

# Eye Neighbourhood Development Plan 2018 – 2036

## Independent Examination

First published: 25 July 2019

Last updated: 4 October 2019

### Introduction

This document will provide an on-going record of all 'general' correspondence during the Eye Neighbourhood Plan examination period between the Examiner (Rosemary Kidd), the Town Council / NP Working Group, and Mid Suffolk District Council. It will also act as a record of matters raised and responses to these.

As required, specific documents will also be published on our Eye NP webpage: [www.midsuffolk.gov.uk/EyeNP](http://www.midsuffolk.gov.uk/EyeNP)

### Copies of e-mails / letters appearing on the following pages:

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9. E to Examiner 4 Oct 2019 – Response to further Examination questions

## 1. E-mail from Examiner dated 9 July 2019 – Eye NP Examination (start)

**From:** Rosemary Kidd  
**To:** Paul Bryant (BMSDC)  
**Dated:** 9 July 2019  
**Subject:** Eye NP Examination

Dear Paul

I am pleased to confirm that I have commenced the examination of the Eye NP. I will examine the Plan against the 2019 NPPF.

From my review of the Basic Conditions Statement, it appears that no evidence has been included about Human Rights. Would the QB provide me with a brief statement on how the Plan has been prepared to take account of the requirement to consider human rights. [\[MSDC Note: see pages 6 and 7 below\]](#)

I shall be grateful if you would send me paper copies of the representations received once they have been collated. I also invite the Qualifying Body to let me have any comments they wish to make on the representations. Would you arrange for the representations and any correspondence concerning the examination between myself and the LPA and QB (except for contractual matters) to be placed on the Council's website in the interests of openness and transparency.

I would also appreciate colour copies of the Policies Maps with a legible base map.

I normally prepare a Procedural Note on commencing an Examination to set out a proposed timetable and confirm whether or not I consider a hearing is necessary. I will prepare this once I have sight of the representations.

Kind regards

Rosemary Kidd MRTPI  
Independent Examiner

[ Ends ]

## 2. E-mail to Examiner dated 10 July 2019 – re Eye NP Examination (start)

**From:** Paul Bryant (BMSDC)  
**To:** Rosemary Kidd  
**Dated:** 10 July 2019  
**Subject:** Re: Eye NP Examination

Dear Rosemary

Thank you for the e-mail.

I will e-mail the Town Council this afternoon and ask that they respond to your human rights question, suggesting also that they respond at the same time as sending me any comments they may have on the written responses (see below regards this).

As promised, I am just pulling together some documents to send you by post, namely the submitted Eye NP and a bound copy of the representations received by last Friday's deadline. I can also confirm that there were no late responses. The printed copy of the Plan has the Policies Map spread across two A4 pages (so effectively an A3 map). If, on receipt of this you decide that a larger copy of the map is needed I will organise that for you.

To pre-empt your request that the QB be given a chance to respond to the reps made, I have already sent them a copy of reps and asked for comments back by no later than 4:00pm on Wed 24 July. That gives them approx. two-weeks as per the NPEIRS guidance. I will forward their comments to you (which I am sure will be forthcoming) as soon as they arrive.

On the matter of openness and transparency, when working with Ann Skippers and Janet Cheesley, I have added an 'Examination Correspondence' document to the relevant webpage (see examples [here](#) and [here](#)) so, if you are happy with the format, I will do the same for this examination.

In previous e-mails I also asked if you would need a printed copy of our (Mid Suffolk's) adopted planning policy documents but understand that you are happy to work from e-versions of these. If that changes and you do need paper copies do let me know. I trust also that you have found what you need on our website but, just in case, they are as follows:

- <https://www.midsuffolk.gov.uk/planning/planning-policy/adopted-documents/mid-suffolk-district-council/core-strategy/>, and
- The [Saved Policies](#) from the [1998 Local Plan](#)

In the last few weeks, Babergh & Mid Suffolk District Councils' have just published a working copy of our Reg 18 Pre-Submission draft Joint Local Plan. Public consultation on this document is due commence shortly, although final details are yet to be announced. All information about the emerging JLP, including a link the Reg 18 draft can be found at:

<https://www.midsuffolk.gov.uk/planning/planning-policy/new-joint-local-plan/>

In addition to the above I should perhaps also mention the 'Eye Airfield Planning Position Statement'. More details on this technical advice document published in Nov' 2013 can be found towards the bottom of [this page](#).

I think this covers everything but, if not, please do not hesitate to ask. Finally, should you need it, our main contact at Eye Town Council is Mr Andy Robinson. [E-mail address is: [andy.robinson@eyesuffolk.org](mailto:andy.robinson@eyesuffolk.org)]

With kind regards

Paul Bryant  
Neighbourhood Planning Officer | Planning for Growth  
Babergh & Mid Suffolk District Councils - Working Together

[ Ends ]

**3. E-mail to Examiner dated 17 July 2019 – Withdrawal of Ingleton Wood representation)**

**From:** Paul Bryant (BMSDC)  
**To:** Rosemary Kidd  
**Dated:** 17 July 2019  
**Subject:** Re: Eye NP Examination

Dear Rosemary

FYI, I received a formal request today to withdraw the representation from Ingleton Wood (obo Mid Suffolk District Council) [our ref E-2] so have actioned this accordingly. Eye Town Council were copied into the same e-mail so are aware.

I therefore politely ask that you also remove this representation from the document I sent you recently, or at least mark it up accordingly.

Note also that I have already updated the 'copy reps' document we published online last week. [See [here](#)]

With thanks in advance

Paul Bryant  
N'hood Planning Officer | BMSDC

[ Ends ]

#### 4. E-mails to / from Examiner dated 24 July 2019 – Statement on Human Rights and comments on written reps by Qualifying Body

**From:** Paul Bryant (BMSDC)  
**To:** Rosemary Kidd  
**Dated:** 24 July 2019  
**Subject:** Statement on Human Rights & Comments on written reps

Dear Rosemary

I write further to your e-mail dated 9 July where you confirmed that you had made a start on your examination of the Eye Neighbourhood Plan.

At your request, Eye Town Council have prepared a short statement which sets out how their Plan has been prepared to take account of the requirement to consider human rights. A copy is attached. [\[MSDC Note: See next page\]](#)

On your behalf, I had also extended an invite to the Town Council (as the Qualifying Body) to let you have any comments they wish to make on the representations made. In conversation with the Town Council today, and with specific regard to the recent withdrawal of the representation from Ingleton Wood (obo MSDC) (my e-mail of 19 July refers), the Town Council have provided me with a schedule of comments [\[MSDC Note: see here\]](#) and have politely ask that you also consider the following request:

*“The Town Council would appreciate the Examiners agreement to submit further comments regarding Paddock House (hopefully jointly with Mid Suffolk District Council) and regarding housing allocations. We intend to make those additional submissions by 8th August.”*

We trust that the above is acceptable to you and that this fits in with your timetable for this examination.

Kind regards

Paul Bryant  
N'hood Planning Officer | BMSDC

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**From:** Rosemary Kidd  
**To:** Paul Bryant (BMSDC)  
**Dated:** 24 July 2019

Dear Paul

Thank you for the emails. I have taken the statement on human rights from the first email and the comments by the QB on the reps from Andy's email. I note that the QB wish to submit further comments on the Paddock House site by 8 August.

Once I have taken into account the points made by the QB I will finalise my list of questions for the LPA and QB to consider. These will include further information on concerns I have about the deliverability of some of the sites. I will send the questions through to you early next week.

Kind regards  
Rosemary Kidd MRTPI (Independent Examiner)

## EYE TOWN COUNCIL – COPY OF STATEMENT ON HUMAN RIGHTS

### Eye Neighbourhood Plan Examination

#### Question from the Examiner:

*“From my review of the Basic Conditions Statement, it appears that no evidence has been included about Human Rights. Would the QB provide me with a brief statement on how the Plan has been prepared to take account of the requirement to consider human rights.”*

#### Eye Town Council’s Response:

The Human Rights Act contains a number of articles which are potentially relevant to neighbourhood planning such as:

- the right to respect for private and family life.
- freedom of expression.
- prohibition of discrimination.

The Town Council confirms that both non-statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Steering Group was mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. These initiatives are documented in the accompanying Consultation Statement.

The Town Council also wish to confirm that the neighbourhood plan has been prepared to represent the views of the whole community.

It is therefore believed that the Eye Neighbourhood Plan has had appropriate regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

Andy Robinson  
For Eye Town Council.

[ Ends ]

## 5. E-mail from Examiner dated 30 July 2019 – Procedural Note and Examination Questions

**From:** Rosemary Kidd  
**To:** Paul Bryant (BMSDC)  
**Dated:** 30 July 2019  
**Subject:** Eye NP Examination  
**Attach':** Procedural Note and Examiners Questions

Dear Paul

I have now considered all the policies on the Eye NP, the representations and relevant background documents. I have set out my examination questions in the attached schedule.

I am hoping that this examination can be conducted without the need for a hearing; this will depend upon the clarity of the responses to my questions. There seems to be uncertainty about the deliverability and timescales of some of the sites and I have summarised my understanding of the situation at the end of my questions. I should be grateful if you and the QB could provide me with an update and agree any revisions that may be necessary to ensure that the sites to be allocated are deliverable. If they are not, they should be identified as reserve sites with criteria set out to determine when they are to be released.

I realise that I have not sent through my Procedural Note that sets out the timescales for the examination and have attached that to this email. Please note that in view of the number of issues raised in my questions the timescales are indicative. I have yet to undertake a site visit and this may result in additional questions. I usually allow 14 days for responses to questions, please let me know if you require longer.

I look forward to receiving your responses by 16 August.

Kind regards

Rosemary Kidd MRTPI  
Independent Examiner

[\[MSDC Note: For the list of Examination Questions and response please see section 6 below\]](#)

# **EYE NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

### **Commencement of Examination Procedural Note**

#### **Eye Neighbourhood Plan**

**by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

30 July 2019

## Eye Neighbourhood Plan

I am writing to confirm that I have commenced the examination of the Eye Neighbourhood Plan. From my initial appraisal of the submitted documents I am satisfied that a hearing will not be necessary, provided that I receive satisfactory answers to any questions and matters for clarification. I therefore intend to proceed by way of written submissions alone. All contact will be through a named representative of the Local Planning Authority. They will be responsible for forwarding all correspondence (except for contractual matters) to the representative of the Qualifying Body. All correspondence between myself, the Local Planning Authority and the Qualifying Body (except for contractual matters) should be placed on the Local Authority's website to ensure that the examination is conducted in an open and transparent manner.

I have undertaken a detailed appraisal of the background documents to check that the legal requirements have been satisfied and that adequate consultation has taken place to meet the requirements of the Regulations. The Qualifying Body has supplied me with a statement on how Human Rights has been taken into account in preparing the Plan.

I am proposing to undertake the examination as follows:

I will undertake a detailed appraisal of the Plan and the policies to ensure that they satisfy the Basic Conditions, taking account of any representations. I will write to the Local Planning Authority and Qualifying Body to seek clarification on any matters or to request further information. I will seek the agreement of the Local Planning Authority and Qualifying Body to any significant revisions to the wording of policies where necessary to meet the Basic Conditions.

I will undertake a site visit to familiarise myself with the parish and any sites referred to in the Plan.

- I will present my Examination Questions and matters for clarification to the Local Planning Authority by 31 July. This will also seek agreement to any significant wording changes to policies.
- I will allow 14 days for a response by the Local Planning Authority and Qualifying Body, or longer if required.
- Following receipt of responses to my questions and matters of clarification, I will prepare my draft Examination Report for fact checking.
- I will allow 7 days for a response by the Local Planning Authority and Qualifying Body.
- I anticipate that I will issue my final report to the Local Planning Authority and Qualifying Body by 13 September.

All dates are indicative at this stage and may be revised if necessary should significant issues or additional questions arise or extensions of time be requested by the Local Planning Authority and/or Qualifying Body.

## **6. E-mail to Examiner dated 10 September 2019 – Response to Examination Questions**

**From:** Paul Bryant (BMSDC)  
**To:** Rosemary Kidd (cc. Andy Robinson, ETC)  
**Dated:** 10 Sept 2019  
**Subject:** Eye NP Examination  
**Attach':** Response – Eye NP Exam Qstns

Dear Rosemary

I am responding on behalf of Eye Town Council and Mid Suffolk District Council to your e-mail dated 30 July in which you set out your examination questions.

With our sincere apologies for the delay and our thanks for allowing us the extra time needed to bring this together, please find attached our collective response. We also recognise that this may generate some follow-up questions which we will both aim to deal with more promptly.

You also asked that your questions and our response be made publicly available so I will make arrangements to ensure that happens.

It only remains for me to politely ask that you confirm safe receipt of the attached at your earliest convenience.

Kind regards

Paul Bryant  
Neighbourhood Planning Officer | BMSDC

# **EYE NEIGHBOURHOOD PLAN**

**Submission Draft Version**

**Eye Neighbourhood Plan Examiner's Questions by  
Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP,  
MRTPI NPIERS Independent  
Examiner 30 July 2019

## Eye Neighbourhood Plan Examiner's Questions

Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and further evidence on the following matters from the Qualifying Body and/or the Local Planning Authority. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

1. The emerging JLP sets a housing requirement figure for the Eye NP of 541. Has this figure been agreed for use in the NP? The emerging JLP proposes to allocate sites for housing development which will result in about 158 additional dwellings. Has this been taken into account in the preparation of the NP?

**MSDC Response:** The Eye NP was prepared and submitted to the District Council some months in advance of work on the Regulation 18 Preferred Options draft JLP being completed. Consequently, it was not possible for District Council to provide the Town Council with a housing figure for this neighbourhood plan area any sooner than last month (July 2019).

**Eye TC Response:** The Eye NP was prepared and submitted to the District Council some months in advance of work on the Regulation 18 Preferred Options draft JLP being completed. Consequently, the Town Council did not have a housing figure for its neighbourhood plan area until the draft JLP was published in July 2019. The draft JLP is at a very early stage and is subject to change as a result of consultation including the dwelling allocation for Eye and site allocations. ETC will be making objections to the allocation of the Maple Way site in the draft JLP (see below). The Eye NP is at a much later stage in preparation and should therefore carry greater weight (NPPF para 30 and 48). The Eye NP allocates sufficient land to meet the allocation currently proposed by the draft JLP. See also comments on sites below.

2. Is it intended that Policy Eye 2 should be applied in addition to the strategic affordable housing policy? Has the QB/LPA considered whether the mix of housing set out in the justification to Policy Eye 2 should be included in the policy wording or wording such as ***“The type, size and tenure of housing should reflect the latest housing needs assessment.”*** should be included?

**MSDC Response:** Our preference would be a modification to policy Eye 2 to include the wording suggested above as this would provide a suitable degree of flexibility during the lifetime of this neighbourhood plan.

**Eye TC Response:** The pre-submission draft of the ENP contained policies specifying the tenures and type of housing required across the plan area:

**POLICY EYE 1 - HOUSING TENURES**

Taken together the residential development sites proposed in this Plan should provide for 90 affordable homes and 70 sheltered homes. There should be at least 40 small homes to buy through shared ownership, 18 homes at (less than 80% of market) social rents and 27 homes at (80% of market) affordable rent. Affordable housing should be provided in groups of 15 homes or less and be integrated within development schemes.

**POLICY EYE 2 - HOUSE TYPES**

Across the various sites for all forms of residential development:

- a. 22% of new homes should be 1 bedroom, 31% 2 bedrooms, 41% 3 bedrooms and 5% 4 or more bedrooms;
- b. 48% should be houses, 29% bungalows and 14% flats.

MSDC objected to this as follows:

Policy Eye 1	Only the last sentence can be implemented as a development management policy. The remainder is a statement about the intended outcome of the Plan. In final sentence replace "less" with "fewer".
Policy Eye 2	As different sites will have a different mix of development this policy cannot be implemented through the development management process. This is more a statement about the intended outcome of the Plan.

However MSDC has now decided to include a similar policy in its JLP document so presumably its previous objection is no longer relevant:

## Preferred approach

### Policy LP07 – Affordable Housing

Affordable housing requirements are as follows:

1. The Joint Local Plan will seek to retain and deliver 35% requirement for affordable housing on relevant sites of ten or more units or sites of 0.5ha or more.
2. 984 for Babergh and 1288 for Mid Suffolk is to be for affordable rent / social rent, and 506 for Babergh and 583 for Mid Suffolk is to be for shared ownership and 496 for Babergh and 430 for Mid Suffolk is to be for discounted home ownership/starter homes.

ETC would welcome the inclusion of affordable housing and house type requirements in the ENP as they are based on an up to date and detailed assessment of need.

3. Would you confirm the current status of the planning application for Policy Eye 3. The policy adds no planning requirements to that required by the planning consent. Would the LPA/QB comment on whether the site should be identified as a commitment so that it remains as an allocation should the planning consent lapse.

**MSDC Response:** Outline planning permission [our ref 3563/15/OUT] for the development of this site was granted on 27 March 2018. The decision notice confirms that: “[an] Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission ...”

It is understood that discussions between the agent / applicant and the District Council are on-going and there is nothing to suggest that a Reserved Matters application will not be forthcoming in the near future.

With regards to whether the site should be identified as a commitment so that it remains as an allocation should the current planning consent lapse, the emerging JLP shows a revised settlement boundary at Eye around the committed scheme which encompasses the area.

[NB: For more details on the above application please enter the ref. number [3563/15] in the search box at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>]

**Eye TC Response:** The site proposed in Policy Eye 3 has outline planning permission and it is understood that a Reserved Matters application is about to be submitted. However, ETC would support the site being identified as a commitment provided Policy Eye 3 is be

retained as it requires the site to be developed in accord with the approved Design Brief. The site is included within the settlement boundary.

4. Policy Eye 4 allocates the site for housing, however the justification casts some doubt as to whether the whole site is or will be available for development. Would the LPA confirm the current position and the anticipated timescale for the site to become available?

**MSDC Response:** We put this question to the Ipswich & East Suffolk CCG. In reply, that have advised us that, while discussions are ongoing, they regret that they are unable to comment on the long-term future of this site currently.

**Eye TC Response:** ETC's understanding is that the CCG cannot commit to the development at the current time pending decisions on the relocation of the Local Surgery into Hartismere Health and Care.

5. Has the QB consulted the Highways Authority on the proposal for car parking in site Policy Eye 5 Paddock House and for traffic calming along Wellington Road. If so, would you let me have their comments. Is this intended to replace the roadside parking on Wellington Road which lies outside the site?

**Eye TC Response:** MSDC and ETC have held discussions about the developability of this site within the terms of the proposed Policy Eye 5. ETC accepts that the site is only financially feasible if it is developed for affordable housing and if the whole of the site, except for the green space fronting Church Street, is included. ETC understands that MSDC has withdrawn its objection to the allocation of the green space as a Local Green Space. ETC therefore proposes that the policy should be amended as follows:

*“Paddock House is proposed for housing. An area of 0.05 hectares of green space should be retained on the frontage to Church Street as part of the scheme. On the remaining 0.28 hectares about 16 affordable homes should be provided on the site, 10 for shared ownership and 4 for affordable rent. Electric Vehicle charging should be provided in accord with Policy Eye 28. Archaeological evaluation will be required by planning condition on the site. “*

Parking and traffic calming will be dealt with through the Traffic Management Plan.

6. Several policies refer to archaeological and ground water contamination investigations being required before planning permission is granted; although some policies refer to it being required by planning condition. Would the LPA confirm when this evidence is required: should it be submitted with the planning application or it is usually required through a planning condition to be undertaken before the development commences?

**MSDC Response:** Our view is that these matters are best discussed and agreed through consultation with the relevant statutory consultees on a case by case basis.

7. Has consent been sought from the Secretary of State to dispose of the Victoria Mill Allotments? If so when is the decision anticipated? Paragraph 6.13 states that an alternative site has been identified although its location is not stated or included in a policy. Is there any reason for this omission?

**Eye TC Response:** Para 6.13 of the Eye NP refers to 'any new site' and sets conditions for that site to meet. Agreement in principle has been reached with a landowner with extensive agricultural land holdings to the north and west of the Town to site alternative allotments on his land. ETC will now work with the landowner and allotment holders to identify the most suitable site that meets the criteria set out in para 6.13 and an application for de-scheduling of the current allotments will be made once the alternative site is agreed.

