesden River and other western tributaries of the Gipping, from Stowmarket upstream to Felsham, Little Finborough, Combs and Ringshall; the River Dove upstream from Wetheringsett to Eye and Hoxne, together with its tributaries the Gold Brook (from Denham) and the Chickering Beck (from Horham); the River Waveney from Hoxne eastward and out of the district and does mention the River Deben and its tributaries including one that stretches from Monk Soham and out across the district border.” There is a conflict in respect of the Neighbourhood Plan and this application in respect of landscape impact, but the development can be designed to maintain many of the key features of the views intact, but the extent of success of this will be perceived differently. The application can demonstrate the extent of mitigation available and what is achievable in landscape terms and on this basis the merits of the application can be considered without undermining the neighbourhood plan goals and the unmitigated basis of its considerations. The very fact the neighbourhood plan holds views across this site as valued views (along with many other viewpoints in the neighbourhood plan) provides support to ensure extensive landscape and high quality design is achieved. MSDC Place Services consider that suitable landscaping can be achieved to mitigate any harm and no objection is received from your tree officer, also the authors of Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District Councils.

## **8. Ecology, Biodiversity And Protected Species**

8.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.

8.2. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all ‘competent authorities’ (public bodies) to ‘have regard to the Habitats Directive in the exercise of its functions.’ For a LPA to comply with regulation 9(5) it must ‘engage’ with the provisions of the Habitats Directive.

8.3. The application includes a suite of biodiversity and ecology information, which has been reviewed by the Council's Ecology Consultant. The Consultant confirms that the proposal is acceptable subject to enhancement and mitigation measures secured through robust planning conditions

8.4. NPPF Para 176 states “*The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites*”. In addition, Para 177 states “*The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.*”

8.5. In this case the site is not a potential Special Protection Area, possible Special Area of Conservation, Listed or proposed as a Ramsar site and is not a site identified or required as a compensatory measures. On this basis this site does not qualify for the same protection as a habitat site as defined under a,b and c of Para 176. Nevertheless, consideration of Para 177 is required and in this case appropriate assessment as part of the planning application has been undertaken and mitigation measures have been recommended by Place Services 28<sup>th</sup> March 2018. While Natural England Jan 2018 provide “*the lack of*

*comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes". Jan 2018". Similarly, such assessment and similar conclusion was made by Place Services for the Neighbourhood Plan for the allocated sites both north and south of the proposed site and in connection with the tributaries and upper reaches of the River Deben flow. In summary Para 177 states the presumption in favour of sustainable development does not apply is not engaged as appropriate assessment has been concluded but this has identified that mitigation is appropriate. With that mitigation in mind it is considered that there is no clear reason on "appropriate assessment" grounds for refusing the development as proposed regardless of the presumption in favour of sustainable development point.*

## **9. Flooding**

9.1. Debenham has a significant flooding issue that is outlined by representations and been a consideration of various consultees and your officers. This position has also been outlined by the Neighbourhood Plan document. On this basis any development coming forward must ensure the existing position is at the minimum not made any worst as development is required to mitigate its own burden and avoid harm.

9.2. This proposal would not only ensure that the development if approved does not increase flood risk but would result in a 30% reduction in the surface water runoff from the site. This fact is very much against the understanding of housing development of the past when it was logical to assume more hard surfaces such as roofs and roads would naturally increase flow rates. Modern development can be engineered and built to achieve such significant reduction.

9.3. In addition to reducing the current runoff from the current field, this proposal also includes an offline flood attenuation area approx. 5,000m<sup>3</sup>, additional storage for flood events in the village. More are planned, but are only possible with the landowners permission and no financial incentive currently exists for this land use. One example is the water storage area at Hill House Farm near Aspell. This is not a requirement of the development for its mitigation but is offered as significant betterment.

9.4. The site is not within Flood Zone 2 or 3 and except to mitigate its own impact is not required to do more, but it is proposed reduce the current impact and even do better by directly providing mitigation to help against the existing flooding issue.

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

10.1. The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage. A finding of harm, even less than substantial harm, to the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight" The site itself is not considered to result in harm to the setting or character of the Conservation Area or any Listed Buildings and these assets are not in sight of the site and this is helped by reason of being within a valley and land sloping down to the river Deben. This assessment was also the same conclusion of the Aecom report that supported the Neighbourhood Plan submission.

