

**LAND NORTH OF GRACECHURCH STREET, DEBENHAM, SUFFOLK**

**APPLICATION REFERENCE DC/19/05769**

**APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 295 DWELLINGS, 2HA FOR POTENTIAL PRIMARY SCHOOL SITE OR COMMUNITY/CARE USE, AND TWO NEW VEHICULAR ACCESSES FROM GRACECHURCH STREET**

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**SUBMISSION OF DEBENHAM PARISH COUNCIL**

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**I INTRODUCTION**

1. Debenham Parish Council vehemently opposes this application on the basis that:
2. the community of Debenham spent six and a half years researching, consulting upon, and creating a robust Neighbourhood Plan for the area. In the statutory referendum, 95% of residents supported the plan's adoption, with a 60% village turnout. Mid Suffolk District Council formally 'made' this plan on the 18<sup>th</sup> March 2019, at its Full Council meeting, and it now forms an important and essential part of the planning hierarchy. The Neighbourhood Plan will deliver hundreds of dwellings by 2036 making a significant contribution to the District's housing needs on sites with local support;
3. the Planning Committee at Mid Suffolk District Council at its meeting on the 19<sup>th</sup> December 2019, refused planning permission for DC/17/06293, an almost identical application. DC/19/05769 is on the same site, with the same number of dwellings, with the same harmful impacts of the destruction of important views, traffic and pedestrian conflict, flooding impact, and an irreversible change to the scale and unique character of the village. The minor alterations that have been made are cosmetic, and do nothing to address the fundamental issues of long term harm;
4. a consequence of this planning application receiving approval would be to completely undermine the democratic process, and would pose a threat to all

those other communities currently in the process of creating neighbourhood plans;

5. specifically, the application site identified in the application was considered and rejected by nationally approved consultants, as unsuitable in the site assessment process which informed the Debenham Neighbourhood Plan, so that any development of this site would conflict with the Neighbourhood Plan;
6. the proposed development would be contrary to a number of policies within the Neighbourhood Plan, which is now part of the development plan for the area; and
7. the proposed development would be contrary to a number of paragraphs in the NPPF and policies in the development plan relating to the protection of landscape and visual amenity.

## **II LEGAL FRAMEWORK**

8. Section 70(2) of the Town and Country Planning Act 1990 provides that *“In dealing with an application for planning permission or permission in principle the authority shall have regard to – (a) the provisions of the development plan, so far as material to the application...”*.
9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.

## **III THE NEIGHBOURHOOD PLAN**

### ***Site allocation***

10. The application is for the development of the entire site. The site was considered during the site assessment prepared for the Neighbourhood Plan, but not allocated.
11. Within the Neighbourhood Plan, Policy DEB1 deals with housing allocations in the following terms:

*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:*

- 1. Land north of Ipswich Road (DEB 3) providing an estimated 60-140 dwellings.*
- 2. Land south of Low Road (DEB 4) providing an estimated 15-35 dwellings.*
- 3. Land east of Aspoll Road (DEB 5) providing an estimated 37-87 dwellings.*

*And an anticipated windfall allowance of 54 dwellings.*

12. As part of the neighbourhood plan-making process, an independent strategic sites assessment (the “**Sites Assessment**”) was carried out by AECOM. The Site Assessment considered the site, and concluded that the entire site was not suitable for development. The Site Assessment concluded as follows<sup>1</sup>:

*The scale of development has the potential to significantly change the size and character of the village. Development would have significant traffic impact along a bottlenecked Gracechurch Street towards High Street. It would have an unacceptable visual impact, and increase the risk of flooding, with surface water from the development discharging at the north end of the village (i.e. upstream of village centre).*

13. The examining Inspector considered the Site Assessment and observed that “*the chosen sites received local support during a transparent and robust consultation process...*” The Inspector went on to note that:

*I am satisfied that the chosen sites are deliverable, as much as I can reasonable 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.(...) 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.<sup>2</sup>*

14. Development on this site would therefore conflict policy DEB 1 of the Neighbourhood Plan. Permission should therefore be refused.

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<sup>1</sup> See paragraph 4.24 of the Neighbourhood Plan.

<sup>2</sup> See the Debenham Neighbourhood Plan Examination Report at paragraphs 92 and 92.

## **15. Conflict with other policies in the Neighbourhood Plan**

### 16. Policy DEB 2 a, b, c, d (Appropriate Housing):

(a) The proposal fails to respect the special landscape and built character of the village. It imposes a mass of housing, 295 dwellings and associated facilities, on an open, highly visible, rolling valley at the entrance to the village. This poorly located development will have a significant adverse visual impact on the valley and will result in significant material harm to the character of the countryside setting of an historic village. Babergh and Mid Suffolk's Heritage and Sensitivity Analysis 2018 concluded that Debenham was one of two Mid Suffolk "settlements of particular vulnerability to poorly located development".

(b) The necessary infrastructure is not available to serve the development. The proposal locates development upstream of the village that frequently suffers from flooding. The unfavourable geology for infiltration of water, the topographical nature of the village, effectively sitting in a bowl astride the River Deben, and the uncertainties relating to climate change mean the proposal introduces a significant, increased and unnecessary risk of future flooding.