8. Would the LPA and QB agree wording to be included in Policy Eye 8 to manage the release of the reserve site. It is considered that the policy wording is vague and imprecise. It is noted that it is not included in Table 4 on the expected phasing of sites.

**Eye TC Response:** Given the draft JLP target for Eye of 541 homes and the uncertainty about the Health Centre site, ETC would accept that the site proposed in Policy Eye 8 should be brought forward into Policy Eye 1 as a current proposal. It will seek to ensure that the JLP identifies this site in place of Maple Way (see also below).

ETC therefore proposes that Policy Eye 8 should be amended as follows and that it should be include in Table 3 and in Table 4 across the 2024 – 29 and 2030 – 26 periods:

## **POLICY EYE 8 – LAND SOUTH OF EYE AIRFIELD, PHASE 2**

*Land South of Eye Airfield (phase 2) is proposed for housing.*

*It is expected that this site will come forward once circa 250 of homes on the site South of Eye Airfield (Policy Eye 3) have been constructed.*

*The site is 5.8 hectares and developed at 30 dwellings per hectare would provide about 174 houses. 35% of these houses should be affordable and the tenure and type of homes should be the subject of an updated local Housing Needs Assessment before planning permission is granted.*

*A Landscaped Open Space should be provided between the development and the Airfield Business Area.*

*Archaeological Assessment will be required prior to the granting of planning permission.*

*Electric Vehicle Charging should be provided in accordance with Policy Eye 30.*

**MSDC Response:** The District Council are supportive of the certainty that this revised Policy Eye 8 now provides. In making final preparations to submit this document to the examiner we noted that the original reserve site policy included a cross-reference to policy Eye 30. On the assumption that this text was accidentally omitted in error we have thought it appropriate to reinstate it.

9. Is site 1a Land to the north of Maple Way (that is not proposed for allocated in the NP) the same site that it is proposed to allocate in the emerging JLP as site LA022? Presumably if this site is allocated in the JLP subsequent to the making of the NP it will supersede the NP.

**MSDC Response:** Site 1a Land to the north of Maple Way (as referred to in the NP) and Site LA022 (as referred to in the JLP) are one and the same. If this site is allocated in the JLP at the time of adoption then, yes, it would supersede the NP. Our assessment of the site identified that it is potentially considered suitable for residential development which is why it has been taken forward as an allocation in draft Joint Local Plan.

**Eye TC Response:** ETC opposes the allocation of site LA022 in the draft JLP. It also understands that MSDC opposes the development of this site and supposes that it was included in the draft JLP in error.

Planning permission for 123 dwellings on site LA022 was refused by MSDC on 28th March 2019 (Planning Application DC/18/05021). The reasons for refusal derive from the unsuitability for development of the site itself rather than the specifics of the particular application.

The applicants have lodged an appeal against non-determination of Planning Application.

The Decision Notice, the District Council's Appeal Submission and ETCs Appeal Submission are attached to this response. *[Please see Appendix 1]*

If the reserve site and Maple way were allocated in the Eye NP along with all the sites in Policy Eye 1 (including the brought forward reserve site) the allocations would provide for about 850 homes nearly twice the proposed draft JLP allocation for the town. ETC and residents of the Town have a clear preference for development south of Eye Airfield.

10. The Chicken Factory site includes fields to the west which are in flood zone 3. No indication is given in the policy wording about the acceptable use of this part of the site. Would the QB confirm that this would be for public car parking and informal recreational uses. Suffolk CC suggests that part of the site should be identified for a pre-school nursery. Would the QB and LPA discuss this with the SCC and let me know whether this would be feasible and viable? Is there sufficient land available in that part of the site not subject to flooding to accommodate the housing, nursery and retail development? It is noted that the emerging JLP proposes to allocate the built up part of the site for 80 dwellings. Will the relocation of the Chicken Factory be a requirement before the site can be developed? If so what are the timescales for this. Paragraph 5.7 refers to SCC Design Guidance. Would you provide me with a copy of this or indicate its relevance?

**Eye TC Response:** An indicative layout is included in Supporting Document 19 - Design Codes, including the proposed location of the car parking and informal recreation to the west of the site on the fields in Flood Zone 3. ETC supports amendments to Policy Eye 9c. to make that clear.

The site is a proposal in both the ENP and the draft JLP for 78/80 homes and while a small allocation for a pre-school facility is probably physically possible the effect on viability is unknown and ETC would not want the development of the site jeopardised.

The owners of the site have indicated that their proposals for the site 'should become public within the next two months'.

The reference in paragraph 5.7 to 'SCC Design Guidance' is an error and should say 'See Design Guidance' a reference to Supporting Document 19.

- 11.** Has the Highways Authority made any comments on the access to the proposed car parking at the Rettery? Has a parking survey been undertaken to ascertain the number of parking spaces and the type of parking provision required (long / short stay)?

**Eye TC Response:** The Highways Authority commented that the access was feasible subject to walls being removed to provide the necessary visibility the extent of which would be reduced if the site was within the 20 mph area. The site is outside that area currently but it is intended that the area be reviewed early next year and an extension northwards is likely to be proposed bringing the site within the 20 mph area.

The current two public car parks in the Town are observed to be over capacity on a regular basis leading to problems with on-street car parking in the Town Centre. The statement of consultation (Supporting Document 21) identifies that car parking was raised as a major concern at all stages of plan preparation. Accordingly a survey was undertaken of residents' views which is at Appendix 12 to Supporting Document 21. It found that:

**'Main results:**

- Eye needs more parking provision - for visitors, residents, businesses and workers
- Parking capacity has a direct effect on trade - shoppers come to Eye for the ease of parking
- Majority opposed to paid parking
- We need effective control of parking in Eye - including timed parking
- Significant support for residents and business permit scheme - providing it was free
- There are daily issues with parking in Eye'

12. The comments from the Town Council on the representations from Pegasus on Policy 9 on archaeology refer to SCC having requested revised wording to this requirement. Would you confirm what this is.

**Eye TC Response:** Informal comments on 1st draft of Plan October 2018 from SCC re Archaeology:

‘Inclusion of archaeology in a number of the site policies and supporting text is welcome. I would recommend changing some of the policy wording to make the site requirements clearer.

**Policy H5:** instead of “*An archaeological evaluation should be undertaken at the start of the detailed planning stage*” I would recommend the wording “*An archaeological evaluation will be required prior to the granting of planning permission*”. One could argue that if an outline planning application was submitted, that this is not the “*detailed planning stage*”, making the current wording less effective.

**Policy H6:** I would recommend including the wording “*Archaeological evaluation will be required by planning condition on this site*” in the policy.

**Policy H7:** thank you for recognising the archaeological asset in policy. I will need to check with my archaeology colleagues at the formal stage of consultation, if the amount of land is appropriate. Inclusion of an image of the site showing where the 0.2ha will be would also be helpful in determining if this is appropriate.

**Policy H8:** instead of “*An archaeological evaluation should be undertaken at the start of the detailed planning stage*” I would recommend the wording “*An archaeological evaluation will be required prior to the granting of planning permission*”.

**Policy H9:** instead of “*An archaeological evaluation should be undertaken at the start of the detailed planning stage*” I would recommend the wording “*An archaeological evaluation will be required prior to the granting of planning permission*”.

**Policy H12:** I will need input from archaeology colleagues before commenting on the reserve sites.’

13. As a consequence of the previously agreed revisions to Policy Eye 13 to identify it for land for education purposes, would the QB let me have wording for Table 6 Policy Eye 13 (page 94).

**Eye TC Response:** Replace 'A new primary school...' with 'Any new school provision would ....'

14. Is the site of Policy Eye 14 shown correctly in the Policies Map? It differs from that shown in Figure 11. Should the playing pitch area shown as PE14 on the Policies Map be included in the LGS G12?

**Eye TC Response:** Figure 11 is correct and the Policies Map should be amended to show the Policy Number slightly to the south-east of where it is currently shown. The area to the west of the school buildings are used for sports facilities and car parking and is not considered appropriate as a LGS.

15. How has the settlement boundary been defined? Is the Eye Business Area covered by a settlement boundary or does its development rely on Policy Eye 33 or a strategic policy?

**Eye TC Response:** The Eye Business Area is not covered by a settlement boundary.

16. Would you provide me with English Heritage's comments on the Reg 14 ENP.

**Eye TC Response:** A copy of EH's comments are attached as Appendix 2.

17. Are all the sites listed as VIOS in Supporting Document 27 proposed for designation as Local Green Space? There are no maps in the NP or Supporting Text of the VIOS sites. Would the QB explain why this policy is proposed in addition to Policy Eye 20. What additional safeguards are intended through Policy Eye 19 in addition to designation as LGS.

**Eye TC Response:** Not all VIOS are LGS. For example the Floodplain Meadows west of the former railway line are not publicly accessible except PROW but [are] important visually.

Policy Eye 19 identifies and aims to protect the areas of open space which are important to the street scene. VIOS make a contribution to the character or appearance of their surroundings and visual amenity to the local community. This visual importance is separate from accessibility to LGS and views which need to be maintained.

18. Would the QB confirm that the owners of sites proposed as LGS under Policy 20 have been consulted.

**Eye TC Response:** There was wide-ranging consultation at various stages of the preparation of the Eye NP but landowners were not personally approached. Most landowners are known and most LGS's are public open space owner by local Trusts, ETC, MSDC or schools.

19. Local Green Space Site 6 the Primary school playing field appears from Google maps to consist of a football field, an elongated grass area and a wooded area north west of the football field. The site is not visible from the roadside. Is the inclusion of land other than the playing field appropriate? How is the area demonstrably special to the community?

**Eye TC Response:** The woodland is used by the Primary School for nature studies and the Head teacher involves the community in its management.

20. Policy Eye 21 adds no local details to the strategic policy on biodiversity. It is unclear how the Plan will ensure a high level of connectivity for biodiversity by providing a coherent matrix of habitats as stated in paragraph 7.16 as there are no proposals in the plan. Paragraph 7.16 refers to Supporting Document AA but this is not listed in the Supporting Document List. In the circumstances I shall have no alternative but to recommend that the policy is deleted.

**Eye TC Response:** The supporting document was delayed while a higher quality map was prepared and, unfortunately, was overlooked. The draft is attached with these responses. [Please see Appendix 3]

21. There is a degree of overlap and repetition between Policies Eye 22 and 23. I shall be recommending that the policies be combined and the use classes updated and revised to accord with the NPPF guidance. Would the LPA and QB confirm that the following wording is acceptable.

**Revise Policy Eye 23 to read:**

**“Within the defined district shopping area, developments within Use Classes A1 Shops, A2 Financial and Professional Services, A3 Restaurants and Cafés, A4 Drinking**

*Establishments, A5 Hot Food Takeaways and C3 Dwellinghouses will be supported. Leisure, arts, culture and tourism developments of an appropriate scale to the centre will be supported.*

**“Development in the district shopping centre should:**

- a) Be designed to a high standard with attention to scale, massing, detailing and materials *in accordance with Policy Eye 16;*
- b) Provide a satisfactory access, servicing arrangements and *off street* parking;
- c) *Make use of upper floors* for offices or residential use; and
- d) *Avoid having a significant adverse effect on the general amenity of neighbouring properties particularly by reason of noise or smell.”*

**Eye TC Response:** ETC agree to the above proposal.

**MSDC Response:** The District Council confirm that the proposed wording is acceptable. Subject to any modification you choose to make elsewhere in this Plan it is presumed that this would now become ‘new’ Policy Eye 22 and not Eye 23 as is perhaps suggested above. Would it also be appropriate to include a suitable cross-reference to the relevant map along the lines of: *“Within the defined district shopping area, as identified in Figure 14 and on the Policy Plan, developments ....”* ?

22. Non Planning Policy Eye 26 and Policy Eye 32 are not planning policies and I shall recommend that they should be included in a separate section of the plan headed Community Aspirations.

**Eye TC Response:** ETC agree to the above proposal.

**MSDC Response:** The proposal seems sensible and logical.

23. Is Eye Airfield Business Area considered to be a strategic employment site? What does the reference to “further piecemeal extension of the airfield” refer to? Has an overall strategy for the future development of this business area been agreed? It is noted that the proposed uses set out in the policy are taken from the 2013 Planning Position statement. Would the LPA / QB confirm whether they adequately address the range of business uses on the site?

**MSDC Response:** We continue to identify Eye Airfield as a strategic employment site. The JLP policy approach is to allow flexibility in employment related uses in line with the NPPF given that business needs may be subject to change during the lifetime of that plan.

**Eye TC Response:** ETC has been unhappy that the strategic guidance for the site (Planning Position Statement) has failed to identify the strategic value of the site for some uses. Policy Eye 33 was an attempt to rectify that and the reference to '*piecemeal extensions*' should read '*piecemeal development*'.

**24.** I am proposing revisions to Policy Eye 34. Would the QB/LPA confirm their acceptance or agree alternative wording:

<ul style="list-style-type: none"> <li>The first sentence to read: "...for the town <i>in accordance with the MDSC Regulation 123 list and the Eye Town Infrastructure Plan.</i>"</li> </ul>	<p><b>Eye TC</b> confirm that they agree with the proposed change.</p> <p><b>MSDC</b> are happy with the proposed change but, as a consequence of the new CIL Regulations that came into force on 1 September 2019 suggest the first sentence be reworded slightly to read as follows: "... for the town <i>in accordance with the District Councils most up-to-date CIL spending guidance and the Eye Town Infrastructure Plan.</i>"</p>
<ul style="list-style-type: none"> <li>Delete second sentence "Mid Suffolk ... infrastructure requirements of the Town."</li> </ul>	<p>We would both be supportive of the proposed modification.</p>
<ul style="list-style-type: none"> <li>Delete third sentence from paragraph 10.1 "Eye Town Council will hold the District Council to that commitment." Add the following: "<i>Expenditure may also be required from CIL funding to deliver strategic projects such as waste</i></li> </ul>	<p>We would both be supportive of the proposed modification.</p>

<p><i>infrastructure or strategic flood measures.”</i></p>	
<ul style="list-style-type: none"> <li>• Delete the following from paragraph 10.2 “even though they were identified in a plan of requirements prepared for the District Council.”</li> </ul>	<p><b>Eye TC</b> confirm that they agree with the proposed change.</p> <p><b>MSDC</b> refer to our representation which asked that para’ 10.2 be deleted in its entirety.</p>
<ul style="list-style-type: none"> <li>• Include a new Community Aspiration to address the provision of infrastructure by the Town Council using its funding: <i>“The Town Council will work with XX to support the following schemes: list of projects, partners and source of funding.”</i> If the QB has a generic list of projects, this can be included in my recommendation.</li> </ul>	<p><b>MSDC</b> would be supportive of the inclusion of a Community Aspiration along the lines suggested.</p> <p><b>ETC</b> would support this and a list of schemes is attached. [Appendix 4]</p>

**25.** The addendum representation from Sabrina Bailey has only one page. Please confirm that this is an addendum to representation E21.

**MSDC Response:** We confirm that the addendum representation consist of one page only. The reverse side was blank apart from the respondents’ signature.

**26.** Representations have questioned the availability of some of the housing sites. My understanding of the position on the sites is as follows. Would the LPA/QB confirm that this is correct or comment where necessary advising on timescales where known. (I have noted that the QB has indicated that they are intending to submit a supplementary response on the matter.)

**Eye TC Response:** ETC notes that the Glossary of the NPPF (page 66) states that:

**Developable:** To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Para 67 a) of the NPPF also requires specific, deliverable sites for years one to five of the plan period

ETC therefore understands that not all of the sites identified in the Eye NP need to be available immediately although it accepts that there needs to be a 'reasonable prospect' that they will come forward at all.

Table 4 page 44 of the Eye NP shows when sites might come forward – for example it is expected that the Allotments will come forward in the 2024 to 2029 period and that South of Eye Airfield will provide most housing supply in the 2018 to 2023 period.

The comments in the table below are based on this understanding. It is ETCs view that only the only site where there is reasonable doubt that it will not come forward at all is the Health Centre site (Policy Eye 4)

Site	Comments / Issues / Site Assessment finding	Availability	Eye TC / MSDC Comments
Eye 3 Land South of Eye Airfield	Site has outline planning permission	Available	<p><b>MSDC:</b> See response to Q3.</p> <p><b>Eye TC:</b> See response to Q3. Developable and likely to provide housing supply from 2020.</p>
Eye 4 Land at Eye Health Centre and Hartismere Health and Care	<p>Rep E11 Ipswich &amp; East Suffolk CCG states that they are looking at better utilising the area, CCG is hopeful that it will be able to announce details soon.</p> <p>SA identifies potential contamination and electric line.</p> <p>SA red due to uncertainty</p>	<p>Not yet available.</p> <p>Qstn timescale</p>	<p><b>MSDC:</b> See response to Q4.</p> <p><b>Eye TC:</b> See response to Q4. May not come forward if agreement not reached to relocate the Local Surgery into Hartismere Health &amp; Care. This is an important enabling policy for that proposal.</p>
Eye 5 Paddock House, Church Street	<p>Owned by MSDC for housing development.</p> <p>SA Green</p>	Available	<p><b>MSDC:</b> Correct.</p> <p><b>Eye TC:</b> See response to Q5. The policy needs to be amended to make the development of the site financially feasible.</p>
Eye 6 Land North of Victoria Mill Allotments	<p>Owned by ETC. Permission to dispose granted by Sec of State.</p> <p>Access to be agreed.</p>	Available subject to access and agreement on site 7	<p><b>MSDC:</b> Unable to comment.</p> <p><b>Eye TC:</b> Correct except that the development of site 6 does not rely on</p>

	SA Amber To be planned in conjunction with site 7		the development of site 7. It can be developed independently.
Eye 7 Victoria Mill Allotments	Owned by ETC. Awaiting permission to dispose granted by Sec of State. Relocation of allotments required.	Not currently available. Qstn timescale Subject to access with site 6	<b>MSDC:</b> Unable to comment. <b>Eye TC:</b> See response to Q7. ETC expects the site to be available within 3 years.
Eye 8 Reserve Site South of Eye Airfield, Phase 2	Rep E18 owner states site is available	Available. Policy gives no indication when site should be brought fwd.	<b>MSDC:</b> See response to Q8. <b>Eye TC:</b> See response to Q8. ETC proposes that the site should be allocated now rather than retained as a reserve site.
Eye 9 Redevelopment of the Chicken Factory	Rep E17 from willing owner. Need to relocate factory, no timescale given. SA identifies potential contamination and electric line crossing site SA Green	Willing owner but not currently available Qstn timescale Qstn of ownership of open land to west and availability	<b>MSDC:</b> See response to Q10. <b>Eye TC:</b> See response to Q10. The site is expected to be available within two years.
Eye 12 Crematorium, Land west of Eye Cemetery, Yaxley Road	SA considers suitable.	Has it been assessed against national regulations on crematoria and market tested?	<b>MSDC:</b> Unable to comment. <b>Eye TC:</b> Yes the proposal and site has been tested against national policy – see page 44 of Supporting Doc’ 20. The proposer of the development is confident it is commercially viable.