10.2. Furthermore, officers have also sought to secure an opinion from Heritage officers on the proposed junction improvements for the High Street and Gracechurch Street junction, mindful of the Listed Buildings at that location. This was done despite these being within the authority of SCC Highways and it would be possible without the development. No objection to the proposals has been received from your Heritage Team on the works or the site as a whole.

## **11. Impact On Residential Amenity**

11.1. Indicative plans provided demonstrate that a scheme can be achieved under Reserved Matters without significant detriment to amenity in terms of overlooking, loss of light and related matters. Construction will be significant and will for a temporary time impact adjacent neighbours along The Butts, the rear of some properties along Henniker Road and Gracechurch Street. Existing rear gardens are spacious within the area and provide good amenity for residents to be protected. The access point is undeveloped and initial disturbance will be less at early stages. A construction management plan is recommended to ensure sufficient control and avoid any unnecessary impact. In addition given the delivery proposals, the built out of development is likely to be high and result in less than normally expected times for completions reducing the time period for disturbance at construction stage. The site is mainly adjacent to neighbouring properties to the east and part of the south boundary and so flexible arrangements for phasing and location of activities are available.

## **12. Education**

12.1. SCC Education has undertaken extensive work to examine the early years, primary and secondary school position for Debenham and wider catchment. The position on education matters altered during the application as this work was undertaken. Capacity does exist or can be expanded for the proposed development and the allocations sought in the Neighbourhood Plan for primary and secondary school levels. Early years for any growth in Debenham will need future provision and this application provides both contribution and land for it.

Again, despite capacity being available for the proposal, this application provides more than required by providing a site area that can be taken up as additional land for education purposes to resolve its recreational needs should any future growth for the wider catchment result in further expansion as needed. On this basis it is considered that the development complies with and exceeds expectations of paragraph 94 of the NPPF that gives great weight to the need to create, expand or alter schools through decisions on applications.

## **13. Delivery considerations and relationship to land supply aspects**

13.1. The emphasis placed upon housing delivery has been constantly evolving at a national level, and in the circumstances it is noted that all policies within the development plan are greater than five years' old<sup>1</sup> and that the Council cannot presently evidence that it has a five-year supply of deliverable housing sites.

13.2. In that respect, and further to the revised NPPF published in July of this year, the following documents are considered to be relevant to the determination of this application where they place the consideration of housing delivery within a focused context:

- DCLG (2017), *Fixing our broken housing market*.
- DCLG (2017), *Planning for the right homes in the right places: consultation proposals*.
- MHCLG (2018), *Government response to the housing White Paper consultation: Fixing our broken housing market*.
- MHCLG (2018), *Government response to the Planning for the right homes in the right places consultation*.
- MHCLG (2018), *Technical consultation on updates to national planning policy and guidance*.

13.3. The NPPF makes clear that it is the Government's intention to significantly boost the supply of housing and in support of that objective it is important that a sufficient amount and variety of land can

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<sup>1</sup> Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (Paragraph 59). The deliverability of a development is an important factor in an assessment as to its sustainability (in terms of its benefits) and in terms of its contribution to the supply of housing in the District; considered to be more compelling in the event that there is a demonstrable shortfall in housing supply.

13.4. It is important, therefore, to identify the contribution that the proposed development might make to the five-year housing land supply of the District when ascribing weight to the potential benefits of housing delivery that would accrue if granting outline planning permission in this instance. Or, in broader terms, the deliverability of the proposed development noting the Government's desire to significantly boost the supply of housing. Whilst the weighting and balance of material considerations remains the preserve of the decision-taker, it is noted that within the Woolpit appeal the Inspector afforded a *substantial* weighting to the delivery of 49 no. dwellings against the context of a significant land supply shortfall; this application would provide for the delivery of up to 295 no. dwellings.

13.5. The NPPF, within its glossary (Annex 2) defines 'deliverable' as follows:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."*

and:

*"Sites with outline planning permission... should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

13.6. The PPG gives further guidance on those considerations under the chapter heading, 'Housing and economic land availability assessment' and including three, important concepts: suitability, availability, and achievability. Whilst primarily aimed at aiding the plan-making process, the principles are no less useful when considering the deliverability of this development.