(c) The proposal does not provide landscape buffers between the development site and all existing built up boundaries.

(d) The proposal does not provide adequate and safe pedestrian and cycle routes from the development to the village centre. In refusing the previous application, the Planning Committee was concerned the development failed to provide safe, inclusive and accessible pedestrian access into the village centre. Recent planning decisions mean that greater weight should be given to these concerns.

### 17. Policy DEB 8 (Traffic Flows):

The proposal would give rise to unacceptable highway dangers causing conflict between vehicle and pedestrians. The vehicle and pedestrian approach to the village centre from the development site and from the High School would be via a bottlenecked Gracechurch Street. Stretches of this road are narrow, served by a single footpath. In places the single footpath is only wide enough for one person, (0.8m), sandwiched between boundary/retaining walls and a narrow highway. Groups of more than one pedestrian walk in the highway and there is a tendency for pedestrians when faced with oncoming traffic to seek refuge in private driveways. Traffic, in order to avoid oncoming traffic, has been observed mounting the pavement, without regard to pedestrian safety. Hence the proposal would

result in an unacceptable increased risk for pedestrians, particularly families with children, the partially sighted and those with limited mobility.

Given the historic nature of Debenham's road pattern and the location of the Conservation Area and Listed Buildings it is difficult to see how the dangerous conflict between pedestrians and vehicles, arising from this application, can be resolved. NPPF para. 109 states....'*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' Given the rural nature of the narrow roads and lanes providing access to Debenham, approval of the application would harm the amenity of surrounding villages and hamlets, and result in additional highway dangers for those communities.

18. Development on this site would therefore conflict policy DEB 2 and 8 of the Neighbourhood Plan. Permission should therefore be refused.

19. Policy DEB 14(b) is as follows:

*In order to maintain the historic landscape character of the village, new development 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.*

20. Policy DEB 19 is as follows:

*New development should be designed to have a positive and distinctive character by designing the development to respond to site features such as views into or out of the area, trees, landscapes, and existing buildings. Views highly valued by the community are shown on the Proposals Map and their key features are identified in paragraph 5.7 on page 27. 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.*

21. The proposed development clearly conflicts with these policies.

22. Contrary to Policy DEB 14(b), it would be sited in an *extremely* prominent location on the upper valley side to the north of Gracechurch Street. From the Illustrative Masterplan in the Design and Access Statement<sup>3</sup>, and the Development Framework Plan<sup>4</sup>, it can clearly be seen that the areas allocated for residential

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<sup>3</sup> At page 34

<sup>4</sup> At page 32 of the DAAS, with a clearer version at appendix E of the Visual Impact Assessment.

development immediately abut Gracechurch Street along the majority of the southern edge of the site – which is the upper valley side. It should be noted that DEB 14(b) allows for the mitigation of the impact of development on *lower slopes* by the provision of substantial landscape belts on the upper valley sides and ridgelines, but *not* the mitigation of the impact of development on the *upper valley side*. Regardless of what mitigation measures are proposed, therefore, it is simply not possible for development in this location to be in accordance with DEB14(b). Permission should therefore be refused.

23. This site sits within a number of views of a high visual sensitivity: views 1 – 3 and 11.<sup>5</sup> Along the entirety of the southern edge of the site, the Illustrative Masterplan and Framework Plan indicate the presence of a “potential landscaped gateway feature”, which appears to consist of a line of trees. As the images of views 1 – 3 at page 28 of the Neighbourhood Plan make clear, the effect of the proposed development – with or without any “potential landscaped gateway feature” along the southern edge of the site – would be to destroy those views almost in their entirety. That is because it would no longer be possible from Gracechurch Street to see anything above the ridgelines of the houses proposed, or any landscape gateway features. Although a narrow “corridor of open space” has been incorporated into the proposed development, this would preserve only a sliver of views 1 and 2. As to view 3, it will be entirely filled by a new buildings – either a primary school or some sort of community or care buildings.<sup>6</sup> View 11 is most significant in that from its north west position it looks right across the valley and into the village centre. It would be here that the greatest mass and scale of the development would be most noticeable, blocking out the upper valley sides.

24. Since the proposed development will affect these highly valued views, policy DEB 19 is engaged. In order for the policy to be complied with, the proposed development *must* ensure that key features of the views can continue to be

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<sup>5</sup> See the Debenham Neighbourhood Plan at pages 28 and 30.

<sup>6</sup> The letter from Boyer to Vincent Pearce dated 12<sup>th</sup> December 2019 incorrectly states that view 3 will remain, on account of development having been “*pulled back behind an area of public open space*”. In fact, view 3 includes the open countryside adjoining the southernmost part of footpath FP46 which is proposed to be developed with buildings, and not just what is proposed to be the SuDS basin and flood alleviation feature.

enjoyed – including distant buildings, areas of landscape and the boundaries between the village edge and the countryside. As is self-evident from the plans submitted with the application, *none* of the key features of these views will be preserved. The views will be lost in their entirety. This is supported by the Site Assessment, which concluded that development of this site would have a high visual impact, meaning that the development would be within an area of high quality landscape character and/or would significantly detract from local character, leading to the loss of important features of local distinctiveness *without the possibility of mitigation*.