<p>Eye 13 Land for Education purposes west of Hartismere High School</p>	<p>Rep E 18 owner seeking “enabling” housing development on adjacent land. Not assessed in SA</p>	<p>Subject to negotiation with landowner</p>	<p><b>MSDC:</b> Unable to comment. <b>Eye TC:</b> Subject to identification of need by SCC and then negotiation with landowner.</p>
<p>Land north of Maple Way (a) Not allocated in ENP</p>	<p>Rep E19 questions discounting of this site. SHELAA states site is potentially suitable. Identified in JLP SA Amber</p>	<p>I would question the robustness of the evidence to discount this site in the NP.</p>	<p><b>MSDC:</b> Agree with comments / issues. <b>Eye TC:</b> See response to Q9. During the preparation of the Neighbourhood Plan ETC consulted on the merits of an extension of the south of Eye Airfield site to the north/west and on the Maple Way site. There was a clear public preference for the former. Development of both sites, along with the brownfield sites proposed in the Eye NP, would clearly be over-development of the Town and provide for a very substantial over provision of dwellings compared to the draft JLP target. There are a range of planning reasons to reject this site set out in the attached Planning Application refusal notice and the submissions to the Appeal by both MSDC and ETC attached.</p>

**The documents listed below are reproduced on the following pages**

- a)** MSDC Decision Statement - Outline application DC/18/05021
- b)** MSDC Statement of Case - Outline application DC/18/01777  
Appeal ref: APP/W3520/W/18/3215534
- c)** Eye Town Council Appeal Submission Appeal Ref: APP/W3520/W/18/3215534
- d)** Eye Town Council Appeal Submission - Appeal Ref: APP/W3520/W/18/3215534  
Offsite Highways Assessment
- e)** Eye Town Council Appeal Submission - Appeal Ref: APP/W3520/W/18/3215534.  
Copy of MSDC Housing Land Supply Position Statement 2018/19

Philip Isbell – Acting Chief Planning Officer  
Growth & Sustainable Planning

Mid Suffolk District Council  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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## REFUSAL OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

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**Correspondence Address:**

AAH Planning Consultants  
AAH Planning Consultants  
2 Bar Lane  
York  
YO1 6JU

**Applicant:**

Peter, Sylvia and Peter West and Future  
Habitats Ltd  
C/O AAH Planning Consultants Ltd  
York  
YO16 6JU

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**Date Application Received:** 14-Nov-18

**Application Reference:** DC/18/05021

**Date Registered:** 15-Nov-18

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**Proposal & Location of Development:**

Outline Planning Application (Access to be considered) - Erection of up to 126no. dwellings

Land Adjoining Tuffs Road And Maple Way, Eye, ,

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 1:2500 Ownership Plan received 10/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Site Plan 1:2500 Ownership Plan - Received 10/01/2019  
Proposed Site Plan CAL01117-04 REV H - Received 22/01/2019  
Defined Red Line Plan 1:2500 Ownership Plan - Received 10/01/2019

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. The development, if approved, would due to the maximum scale sought and location of access likely cause significant increase in traffic to local residential roads to the detriment

of amenity of existing residents given the character of the local road network. The application has failed to demonstrate a clear understanding of the level of traffic and impact. On this basis the development is contrary to Local Plan T10, H16, GP1, Focused Review FC01 and FC01\_1 and Section 9 of the NPPF

2. The site lies within the Special Landscape Area and outside the settlement boundary of Eye. The proposed scale of development and site area if approved will push urbanising impacts out into the surrounding rural countryside of an open character. It is considered the application fails to demonstrate how development in this location can ensure a suitable development of a rural character and scale to be in keeping. On this basis the development is considered contrary to CS1, CS2, CS5 of the Core Strategy, Focused Review FC01 and FC01\_1, Local Plan H7, H15, CL02 and provisions of the NPPF on design and rural character.
3. The proposed development at the scale proposed would likely cause less than substantial harm on nearby heritage assets changing their rural setting and the experience of these assets. This harm is not considered to be outweighed sufficiently by the public benefit of the development for the harm to be set aside and on this basis the development is considered contrary to Policy HB1 and provisions of the NPPF section 16.

#### **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC01 - Presumption In Favour Of Sustainable Development  
FC02 - Provision And Distribution Of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
GP01 - Design and layout of development  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H04- Proportion of Affordable Housing  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
RT04 - Amenity open space and play areas within residential development  
RT12 - Footpaths and Bridleways  
CL02 - Development within special landscape areas  
CL08 - Protecting wildlife habitats  
NPPF - National Planning Policy Framework

#### **NOTES:**

1. In issuing its decision, the Council is required to include a statement explaining, whether, and if so how, in dealing with the application, it has worked with the applicant in a positive

and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

In this instance it has not been possible to work with the applicant in that manner due to the significant in-principle or substantive issues relating to the application and/or the proposal that has been submitted. If amendments are required, they are considered to be so great that it would not be possible to consider them under the application subject to this refusal.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/18/05021

**Signed: Philip Isbell**

**Dated: 28th March 2019**

**Acting Chief Planning Officer  
Growth & Sustainable Planning**

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

## **Statement of Case**

# **Mid Suffolk District Council**

**Appeal reference: APP/W3520/W/18/3215534**

**Mid Suffolk District Council reference: DC/18/01777**

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Appeal under Section 78 of the Town and Country Planning Act 1990 in respect of:  
'Non-Determination of outline application for residential development for up to 126 dwellings and associated infrastructure including access '

Site address: Land Adjoining Tuffs Road And Maple Way Eye

Appeal by: AAH Planning Consultants

on behalf of: Peter, Sylvia and Andrew West & Future Habitats Ltd.,

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**June 2019**

**FINAL**

# STATEMENT OF CASE OF MID SUFFOLK DISTRICT COUNCIL

## 1.0 Background and the 'reasons for refusal' that the Council intends to defend in respect of this appeal against non-determination

1.1 This Statement of Case has been prepared by Mid Suffolk District Council in respect of the Council's non-determination of the planning application the subject of this appeal.

1.2 The Council has, since the lodging of this appeal determined that had an appeal against non-determination not been lodged it would have refused the application on the following grounds<sup>1</sup>.

1. The development, if approved, would due to the maximum scale sought and location of access likely cause significant increase in traffic to local residential roads to the detriment of amenity of existing residents given the character of the local road network. The application has failed to demonstrate a clear understanding of the level of traffic and impact. On this basis the development is contrary to Local Plan T10, H16, GP1, Focused Review FC01 and FC01\_1 and Section 9 of the NPPF. The Council is able to demonstrate that it currently has a 5-Year Housing Land Supply and it is therefore not reasonable to expose residents in the vicinity of Tuffs Road and Maple Way to this harm to their amenity in the wider interest of securing housing numbers under the application of the tilted balance.
2. The site lies within the Special Landscape Area and outside the settlement boundary of Eye. The proposed scale of development and site area if approved will push urbanising impacts out into the surrounding rural countryside of an open character. It is considered the application fails to demonstrate how development in this location can ensure a suitable development of a rural character and scale to be in keeping. On this basis the development is considered contrary to CS1, CS2, CS5 of the Core Strategy, Focused Review FC01 and FC01\_1, Local Plan H7, H15, CL02 and provisions of the NPPF on design and rural character. It is noted that the Draft Eye Neighbourhood Plan [currently at Reg 16 Stage having now been 'Submitted'] rejects this site as appropriate for residential development. The Draft Neighbourhood Plan now carries some weight as a material planning consideration. The site is not allocated in the Adopted Local Plan [Proposals Map] for development purposes but is within the Preferred Options Draft Joint Local Plan which currently carries little or no weight.
3. The proposed development at the scale proposed would likely cause less than substantial harm on nearby heritage assets changing their rural setting and the experience of these assets. This harm is not considered to be outweighed sufficiently by the public benefit of the development for the harm to be set aside and on this basis the development is considered contrary to Policy HB1 and provisions of the NPPF section 16.

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<sup>1</sup> Chief Executive and Chair of Development Control Committee authority 24 June 2019

- 1.3 The application reference DC/18/0177 [non-determined] was followed by the submission of a duplicate application reference DC/18/05021 which was subsequently refused by the Council's Development Control Committee 'A' on [date].
- 1.4 The application now at appeal is identical to that refused under reference DC/18/05021 except for the fact that when submitted DC/18/05021 like the application now at appeal had two proposed vehicular points of access but this was later revised to a single vehicular point of access.
- 1.5 DC/18/05021 when refused comprised one point of access for general vehicles from Tuffs Road and an emergency vehicle access only from Maple Way.
- 1.6 For the avoidance of doubt and to avoid any confusion it is confirmed that the application now at appeal comprises two points of vehicular access. One from Tuffs Road and another from Maple Way. The illustrative layout indicates that it is intended to directly link the two access points thereby providing alternative ways into the development by vehicle.
- 1.7 The reasons for refusal of application reference DC/18/05021 are reproduced below.
- 1.8 The Inspector will note that the officer recommendation presented to the Council's Development Control Sub Committee A in both the January 2019 and March 2019 was to approve the application subject to a S106 Agreement and conditions
- 1.9 In considering the merits of the proposal the Committee determined that having had regard to all material planning considerations including representations made at the meetings that adjusted weighting needed to be applied to that recommended by officers in respect of the following matters:
  - Impact of the proposed development on the residential amenity of residents living on the vehicular access route; and,
  - Impact of the proposal on the character of the special landscape area within which the site was located; and,
  - Impact of the proposed development on the setting of nearby heritage assets

- 1.10 Those reasons continue underpin the Council's objection the proposal at appeal.
- 1.11 The Inspector will note that the reasons upon which the Council now seeks to defend its case in respect of the application at appeal are similar there are some differences. This is to reflect the passage of time and relevant material change in circumstances that have occurred since the previous application was determined.
- 1.12 As this appeal is against non-determination it is right to present all relevant material evidence to the Inspector and that includes:
- The fact that the Council now is able to demonstrate a 5 Year Housing Land Supply [whereas in March 2019] it could not; and,
  - The Draft Eye Neighbourhood Plan has now been 'Submitted' and therefore now has increasing weight as a material planning consideration. [whereas in March it had not been submitted and therefore attracted little weight]. The document is pre-Examination at this stage.
  - The Council has published [25 June 2019] in a report to Full Council its Preferred Options Draft Joint Local Plan but this has as not yet been agreed by Council or gone out to public consultation at the time of writing. Therefore this document carries very limited weight as a material planning consideration. It represents one possible direction of travel and must be tested accordingly.

## **2.0 The Site and proposal**

- 2.1 The site is located on the north-eastern fringe of Eye, a designated 'town' in the Core Strategy 2008. The site is outside the settlement boundary, located in the 'countryside' for policy purposes.
- 2.2 The 5.7ha site is bounded on its western and southern sides by town development, aligning with the town's settlement boundary. Open countryside is located to the east and north. The site forms part of a much larger arable field and is bordered by a mixture of hedgerows and close boarded panel fencing on the domestic boundaries. There is nothing to demarcate the eastern boundary. The site does

not have direct street/road frontage other than the potential afforded at the existing termination points of Maple Way and Tuffs Road. The site adjoins designated public footpaths 16, 17 and 36.

2.3 The nearest listed buildings are three Grade II listed cottages located north of the site fronting Victoria Hill. [Bromeland Cottage, Oak Cottage and 81 Langton Green,] The site is also in a Special Landscape Area.

2.4 An indicative proposed internal road layout shows vehicle access to the site from: the west - Tuffs Road via Century Road; and the south - Maple Way via Bellands Way. The plan does not show layout details in respect to dwelling siting or plot sizes, orientation etc. The plan does show:

- A centrally located public open space area;
- Proposed landscaping to site boundaries;
- Proposed attenuation pond to the south-eastern corner of the site;
- Four zones of residential development, ranging in density from 31 to 36 dwellings per hectare.

### **3.0 The Main Issues**

3.1 The Council believes the main issues raised by this case are:

- i. Whether the Council can demonstrate a five-year supply of deliverable housing sites (*Housing Land Supply*) [the appeal site not being allocated for development] and whether additional development should be allowed outside of the Settlement boundary within the countryside; and,
- ii. The 'weight' that can be attached to relevant Local Plan Policies in view of its age [1998] and the extent to which relevant paragraphs of the NPPF [2019] now may be said to take precedence; and,
- iii. The extent to which the proposed development is contrary to the Draft Eye Neighbourhood Plan which now has increasing weight as a material

planning consideration having been 'Submitted' [but remains at this stage pre-Examination]

- iv. The impact of the development upon Bromeland Cottage, Oak Cottage and 81 Langton Green, all designated heritage asset [Grade II listed C18 cottages]; and,
- v. The extent to which the development will result in an unacceptable impact on the residential amenity of existing residents living in those parts of Tufts Road and Maple Way that will provide the intended points of vehicular access. This harm arising a result of a the significant increase in traffic levels in these areas and the disturbance and nuisance it will cause to residents used to living in a cul-de-sac adjacent to a turning head. This will now be through traffic in locations where the only traffic has been limited to localised traffic associated with adjacent homes.
- vi. In light of i. through iv. above, whether the proposal would amount to 'sustainable development' having regard for the development plan and the National Planning Policy Framework (*Planning Balance and Conclusion*).

#### **4.0 Planning Policy Framework**

5.1 The statutory development plan includes the following documents:

- (i) The Mid Suffolk District Local Plan 1998 which was saved in accordance with the Secretary of State's Direction dated 14 September 2007;
- (ii) The Mid Suffolk District Core Strategy 2008, as adopted in September 2008 covering the period until 2025; and
- (iii) The Core Strategy Focused Review 2012 as adopted on 20 December 2012 covering the period until 2027.

5.2 A new Joint Local Plan with Babergh District Council is being prepared which will replace the Core Strategy and will be used to manage development in both districts up to 2036. The emerging Local Plan has been published for

consultation (Regulation 18). The emerging Local Plan allocates the subject site for residential development. However the emerging Local Plan is in its very early stages and thus carries limited weight.

5.3 The following Development Plan policies are considered relevant to this appeal.

5.4 The Council is of the opinion that the following sections and paragraphs of the NPPF [2019] are particularly relevant to this appeal:

- Paragraph 2: Determination in accordance with the Development Plan
- Section 2: Delivering sustainable development: particularly
- Paragraph 8: Sustainability objectives
- Paragraph 11: the Tilted Balance
- Paragraph 12: The Statutory starting point for decision making [the Development Plan]
- Paragraph 67: Understanding housing land availability
- Paragraphs 73,74 & 75: Maintaining supply and delivery
- Paragraph 109: preventing development on highway grounds
- Paragraph 110: design priorities accessibility
- Paragraph 127: amenity
- Paragraph 170: enhancing the natural environment
- Paragraph 180: development appropriate to location and health
- Paragraphs 192, 193, 194 and 196: preserving heritage assets

5.5 A Neighbourhood Plan is currently being prepared for Eye (ENP). The emerging ENP is currently the subject of Regulation 16 Submission Consultation (22 May - 5 July 2019). This stage comprises 'Step 4' in the neighbourhood planning process as set out in the National Planning Policy Guidance (NPPG).

5.6 The emerging ENP has been submitted to Council and the Plan has been published, deeming the Plan to be compliant with all relevant legal requirements. Preparation of the emerging ENP is therefore advanced. This said, public

consultation outcomes are unknown at this time and the document has not been subject to independent examination. For these reasons and having regard to the tests set out at paragraph 48 of the NPPF, the emerging ENP cannot be afforded full weight. It is however, owing to its more advanced state, afforded more weight than the emerging Local Plan. The development of the site for residential purposes is contrary to the emerging ENP, as the ENP does not allocate the site for residential development.

5.7 The Inspector will be aware that the process for advancing a Neighbourhood Plan and the Council's own Joint Local Plan are different. The Draft Eye Neighbourhood Plan has been prepared by local people and has now reached an advanced stage – that being 'Submission' as explained that now carries weight as a material planning consideration.

5.8 The Joint Local Plan is prepared by the Council and takes a wider view of the future and involves wide ranging consultation.

5.9 Currently the Draft Eye Neighbourhood Plan is at a more advanced stage than the Joint Local Plan and carries more weight as a material planning consideration – the latter being an indication of one direction of travel and which has not yet been agreed by Council at the time of writing that attracts very limited weight as a material planning consideration.

## **5.0 Planning Assessment: Main Issues**

6.1 Within this section of the report the Council will be referring to the recent High Court Case - *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin<sup>2</sup>). The main issue in this case concerned the meaning of the phrase "the policies which are most important for determining the application are out-of-date" in paragraph 11(d) of the NPPF. This is a critical provision in the NPPF as it acts as a trigger for engaging the tilted balance. This provision differs from that in the former 2012 NPPF, which referred to the situation where "relevant

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<sup>2</sup> Refer to appendix 4 for a copy of the High Court Decision

policies are out-of-date". The clarification provided by this judgement is considered highly relevant to this appeal for reasons that will be expanded.

**i) Housing Land Supply and development outside of settlement boundary**

6.2 The Council is able to demonstrate [March 2019]<sup>3</sup> that it does have a 5 YHLS using the methodology required by the NPPF [2019].

6.3 The Council's 5YHLS stood at 5.06 years in March 2019.

6.4 This figure has been accepted<sup>4</sup> as an accurate minimum as recently as 11 June 2019 in respect of the following appeal APP/W3520/W/18/3209219.

*Public Inquiry:*

*Land North of Church Road, Bacton, Suffolk [DC/17/05423]*

*Outline planning application (all matters reserved except access) for development of up to 81 dwellings.*

6.5 The Council therefore rejects any attempt to discredit the validity of the Council's claim to a 5YHLS figure.

6.6 Clearly establishing whether or not the Council can demonstrate that it has a 5YHLS is important in terms of whether or not the 'tilted balance' [para 11: NPPF 2019] is required to be brought into play where a 5YHLS cannot be demonstrated.

6.7 The Council therefore respectfully suggests that the Inspector proceeds on the basis that the Council can and has, through its Housing Land Supply Position

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<sup>3</sup> Housing Land Supply Position Statement 2018/2019 Mid Suffolk District Council March 2019. Refer to appendix 5

<sup>4</sup> Statement of Common Ground: paragraph 6.9 page 12 - refer to appendix 6

Statement Document and submitted Statement of Common Ground in respect of the recent Bacton appeal, demonstrated within the context of paragraph 67 (a) of the NPPF [2019] that it has a supply of specific, deliverable sites for years one to five of the plan period and that no evidence to the contrary has been submitted by the appellant.

6.8 On this basis the Council argues there is no overriding imperative to allow this appeal on the ground that the Council is required to bridge a deficit in its 5-Year Housing Land Supply. Consequently, such consideration is not felt to attract material weight for the reason described.

6.9 The site is demonstrably outside of the settlement boundary for Eye as defined by inset 30 of the Proposals Map.



figure 1: **Settlement boundary in vicinity of appeal site**

6.10 The appeal site is therefore in what is defined in the Adopted Local Plan as countryside.

6.11 Policy CS2 *[out-of-date]* indicates that only development related to countryside uses should be allowed in the countryside [excludes speculative housing for people not involved in agriculture].

6.12 The Council is of the opinion that that the appeal site and the parcels of land to the east and north-east of it read as part of the farmland countryside that surrounds Eye and that it is distinct in character from the urban edge of Eye. There is no subtle boundary at present between the built-form that is the eastern edge of built-up Eye and the countryside beyond. It is demarcated by a collection of back fences and other means of enclosure. There is no sensitive transition or natural features that might naturally screen the proposed development from views.

6.13 The introduction of built form within this area will harm the character of the countryside hereabouts – in particular it will harm the longstanding relationship between the listed buildings [Bromeland Cottage, Oak Cottage and 81 Langton Green],and the landscape beyond.

6.14 Eye is defined as a Town within Policy CS1 *[out-of-date]*. This means it is a focus for development in the district where that can be shown to be sustainable.

6.15 Conclusion

6.16 In view of the fact that the Council can demonstrate that it has a 5-Year Housing Land Supply and as the proposal will cause a variety of harm [as will be explored in this statement] that cannot be outweighed by public benefits the Council is of the opinion that there is no overwhelming need to allow development in this location [which happens to be in this case adjacent to modern development outside of the settlement boundary in what is countryside.

**ii) Weight to be attached to various Local Plan policies**

6.17 The Council accepts that as the Adopted Local Plan dates back to 1998 there is an obvious question as to its continued relevance and validity. Whilst the

Core Strategy 2008 was Reviewed in 2012 to better reflect the then new NPPF [2012] that too is now more than five years old.

- 6.18 The Council does however wishes to make it clear that age alone does not render its Adopted Local Plan ‘out-of-date’.
- 6.19 It does however remain the Council’s Adopted Development Plan and as such is a material planning consideration. The question for decision takers is therefore what weight can it be afforded? The answer will vary depending upon which policies are relied on and whether they remain conform to appropriate sections of the NPPF [2019].
- 6.20 The Council argues that a number of policies that sit at the heart of this appeal are in conformity with the NPPF 2019 and are therefore not ‘out-of-date’ in the context of paragraph 11 of the NPPF [2019] and the application of the ‘Tilted Balance’ and are therefore capable of attracting significant weight.
- 6.21 Identified below are what the Council considers to be the relevant policies, the conformity with the NPPF [2019] and appropriate weight they can therefore be afforded. These do not necessarily accord with the appellants interpretation.