Firstly, it states that the following factors should be considered to assess a site's suitability for development now or in the future<sup>2</sup>:

- *physical limitations or problems such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;*
- *potential impacts including the effect upon landscapes including landscape features, nature and heritage conservation;*
- *appropriateness and likely market attractiveness for the type of development proposed;*
- *contribution to regeneration priority areas;*
- *environmental/amenity impacts experienced by would-be occupiers and neighbouring areas.*

Secondly, it highlights the factors which should be considered when assessing availability<sup>3</sup>:

*"A site is considered available for development, when, on the best information available... there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners."*

and:

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<sup>2</sup> Paragraph: 019 Reference ID: 3-019-20140306.

<sup>3</sup> Paragraph: 020 Reference ID: 3-020-20140306.

“...Consideration should also be given to the delivery record of the developers or landowners putting forward sites.”

Thirdly, factors that should be considered when assessing achievability<sup>4</sup>:

*“A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”*

13.7. In addition to the above, the PPG provides examples (not exhaustive) of the kinds of evidence that might be sufficient to satisfy the need for clear evidence in determining an outline planning proposal (as in this case) as deliverable<sup>5</sup>, including:

- any progress being made towards the submission of an application;
- any progress with site assessment work;
- any relevant information about site viability, ownership constraints or infrastructure provision; and
- a statement of common ground between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates.

13.8. In respect of this application the Applicant, Taylor Wimpey, is a national housebuilder with historic and ongoing land interests within the District. Members should note that in support of this proposal the Applicant has submitted a Delivery Statement which has included reference not only to its delivery record within the District but also its projections for the delivery of the proposed development should permission be granted. This has been agreed with officers and follows the approach as recommended by national guidance.

13.9. Officers have separately entered into a written agreement in respect of the delivery projections relevant to two outline planning permissions, references: DC/18/03111 (Chilton Leys, Stowmarket); 0846/13 (Former Grampian Harris Site, Elmswell). Whilst of tangential rather than direct relevance to the determination of this application, it nevertheless underlines the broader commitment to delivery displayed by the Applicant as a developer and the credibility officers adjudge them to hold in that respect.

#### Assessment – Deliverability

13.10. In light of the preceding considerations within this report, the site is considered to be suitable where there are no technical objections to the development as proposed and where officers do not consider that there are any policies which would of themselves direct that development should be restricted by virtue of physical limitations or social, economic, or environmental impacts; the development would provide for net gains across the three objectives of sustainable development, as envisaged by Paragraph 8 of the NPPF and where it is considered that there should be a momentum towards securing development built upon such principles. Furthermore, the development would provide for a significant delivery of homes against the context of a shortfall and the Governmental objective to significantly boost housing supply, where 35% would be affordable in compliance with Altered Policy H4.

13.11. The development/site is considered available because there are no known legal or ownership problems relating to the site and in light of the agreed Delivery Statement, there is a confidence held that this is the case in accordance with the advice contained within the PPG. Furthermore, in accordance with the PPG, the delivery record of the developer proposing the development of this site has been considered. In light of the agreed Delivery Statement, it is evident that the developer has a clear record of

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<sup>4</sup> Paragraph: 021 Reference ID: 3-021-20140306.

<sup>5</sup> Paragraph 036 Reference ID 3-036- 20180913.

delivery and there are no instances within the District of permissions lapsing or no dwelling completions being recorded within a reasonable timeframe or an inordinately slow rate.

13.12. The development is considered achievable because there are no known viability issues<sup>6</sup> and there is a clear prospect of delivery being achieved within an expeditious timeframe. The applicant has agreed to work to a shortened commencement period to support this consideration.

13.13. The site and development proposed is therefore considered to be suitable, available, and achievable, with officers not considering that there are any constraints that would unduly inhibit delivery.

13.14. Furthermore, regard has been paid to the Delivery Statement, in accordance with the guidance within the PPG and in respect of those further examples given that lend weight to evidencing the deliverability of a development. In that regard the Delivery Statement demonstrates clearly the progression anticipated in bringing forward the reserved matters application(s) should permission be granted; and, in light of the detailed suite of evidence and documentation submitted in support of the application, no significant constraints to delivery have been identified.