25. The proposed development is therefore contrary to policy DEB 19 and permission should be refused for this additional reason.

#### **IV LANDSCAPE**

26. Paragraph 170 of the NPPF is as follows:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)...*

27. The site is valued landscape within the meaning of that paragraph, since it has physical attributes which take it out of the ordinary (see *Stroud DC v Secretary of State for Communities and Local Government* [2015] EWHC 488 (Admin)). This is clear from the fact that the site sits within a number of valued views identified in and protected by the Neighbourhood Plan.

28. Policy CS5 within the Core Strategy is as follows:

*Mid Suffolk's Environment*

*All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area.*

*(...)*

*Landscape: The Council will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas,*

*protecting the district's most important components and encourage development that is consistent with conserving its overall character.*

29. Core Strategy Objective SO 4 is *“to protect, manage, enhance and restore the historic heritage / environment and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”*
30. Within the Mid Suffolk Local Plan, policy MSLP 15 requires that development should be consistent with the pattern and form of neighbouring development in the neighbouring area and the character of its setting.
31. Policy CS5 is supplemented by the Suffolk County Council Landscape Character Assessment and Joint Babergh and Mid Suffolk District Council Landscape Guidance. The Site consists of land which is within landscape character type 17 (rolling valley claylands - LCT17).
32. The Landscape Character Assessment was carried out by District Councils and the County Council and was *“designed to support work to maintain and restore the landscape of Suffolk, particularly through the planning system and to promote and foster wider understanding of the landscapes of Suffolk”*. In relation to LCT17, it notes that *“the spatial relationship of this landscape to the adjacent valley floor means that change and development here can have a profound visual impact on the adjoining valley floor landscape type”*.
33. It goes on to state that *“new development within this landscape character is likely to have a significant impact on both the character and visual amenity of valley floor and valley side”*, and that *“it is essential to manage this issue effectively, taking every opportunity at the earliest stages of the development of the proposal to modify and improve it or to be clear with the applicant that the impact of the proposal is unacceptable or may be at a high risk of refusal due to landscape impacts.”*
34. The district-level landscape guidance mirrors the county-level assessment, and states that the aim for LCT17 is *“to retain, enhance and restore the distinctive landscape and settlement character.”* The objectives include *“to safeguard the meadow and parkland areas and village greens”*.

35. The proposed development would be contrary to all of these policies and the associated guidance.

- a. It would be inappropriate in terms of scale and location in the context of the adjoining village of Debenham, extending the edge of the built settlement significantly to the east along Gracechurch Street and causing great harm to a number of valued views which make a vital contribution to allowing the setting and character of Debenham to be appreciated.
- b. It would be inconsistent with the pattern and form of the neighbouring development of the settlement of Debenham and the open rural character of its setting.
- c. By introducing a significant and inappropriately large built development to the valley slope, the upper valley side and ridgeline, the proposed development would have a significant impact on both the character and the visual amenity of the valley side. Instead of protecting and enhancing a valued landscape within LCT17, it would have a significant adverse impact.
- d. For the same reasons, the proposed development fails to maintain and enhance the historic environment of Debenham, and to retain the local distinctiveness of the area.

36. The proposed development therefore also conflicts with paragraph 170(a) of the NPPF and these policies in the development plan and should be refused on this further basis.

#### **IV PLANNING BALANCE**

37. The proposed development would therefore cause substantial and long-term landscape harm which is incapable of mitigation.

38. Paragraph 11 of the NPPF, so far as relevant to decision-making, provides as follows:

*Plans and decisions should apply a presumption in favour of sustainable development.*

*For **decision-taking** this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*e) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*f) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

39. The proposed development clearly conflicts with the relevant development plan policies – including with policies in the brand-new neighbourhood plan. The relevant policies in the development plan are therefore up-to-date. Furthermore, Mid Suffolk District Council can demonstrate a five year housing land supply with the appropriate buffer.<sup>7</sup> The ‘tilted balance’ set out in paragraph 11(d) therefore does not apply, and this application should be refused on the basis that it does not accord with an up-to-date development plan.

40. Even if the ‘tilted balance’ were found to apply, it is clear that the adverse long-term impacts of granting permission would significantly and demonstrably outweigh any benefits to housing supply in the short term.

## **V CONCLUSIONS**

41. Given that the Neighbourhood Plan allocation of sites will deliver hundreds of dwellings by 2036 *without* such harm<sup>8</sup>, this harm *can and should be avoided*. Debenham’s Neighbourhood Plan will make a significant contribution to housing needs, on sites which have local support, *without* these unacceptable costs.

42. The Parish Council therefore asks that you refuse permission for this development.

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<sup>7</sup> See the Woolpit decision....

<sup>8</sup> See the Examination Report at paragraph 95.