LOCAL PLAN 1998 Policy Ref: Policy Ref:	NPPF compliant?	weight
SB3 Retaining visually important open spaces	N [precludes sustainable development in areas outside of those with a statutory designation where devt is not presumed to be acceptable]]	limited
GP1 Design & layout of development	Y	full
HB1 Protection of Historic buildings	Y	full

H07	Restricting housing development unrelated to countryside	N precludes sustainable development	limited
HB14:	Ensuring Archaeological Remains Are Not Destroyed	Y	full
H4:	Proportion of Affordable Housing in New Housing Developments [35%]	Y	full
H7:	Restricting Housing Development Unrelated to the Needs of the Countryside	N [precludes sustainable development]	limited
H13:	Design and Layout of Housing Development	Y	full
H14:	A Range of House Types to Meet Different Accommodation Needs	Y	full
H15:	Development to Reflect Local Characteristics	Y	full
H16:	Protecting Existing Residential Amenity	Y	full
H17:	Keeping residential Development Away From Pollution	Y	full
CL02:	Special Landscape Areas	y	full
CL11:	Retaining High Quality Agricultural Land	N	full
T9:	Parking Standards	Y	full
T10:	Highway Considerations in Development	Y	full
T11:	Facilities for Pedestrians and Cyclists	Y	full
T13:	Bus Service	Y	full
RT4:	Amenity Open Space and Play Areas within Residential Development	Y	full
SC1:	Adequate Servicing of Infrastructure	Y	full

CORE STRATEGY DEVELOPMENT PLAN DOCUMENT 2008 Policy Ref:	NPPF compliant?	weight
CS1: Settlement Hierarchy	N [precludes sustainable development in countryside and countryside villages]	limited
CS2: Development in the Countryside	N [precludes sustainable development in countryside and countryside villages]	Limited when applied to countryside locations such as the case at appeal
CS5: Mid Suffolk's Environment	N [requires higher standards than included in the NPPF]	limited

CS6: Services and Infrastructure	Y	full
CS7: Brownfield Target	Y	full
CS8: Provision and Distribution of Housing	N [precludes allocation or presumption in support of sustainable development in locations outside of the table]	Limited when applied to countryside locations such as the case at appeal
CORE STRATEGY FOCUSED REVIEW 2012 Policy Ref:	NPPF compliant?	weight
FC1: Presumption in Favour of Sustainable Development	Y	full
FC1.1 Mid Suffolk Approach to Delivering Sustainable Development	Y	full
FC2: Provision and Distribution of Housing	N	limited

## 6.22 Eye Neighbourhood Plan

Relevant content includes:

- Policy Eye 1 Housing Allocations
- Paragraph 4.37 Sites Not for Allocation **[the appeal site is specifically rejected]**
- Policy Eye 15 Development Outside the Settlement Boundary
- Policy Eye 17 Special Landscape Area
- Policy Eye 18 Managing Change in the Landscape
- Policy Eye 19 Visually Important Open Spaces
- Policy Eye 32 Traffic Management

### iii) Impact on heritage assets

6.23 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.24 When assessing the indirect impact of proposals on heritage assets such as those beyond the boundary of a development site, the question which should be asked is whether change within its wider 'setting' would result in a loss of (or damage to) its 'significance' as a heritage asset.
- 6.25 The heritage concern relates to the impact of the development on the setting of designated heritage assets north of the site, consisting of Bromeland Cottage, Oak Cottage and 81 Langton Green, all Grade II listed C18 cottages.
- 6.26 The proposed northern site boundary abuts a triangular shaped area of uncultivated land to the rear of the listed cottages. This green space and the agricultural land beyond to the east are considered to make an important contribution to the setting of the three listed C18 cottages. The development will be detrimental to the setting of these heritage assets because a considerable portion of the agricultural land to the east would be lost as part of the development, fundamentally changing their rural character.
- 6.27 In line with national policy, considerable weight and importance must be given to the presumption against granting permission for development that would harm the setting of a listed building. If less than substantial harm is found of whatever magnitude, the decision maker needs to give considerable weight to the desirability of preserving the setting of the asset. The overall impact of the proposal needs to take into account the less than substantial harm to the Grade II listed cottages and this harm should be weighed against the public benefits of the proposal, in line with paragraph 196 of the NPPF.
- 6.28 The public benefits of the proposal primarily relate to the increased housing supply. Given the district's current five plus year housing supply, the public benefit accruing from the additional housing is much more limited than if the district did not benefit from a five year housing supply. The public benefits of the scheme are moderate and do not outweigh the identified heritage harm.

**iv) Impact on residential amenity**

- 6.29 Saved Local Plan Policy H16 seeks to protect the existing amenity of residential areas by refusing development that materially reduces the amenity of adjacent dwellings. This policy, whilst dated, is consistent with Paragraph 127 of the NPPF which seeks to ensure developments create places with a high standard of amenity for existing and future users. Policy H16 is accorded full weight.
- 6.30 The supporting Transport Assessment states that the new residents of the development are likely to generate a total of 130 (in or out) people-trips in the peak, week day hour and approximately 100 (in or out) vehicular trips in the (evening) peak hour. Although the report somewhat confusingly bases these figures on a 140 dwelling scheme, it can be concluded that a 126 dwelling development will generate substantial vehicle movements in the peak week day and evening times, likely to be in the order of 74 in the morning and 102 in the evening. These movements must be undertaken via Maple Way and Tuffs Road, the only two site access points.
- 6.31 The dwellings on Tuffs Road and Maple Way are located close to the road, with limited front setbacks. Dwellings feature habitable room windows in front elevations, in close proximity to the subject roads. The substantial traffic volume in both the morning and evening peak hours on these roads will generate significant adverse noise and disturbance effects for the residents of both streets. The outcome is a substantial negative change in the amenity levels currently enjoyed by local residents. The outcome is not one that can be described as a high standard for existing users, as sought by the NPPF. The proposal will clearly reduce the amenity of adjacent dwellings, contrary to Policy H16, which directs that such development be refused.
- 6.32 Should the Inspector be minded to allow the appeal, a condition is recommended that limits the use of Maple Way for emergency purposes only.

**v) Impact on the character of the Special Landscape Area**

- 6.33 The site is an open, undeveloped field, unenclosed on its northern and eastern boundaries, with continuation of open, arable land beyond these boundaries. Whilst the site adjoins the town on its western and southern borders, the site clearly forms part of the open countryside.
- 6.34 The site is located in a Special Landscape Area. Saved Local Policy CL2 requires particular care to be taken to safeguard landscape quality in Special Landscape Areas. Core Strategy Policy CS5 seeks to 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 encouraging development that is consistent with conserving its overall character. Policy CS5 is consistent with paragraph 170 of the NPPF which states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.35 It is the Dove River valley that the Special Landscape Area seeks to safeguard from inappropriate landscape harm. The valued landscape attributes of the river corridor, located in part in the Ancient Plateau Claylands landscape typology, include the increased vegetation, sense of enclosure, smaller field sizes and features of interest such as a Scheduled Monument and local nature reserve. Whilst these qualities are diminished at the site, the open undeveloped character contributes to the rural setting of the Dove River valley.
- 6.36 The openness of the site will be entirely lost as a result of the proposal. The rural character of the site will also be entirely lost. The development would fundamentally change the character of the site and materially detract from its predominantly rural landscape setting. The introduction of 126 dwellings and the domestic arrangements that come with such development would not be sympathetic to the site's countryside setting. The character change will be fundamental, extend over 5ha and be irreversible.

6.37 The proposed new eastern town edge is not natural, bisecting an open field and not aligning with any existing natural features. The proposal fails to accord with Saved Local Policy CL2 and Core Strategy Policy CS5. The proposal would also not meet the aims of paragraphs 127 and 170 of the NPPF, which seek to ensure that developments add to the overall quality of the area, are sympathetic to local character, including the surrounding built environment and landscape setting, and recognise the intrinsic character and beauty of the countryside

**vi) Sustainability**

6.38 The Council is of the opinion that the proposed development is not sustainable and therefore fails to conform with its Core Strategy/ Focused Review policies that lend support to sustainable developments.

6.39 When assessed against paragraph 8 of the NPPF [2019] the development can be said to:

Economic objective

- A) Provide a short-term stimulus to jobs in the sense that it will create construction and related jobs for the lifetime of the build. These will however be ephemeral.
- B] An additional up to 126 dwellings will inevitably give a boost to the local economy whether that be by payment of Council Tax [and Parish precept] or spend in the local shops, pub/restaurant and other services.
- C) The development will also contribute C.I.L. payments and as Eye may have an Adopted Neighbourhood Plan in the near future it will be eligible to claim the full local percentage.

Social objective

With up to 126 more dwellings and an increased population it is reasonable to expect that primary and secondary school age children living in the new dwellings will expect to go to the schools in the Town. This will help, however to maintain the school roll and the vitality of the school.

More people may join village clubs and activities and this would also help to bolster social cohesion.

Affordable housing delivery at 35% of the total number of units will potentially provide 44 affordable homes. This would be welcome and represents a substantial increase in the overall supply.

#### Environmental objective

Here there are few if any tangible benefits and predominantly harm.

- D) The development will cause unnecessary and unacceptable 'less than substantial harm' to the setting of the Grade II listed buildings referred to earlier. [Bromeland Cottage, Oak Cottage and 81 Langton Green,]
- E) In addition the development will give rise to harmful impacts on the residential amenity currently enjoyed in Maple Way and Tuffs Road.
- F) It will harm the character of the Special landscape Area hereabouts by transforming the traditional agricultural landscape into intrusive built form of a particularly suburban character.

## **6.0 Planning Balance and Conclusion**

6.1 The Council having considered the central issues raised by this appeal is of the opinion that there are four critical elements

6.2 Harm to a heritage asset

6.3 Harm to the character of the Special Landscape Area

6.4 Harm to residential amenity

6.5 Development outside of the Settlement Boundary in the countryside

6.6 The Council's Adopted Development Plan contains policies that do comply with the NPPF [2019] in respect of

- Harm to heritage assets

- Amenity

and it is only in the area of development outside of the settlement boundary in the countryside that may be said to be out-of-date.

6.7 The Council continues to argue that whilst the relevant Core Strategy policies CS1 & CS2 may be out of date there is not a logical or reasonable justification for permitting this unsustainable development particularly in view of the overriding harm it will generate

6.8 Looking at the balance of policies that are relevant the Council is of the opinion that the majority of policies that sit at the heart of this appeal are not out-of-date and therefore the tilted balance prescribed by paragraph 11 of the NPPF [2019] is not brought into play<sup>5</sup>. Although the heritage balancing required by paragraph 196 is because of the identified less than substantial harm to the nearby listed cottages.

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<sup>5</sup> As a result of the interpretation drawn from the High Court case cited earlier [footnote 1]

6.9 In the Judgement, Mr Justice Dove agreed that Mr Honey's [for the first defendant] interpretation of the application of paragraph 11 [d] is correct.

"I am satisfied that Mr Honey's interpretation of the Framework in this connection is correct. It needs to be remembered, in accordance with the principles of interpretation set out above, that this is a policy designed to shape and direct the exercise of planning judgment. It is neither a rule nor a tick box instruction. The language does not warrant the conclusion that it requires every one of the most important policies to be up-of-date before the tilted balance is not to be engaged. In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose." Paragraph 58 of the Judgement

6.10 My Honey's position is described in the Judgement at paragraphs 55 and 56:

"...Mr Honey submitted that the correct interpretation is that the exercise required by paragraph 11(d) in relation to the assessment of the question as to whether or not the policies which were of most importance for determining the

application were out-of-date is as follows. Akin with Mr Goatley, he contended that the first step was to identify which were the policies which were most important for determining the application..." Paragraph 55 of the Judgement

"He observed that the policy specifically does not say that the tilted balance would apply when "one of" or "any of" the important policies for determining the application has been found to be out-of-date. To answer the question posed by paragraph 11(d) it is necessary, having identified those policies which are most important for the determination of the application, to examine them individually and then consider whether taken in the round, bearing in mind some may be consistent and some in-consistent with the Framework, and some may have been overtaken by events and others not, whether the overall assessment is that the basket of policies is rightly to be considered out-of-date. That will, of course, be a planning judgment dependent upon the evaluation of the policies for consistency with the Framework (see paragraph 212 and 213) taken together with the relevant facts of the particular decision at the time it is being examined." Paragraph 55 of the Judgement

6.11 In the event that the Inspector is not persuaded by this argument and the application of the High Court Case then even applying the tilted balance the Council believes that the limited public benefits are not outweighed by the harm caused - to the setting of the adjacent Grade II listed buildings [Bromeland Cottage, Oak Cottage and 81 Langton Green,], the harm caused to residential amenity as a result of noise and disturbance caused by additional traffic through quiet tranquil residential areas and the harm that will be caused to the character of the Special Landscape Area as a result of the intrusion of suburbanising development into the rural landscape.

6.12 Therefore the proposal will cause significant harm to the character and appearance of the area and to the amenity of neighbouring residents. The scheme will also harm the setting of local designated heritage assets. Substantial weight is attached to the cumulative harm. The development of the

site for residential purposes conflicts with the emerging ENP as the Plan does not allocate the site for housing, and this is a material consideration. The proposal is consistent with the Draft Joint Local Plan (JLP) published for the Council to agree for the purposes of consultation, but which at this the time of writing has not been agreed by Council to that end, insofar as the Plan allocates the site for housing. This draft JLP therefore attracts little or no weight at this time. Greater weight is however afforded to the emerging ENP given its more advanced status than the emerging Local Plan.

6.13 For the reasons given, the proposal would conflict with the development plan as a whole and the adverse impacts of granting outline permission for the development proposed would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole. The contribution of the proposal to housing supply is a material consideration, however this is attached only moderate weight given Council's current housing supply position, and does not justify a departure from the development plan or result in a sustainable development.

6.14 The Inspector is, accordingly, invited to dismiss the appeal.

Without prejudice, should the Inspector be minded to allow the appeal and grant outline permission subject to an appropriate S106 Agreement[including provision of 35% affordable housing] then draft conditions are recommended as follows:

Permission subject to S106 Agreement and conditions including:

- Reduced time limit to promote delivery
- Reserved matters outline
- All layout drawings to be excluded from the permission
- Reserved matters to include cross sections
- External materials to be from the traditional vernacular palette
- Maple Way as emergency vehicle access only
- Highways- restriction on access road gradient
- Highways- road widening, footway provision and warning signs
- Highways- details of estate roads

- Highways- road serving dwellings completed to base course prior to occupation
- Highways- provision and retention of manoeuvring and parking areas
- Highways – Travel Plan amendments
- Highways – Deliveries Management Plan
- Highways – Residents Travel Pack
- Surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks
- Construction Surface Water Management Plan
- Foul water strategy
- Surface water management strategy
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Secure mitigation and ecology enhancement measures - Skylark Mitigation Strategy
- Lighting scheme – biodiversity
- Construction Management Plan
- Withdrawal PD rights

Appendices:

1. Authority to defend refusal at appeal 24 June 2019
2. High Court Ruling Mr Justice Dove June 2019
3. Housing Land Supply Position Statement 2018/2019 Mid Suffolk District Council March 2019
4. Statement of Common Ground: paragraph 6.9 page 12

PINS REF: APP/W3520/W/18/3215534

LAND ADJOINING TUFFS ROAD AND MAPLE WAY, EYE, SUFFOLK

APPEAL AGAINST REFUSAL OF OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 126 DWELLINGS AND ASSOCIATED INFRASTRUCTURE

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COMMENTS OF EYE TOWN COUNCIL

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## I INTRODUCTION

1. The Appellants appeal against the decision of Mid Suffolk District Council (the “LPA”) on 28<sup>th</sup> March 2019 to refuse outline planning permission (the “Refusal”) for the erection of up to 126 dwellings on land adjoining Tuffs Road and Maple Way, Eye (the “Site”).
2. Eye Town Council made representations about the Appellants’ application (the “Application”) and made oral submissions at both of the LPA’s planning committee meetings which considered the Application. It is therefore a third party.
3. Eye Town Council continues to oppose the Application and, for the reasons which are more fully set out below, urges the Inspector to dismiss the present appeal.

## II BACKGROUND

4. The Application was received on 14<sup>th</sup> November 2018. As initially formulated, it proposed that the Site would have two points of access, each via narrow and minor roads with considerable on-street parking.
5. The Application first came before the LPA’s planning committee on 16<sup>th</sup> January 2019. In its submissions at that meeting, Eye Town Council drew attention to the fact that the Transport Assessment accompanying the Application failed to consider the safety or capacity impacts on the surrounding road network of 126 dwellings and their construction. The evidence was that the safety impact would be severe, in conflict with paragraphs 108 and 110(c) of the NPPF. Eye Town Council urged Members to

refuse permission in accordance with paragraph 109 of the NPPF, on the basis that the Application would have an unacceptable impact on safety, and that the residual cumulative impacts on the road network would be severe.

6. After considerable debate, Members voted to defer their decision. The minute of the meeting recorded the reason for this as follows:

*Members are not assured that impacts from the development, capacity and safety can be mitigated to an acceptable degree. Details also not sufficient to understand amalgamated impact on Oak Crescent. To ensure principles of NPPF paras 108b and c, 109 and 110c are upheld officers are asked to seek a further opinion on the scheme from Suffolk County Council.*

7. At that meeting, a possibility of the removal of the southern access from the scheme was discussed. The effect of the deferral was to allow the Applicants to amend the Application so that it involved only a single access, and to carry out further consultation on that revised scheme.
8. The Application in its revised form came back before the LPA's planning committee on 28<sup>th</sup> March 2019. Eye Town Council again made oral submissions. It identified a number of errors in the advice from Suffolk County Council's Highways team, pointed out that no valid Transport Assessment had been submitted with the Application, and that the Appellants' 'supplemental transport note' made no consideration at all of the safety impacts of the significant additional peak time car journeys. Again, Eye Town Council urged Members to refuse permission on the basis that safe and suitable access to the Site could not be secured for all users, and that the significant impacts on highway safety could not be cost effectively mitigated to an acceptable degree. Eye Town Council also referred to the progress of its Neighbourhood Plan and pointed out that the Site lay within a Special Landscape Area.

9. Members voted to refuse permission on the following grounds:

*1. The development, if approved, would due to the maximum scale sought and location of access likely cause significant increase in traffic to local residents to the detriment of amenity of existing residents given the character of the local road network. The application has failed to demonstrate a clear understanding of the level of traffic and impact. On this basis the development is contrary to*

*Local Plan T10, H16, GP1, Focused Review FC01 and FC01\_1 and Section 9 of the NPPF.*

2. *The site lies within the Special Landscape Area and outside the settlement boundary of Eye. The proposed scale of development and site area if approved will push urbanising impacts out into the surrounding rural countryside of an open character. It is considered the application fails to demonstrate house development in this location can ensure a suitable development of a rural character and scale to be in keeping. On this basis, the development is considered contrary to CS1, CS2, CS5 of the Core Strategy, Focused Review FC01 and FC01\_1, Local Plan H7, H15, CL02 and provisions of the NPPF on design and rural character.*
3. *The proposed development at the scale proposed would likely cause less than substantial harm on nearby heritage assets changing their rural setting and the experience of these assets. This harm is not considered to be outweighed sufficiently by the public benefit of the development for the harm to be set aside and on this basis the development is considered contrary to Policy HB1 and provisions of the NPPF section 16.*

10. Eye Town Council is in the process of preparing a neighbourhood plan (the “**Neighbourhood Plan**”). The Neighbourhood Plan is currently at Regulation 16 stage. The public consultation closes on 5<sup>th</sup> July 2019. It is of crucial importance that the Site is *not allocated for development in the Neighbourhood Plan.*

### **III LEGAL PRINCIPLES APPLICABLE TO THIS APPEAL**

11. Section 79(1) of the Town and Country Planning Act 1990 provides that the Secretary of State “*may deal with the application as if it had been made to him in the first instance*”. Section 70(2) provides that “*in dealing with an application for planning permission... the authority shall have regard to – (a) the provisions of the development plan, so far as material to the application.*”

### **IV HIGHWAYS ISSUES**

#### ***Highway safety***

12. Paragraph 108 of the NPPF states that: “*In assessing... specific applications for development, it should be ensured that... (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the*

*transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

13. Paragraph 110 of the NPPF states: *“Within this context, applications for development should: (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles...”*

14. Paragraph 109: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

15. Policy T10 in the Local Plan states:

*When considering planning applications for development, the District Planning Authority will have regard to the following highway matters: -*

- *The provision of safe access to and egress from the site*
- *The suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety*
- *Whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site (...)*

16. The Appellants’ supplemental transport note dated January 2019 states that existing surveyed AM peak trip rates along Century Road (the road giving access to the Site) are 28, and that the existing surveyed PM peak trip rates along Century Road are 48 (see table 3.5.1). The additional trips generated by the 126 homes in the proposed development are 74 during the AM peak, and 102 during the PM peak (see table 5.2.3). This represents an increase in trip rates of 212.5% during the AM peak, and of 264% in the morning peak.