13.15. The proposed development is considered to be inherently deliverable.

#### Contribution to Housing Land Supply

13.16. In order to understand the contribution that this development could make to the land supply of the District, it is important that the information on availability, suitability and achievability is considered alongside the likely lead-in time and build-out rate of the proposed development.

13.17. In this respect the PPG advises<sup>7</sup>:

*“The local planning authority should use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. This may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites allowance should be made for several developers to be involved. The advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.”*

13.18. As noted, the Applicant has submitted a Delivery Statement to provide context and confirmation on the anticipated lead-in and build-out rates for the proposed development, set against those rates applicable to other sites delivered, or being delivered, by the Applicant in the District.

13.19. Officers consider the projections made to be fair and reasonable and that the Delivery Statement provides appropriate scope and anticipation for/of the completion of the relevant land agreement(s); submission of the ‘reserved matters’ i.e. scale, appearance, landscaping, and layout; the need to discharge conditions (including any that could still be foreseeably imposed upon an approval of reserved matters, which is not uncommon); and the need for infrastructure to be delivered prior to the completion of the first homes.

13.20. Notwithstanding the clear delivery information provided by the developer in this instance it would be prudent, adopting a cautious approach, to compare that information alongside other evidence in respect of lead-in and build-out times/rates.

13.21. First, lead-in times have been considered. The *Start to Finish* research paper by Nathaniel Lichfield and Partners<sup>8</sup> is frequently cited in appeals and local plan examinations as a reasonable

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<sup>6</sup> The development is CIL-liable and proposes a policy-compliant 35% affordable housing provision.

<sup>7</sup> Paragraph: 023 Reference ID: 3-023-20140306.

indicator of national lead-in times. Typically, for developments of a scale comparable to that proposed in this instance, it should take just under two years between the time of the approval to permit development (e.g. outline planning permission) and the delivery of the first dwelling. Roughly, therefore, if Members were minded to grant permission in this instance – and noting the progress of the s106 agreement – it is likely, based upon comparable national evidence, that delivery would begin to occur by Q1/Q2 2021 as a backstop.

13.22. In broad terms, this projection would exceed the trajectory agreed with the Applicant. However, as noted, the anticipated delivery timetable provided by the Applicant is reasonable and is considered to be achievable in light of the individual circumstances of this application and the developer's history in that regard. Further, noting the importance of lead-in times and the knock-on effect that this can place upon delivery, Paragraph 76 of the NPPF states that:

*“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”*

13.23. The Applicant is committed to the delivery of this site such that it is willing to accept a shortened timescale for commencement/lead-in, in accordance with Paragraph 76. In this respect, a shortened time limit of 1 year for the submission of reserved matters for the site and also for development to commence within 1 year of the approval of the first reserved matters application. This would not compromise (it would run in accordance with) the accelerated delivery projections provided by, and agreed with, the Applicant and demonstrates a clear and tangible commitment in that regard.

13.24. Officers therefore conclude that if planning permission were to be granted in accordance with the recommendation of this report then homes would begin to be delivered during 2020 (albeit 15 no. dwellings anticipated in light of infrastructure delivery required). This would exceed expectations when considering national evidence, which attracts a favourable weighting.

13.25. It is then necessary to consider the likely build-out rate. Based on local rates of development of sites currently under construction, the average build-out rate is 23 dwellings per annum. Taking into consideration the July 2018 AMR, average build-out rates that are in the region of 25 to 35 dwellings per annum have been considered realistic. This is less than the rates provided by the Applicant, who anticipates building 50 dwellings per year following the first year of commencement (2021 onwards); however, greater weight can be attributed to the trajectories provided by them in this instance acknowledging their track record of delivery elsewhere within the District, the agreed Delivery Statement, and the assessment undertaken earlier in this section. The Delivery Statement, as an agreement of common ground, has been accepted by officers and there is no reason to consider that the anticipated delivery rates are not achievable.

#### Conclusion – Delivery and housing land supply

13.26. It is the Government's intention to significantly boost the supply of new homes. That cannot displace the primacy of the development plan; however, it is a material consideration for Members to take into account, alongside the policies contained within the NPPF. Further, the thrust of governmental policy and supporting guidance is aimed at ensuring that sites are brought forward as quickly as possible and that it is incumbent to demonstrate that this can be achieved.

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<sup>8</sup> Lichfields (2016), *Start to Finish: How Quickly do Large-Scale Housing Sites Deliver?* [online] Available at: <https://lichfields.uk/media/1728/start-to-finish.pdf>

13.27. As part of ongoing work to evidence the deliverability of sites holding extant planning permissions, officers have entered into written agreements with the Applicant to adequately forecast and evidence likely lead-in and build-out rates in that regard (with respect to sites in Stowmarket and Elmswell). That exercise has followed national guidance and the spirit of collaborative working envisaged by the Government.

13.28. In addition, the Applicant has submitted a detailed Delivery Statement which has been accepted by officers; not only setting-out the anticipated lead-in and build-out rates for the proposed development if permitted but also identifying the delivery record of the Applicant elsewhere in the District. In respect of the evidence provided, officers have assessed that the Applicant is a credible developer with a track record of consistent delivery and that the proposed development is capable of making a significant and meaningful contribution to the District's land supply, and at an expeditious rate; this is important when placed against the context of a housing shortfall and the Government's objective to significantly boost housing supply. This is reinforced where the Council cannot presently evidence that it can meet the housing demand set by the newly-prescribed national 'standard methodology'.

13.29. In light of the foregoing, and as a matter of planning judgement, officers apply a substantial weighting to the considerations of housing delivery, where: the development would of itself make a significant contribution by way of housing delivery and there is support for an assertion that the development is deliverable; and, further, where there is a confidence and reasoned expectation that the development would make a valuable contribution to the five-year land supply period in the short-term and at an expeditious rate. The considerations and weighting identified will be carried through to the planning balance at the conclusion of this report.

#### **14. Summary of significant benefits within and beyond the site that would be secured.**

14.1. The development offers to provide

##### **Flood reduction/prevention**

1. A 30% reduction in the surface water runoff from the site (A reduction of 30% in surface water runoff than the current field that exists at the moment)
2. An offline attenuation basin for 5000m<sup>3</sup> to reduce impact of existing flood events

##### **Education/Community**

1. Land for a new primary school site, or community use / educational associated recreational provision for schools.
2. New pre school site
3. Car parking provision.

##### **Transport**

Road and pedestrian improvements to Gracechurch Street.

14.2. In addition the scheme will provide.

##### **Open Space/Landscape and Planting belts**

Required for extensive landscaping for mitigation of the scheme, but also provides significant open space areas for the public (MSDC has no minimum standard in policy for this and so is a wider benefit).

## **Affordable Housing**

1. Up to 35% (103units) Affordable Housing Units
2. Public transport improvements.

14.3. In relation to CIL requests the following are currently highlighted

1. Provision of library facilities - Suffolk County Council would look towards securing £63,720 to support improved facilities and outreach at Debenham from income arising from CIL receipts.
2. Provision of primary school places at existing schools - Based on the assumption that the existing school would be expanded, the cost multipliers and the requirement for 21 places, the total amount to be sought through CIL receipts would be £255,801.
3. Provision of secondary, sixth form and further education places – £0
4. Provision of waste infrastructure - Contributions of £110 per household from development in this area will be requested from income arising from CIL receipts, the total for this application being £32,450.

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## **PART FOUR – CONCLUSION**

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### **15. Planning Balance and Conclusion**

15.1. In simple policy terms the development is contrary to the development plan as contained in the 1998 Local Plan and 2008 Core Strategy with its Focused Review in particular respect of its settlement boundary approach to development which is clearly no longer compliant with NPPF approaches to growth. The development would be adjacent, but not within the settlement boundary to Debenham a settlement defined as a Key Service Village. The identification of Debenham as a key service village is not a policy element considered out of date as the village still maintains employment, schools, doctors, public house and a mix of services and retail. Core Strategy policies CS1, CS2 and the housing settlement policy approach of the adopted development plan were found “out of date” as a specific point in the recent Woolpit appeal with or without a 5 year housing land supply at the time. With that in mind Officers consider that there are twofold reasons why the presumption in favour of sustainable development outlined by the NPPF is engaged here namely that the Council cannot demonstrate it has a 5 year housing land supply nor that its Core Strategy policies CS1 and CS2 are compliant with the approach of the NPPF.