17. Given that Century Road is presently a minor residential cul-de-sac, with substantial amounts of on-street parking, increases in trip rates on this scale will plainly have substantial impacts on highway safety. They would also have a significant impact on the safety of pedestrians – those who presently depend on Century Road to access existing dwellings, and those who will do so to access the 126 new dwellings proposed

on the Site. Along this narrow cul-de-sac, with existing on-street parking, it is plain that the proposed development would *increase*, rather than decrease, the scope for conflict between pedestrians, cyclists and vehicles. That is precisely what paragraphs 108 and 110 of the NPPF exist to prevent.

18. Notwithstanding these impacts, neither the Transport Assessment dated January 2018, nor the supplemental transport note dated January 2019, contains any analysis of the safety impacts. They simply assert that “*The resultant vehicle trips generated would not have an impact on the wider surrounding network either in terms of capacity or safety*” (see paragraph 5.5 of the Transport Assessment and supplemental transport note). Nothing is said about whether or how any impacts could be mitigated cost effectively to an acceptable degree.

19. The NPPF defines a ‘Transport assessment’ as follows (emphasis added):

*A comprehensive and systematic process that sets out transport issues relating to a proposed development. **It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.***

20. Both documents submitted by the Appellants focus entirely on junction capacity and detriment to the operation of the local road network. There is no discussion at all of what measures would be needed to improve accessibility and safety for all modes of travel. It follows that the Appellants have not submitted a valid transport assessment dealing with the question of safety.

21. It should be noted that the supplemental transport note was compiled by the same highway engineer (Mr Ken Hay) who compiled the Transport Assessment dated January 2018 and using the same methodology and approach. The January 2018 assessment reached the conclusion that the proposed development would have no impact on safety at a time when the additional southern access was proposed. But at the 16<sup>th</sup> January LPA planning committee meeting, Members (with the benefit of their site visit) were quick to reject the notion that the southern access (described by Mr Hay as ‘tortuous’) provided a safe means of access to the Site.

22. As Eye Town Council pointed out at that meeting, the southern access, via Bellands Way, went through twisting residential cul-de-sacs, partly single-carriageway, further narrowed by on-street parking, and adjoined and crossed by footpaths and a children's playground. It was because Members rejected the conclusion that there were no safety impacts associated with this accessway that the Application had to be deferred, and that the southern access was promptly abandoned.
23. At the 28<sup>th</sup> March meeting, Members again decided that the Appellants had failed to demonstrate a clear understanding of the level of traffic generated by the proposed development and its impact on safety.
24. Eye Town Council's case on this appeal is as follows:
- (1) The increases in trip rates generated by the proposed development will inevitably have a significant impact on safety, and *increase* the conflict between cyclists, pedestrians and vehicles (private cars and construction vehicles).
  - (2) Given that Century Road is already relied upon by residents of the existing dwellings to which it gives access, including pedestrians and cyclists, and given that the occupants of an additional 126 dwellings under the proposed development would also depend entirely on Century Road, including pedestrians and cyclists, that impact would be unacceptable.
  - (3) It is for the Appellants to demonstrate that this is not the case, or that those impacts can be cost-effectively mitigated to an effective degree so that safe and suitable access to the Site can be achieved for all road users.
  - (4) The Appellants have done neither of those things. Their transport assessment and supplemental note contain not a shred of analysis of the safety impact of those additional trips to back up their bare assertion that there will be no impact, and nothing is said about mitigation. The bare assertions were rightly rejected by the Members at both committee meetings.

(5) The proposed development will therefore lead to exactly what paragraphs 108 and 110 of the NPPF exist to prevent.

(6) Under paragraph 109 of the NPPF, the proposed development should therefore be refused on highways grounds on the basis that there would be an unacceptable impact on highway safety.

### ***Inadequate visibility splays***

25. In 2010, the Government published the Manual for Streets 2. Paragraph 1.3 of this states that it is *“recommended that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS”*. In the case of single carriageway streets with on-street parking, it notes at 1.3.6 that *“it is only where actual speeds are above 40mph for significant periods of the day that DMRB parameters for SSD are recommended... Where there may be some doubt as to which guidance to adopt, actual speed measurements should be undertaken to determine which is most appropriate”*.

26. No speed measurements were carried out to accompany the Application. Eye Town Council’s case, based on the experience and knowledge of councillors and local residents, is that actual speeds along Victoria Hill (B1077) on the approach to the junction with Century Road (especially from the north, heading into Eye Town) are consistently above 40mph for significant periods of the day, so that the parameters set out in the Design Manual for Roads and Bridges (the DMRB) apply. That is also the position of Suffolk County Council on this Application.

27. Chapter 6 of volume 6 of the DMRB deals with geometric design features of major/minority priority junctions. It prescribes ‘x’ distances (the setback from the edge of the major road along the minor road) and ‘y’ distances (the visibility along the major road in each direction from that point of setback). Paragraph 7.6(c) states that *“the ‘x’ distance shall desirably 9m”*. This is qualified by paragraph 7.8, which states that *“in difficult circumstances, the ‘x’ distance may be taken as a Relaxation from 9.0m to 4.5m for lightly trafficked junctions, and in exceptionally difficult circumstances, to 2.4m back from the nearer edge of the major road running carriageway.”* ‘y’ distances

are set out in table 7/1, with paragraph 7.6(c) stating clearly that “*relaxations are not available for this distance*”. Visibility splay requirements are determined by reference to actual speeds, rather than the speed limit. Where the speed of the major road is 60kph, the ‘y’ distance is required to be 90m.

28. In this case, it is impossible to achieve a ‘y’ distance of 90m with a setback of 9m, or even the 4.5m which may be allowed where there is a ‘lightly trafficked junction’. With an ‘x’ distance of 4.5m, the ‘y’ visibility is only 70m, and with the desired 9m setback, the ‘y’ distance is less still.

29. It is not possible to increase the ‘y’ distances without making alterations to land adjoining the Century Road/Victoria Hill junction. That land is in third party ownership, and the Appellants are therefore unable to make the necessary alterations. The Application therefore fails to satisfy these important highway safety standards. This is a still further reason why permission for the proposed development should be refused.

## **V IMPACT ON AMENITY AND ON THE COUNTRYSIDE**

### ***Residential amenity***

30. Policy H16 of the Local Plan states:

*To protect the existing amenity and character of primarily residential areas, the district planning authority will refuse: -*

- *The loss of open spaces which contribute to the character or appearance of an area and which are important for recreation or amenity purposes;*
- *Development that materially reduces the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area. The cumulative effect of a series of proposals will be taken into account.*

31. Policy GP1 in the Local Plan states:

*Poor design and layout will normally be refused in new development. The District Planning Authority will normally grant permission for proposals which meet the following design criteria: -*

- *Proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development;*

32. The proposed development would result in the loss of open space adjoining the existing town of Eye. Moreover, it would involve the loss of open space which is within a Special Landscape Area and which therefore (i) contributes to the character or appearance of the open countryside adjoining the town, and (ii) is important for recreation and amenity purposes. In addition, the proposed development would materially reduce the amenity and privacy of the existing dwellings adjacent to the Site and erode the open countryside character of the area.

33. The proposed development therefore conflicts with Policy H16 in the Local Plan. It also conflicts with Policy GP1, in that it fails to maintain or enhance the open countryside character and appearance of the Site's surroundings, and to maintain and respect the scale and density of surrounding development.

### ***Protecting the countryside***

34. Paragraph 170 of the NPPF states:

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

- a) *Protecting and enhancing valued landscapes...*
- b) *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*

35. Policy CS5 in the Core Strategy states:

*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.*

36. Policy CL2 in the Local Plan states:

*Within special landscape areas, particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping.*

37. The proposed development would not contribute to, enhance or maintain the natural and local environment. It would result in the loss of a significant portion of valued landscape *within the existing Special Landscape Area*. It would also do irremediable and lasting damage to the character and beauty of the open countryside adjoining the town of Eye, and to the distinctiveness of the area. In particular, it would result in the loss of the valued view from the edge of the existing settlement to the church over open countryside.

38. Policy CS1 in the Core Strategy states:

*The majority of new development (including retail, employment and housing allocations) will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages, in particular affordable housing.*

39. Policy CS2 in the Core Strategy states:

*In the countryside development will be restricted to defined categories in accordance with other Core Strategy policies.*

40. The defined categories include “*rural exception housing*”, being agricultural workers’ dwellings, possible conversion of rural buildings, replacement dwellings, affordable housing on exception sites, sites for Gypsies and Travellers and travelling show people. The defined categories also include “*the extension of dwellings*”.

41. The proposed development would conflict with both Policy CS1 and CS2, since it would involve substantial new development beyond the existing settlement boundary of the town of Eye, without falling into any of the categories of rural exception housing.

42. Overall, it is Eye Town Council’s case that the landscape impacts of the proposed development substantially conflict with a series of relevant policies in the Development Plan, and with the NPPF. Members were right to cite this as a reason for refusing the Application, and Eye Town Council urges the Inspector to do the same.

## VII THE SIGNIFICANCE OF THE NEIGHBOURHOOD PLAN

### *The framework of the NPPF*

43. Paragraph 48 of the NPPF states that:

*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).*

44. Paragraph 49 of the NPPF states that:

*However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

45. Paragraph 50 of the NPPF states that:

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*

46. By the time this appeal is determined, the local planning authority publicity period on the draft Neighbourhood Plan will have ended. Accordingly, under paragraph 50 of

the NPPF, refusal of planning permission on grounds of prematurity will be justifiable if the requirements of paragraph 49 are satisfied.

47. In relation to paragraph 49, it should be noted that:

(1) The proposed development of up to 126 houses in a small town like Eye is *clearly* so substantial that to grant permission would undermine the Neighbourhood Plan process by pre-determining decisions about the scale, location or phasing of new development that are central to the emerging Neighbourhood Plan.

(2) The emerging Neighbourhood Plan is at an advanced stage.

48. Significant weight should therefore be given to the relevant policies in the emerging Neighbourhood Plan once the consultation period has ended.<sup>1</sup>

### ***Prematurity***

49. Policy Eye 1 deals with housing allocations. The Neighbourhood Plan provides for around 579 homes to be developed in the area between 2018 and 2036. A reserve site is also identified for around 174 dwellings. The Site is not one of those allocated. The Neighbourhood Plan states that this is because: *“the site is within a Special Landscape Area and access via Maple Way and Bellands Way is very poor. The site has been put forward as an option for a reserve site but there is a very strong public preference for land north west of Castleton Way – see policy Eye 8”*.

50. If the appeal is granted and the development proposed goes ahead on the Site regardless of the fact that it has not been allocated in the Neighbourhood Plan, it is clear that the plan-making process would be undermined. As part of that plan-making

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<sup>1</sup> Eye Town Council understands that the very preliminary draft of the Babergh and Mid Suffolk District Councils' joint local plan at draft policy LA022 allocates the Site for development. It goes without saying that Eye Town Council will strenuously resist the inclusion of this policy and the allocation of the Site throughout the plan-making process of the emerging joint local plan. There therefore exists a significant unresolved objection to this draft policy (within the meaning of 48(b) of the NPPF). It follows that the allocation of the Site in this draft local plan should not be given any weight, having regard to the very early stage of development of the draft local plan, the far more advanced Neighbourhood Plan, and this substantial unresolved objection.

process, local people have been able to express their views about the scale, location and phasing of new development. Those views are reflected in the draft Neighbourhood Plan, which constitutes a democratic decision about the delivery of nearly 600 dwellings over the next 17 years. If this appeal is allowed, that decision will be pre-determined in a way which will directly conflict with the democratic decision of the people of Eye which the Neighbourhood Plan embodies. The work done on the Neighbourhood Plan and the extensive engagement with the local community would be undermined. Accordingly, to grant permission on appeal will necessarily involve undermining the plan-making process of a Neighbourhood Plan which is now at an advanced stage.

51. For this reason, the Application is (or will be once the local authority publicity phase comes to an end on 5<sup>th</sup> July 2019) premature within the meaning of paragraph 49 of the NPPF. A refusal of planning permission will be justified on the basis that the impact of the proposed development is so substantial that to grant permission would undermine the plan-making process.

***Conflict with policies in the emerging Neighbourhood Plan***

52. Policy Eye 15 deals with “*Development outside the settlement boundary*” and states as follows:

*The settlement boundary identifies the area required for Eye to meet its housing and other development requirements. Further developments outside the settlement boundary will be resisted unless they:*

- *Represent appropriate uses in the countryside, such as agriculture, forestry, horticulture, fishing and equestrian activities and energy generation,*
- *Relate to the retention of existing and appropriate provision of new commercial businesses,*
- *Relate to necessary utilities infrastructure and where no reasonable alternative location is available.*

53. The Site is outside the settlement boundary of the town of Eye. But the proposed development does not fall within one of the categories of acceptable development

outside the settlement boundary. It is therefore development of a sort which should be resisted. Granting permission would therefore conflict Policy Eye 15.

54. Policy Eye 17 deals with development in the Special Landscape Area and states as follows:

*Development proposals within or adjacent to the Eye Special Landscape Area which will have a significant adverse impact on the character and special qualities of the SLA will be resisted where the impact cannot be satisfactorily mitigated.*

55. The Site lies within the Special Landscape Area. It is presently open agricultural land, affording valued views from the edge of the existing settlement boundary across open countryside towards the church. The proposed development is on such a scale that it would have a significant adverse impact on the character and special qualities of this part of the SLA. Open countryside would be turned into a fully developed residential estate, and no amount of mitigation will preserve the existing view across open countryside towards the church. The proposed development would therefore also conflict with Policy Eye 17.

56. Since the Neighbourhood Plan finishes its local authority publicity stage on 5<sup>th</sup> July 2019, these policies should (after that date) be given great weight in the planning balance. The clear conflict with these policies, in addition to the issue of prematurity, points towards refusing permission.

## **VII THE APPROACH TO DECISION-MAKING**

57. 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:*

*i. 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*

*ii. 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.*

58. Policy FC1 in the Focused Review, headed “*Presumption in favour of sustainable development*”, states:

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

*Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

*Specific policies in that Framework indicate that development should be restricted.*

59. Policy FC1.1 in the Focused Review states:

*In line with policy FC1, development proposals will be required to demonstrate the principles 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 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.*

60. Eye Town Council’s case is that, for the reasons set out above, the proposed development does not accord with the policies in the LPA’s development plan. It should therefore be refused permission.

61. To the extent that the policies cited above can be seen as being out of date, Eye Town Council’s case is that the clear conflict in landscape terms between the proposed development and the NPPF policies which protect areas of particular importance

provides a clear reason for refusing permission. In addition, Eye Town Council contends that the significant and unmitigated adverse impacts on highway safety and landscape demonstrably outweigh the benefits of the proposed development. This provides an additional reason for refusing permission.

## **VIII CONCLUSION**

62. For the reasons set out above, Eye Town Council respectfully submits that permission for the proposed development should be refused, and that the appeal should be dismissed on the basis that (1) the proposed development conflicts with the development plan, and with the policies in the emerging Neighbourhood Plan, (2) the conflict between the proposed development and the landscape provisions of the NPPF provides a clear reason for refusal, and (3) the significant adverse impacts on highways safety and landscape demonstrably outweigh any benefits of the proposed development.

63. That is all the more so given that the Neighbourhood Plan has identified sufficient sites for allocation to deliver almost 600 new dwellings in Eye over the plan period which avoid the adverse highways and landscape impacts of the proposed development, and which have been identified in the course of a consultation with local people and which therefore have greater democratic legitimacy.

Tom Morris  
Landmark Chambers  
24<sup>th</sup> June 2019

26<sup>th</sup> June 2019

**LAND OFF TUFFS ROAD AND MAPLE WAY EYE.**

**OUTLINE PLANNING FOR UP TO 126 DWELLINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS.**

**WRITTEN REPS APPEAL REF APP/W3520/W/18/3215534**

## **OFFSITE HIGHWAY ASSESSMENT**

**PROPOSED DEVELOPMENT FOR UP TO 126 DWELLINGS OFF TUFFS ROAD, OFF CENTURY ROAD, EYE, SUFFOLK.**

My name is Stephen Neave and I have been working in a professional capacity within housing development for 40 years and became professionally qualified in 1988 (The Chartered Institute of Building). I am a resident of Langton Green. I am in favour of limited development as can be viewed in the comments made on the original application, however I believe the appeal based on the application in its current form should be dismissed on highway safety grounds

*'Many more accidents occur on the wider , and should be, safer roads than upon the so-called dangerous ones. I have in some cases, widened turns to render them safer, but more accidents have ensued owing to motorists taking the turns much faster'* Not my words sadly but those of H T Chapman, County Surveyor of Kent. At last a sensible approach to highway design against the endless march towards straighter, wider, faster roads with no consideration to other highway users. The result Manual for Streets 2 from where this quote was uplifted. When was this noteworthy statement made? 1932! Yes its taken about 80 years for it to sink in. MfS1 shows on page 89 that average speed increases by about 3mph as the road width increases from 5 to 6m and 5mph from 8m to 9m road width. This gives an indication of the traffic calming effect of road narrowing.

As a town Eye must embrace and support this change, it is very definitely progress, a move towards place shaping, *'a street is defined as a highway that has important public realm functions beyond the movement of traffic... Most highways in built up areas can therefore be considered as streets'* (MfS).

Sadly less than 20 years ago the Highway Authority decided to widen and straighten the rural road that ran through Langton Green. The result? Increased traffic speeds and accidents and a hostile environment for other highway users. It is to be welcomed that the same Highway Authority have acknowledged this error and agreed to a village gateway already (see MfS2 13 Traffic Signs & Markings page 095).

The Appeal site has correspondence relating to Manual for Streets 1 which deals with new construction providing design principles to produce place shaping to meet MfS1 recommendations. However Manual for Streets 2 for the offsite highway improvements necessary to achieve MfS2 recommendations is entirely absent it is just not acceptable to substantially reduce the forward visibility at Century Road junction as quoted in MfS2 without engaging with the whole concept to slow the traffic speeds to the design requirement of under 30mph. It hasn't become safe overnight for a sight visibility to reduce from DMRB standards at 90m to 43m to MfS2!

There are recent appeal decisions in Suffolk,

**Appeal ref APP/D3505/W/18/3214989 38 Main Road, Woolverstone, Suffolk, IP9 1BA.  
DC/18/01364**

**Decision date 23<sup>rd</sup> May 2019**

This appeal was dismissed on the other two main issues (development in the countryside and the effect on the character and appearance of the area), however on the issue of 'highway safety and the free flow of traffic' the inspector found that

#### *Highway Safety*

*19. The Council have referred to the consultation response from the Highways Authority that seeks visibility splays into the site to be provided in accordance with the Design Manual for Roads and Bridges (DMRB). That document states in Section 1 that it shall be applied to the appraisal and design of motorways and trunk roads. Main Road is not a trunk road.*

*20. The Appellant says that the guidance in Manual For Streets 2 (MfS2) should be used. That document states in Section 1.3 that it is recommended the starting point for any scheme affecting non-trunk roads*

*should be MfS2; it is said that DMRB may be used, but only where the guidance in MfS2 is not sufficient or where there is particular evidence that MfS2 is not applicable.*

*21. It is therefore apparent to me that MfS2 is the starting point in this appeal and, if the requirements of DMRB are suitable, then the highway designer must provide reasons for that. Neither the Highway Authority nor the District Council have provided any such reasons. I therefore concur with the appellant that MfS2 is suitable, and my own observations at the site visit do not lead me to conclude there is any clear need to depart from those requirements.*

*22. The submitted drawings show visibility splays that can meet the requirements of MfS2. I saw at my site visit these could be achieved with the alterations to the hedgerow as shown. Thus on the third issue I am satisfied that the proposed development would not be harmful to highway safety or the free flow of traffic and so there would not be any conflict with paragraph 109 of the Framework that resists development which would be adversely impact on highway safety.*

& from correspondence within this appeal

**Appeal ref APP/E3525/W18/3193223 Land Adj Pelambech, Fen Rd, Pakenham, Suffolk.  
AP/18/0015/REF DC/17/1118/FUL**

**Decision Date 4<sup>th</sup> June 2018**

Once again this decision was dismissed on the other two main issues (development in open countryside and effect on character and appearance of the area) but on highway safety,

*11. The dwelling would be served from a new access from Fen Road close to its junction with Sandy Lane. The submitted drawings show that a 2.4m x 43m visibility splays, in accordance with standards in 'Manual for Streets2' (MfS2), could be provided in both directions. As I have noted above, this would involve the extensive removal of landscaping across the site frontage. The Council's highway safety objections appear to rest entirely on two short consultation responses from the Highway Authority. Principally these set out that the visibility splays should be in accordance with the 'Design Manual for Roads and Bridges' (DMRB) which in this case is stated as 120m.*

*12. Based on the site specific circumstances, I have serious misgivings with the Council's approach. I appreciate that 120m has been taken from the DMRB. However, paragraph 1.5 of the introduction makes it clear that it sets a standard of good practice that has been developed principally for Trunk Roads. DMRB is also manifestly out of date and the introduction of the more recent MfS2 in 2010 endorsed by the Department for Transport should now be the starting point for non-Trunk Road situations. Whilst this does not mean that the DMRB is defunct, its application to non-trunk situations will need to be carefully considered and fully justified.*

*13. In the immediate vicinity of the site, Fen Road is an unclassified, lightly trafficked, narrow rural lane which according to local signage is subject to a 30mph speed limit. However, from my observations, vehicles travel well below the speed limit due to a combination of limited forward visibility, restricted geometry, on-street parking and pedestrians walking on the carriageway. Based on the foregoing, Fen*

*Road is not, nor does it display any characteristics of, a trunk road. Putting that somewhat fundamental issue to one side, it is established practice that visibility splays requirements should be determined by actual speeds rather than the speed limit.*

*14. Based on the above, 43m splays would be more than adequate for drivers to egress the site safely. The proximity of the national speed limit on Sandy Lane is largely irrelevant since that is on the other side of a priority junction, given the width of Sandy Lane, it is almost inconceivable that vehicles would travel towards the Fen Road junction at a speed anywhere near 60mph.*

*15. Overall, I find the Highway Authority's use of DMRB standards to be fundamentally flawed. Its consultation responses were bereft of substantial evidence or objective appraisal and failed to have proper regard to local highway conditions. Based on the above, I conclude that the development would not harm highway safety. Accordingly there would be no conflict with policy DM2 of the DMPD or the Framework in terms of maintaining highway safety and providing safe access.*

The above appeals CONFIRM that,

1)Initially Manual for Streets 2 is to be used to assess the suitability of highway access .

2)The Design Manual for Roads and Bridges may be used if and only if the actual site conditions justify it.

3)Generic use of design recommendations is unacceptable, the actual conditions and recommendation of a suitably qualified person should be used (this was always the case in any event).

4)Inadequate or unsupported recommendations are likely to be unacceptable. The appeal at Woolverstone might have been viewed differently had the highway authority bothered to elaborate on its reasoning and follow correct procedure. The appeal at Pakenham was vague to the point where the actual speed limit was not qualified with an email exchange questioning whether it was 30mph with 90m visibility or encroaching upon the national speed limit requiring 120m. This resulted in a loss of credibility and doubt as to whether the actual site and conditions had been witnessed or interpreted correctly. Further a failure to follow procedure and personal email chatter about holidays resulted in a strongly worded rebutle.

5)Unsatisfactory highway conditions do not justify refusal, they should be identified and provision made for improvement. At Thurston (local village near Bury St Edmunds) it wasn't acceptable that the development extended the settlement boundary beyond the 30mph speed limit to then fall into the national speed limit. The point was that provision must be made to extend the 30mph limit to the new settlement boundary.

## **STATUTORY CONSULTEE THE FIRE SERVICE.**

There are two applications for this site both responses are no more than a generic letter which does not address the specific issues, thus the original application was for dual access from both Tuffs Road and Maple Way and the later for a single access off Tuffs Road with an emergency access off Maple Way. So while the HA has accepted that Maple Way is not a suitable access point it does apparently accept it as an emergency access. It is now known that car parking in the vicinity of Maple Way is an issue but no specific confirmation has been received as to the accessibility and hence suitability has been ascertained for emergency vehicles.

## **LOCAL PLANNING DECISIONS**

Eye Airfield Major residential development of 280 dwellings and 60 bed care home inc access OPP 3563/15

The process of this application including major pre app advice and consultation, there are significant obligations placed upon development including a new roundabout off Castleton Way for the principle access. Traffic speeds in the vicinity were a concern and it was stated that the creation of this roundabout would act as a speed reduction measure. Letter of 1<sup>st</sup> June 2016 from Andrew Pearce SCC HA states *'the proposed new roundabout on Castleton Way and new zebra crossing will help reduce speeds on Castleton Way which will improve safety in general'*

Castleton Way has lower traffic volume than Victoria Hill B1077.

## LPA/HIGHWAY AUTHORITY

This is my understanding, The HA accepted two accesses without making an on site assessment of actual site conditions. Having discovered the error of their ways accepted a compromise with both the applicant and the LPA to serve the site off just one access off Tuffs Road. Again with no evidence base to support this acceptance and a questionable revision to the transport assessment. The report to committee dated 15/03/19 the HA states a 12% increase in traffic with the one access off Century Road (for 150% intensification in dwellings served) then try to justify the hasty actions taken with what can only be a verbal conversation given the amount of errors stated as under

*'Officer comment SCC(H)*

*Suffolk County Council's policy is for visibility splays to be to Design Manual Roads and Bridges (DMRB). For 30mph speed limit, the Y distance is to be 90m with a setback of 2.4m. both junctions onto Victoria Hill have the required visibility. For the speeds recorded by speedwatch at 38mph, the y distance should be 95m with a setback of 2.4m, both junctions can achieve the required distances except for Century Road Junction for Northbound traffic as it can achieve 90m. This is acceptable as it's within a 30mph speed limit.'*

If its to DMRB then the setback is 4.5m not 2.4m, the actual on site measured visibility northwards from Century Road is 40m and never achieved the 70m it was designed to, due to utility apparatus on the rear of the splay. So the very least that should have happened in this case is a standard holding objection by the HA until the actual visibility under control was established by the applicant. The lesser design standards for visibility due to slower speeds under MfS are also currently unproven. The 95m x 2.4m dimension should read 120m x 4.5m if its SCC HA to DMRB.

But the recommendation of a suitably qualified Highway Engineer could assess the actual situation and agree to alternative arrangements, these would of course be required to pass a safety audit presumably to limit liability of the HA if the recommendation were subsequently proven to be flawed.

Within the presentation to committee slide 33 actually shows a road narrowing example and slide 34 the Victoria hill junction. Although there clearly should be, there doesn't appear to be any connection between the two. Then as I understand it (I wasn't at the actual planning meeting) a further variation from DMRB guidance to MfS criteria without any consideration for the consequences of this recommendation.

I have never purported to be an expert on this matter but seriously how many bungled attempts are they allowed? The HA are supposed to make a professional judgement that can be supported by facts. Just for the record trying to justify road safety via crash map is hardly factual, there was an unfortunate fatality within the last 10 years and a quick look along the hedgerows and fences near the bend confirms the frequent misjudgements that are made. Are the HA suggesting that there has to be a fatality every 5 years to be considered?

## **NATIONAL PLANNING POLICY FRAMEWORK**

For development to be resisted the cumulative impact on the local highway network of the development must be 'severe'. Therefore given this is rural Suffolk there is likely to be no issue about the adequacy of capacity following proposed development (taking into account for the wider area the two roundabouts agreed for access onto the A140 trunk road). However the accuracy of the information provided remains questionable.

Therefore the highway issue is that of safety, and how any concerns raised are to be addressed to make development acceptable.

32. Plans and decisions should take account of whether,

- 1) there is sustainable transport
- 2) safe and suitable access to the site can be achieved for all people &
- 3) improvement can be undertaken with the transport network

## **ASSESSMENT**

There doesn't appear to be any up to date guidance from Suffolk County Council Highway Authority as statutory consultee or Mid Suffolk District Council. An online search refers to MSDC Local Plan of Sept 1998 and Suffolk CC refers to the Suffolk Design Guide and similar historic date. Disappointingly the MSDC draft Local Plan still refers to the Suffolk Design Guide but using that criteria the Design Manual for Roads and Bridges would be used.

The letter from Steve Merry of Suffolk CC HA for 4568/16 is more up to date guidance (further details over). Their guidance follows MfS whereby the use of Manual for Streets becomes an issue with 85<sup>th</sup> percentile speeds over 37mph (MfS 7.5.1 at speeds above 37mph the recommended SSDs in the Design Manual for Roads and Bridges may be more appropriate, MfS2 1.3.3 where designers do refer to DMRB for detailed technical guidance on specific roads for example on strategic inter urban non-trunk roads) So yes the Manual for Streets should be the default guidance there is scope following the site assessment to require DMRB if local context makes it necessary. Regretably the key determinant a traffic speed survey appears to be absent from the application making it impossible to conclude either way (survey data from the airfield app 3563/15 suggests 85<sup>th</sup> percentile speeds over 37mph and the community speed watch team carryout regular speed checks at this junction which in itself identifies the high 85<sup>th</sup> percentile speeds in this 30mph area.

## EXISTING GEOMETRY

Century Road and Tuffs Road provide access from the proposed site to the B1077 classified road at Victoria Hill. This estate was built about year 2000(the clue is in the name) with typical 5.5m carriageways and 1.8m footpaths either side. The Suffolk Design Guide would have provided the recommended arrangement/design and in this situation with a minor access road serving no more than 50 dwellings as a cul de sac. Tuffs Road the proposed new site access has 7 dwellings. Dropped kerb crossing points are provided with tactile paving at Tuff Rd/Century Road junction on the near side only. Granite setts are inlaid acting as a traffic calming measure at this junction, there is however no raised speed table that might be appropriate for MfS design. MfS1 page 88 7.4.2 'for residential streets, a maximum design speed of 20mph should normally be the objective. The severity of injuries and the likelihood of death resulting from a collision at 20mph are considerably less than can be expected at 30mph. In addition vehicle noise and the intimidation of pedestrians and cyclists are likely to be significantly lower' 7.4.3 'Evidence from traffic calming schemes suggests that speed controlling features are required at intervals no more than 70m in order to achieve speeds of 20mph or less. Straight uninterrupted links should therefore be limited to around 70m to help ensure that the arrangement has a natural traffic-calming effect. 7.4.4 then goes on to indentify various ways of achieving speed reduction.

Century Road is relatively straight and does not have traffic calming measures at present to meet the recommendations of MfS. There is a direct link footpath towards the town centre and Junior School.

At present the modification of the existing residential streets is absent, it would seem that the lives of existing residents are less important and at the very least there should be reference to loss of amenity given the uplift from 7 dwellings in Tuffs Road to 132 or in the latest draft local plan to 157 dwellings.

The junction of Century Road with the local distributor road the B1077 at Victoria Hill is designed to a compromised DMRB splay of 70m x 4.5m set back. This is achieved to the south adequately but to the North is not achieved because of hedge encroachment and utility poles set just inside the site line. The result, given the sweep in the B1077 to the North towards Langton Green is the potential for a dangerous situation whereby a motor cycle is hidden from view to within 40m of the junction. There are no dropped kerb crossing points to the far side where the bus stop is located and onward travel to Childrens Nursery in Langton Green, the Doctors surgery and High School both in Castleton Way. The B1077 road is 6.9m wide at the Century Road junction

Victoria Hill(B1077) is within the 30mph speed limit but 85<sup>th</sup> percentile speeds are nearer 40mph, it is a well used road providing a direct link to the A140 trunk road at Brome and the airfield industrial estate. The volume of traffic has resulted in the agreement of the yet to start roundabout access onto the A140.

A letter relating to 4568/16 in Langton Green dated 09/01/17 from Steven Merry, Development Management Officer, states *'the nature of the site is most definitely 'movement' dominated and therefore we would consider DMRB to be the relevant standard, particularly as this is a B class Road. Due to screening of properties by hedges and fields to the north and east of the site it is difficult to regard this area as an urban or place dominated environment and hence Manual for Streets guidance applicable.*

*'The 85<sup>th</sup> %ile speed date presented in the TA for planning application 3563/15 generally exceeds 37mph which would indicate that a DMRB visibility of 120m is more appropriate to this location. Therefore, even a 90m visibility splay is a departure from guidance.....'*

The above was in relation to just 3 proposed dwellings.

There are no traffic calming measures along the B1077 from the Century Road junction to the edge of settlement outside Langton Green to the North approx. ¼ mile distant.

The B1077 is a recognised diversion route of the A140 which comes into place on a regular basis. There is a main bus route along the B1077 serving Ipswich south and Diss North. HGVs regularly use this route as an alternative access onto the A140 trunk Road due to the issues at Brome junction. There are service vehicles gaining access to the town shops and services albeit there should be no through route for HGVs as there is a weight restriction. The success of the herb factories on the airfield has resulted in significantly more heavy traffic particular from 'fast track' agricultural vehicles, these ignore the weight restriction in the town centre (or are exempt?) but as we live in a rural economy this is generally tolerated. Its an argument I wouldn't wish to get involved with as I wasn't 'born and bred in Eye'.

The footpaths along the B1077 are not adequate, from Century Road there is a footpath on the far side to the North and the Childrens Nursery which is 1.3m wide narrowing to 1.0m on the bend making it very difficult for a mother and child or toddler and buggy or mother and child and dog to safely negotiate. On the near side of the bend 100m distant at a point where traffic tends to migrate to the kerb it becomes dangerous. This road is very much movement dominated, the ambition at this bend the junction with Brome Ave and the MSDC long distance path would be some form of traffic calming by way of footpath widening and crossover point. Brome Ave is a well used bridleway for recreation and pedestrian access across from the only footpath on the opposite side is dangerous and can be achieved only by listening for traffic.

There are footpaths on both sides of the carriageway to the South towards the town centre, both are inadequate in width at 1.3m far side and 1.5m near side (even historically 1.8 m was the recommendation).

**TUFFS ROAD**, could be suitable to MfS recommendations subject to traffic calming, it is not acceptable to have a new estate designed to MfS standards and ignore the existing environment at the boundary to the detriment of existing residents.

**CENTURY ROAD**, could be suitable to MfS subject to traffic calming and dropped kerb flush crossover points with tactile paving.

**VICTORIA HILL B1077**, is not suitable for MfS it is a 'movement' dominated road and for MfS to be considered 'improvements' would need to demonstrate a significant movement towards a 'place' dominated area. Significant traffic calming measures to achieve design speeds of under 30mph are a

basic requirement. An obvious way would be to narrow the carriageway and widen the footway which much needed and necessary to meet 'sustainable development'. There must be provision for all highway users MfS2 Principles, page 7 1.2

'Applying a user hierarchy to the design process with needs of pedestrian first when designing, building, retrofitting, maintaining and improving streets.'

'Recognising the importance of community function of streets as spaces for social interaction. Streets should integrate not segregate communities and neighbourhoods.'

'Promoting an inclusive environment that recognises the needs of people of all ages and abilities...'

'Reflecting and supporting pedestrian and cyclist desire lines in networks and detailed designs'

'A locally appropriate balance should be struck between the needs of different user groups. Traffic capacity will not always be the primary consideration in designing streets and networks'

'Developing street character types on a location-specific basis requiring a balance to be struck between place and movement in many busier streets'

'using quality audit processes that demonstrate how designs will meet objectives for the locality.'

'Designing to keep vehicle speeds at or below 20mph in streets and places with significant pedestrian movement unless there are overriding reasons for accepting higher speeds'

The incorporation of a traffic island and/or mini roundabout would be necessary to achieve safe routes across this busy road to satisfy the sustainable requirement of this appeal. The footways on the far side in particular are not acceptable for the proposed intensification of use. MfS1 page 65 'pedestrian refuges and kerb build outs-these can be used separately or in combination. They effectively narrow the carriageway and so reduce the crossing distance' MfS1 6.3.22 'There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrian should be 2 m. Additional width should be considered between the footway and a heavily used carriageway. The single footpath to the childrens nursery is 1.0m wide MfS1 p68 gives a required width of 1.2m for a parent and child walking side by side. Any site specific assessment must be recommending footway widening and hence carriageway width reduction to meet 'the needs of the pedestrian first'.

Unless measures can be agreed to achieve the design principles of MfS2 and in the absence of an actual traffic speed survey it may be appropriate to assume that the Design Manual for Roads and Bridges recommendations be used to achieve a safe access at the Century Rd and B1077 junction.

If the DRMB recommendations are to be used (Suffolk Design Guide) a 90m forward visibility splay would be standard practice in both directions for the junction onto Victoria Hill from Century Road. Proof of ownership/control would be required in this instance to overcome a holding objection from the HA. For the Appeal to be upheld on the lack of 5 year land supply it must be deliverable.

For the above to be ignored it must be encumbant upon the statutory consultee to agree lesser requirements supported by a safety audit to justify it.

## **APPLICANTS DETAILS**

There is no speed survey data to support the application, Victoria Hill historic details from 3563/15 would suggest 85<sup>th</sup> percentile speeds over 60kph as do the Community Speed Watch Team, which could justify DMRB standards for this busy road.

### **Manual for Streets 2,**

8.2.3 It is now considered inappropriate in areas subject to a limit of 30mph, to adopt a design speed of more than 30mph unless existing speeds are significantly above this level.

In this regard Suffolk CC HA tended to use 85<sup>th</sup> percentile speeds above 60kph(37.6mph) as their benchmark.

## **SUMMARY**

This appeal against refusal of planning permission should be dismissed because it fails to adequately address the Highway issues that NPPF raises. The failure of the Highway Authority to take responsibility and to make adequate recommendations whether it be following DMRB or MfS2 guidance doesn't make the application acceptable. The LPA has the ultimate authority to decide upon acceptability of the advice presented before them and should act accordingly.

Stephen Neave



## **Housing Land Supply Position Statement 2018/19 Mid Suffolk District Council**

March 2019



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## 1.0 INTRODUCTION

- 1.1 This Housing Land Supply Position Statement ('HLSPS') provides information on the five-year housing land supply for the Mid Suffolk district and covers the period from 1<sup>st</sup> October 2018 to 30<sup>th</sup> September 2023. All the information reported is the most up-to-date available at the time of publication.
- 1.2 The purpose of this HLSPS is to provide an updated assessment of the housing land supply position in Mid Suffolk, having regard to changes in national policy and guidance in respect of housing requirements and establishing a housing land supply. It has been produced in consultation with key stakeholders, informed by the comments received during the consultation process.
- 1.3 This final report is an informal planning document and does not form part of the statutory Development Plan or any adopted background document such as the Annual Monitoring Report ('AMR'). It is a material consideration in the assessment and determination of planning applications in the district between the date of publication and the date of any other statement on housing land supply (such as may be contained within the AMR) published subsequently.
- 1.4 The five-year land supply position has a base date of 1<sup>st</sup> October 2018. This is because, the AMR of July 2018, was prepared prior to the new Framework in 2018 and 2019, and therefore necessitated an update to be commenced so that for the purposes of appeals and decision-taking purposes, decisions can be made based upon the most up-to-date evidence. 1<sup>st</sup> October 2018 represented the earliest practical date for commencement and basing of that evidence.
- 1.5 This report provides the Council's most up-to-date position on five-year housing land supply and the main differences between this report and the 2018 Annual Monitoring Report, published in July 2018 are:
- a. Rebases the housing completion and forecast data covering the period 1<sup>st</sup> October 2018 to 30<sup>th</sup> September 2023;
  - b. Reassesses the housing land supply in accordance with new National Planning Policy Framework ('The Framework') (2018, as amended 2019) and updated planning practice guidance ('PPG').
- 1.6 DLP Planning Ltd has worked alongside Mid Suffolk District Council in the preparation of this position statement.
- a) MSDC Housing Land Supply Position Statement - Draft for Consultation January 2019**
- 1.7 The National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing supply (HLS).
- 1.8 The HLSPS is calculated by comparing the anticipated supply of new homes within the district over a five-year period against the Council's housing requirement. For Mid Suffolk District Council, the housing requirement is established by using the standard method provided by national policy and guidance. This is because the strategic housing policies in the Core Strategy for Mid Suffolk are more than five years old.