15.2. The Debenham Neighbourhood Plan identifies the 1998 Plan settlement boundary but acknowledges that development could take place both within and outside that boundary as described above. The NP does moreover allocate sites recognising these are beyond the current Core Strategy and Local Plan and does so in locations where “valued views” have been identified. Your Officers recognise that the application site has not been preferred as an allocation for the reasons set out within the AECOM work for the NP which the Examiner to that Plan acknowledged. It is recognised that the NP is at an advanced stage having successfully completed Examination and that its provisions are a material consideration of increasing weight in the decision. In the present circumstances there are understandable local expectations considering this a persuasive material consideration to justify a refusal. To grant permission on a site not allocated in the circumstances of this application could foreseeably be viewed as unhelpful to the community in achieving its aspirations for the NP. Nevertheless, the outcome of the Examination cannot predetermine the application on its merits. For

these reasons that weighing of merits and adverse impact must be taken with great care by the decision maker. The proposed development would conflict in particular with elements of DEB 22 as considered elsewhere in this report. As has been acknowledged above there is a conflict with the provisions of this policy and the requirement to safeguard enjoyment of valued views 1, 2,3 and 11. This conflict would, were this a development plan policy, be of such a nature as to constitute a potential departure. This NP is at a point where it should be given increasing weight in the decision-making process. That said the NP is not yet made nor part of the development plan. For these reasons its status is as a material consideration of increasing weight.

15.3. It should be recognised that the NPPF is a further material consideration to be weighed in the planning balance. The NPPF seeks to boost significantly the supply of housing. In this respect the District must have regard to the wider District position with housing supply and weighing that within the planning application process is a matter for the District Council as local planning authority. Addressing the governments objective to significantly boost the supply of homes is a material consideration is essential as part of the planning balance. As is noted above, and as a matter of planning judgement, officers apply a substantial weighting to the considerations of housing delivery, where: the development would of itself make a significant contribution by way of housing delivery and there is support for an assertion that the development is deliverable; and, further, where there is a confidence and reasoned expectation that the development would make a valuable contribution to the five-year land supply period in the short-term and at an expeditious rate. In relation to this application Officers consider that on the information to hand these factors are engaged and that the housing delivery point is a material consideration of substantial weight in the District wide circumstance.

15.4. It is acknowledged that the NPPF paragraph 49 contends that in particular where the presumption in favour of sustainable development is engaged arguments that a planning application is premature are unlikely to justify a refusal other than in limited circumstances where both [a] the development is so substantial or its cumulative effect so significant that to grant permission would undermine the plan making process by predetermining decisions about the scale, layout or phasing of new development that are central to an emerging plan and the emerging plan is at an advanced stage but is not yet formally part of the development plan. Given that the NP has passed Examination and is to proceed to referendum your officers consider that the plan is at such an advanced stage [b] but that the District wide need for housing land and the opportunity to deliver that in these circumstances are such that this development does not predetermine decisions about the scale, location and phasing of new development in Debenham. In broad terms given the Districts housing land supply position the objective to boost that supply is such that the allocations in the NP would not be predetermined and early delivery of those allocation sites, subject to consideration of their merits through the application process, would also be desirable.

15.5. The development will generate traffic in the area that will likely see occupants commute out of Debenham for work. This is a similar situation to most villages within our rural district. The advantage of this site compared to many others is that it is very well related to the services and facilities of a key service centre and so while it is understandable that for employment travel is needed, local services are on the doorstep within walking distance. On balance the advantages of the location in terms of green travel, alternative means of local travel available and support of local services are considered to outweigh the disadvantages. Insofar as other technical aspects are concerned it is noted that there are no fundamental objections from relevant authorities on education, flood risk and highways as well as the technical advisers on heritage, landscape and ecology. The development proposes reasonable solutions to the technical concerns raised and offers more than required in some instances, especially in terms of its own flood attenuation and improvement for an existing flood issue, as well opportunity for benefit and future infrastructure provision.

15.6. The proposed development is a scheme that can credibly be expected to be delivered and can be considered relatively sustainable for a rural District whilst at the same time can be designed to take

account of the objectives of emerging Neighbourhood Plan. Without doubt views across the site are “valued” as defined by the Neighbourhood Plan and this is not a site preferred by the NP for allocation. As detailed above there would be harm to the policy objectives of the NP to protect those valued views, but reasonable regard can be had to those objectives in bringing forth the reserved matters.