- 1.9 The HLS position published within the 2017/2018 Annual Monitoring Report (AMR) of July 2018 was based upon methodology and assumptions appropriate at the date of publication. Since the publication of the AMR, national policy and guidance, in respect of housing requirements and establishing a land supply has been revised. Therefore, the Council has now prepared a HLS position statement, which will update that contained in the July 2018 AMR.
- 1.10 It is important that the Council can adequately evidence its housing land supply position in order to inform decisions made that will continue to deliver new homes to meet ongoing needs. If the Council cannot show that it is meeting these housing needs, their policies with regards to residential development will be considered to be "out of date" and carry less weight when making decision on planning applications. In addition, it is important that stakeholders in the housing sector understand what the current land supply position of the Council is, in light of the change in circumstances following the AMR publication.

## 2.0 POLICY AND GUIDANCE

2.1 This section summarises the national policy and guidance of relevance to this HLSPS and outlines in detail the steps required to demonstrate a robust and transparent housing land supply.

2.2 An NPPF/PPG Checklist is provided at appendix 1.

### a) National Planning Policy and Guidance

#### i) Identifying the Housing Requirement

2.3 Paragraph 73 of the 2018 National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The glossary currently defines local housing need as the number of homes identified as being needed through the application of the standard method set out in national planning guidance or a justified alternative approach.

2.4 For Mid Suffolk, the Council's five-year land supply position will be calculated against the local housing need figure (calculated by the standard method) as the existing strategic policies of the Core Strategy are more than five years old.

2.5 Paragraph 73 goes on to state that the supply of deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a. 5% to ensure choice and competition in the market for land; or
- b. 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c. 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

2.6 To determine the appropriate buffer, the Framework has introduced the Housing Delivery Test (HDT) which measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the HDT results for each local authority annually. Footnote 39 outlines that from November 2018, the application of a 20% buffer will be measured against the Housing Delivery Test where this indicates that delivery was below 85% of the Housing Requirement.

2.7 In addition, paragraph 037 of the PPG (Housing and Economic Land Availability) clarifies this further and outlines that in respect of calculating five-year housing land supply, a buffer should be added to the housing requirement over the plan period, before adding the relevant annual requirement. Buffers are not cumulative, meaning that an authority should add one of the following, depending on circumstances:

- a. *“the minimum buffer for all authorities, necessary to apply ensure choice and competition in the market, where they are not seeking to confirm a 5 year land supply (and where there delivery of housing over the previous 3 years, has not fallen below 85% of the requirement) is 5%;*

- b. *the buffer for authorities seeking to confirm a 5 year land supply, through an annual position statement or recently adopted plan (and where delivery of housing over the previous 3 years, has not fallen below 85%) is 10%; and*
- c. *the buffer for authorities where delivery of housing over the previous 3 years, has fallen below 85% of the requirement, is 20%.”*

2.8 Furthermore, with regards to the Local Housing Need Assessment, the Planning Practice Guidance ('PPG') provides greater detail on the approach to be adopted in prescribed circumstances. The PPG directs all local authorities with strategic housing policies plans older than 5 years or where they have been reviewed and found not to be -up-to-date, to use the Government's local housing need using the standard method as the starting point for calculating the five-year housing land supply (Housing and Economic Land Availability, paragraph 030).

*ii) **Determining the Supply***

2.9 The Framework in Annex 2: Glossary indicates that for sites to be considered 'deliverable', they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within five years. In particular, the definition states that:

*“Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

2.10 Paragraph 036 of the PPG (Housing and Economic Land Availability) outlines that for sites with outline planning permission, permission in principle, allocated in a development plan or identified in a brownfield register, where clear evidence is required to demonstrate that housing completions will begin on site within 5 years, this evidence may include:

- a. *“Any progress being made towards the submission of an application;*
- b. *any progress with site assessment work; and*
- c. *any relevant information about site viability, ownership constraints or infrastructure provision.”*

2.11 The following examples have been provided in Paragraph 036 of the PPG (Housing and Economic Land Availability):

- a. *“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.*
- b. *a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions.”*

*iii) **Approach to Preparing Five Year Land Supply Statements***

- 2.12 The PPG outlines at paragraph 047 (Housing and Economic Land Availability) that local planning authorities should consult stakeholders including developers on the range of assumptions used in five-year housing land supply position statements used as benchmarks for the delivery of sites including lead-in times and build-out rates.
- 2.13 Paragraph 052 of the PPG (Housing and Economic Land Availability) advises that local planning authorities should consult “*any specific consultation bodies the authority consider may have an interest, any general consultation bodies the authority consider are appropriate, and any residents or other persons carrying on business in the area from which the authority consider it appropriate to invite representations from*”. The PPG gives the following examples:
- a. small and large developers;
  - b. land promoters;
  - c. private and public land owners;
  - d. infrastructure providers (such as utility providers, highways, etc);
  - e. upper tier authorities (county councils) in two-tier areas;
  - f. neighbouring authorities with adjoining or cross-boundary sites.
- 2.14 Paragraph 052 goes on explain that local planning authorities may wish to set up an assessment and delivery group which could contribute towards Housing and Economic Land Availability Assessments, annual five-year land supply assessments and Housing Delivery Test Action Plans for the delivery of housing.

**b) Local Housing Need Calculation for Mid-Suffolk**

- 2.15 The LHN method sets out that the most up to date household projections must be used to calculate step 1, the 10-year average is based on 10 consecutive years, with the current year being the first year. In the worked example, the current year is given as 2019. Therefore, a period of 2019 to 2029 has been used to calculate the 10-year average, based upon published Government guidance.
- 2.16 In calculating the LHN for the Council, the following data has been used:
- a. 2014-based household projections (10-year average) = 414.8
  - b. Latest affordability ratio (2017) = 10.17
- 2.17 Average household increase from 2019 to 2029 is 414.8
- a. Households 2019= 44,210
  - b. Households 2029= 48,358

$$10\text{-year average household rate} = -(48,358 - 44,210) / 10 = 414.8$$

- 2.18 The adjustment factor is =0.385625 (10.17-1/4x0.25)

Local Housing Need = 575 dwellings per annum

$$(1 + 0.385625) \times 414.8 = 575$$

2.19 Local housing need cap is calculated by a 10-year average household growth rate +40%. For Mid Suffolk, this equates to 581 dwellings per annum.

$$414.8 \times 1.40 = 581$$

2.20 The LHN figure (575dpa) is less than the capped figure of 581dpa. Therefore, the LHN figure of 575 dwellings per annum has been identified as the appropriate LHN figure for this assessment, in line with national guidance.

**c) Housing Delivery Test Calculation**

2.21 The Housing Delivery Test ('HDT') as required by the Framework was published in February 2019 and the results of the HDT are outlined in table 1 below.

2.22 The results of this assessment indicate a buffer of 20% will be applicable to the calculation of the five-year land supply in Mid Suffolk.

**Table 1. Housing Delivery Test for Mid Suffolk**

Annual Requirement	2015/16 Requirement	424
	2016/17 Requirement	420
	2017/18 Requirement	430
	Total	1,274
Recorded Completions	2015/16 Completions	304
	2016/17 Completions	305
	2017/18 Completions	426
	Total	1,035
<b>Housing Delivery Test Result</b>		<b>81%</b>

**d) Previous Housing Requirements**

2.23 Prior to the publication of the new National Planning Policy Framework in 2018, there was an identified housing need of 430 dwellings per annum as adopted in the Core Strategy. The standard method for calculating local housing need was adopted by Government in July 2018, and sets a new requirement based on up-to-date information of 575dpa. The Local Housing Need Figure must be used to calculate housing land supply where the adopted Local Plan (or Core Strategy) is more than 5 years old as is the case in Mid Suffolk District. A summary of the difference is set out in table 2 below.

2.24 During the consultation on the Council's Position Statement, the PPG was updated confirming the 2014-based household projections should be used in the calculation of the LHN with the method for calculating the LHN using the standard method updated to state "calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period)". Therefore, when calculating the LHN using the 2014-based household projections and covering a 10-year period of 2019-2029, the LHN for Mid Suffolk is now 575dpa.



**Table 2. Summary of Previous Housing Requirements compared to Local Housing Need Figure**

	Dwellings Per Annum	Requirement with 20% Buffer
Adopted Core Strategy Requirement	430dpa	516dpa
Strategic Housing Market Housing Assessment Requirement	452dpa	542dpa
Standard Method for Calculating Local Housing Need (2016-based household projections)	590dpa	708dpa
Standard Method for Calculating Local Housing Need (2014-based household projections)	575dpa	690dpa

### 3.0 EVIDENCE ON THE DELIVERY OF HOUSING

- 3.1 This section reviews national evidence on delivery rates and lead-in times, the performance of national housebuilders and analyses local evidence on delivery rates and lead-in times. The approach advocated in Paragraph 047 of the Planning Practice Guidance (Housing and Economic Land Availability) ('PPG') outlines that assumptions on delivery rates and lead-in times need to be based on clear evidence, consulted upon with stakeholders and reviewed regularly and tested against actual performance on comparable sites.
- 3.2 Paragraph 048 of the PPG (Housing and Economic Land Availability) requires that for annual position statements of five-year housing land supply, for those sites with detailed planning permission, to detail the number of homes under construction and completed each year and where delivery has either exceed or not progressed as expected and the reasons for acceleration or delays to the commencement on site of effects on build-out rates where available, this information is in section 5. Some aspects of paragraph 048 of the PPG have not been possible due to lack of sufficient detail on site by site completion evidence held by the Council.
- 3.3 To inform the lead-in and delivery rates used, the following list of documents have been reviewed:
- a. Letwin Review (2018);
  - b. *Start to Finish How Quickly do Large-Scale Housing Sites Deliver?* NLP Paper (2016);
  - c. *'The Role of Land Pipelines in the UK Housebuilding Process'* by Chamberlain Walker Economics (2017);
  - d. HBF Paper (2016);
  - e. *'Housing Delivery on Strategic Sites'* by Colin Buchanan Report (2005);
  - f. *'Urban Extensions: Assessment of Delivery Rates'* by Savills (2013);
  - g. *'Factors Affecting Housing Build-out Rates'* by University of Glasgow (2008)
- 3.4 The annual reports and trading update statements have also been reviewed for the following national housebuilders:
- a. Avant Homes;
  - b. Barratt/ David Wilson Homes;
  - c. Bellway Homes;
  - d. Bovis Homes;
  - e. CALA Homes;
  - f. Countryside Properties;
  - g. Crest Nicholson;
  - h. Kier Group;
  - i. Linden Homes;
  - j. Miller Homes;

- k. Persimmon Homes;
  - l. Redrow Homes;
  - m. Taylor Wimpey.
- 3.5 Local evidence in Mid Suffolk has also been reviewed on the delivery rates and lead-in times of 10 sites for which the information was available. These sites vary in size from 22 dwellings up to 276 dwellings.
- a) National Evidence on Housing Delivery on Housing Sites**
- (i). Letwin Review (2018)
- 3.6 The Letwin Review was published in October 2018 and was commissioned by the Chancellor of the Exchequer in Autumn 2017 to “explain the significant gap between housing completions and the amount of land allocated or permissioned in areas of high housing demand and make recommendations for closing it”.
- 3.7 The Letwin Review is supported by draft analysis published in June 2018. This identifies that ‘absorption rates’ are the fundamental driver of build-out rates.
- 3.8 The absorption rate appears to be largely determined by the housing type (including size, design, context and tenure) and price of the new home. Meaning that house builders are in a position to exercise control over the sales rate, as rivals are limited in their opportunity to offer customers different types of housing or tenure. For example, when a large housebuilder occupies all/a large proportion of a site, the size and style of the home will be fairly homogeneous, and so demand can be limited. Whereas on a large site, even slight variations in the housing size, style (and context), and physical location on a site, can act to increase demand and absorption rates, leading to higher build out rates.
- 3.9 The report also identifies the types of tenure on offer are critical, and that the rate of completion of ‘affordable’ and ‘social rented’ homes is constrained by the absorption of market rate houses. This is because ‘affordable’ and ‘social rented’ homes are cross subsidised by the sale of market rate houses, thereby when the absorption of market rate houses is limited by the character and size of the homes, the cross subsidy for the non-market-rate housing is limited and the build out rates are reduced.
- 3.10 There is also evidence that smaller sites build out quicker than larger sites. The theory underpinning this is that the market absorption rate for a home is largely location-specific, and there is a limited depth of a market for a given house size, type, and location. Consequently, multiple smaller sites are able to explore multiple different housing markets and therefore the absorption rate is not as limited and build out rates are not constrained.
- 3.11 The Letwin Review is focused upon the delivery of large sites, at present there are no such sites in the supply for Mid Suffolk district. The relevance of these findings is limited.
- (ii). ‘Start to Finish How Quickly do Large-Scale Housing Sites Deliver?’ By NLP (November 2016)
- 3.12 “Start to Finish How Quickly do Large-Scale Housing Sites Deliver?” was published in November 2016 by Nathaniel Lichfield and Partners (NLP). It is a well-regarded national level assessment of housing delivery. This report looks at sites of all sizes, but

specifically focuses on 500+ dwellings. The headline points were as follows (page 3):

- (i). 70 large sites were assessed;
- (ii). 3.9 years was the average lead in time for large sites prior to the submission of the first planning application;
- (iii). 6.1 years was the average planning approval period of schemes of 2,000+. The average for all large sites is circa 5 years;
- (iv). 161 dpa is the average annual build rate for a scheme of 2,000+ dwellings;
- (v). 321 dpa is the highest average annual build rate of the schemes assessed, but this site has only delivered for three years;
- (vi). Higher build out rates can be delivered in stronger markets;
- (vii). Delivery does not increase in proportion to the size of the site. A site of 2,000 or more dwellings does not deliver four times more dwellings than a site delivering between 100 and 499 homes, despite being at least four times the size.

3.13 In respect of lead-in times the research states (page 8):

*“Large sites are typically not quick to deliver; in the absence of a live planning application, they are, on average, unlikely to be contributing to five year housing land supply calculations”*

3.14 A summary of the detailed findings of this report are outlined in table 4.

(iii). *‘The Role of Land Pipelines in the UK Housebuilding Process’ by Chamberlain Walker (2017)*

3.15 A report commissioned by Barratt Developments was undertaken by Chamberlain Walker Economics and was published in September 2017 and entitled *“The Role of Land Pipelines in the UK Housebuilding Process”*. This report looked at the supply of land required by housebuilders in order to maintain and grow the number of homes they build. It focused on sites of more than 20 dwellings and have identified four phases of delivery from pre-application phase to delivery of first completions. The phases are as follows:

**Table 3. The Development Pipeline and Its Four Phases**

<b>A</b>	Pre-Application (e.g. landownership and control, market conditions, planning context including allocation in Local Plan, preparing for planning application and extent of required community consultation)	= 1.2 to 2.1 years
<b>B</b>	Application to Permission (e.g. inclusion in Local Plan, negotiation of S106, scale of development, performance of LPA)	= 0.5 to 0.8 years
<b>C</b>	From permission to start on site (e.g. landownership, ground works, site infrastructure, discharge of planning conditions)	= 0.6 to 1.0 years New estimate = 1.7 years (21 months)
<b>D</b>	Under construction (build out) (e.g. constraints of speed of construction, site size and market absorption, infrastructure requirements).	Previous estimate = 1.1 to 2.3 years New estimate = 2.3 years (27 months)
Total development pipeline (A+B+C+D)		Total Previous estimate = up to 5.8 years New estimate = up to 6.6 years

Source: Chamberlain Walker Economics Report, Table 2, page 15

- 3.16 The research identifies that the ‘post planning permission’ stages (C+D) for developments of 20 homes or more has increased markedly to 4.0 years on average from grant of detailed planning permission to site completion, compared to the earlier Local Government Association (LGA) estimates of 1.7 to 3.2 years. This is considered likely to be the result of an increased burden of pre-commencement conditions (Phase C) and an increased reliance on ‘large sites’ that take longer to build out (Phase D) (page 3).
- 3.17 This 21-month period is consistent with the view of housebuilders that whilst the period taken to gain planning permission has remained broadly unchanged over the last decade or so, post-planning consent delays have grown. This increase may be attributed to the following:
- a. 55.5% of all planning permissions are held by non-builders, leading to the issue of site disposal (to a builder);
  - b. The expiration of a judicial review period;
  - c. Signing of a S106 agreement;
  - d. The number of pre-commencement conditions being attached to planning permissions is increasing, and this is increasing the time taken to discharge such conditions;
  - e. Land held under an options agreement;
  - f. A change in market conditions, for example, an economic downturn can adversely affect sales rates and revenue. This requires the development timescales to be reviewed;
  - g. External factors such as the requirement for provision of local infrastructure.
- (iv). HBF Paper (2016)
- 3.18 This research follows on from the Home Builders Federation (HBF) research earlier in 2016 that undertook a survey of 300 large sites in February and March 2016 in response to the Government’s criticism that large sites are only delivering some 48 dwellings a year, (page 1).
- 3.19 In the HBF research, “Large sites” were defined as those with at least 350 dwellings in total, a lower site threshold than the NLP research. In 2015, the average sales on all sites (including start-ups, on-going, tail-ends) was 70 dwellings a year (page 1). In order to omit the low levels of sales that occur at the start and end of a site’s delivery and to get an average for when the site was delivering at its best, the research attempted to exclude the lead-in and tail-out elements of a site build-out (penultimate slide). To do this, the research excluded those years from the calculation, of the average those years, in which a site delivered of less than 10 dwellings, less than 20 dwellings and less than 35 dwellings a year. By excluding these years of lower sales rates, the average rate of sales naturally increases, and the results are as follows:
- 70 sales a year – average across all sites;
  - 85 sales a year – average on all sites with 10 or more sales a year:
  - 88 sales a year – average on all sites with 20 or more sales a year:
  - 95 sales a year – average on all sites with 30 or more sales a year:

(v). 'Housing Delivery on Strategic Sites' by Colin Buchanan Report (2005)

3.20 The earliest work by Colin Buchanan ("*Housing Delivery on Strategic Sites*") was undertaken prior to the recession (2005) and considered delivery rates on strategic sites, mainly within the East of England (paragraph 2.1.5), and reviewed delivery rates on the basis of the size of the site. This research suggests the delivery of an average of 200 dwellings a year on all strategic sites over 1,000 dwellings and that the time between the submission of an application and first construction is 5 years (paragraphs 3.5.2 and 3.5.5). The full details of the report are summarised in table 4.

(vi). 'Urban Extensions: Assessment of Delivery Rates' by Savills (2013)

3.21 This report was commissioned by Barratt Homes and assesses the delivery rates of urban extensions. It tracks 84 urban extensions through the planning system over the last 25 years and focuses on sites of 500+ dwellings.

3.22 More recent evidence relating to urban extensions suggest a build rate of just over 100 dwellings a year, although this has risen to 120 per year in 2013 (page 2).

3.23 It should also be noted that the timescale between submission of outline and completions on site is now averaging about three years (page 1).