15.7. Nevertheless, the weighing of District wide considerations around boosting the supply of new homes in the District cannot be excluded from consideration. In your officer’s opinion in this instance and in these circumstances the objective of significantly boosting the supply of homes within the District in a context of under-supply of housing land is of such benefit that this is not significantly and demonstrably outweighed by unacceptable harm when the scheme is weighed against the policies in the NPPF taken as a whole. With the current presumption in favour of sustainable development engaged a decision maker is expected to grant permission where there are no relevant development plan policies or the policies which are most important for determining the application are out of date unless [i] areas or assets which the NPPF recognises for protection provide a clear reason for refusal or [ii] any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. Weighing this balance of considerations carefully your Officers do not conclude it appropriate under [i] to recommend refusal and insofar as [ii] is concerned consider that a careful weighing of adverse impacts and benefits indicates that the adverse impacts do not significantly and demonstrably outweigh the benefits described in this report.

## **RECOMMENDATION**

That authority be delegated to the Acting Chief Planning Officer to Grant Planning Permission

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

- 1) Education Provision - Provision of Land for education uses and/or community use (May include Tennis Court / Games Pitch to allow High School expansion.)
- 2) Education Provision (Early Years) - Approximately 0.1ha, required for new early years facility, and £435,900 financial contribution for construction
- 3) Parking provision – Education / Community parking provision with management to be provided.
- 4) Affordable Housing - 35% in accordance with the following mix and space standards.

Rented 75% = 77 dwellings:

- 6 x 1 bed 2-person flats @ 50sqm
- 8 x 1 bed 2-person houses @ 58 sqm
- 6 x 2 bed 4-person bungalows @ 70 sqm
- 8 x 2 bed 4-person flats @ 70 sqm
- 37 x 2-bedroom 4-person houses at 79 sqm
- 10 x 3 bed 5-person houses @ 93 sqm
- 2 x 3 bed 6-person houses @ 102 sqm

Shared ownership 25% = 26 dwellings:

- 4 x 2 bed 4-person bungalows @ 70 sqm
- 16 x 2 bed 4-person houses @ 79 sqm
- 6 x 3 bed 5-person house @ 93 sqm

Properties must be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths. The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets. All affordable units to be transferred freehold to one of the Councils preferred Registered providers. Adequate parking provision is made for the affordable housing units including cycle storage for blocks of flats.

5) Green Infrastructure

6) Childs play area (LEAP) and public access to open space.

7) Highways and Transportation - £tbc / on site

- Gracechurch Street improvements (also footpath schemes secured by condition see below)

- £20k for Traffic Regulation Order (to protect new junctions on Gracechurch Street from obstructive parking recognising that these accesses are close to the secondary school and hence there is a high demand for on-street parking. To prevent obstructive parking on Derry Brook Lane near the primary school to enable safe access for pedestrians)

- Public Transport. New bus stops and shelters within the site to allow expansion of route 114 service between Ipswich and Diss and also has other trips into Ipswich If it is not considered desirable by the applicant for services to use the new development, the next option would be to improve the stops on Gracechurch Street. The stops outside and opposite the high school are currently unmarked. Improvements should include new shelters and raised kerbs. The northern stop is to be included as part of the development and the southern can either be included in the construction under s278 or contribution of £30,000 is required. Please note, the bus stops will need to be protected with Clearway markings of at least 23m long.

- Travel Plan

- Approval and implementation of the Framework (Interim) Travel Plan (the Travel Plan can also be appended to the Section 106 agreement)
- Provision of an approved welcome pack to each resident on first occupation
- Approval and full implementation of the Full Travel Plan
- Monitoring the Travel Plan for a minimum of five years after occupation of the 100th dwelling

8) An "offline" flood attenuation area min. 5,000m<sup>3</sup>, known as a fluvial improvement to provide natural flood management capacity

**(2) That the Acting Chief Planning Manager be authorised to Grant Planning Permission upon completion of the legal agreement (1 above) subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Manager:**

1) Approved Plans

2) Non-Standard Outline and Reserved matter time limits (Reduced to 1 year for submission of reserved matters and 1 year for reserved matters implementation)

3) Phasing of development elements

- 4) Archaeology programme of works concurrently with reserved matters.
- 5) Landscaping Scheme - Concurrent with Landscaping reserved matter and notwithstanding details submitted under this application, a landscape strategy including a. Context and character, b. Landscape design strategy, c. Landscape masterplan, d. Public open space, e. Site movement, f. Boundary treatments (inc. sections, height, materials), g. Hard landscaping specification, h. SuDS, i. Soft landscaping strategy
- 6) GCN Survey - Any works to the terrestrial habitat identified within the Great Crested Newt Survey (James Blake Associates, July 2017 shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 7) CEMP - A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 8) Ecology Mitigation and Enhancement - All ecological mitigation and enhancement measures and/or works, shall be carried out in accordance with the details contained in the Phase 1 survey, Phase 1 addendum (James Blake Associates, December 2017), Breeding bird Survey (December 2017), Otter and Water Vole Survey (October 2017), Great Crested Newt Survey (July 2017) and Reptile Survey (June 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 9) FBM Strategy - A Farmland Bird Mitigation Strategy shall be submitted for approval and implemented in full to mitigate the loss of any nesting habitat.
- 10) Badger Survey - A further badger survey shall take place immediately prior to commencement of works to assess the possible changes of badger activity which may affect the proposed development.
- 11) Lighting Scheme - A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used

for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 12) LEMP - A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
  
- 13) Surface Water Drainage Strategy - Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:
  - a) Dimensioned plans and drawings of the surface water drainage scheme;
  - b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
  - c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  less 30% for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
  - d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
  - e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
  - f) Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

- g) Modelling of the fluvial attenuation storage area to show that the attenuation features will contain the 1 in 100 year rainfall event including climate change. The scheme shall be fully implemented as approved.
- 14) Surface Water Implementation - Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 15) SuDS - The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 16) CSWMP - No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a) Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:
    - i. Temporary drainage systems
    - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - iii. Measures for managing any on or offsite flood risk associated with construction
- 17) Highways – Full details of estate roads
- 18) Highways – No occupation unless road serving the dwelling is at Binder course level or better.
- 19) Highways - Before the access is first used visibility splays shall be provided as shown on Drawing No. U491\_200B with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in full.
- 20) Highways - Parking areas to be agreed and Refuse/ recycling bin presentation point details (Officer note this could be resolved in reserved matters)
- 21) Highways – Prior to commencement a program of works and timetable to improve footways on Gracechurch Street and Derry Brook Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. It shall be completed in accordance with the timetable as may be agreed.
- 22) Highways - Surface water onto highways
- 23) Highways – Construction management plan (to include all District and SCC recommended requirements)
- 24) Foul Water Strategy
- 25) Topographical Levels

26) Fire hydrant details

27) Environmental Health - Hours of work

All works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries/collections shall only be made during these hours.

28) Environmental Health - Construction Management Plan

No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours (to be as above).
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors).
- Loading and unloading of plant and materials.
- Wheel washing facilities.
- Lighting.
- Location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping.
- Waste storage and removal.
- Temporary buildings and boundary treatments.
- Dust management measures.
- Noise and vibration management (to include arrangements for monitoring, and specifically for concrete breaking and any piling) and;
- Litter management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during all phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

29) Environmental Health - Smoke

During any ground works/demolition/construction no burning of materials on the site.

30) Environmental Health - Light

Any external lighting associated with the development both during construction and as part of the proposal shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.

31) Building Scales

Development shall not exceed 2 storeys, with accommodation only permitted in roof space (resulting in max 2 1/2 storeys) in accordance with DEB 2 Policy of the Neighbourhood Plan. Overall height remains a reserved matter which needs consideration given the height of each storey is not capped by measurement.

32) Broadband Provision

DEB 15 (Policy 15 – Broadband) The provision of high speed broadband is seen as essential to all development proposals (dwellings and business) in the village. All new dwellings and business shall incorporate a suitable infrastructure to enable high speed broadband.

**(3) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Acting Chief Planning Manager be authorised to refuse the application on appropriate grounds.**

**(4) That in the event of the Planning obligations referred to in Resolution (1) above not being secured by Friday 1<sup>st</sup> February 2019 that the Acting Chief Planning Manager be authorised to refuse the application on appropriate grounds.**