(vii). 'Factors Affecting Housing Build-out Rates' by University of Glasgow (2008)

3.24 In terms of the delivery on all sites, the research undertaken by the University of Glasgow for CLG Housing Markets and Planning Analysis Expert Panel – "Factors Affecting Housing Build-out Rates" published in February 2008 by Professor David Adams and Dr Chris Leishman, considered pre-recession evidence and stated at paragraph 2.5 that:

*'Most builders generally appear to set a target of between 40 and 80 units built and sold from each outlet annually.'*

3.25 In this context, it may be noted that the Savills report concluded in paragraph 6.2 that:

*'The typical strategy of most companies who participated in the research was to aim for a build and sales rate of about one unit per week on greenfield sites and slightly higher than this on brownfield sites. Although this confirms anecdotal evidence, it should certainly not be taken as a 'natural build-out rate'. Rather it reflects the particular institutional structure of the British house building industry in which fierce competition for land then requires controlled and phased release of new development to ensure that the ambitious development values necessary to capture land in the first place are actually achieved when new homes are eventually sold...'*

3.26 Table 4 below summarises each of these publications and seeks to draw comparisons between each.

**Table 4. Summary of Research on Delivery Rates**

	Average number of months between events					Submission of App to start on site (years)	Average delivery	Delivery per developer
	Approval of outline	Conclusion of S106	Approval of Reserved Matters	Site prep & signing off conditions	Total number of months			
<b>Sites of 500+ Dwellings</b>								
Colin Buchanan (all sites)						5yrs	188	
Colin Buchanan (sites of 1,000 to 1,999 dwellings or more)						4.7yrs	101	
Colin Buchanan (sites of 2,000 to 1,999 dwellings or more)						5yrs	189	
Colin Buchanan (sites of 3,000 dwellings or more)						5.5yrs	330	
University of Glasgow								55
Hourigan Connolly	24	21	18	12	75	6.25yrs	107	35
Savills 2014 all sites	12	15	15	6	48	4yrs	110	
Savills 2014 (post 2010)	11	6	11	4	32	2.7yrs		
NLP 2016 (sites of 500 to 999)						5.3 – 6.9yrs	70	
NLP 2016 (sites 1,000 to 1,499)						5.3 – 6.9yrs	100	
NLP 2016 (sites of 1,500 to 1,999)						5.3 – 6.9yrs	135	
NLP 2016 (sites more than 2,000)						5.3 – 6.9yrs	161	
<b>Sites of Less than 500 Dwellings</b>								
Home Builders Federation Research (sites of 350+2015)							70 (95)	
NLP 2016 (sites less than 100)						Approx. 2.8yrs	27	
NLP 2016 (sites 100 to 499)						Approx. 4.1yrs	60	
Barratt Report (Chamberlain Walker Economics) 2017 (sites more than 20 dwellings)						2.5yrs		

Sources: Colin Buchanan - *Housing Delivery on Strategic Sites 2005 (table 1)*

University of Glasgow - (CLG housing markets and Planning Analysis Expert Panel) *Factors affecting build out rates (Table 4)*

Hourigan Connolly - *An interim report into the delivery of Urban Extensions 2013 (Summary of individual case appendices 4 to 12)*

Savills - *Urban Extensions Assessment of delivery rates*

Home Builders Federation *Planning Policy Conference presentation by John Stewart 2016*

NLP- *Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? 2016 completions estimated from Fig 7 page 1*

Chamberlain Walker Economics - *“The Role of Land Pipelines in the UK Housebuilding Process” (September 2017)*



### **b) Completions per Outlet from National House Builders**

3.27 Most national housebuilders prepare and publish annual performance reports. Within these, the previous years performance results are published. For some instead of delivery rates, a sales rate is given. The levels of completions can be predicted against the average rate of sales or completions per active outlet for the housebuilder concerned extracted from their own annual accounts. The following is a summary of national housebuilder:

- Persimmon: 8,072 new homes legally completed in first 6 months of 2018 with an average of 375 active sites. This equates to 22 sales per outlet in the first 6 months and can expect approximately **44 sales per outlet per year** across the financial year based on these results (Half Year Results 2018).
- Crest Nicholson: 1,251-unit completions in first 6 months of 2018 with 56 full year equivalent outlets. Therefore at least 2,502-unit completions could be expected in full year which results in approximately **44 completions per outlet per year** across the financial year (Half Year Results 2018).
- Taylor Wimpey: Current order book total excluding joint ventures of 9,783 homes with an average of 275 outlets in the year to date. Across the year that would equate to a sales rate of **36 sales per outlet per year** (Trading Statement November 2018).
- Barratt/David Wilson: 12,903 units total forward sales in the year to date with operation from an average of 365 active outlets. This equates to **35 sales per outlet per year** (Trading Update October 2018).
- Bovis: 1,580 completions in first half of 2018 including affordable housing completions with operations from 86 active sales outlets. This equates to approximately **37 completions per outlet per year**.
- Bellway: 10,307 homes sold (including affordable housing) in financial year with 247 active outlets. This equates to **42 sales per outlet per year** (Annual Report 2018).
- Redrow: legal completions at 5,913 including JV with 124 outlets across financial year. This equates to **48 sales per outlet per year** (Full Year Results Presentation 2018).
- Miller Homes: 0.77 net reservations per outlet per week. This equates to **40 sales per outlet per year** (Half Year Results 2018).
- Countryside Properties: Net reservation rate of 0.80 from 60 sales outlets. This equates to **42 sales per outlet per year** (2018 Full Year Results)
- Linden Homes: 3,442-unit completions in the financial year across an average of 85 active sites. This equates to **40 completions per outlet per year** (Galliford Try Full Year Results Statement 2018).

- Kier Group: Sales rate of 0.7 units per week per trading site. This equates to **36 sales per outlet per year** (Annual Report 2018).
- Avant Homes: 1,902 total completions across an average of 42 selling sites. This equates to **45 completions per outlet per year** (2018 Full Year Results).
- CALA Homes: Private sales per site per week equates to 0.62. This is **32 sales per outlet per week** (Full Year Update 2018).

3.28 Sales rates are a reasonable indicator of completions if completion data is not available. Although it is noted that sales tend to run ahead of actual build rates (excluding Bovis, Avant, Crest Nicholson and Linden Homes who record actual completions as new home owners tend to buy off plan and wait for dwellings to be completed. In this regard they are likely to be higher than the actual rates of completion. Also, as these are sales, they do not take into account the provision of affordable housing (except Bovis and Bellway). Therefore, whilst delivery rates will be lower than these sales rates, the final rates of completions on sites may be increased by the provision of affordable housing. As such, these rates are in general conformity with the conclusions of other research regarding the likely rates of delivery referred to earlier in terms of larger sites.

3.29 These examples of national housebuilding suggest delivery in the region of **40dpa per active developer, per site.**

**c) Local Market Evidence- Past Delivery**

3.30 Since the base date of the emerging Local Plan in 2014, the Council have recorded 1,451 net completions of which 1,008 comprise net completions on all windfall sites and 291 net affordable housing completions.

**Table 5. Net Completions by Type 2014-2018, Annual Monitoring Report 2017/18, Table 10**

AMR Year	Total Net Completions	No. of Windfall Completions <sup>1</sup>	% of Net Completions	Net Affordable Completions	% of Net Completions
2017/18	426	292	69%	114	27%
2016/17	305	230	75%	53	17%
2015/16	304	240	79%	78	26%
2014/15	416	246	59%	46	11%
<b>Total</b>	<b>1,451</b>	<b>1,008</b>	<b>69%</b>	<b>291</b>	<b>20%</b>

3.31 The Council have also looked at past delivery rates on 14 sites within the district to provide comparable context to the national evidence outlined earlier in the section. It is acknowledged this is a limited sample size, but this was due to the limited availability of the information. Table 6 and 7 below demonstrate that sites over 100 dwellings are delivering on average 76dpa whilst sites of less than 100 are delivering

<sup>1</sup> Includes residential garden land

in the region of 37dpa.

**Table 6. Local Evidence on Delivery Rates of Sites Over 100 Dwellings**

PP Ref (FULL/OUT/REM)	Site Address	Site Capacity	Dev. Progress	Total Comps	No. of Days between First and Latest/Last Completion	Years Under Construction (No. of Days/365)	Average Comps Per Annum (Total Comps/Yearly Decimal)
M/2722/13/FUL (FULL)	Land at Chilton Leys	215	U/C	163	1,053	2.9	57dpa
M/3153/14/FUL (FULL)	Needham Chalks Ltd	266	U/C	21	69	0.2	111dpa
M/3310/14/FUL (FULL)	Former Masons Cement Works	276	U/C	225	1,084	3.0	76dpa
M/3918/15/REM (REM)	Former Grampian/Harris Factory, St Edmund Drive	190	U/C	49	302	0.8	59dpa
<b>Average: 76dpa</b>							

**Table 7. Local Evidence on Delivery Rates of Sites Under 100 Dwellings**

PP Ref (FULL/OUT/REM)	Site Address	Site Capacity	Dev. Progress	Total Comps	No. of Days between First and Latest/Last Completion	Years (No. of Days/365)	Average Comps Per Annum (Total Comps/Years)
M /1492/15/FUL	Land W of Farriers Rd, Edgecomb Park, Hybrid App (Phase 1)	75	U/C	477	1.3	31	24dpa
M /0210/15/FUL	Land off Kingfisher Drive/Chalk Hill Rise	23	Comp	403	1.1	23	21dpa
M/0669/08/OUT	Chapel Farm, Off Mill Street	23	Comp	400	1.1	23	21dpa
M /0254/15/OUT	GR Warehousing Site, Old Station Rd	56	U/C n	403	1.1	37	34dpa
M/2910/11/FUL	Former Unilever Site, High Street, Needham Maltings	90	Comp	707	1.9	90	46dpa
M /0958/16/FUL	9 Finborough Road (off Iliffe Way)	22	Comp	407	1.1	22	20dpa
M/1662/14/FUL	Land Adjoining Roundabout, Bury Road	27	U/C	237	0.6	17	26dpa
M/2742/14/FUL	Land at St Marys Road-Phase 2	62	Comp	432	1.2	62	52dpa
M/3112/15/OUT	Land between Gipping Road and Church Road (Phase 1)	75	U/C	196	0.5	47	88da
M/2178/14/FUL	Tranche 2, Steeles Road	34	Comp	321	0.9	34	39dpa
<b>Average: 37dpa</b>							

**d) Local Market Evidence- Lead-In Times**

3.32 In respect of lead-in times, the following tables consider the past lead-in times of 18 sites in the district. In summary, for sites of 100+ dwellings there is an average lead-in time from submission of application to first completion recorded on site of 2.9 years and for sites less than 100 dwellings, this is 2.6 years. The overall average is 2.8 years which is in line with the national evidence on lead-in time detailed early on in this section of the report (section 3a).

**Table 8. Summary of Local Evidence on Lead-in Times**

Site Size	Lead-In Time	Sample Size
0-99 dwellings	2.6yrs	14
100-499 dwellings	2.9yrs	4
<b>Average</b>		<b>2.8yrs</b>

3.33 The tables below provide evidence as to how the lead-in times have been calculated.

**Table 9. Local Evidence of Lead-In Times of Sites Over 100 Dwellings**

PP Ref	Parish	Site Address	New dwellings	Submission of 1 <sup>st</sup> Application	First Recorded Completion	Days between Submission of Application and Start on Site	No. of Years (Lead-In Times)
M /2722/13/FUL	Stowmarket	Land at Chilton Leys	215	16/09/2013	11/11/2015	786	2.2
M /3153/14/FUL	Needham Market	Needham Chalks Ltd	266	01/10/2014	19/01/2018	1206	3.3
M /3310/14/FUL	Great Blakenham	Former Masons Cement Works	276	17/10/2014	01/03/2016	501	1.4
M /3918/15/REM	Elmswell	Former Grampian/Harris Factory, St. Edmund Drive	190	26/03/2013	01/12/2017	1711	4.7
<b>Average</b>							<b>2.9 years</b>

**Table 10. Local Evidence of Lead-In Times of Sites Under 100 Dwellings**

PP Ref	Parish	Site Address	New dwellings	Submission of 1 <sup>st</sup> Application	First Recorded Completion	Days between Submission of Application and Start on Site	No. of Years (Lead-In Times)
M /1492/15/FUL	Combs	Land W of Farriers Rd, Edgecomb Park, Hybrid App (Phase 1)	75	23/04/2015	06/12/2016	593	1.6
M/1008/11/FUL	Badwell Ash	Land adj to Donard Back Lane, Badwell Ash	17	18/03/2011	01/04/2018	2571	7.0
M/2792/13/FUL	Eye	Hartismere Hospital, Castleton Way	60	20/09/2013	28/09/2015	738	2.0
M /0210/15/FUL	Great Blakenham	Land off Kingfisher Drive/Chalk Hill Rise	23	20/01/2015	21/02/2017	1066	2.9
M /0254/15/OUT	Mendlesham	GR Warehousing Site, Old Station Rd	56	22/01/2015	15/12/2017	1058	2.9
M/2910/11/FUL	Needham Market	Former Unilever Site, High Street, Needham Maltings	90	30/08/2011	19/04/2013	598	1.9
M /0958/16/FUL	Stowmarket	9 Finborough Road (off Iliffe Way)	22	23/02/2016	02/02/2017	345	0.9
M/1662/14/FUL	Stowmarket	Land Adjoining Roundabout, Bury Road	27	23/05/2014	24/04/2018	1432	3.9
M/0683/15/FUL	Stowmarket	115 Ipswich Street (Joker's Night Club)	25	20/02/2015	24/10/2018	1342	3.7
M/1850/13/FUL	Stowmarket	Land at Village Centre, Creting Rd East	70	25/01/2013	31/03/2015	795	2.2
M/2279/13/FUL	Stowmarket	Land at St Mary's Road, Stowmarket	14	19/08/2013	14/05/2015	546	1.5
M/2742/14/FUL	Stowmarket	Land at St Marys Road-Phase 2	62	26/08/2014	18/11/2016	603	1.7
M/3112/15/OUT	Stowupland	Land between Gipping Road and Church Road (Phase 1)	75	27/08/2015	01/08/2018	1070	2.9
M/2178/14/FUL	Woolpit	Tranche 2, Steeles Road	34	08/07/2014	23/03/2016	624	1.7
<b>Average</b>							<b>2.6years</b>

**e) Conclusion on Potential Delivery Rates and Lead-In Times**

- 3.34 The local evidence available does not exceed sites of 500 dwellings and therefore all comparisons to national and housebuilder evidence is compared to a similar benchmark. Our final assessment below compares the local evidence to those pieces of national evidence which provides comparable figures of sites less than 500 dwellings.
- 3.35 In respect of delivery rates, the local evidence suggests annual delivery on sites could be in the region of 56dpa (table 6 & 7). Whilst the national evidence of sales or delivery rates by housebuilders suggests delivery rates in the region of 40dpa. The NLP research suggests delivery rates on sites of between 0-500 dwellings to be in the region of 27-60dpa.
- 3.36 Local evidence could lead to a conclusion that a delivery rate of 56dpa should be used, however given the relatively small sample size and lower figures from national housebuilders and national research, a delivery rate of **40dpa** is considered to be an appropriate rate of delivery on individual sites. As such, in line with paragraph 047 of the PPG, 40dpa is a reasonable rate of delivery based upon clear evidence. If there is local evidence that a housebuilder has a track record of delivering above this rate of delivery, the higher rate will be used (such is the case for Taylor Wimpey at Chilton Leys, appendix 3a).

**Table 11. Comparison of National, Local and Housebuilder Evidence on Delivery Rates on Sites of Less Than 500 dwellings**

Type	Lower	Mean	Higher
Local Evidence (MSDC) <sup>2</sup>	20dpa	56dpa	111dpa
Housebuilder Evidence <sup>3</sup>	32dpa	40dpa	48dpa

- 3.37 Table 12 provides a summary of local evidence compared with national evidence on lead-in times. The lead-in times are calculated from the submission of the application to start on site/first completion being recorded.
- 3.38 This demonstrates that the average lead-in time considering local and national evidence is between 2.6-2.9 years the midpoint 2.7 years has been used as a lead-in time and applied to sites. A lead-in time of **2.8 years** has been applied to sites not yet commenced in the Mid Suffolk district unless there is evidence to suggest otherwise. This is considered more conservative than the evidence on lead-in times for Mid Suffolk as the sample is only based on 18 sites, but 2.8 years is also the mid-range when compared to the Chamberlain Walker and NLP research (table 12).
- 3.39 The lead-in time covers the following stages of the development:
  - a. Submission of application to permission (e.g. inclusion in local plan, negotiation of S106, scale of development and performance of LPA);
  - b. Permission to Start on Site (e.g. landownership, ground works, site infrastructure, discharge of planning conditions);

<sup>2</sup> Section 4(c) of this Report

<sup>3</sup> Section 4(b) of this Report



- c. Construction phase to First Completion (e.g. constraints of speed of construction, site size, market absorption, infrastructure requirements).

**Table 12. Comparison of National and Local Evidence on Lead-In Times on Sites Less than 500 dwellings**

Type	Average Lead-In Time
Local Evidence (MSDC) <sup>4</sup>	2.6 years
National Evidence (NLP, 2016) <sup>5</sup>	2.8-4.1 years
National Evidence (Chamberlain Walker Economics 2017)	2.5 years
<b>Average</b>	<b>2.5-2.9 years</b>

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<sup>4</sup> Section 4(c) of this Report

<sup>5</sup> Table 2 of this Report

## 4.0 METHOD

4.1 This section sets out the process used and the different criteria and assumptions which are applied in the calculation of the five-year land supply.

### a) Method of Consultation

4.2 The draft Position Statement consultation ran for a 6-week period from 17<sup>th</sup> January 2019 to 28<sup>th</sup> February 2019.

4.3 The consultation document was published on a dedicated project webpage on the Babergh/Mid Suffolk Councils website with signposting links from the AMR and Housing pages. Emails notifying stakeholders of the consultation and inviting comments were sent to the following parties:

- a. Council Members
- b. Parish Councils
- c. Planning Agents
- d. Developers
- e. Neighbouring Authorities
- f. Infrastructure Providers

4.4 Details of the consultation were also sent to the following press offices:

- a. The East Anglian Daily Times
- b. The Stowmarket Mercury
- c. The Ipswich Star
- d. The Bury Free Press

### b) Initial Identification of Sites

4.5 A list was collated of all sites with planning permission at 30<sup>th</sup> September 2018. This list was then divided into the following categories:

- a. Sites Under Construction;
- b. Sites with Full Planning Permission;
- c. Sites with Outline Planning Permission;
- d. Sites under 10 Dwellings in Size.

4.6 Completions as of 30<sup>th</sup> September 2018 have been recorded to avoid double counting.

4.7 A planning history and building control records search was undertaken on all sites to check the accuracy of sites included in the supply and those recorded as completed or expired were removed from the supply. Contact was also made with all known landowners/agents/developers to confirm the status of individual sites which had planning permission.

4.8 Over a three-month period, officers sought to secure primary evidence to demonstrate deliverability by engaging in direct telephone and face to face conversations with

individual site developers, their planning agents' representatives on sites. Officers also undertook visits to individual sites to inspect and verify commencement and clarify built-out expectations.

- 4.9 The conversations with developers referred to the evidence requirements in the Framework and PPG and officers asked for details of the progress of the development towards commencement, anticipated build-out rates and any issues that could stall or delay expected delivery. Where, possible, Memoranda of Understanding were signed to reinforce the delivery evidence which existed at 1<sup>st</sup> October 2018.
- 4.10 Officers visited several sites seeking to inspect any works that would confirm commencement of the development and to count the number of dwelling units delivered at that time. During those face to face conversations with site representatives also secured further, updated information on expected build out moving forward.
- 4.11 As a matter of judgement permissions which are soon approaching expiry have been removed from the five-year supply.

**c) Assumptions on Lead-In Times and Delivery Rates**

- 4.12 Local and national evidence on delivery rates and lead-in times have been reviewed to identify a lead-in time of 2.8 years from submission of a planning application to first completion/start on site and an annual delivery rate of 40dpa.
- 4.13 The assumptions on delivery rates were identified through the following steps;
- a. A review of national evidence paying particular attention to the NLP Research (the local evidence available does not exceed sites of 500 dwellings and NLP is the only piece of national research which identifies delivery rates in line with the size of sites in Mid Suffolk) which suggests delivery rates on sites between 0-500 dwellings in size to be in the region of **27-60dpa**;
  - b. A review of the levels of sales completions/actual completions per active outlet for 13 national housebuilders. This suggests completions in the region of **40dpa**;
  - c. A review of the delivery of 14 sites in Mid Suffolk ranging from 23-276 dwellings in size. These sites were split into two categories; Under 100 dwellings and Over 100 dwellings in size. This was calculated by identifying the total number of completions to date divided by the number of years (to the decimal) since the first completion was recorded on site. This identified a delivery rate of 76dpa on sites over 100 dwellings in size and 37dpa on sites of less than 100 dwellings in size. The mean rate of delivery is **56dpa**.
- 4.14 An assumption of **40dpa** has been applied to the housing trajectory unless there is evidence to suggest otherwise. For example, Chilton Leys (FUL Ref: M /2722/13/FUL and OUT Ref: M /5007/16/OUT) is currently delivering at 55dpa and Taylor Wimpey, the developer on the site, outline in their MoU that they will deliver 50dpa, therefore 50dpa has been applied to this site, as clear evidence supports the higher rate.
- 4.15 The sample size for lead-in times and delivery rates is small (18 sites in total), however the sites selected were based on available data in the past 3-5 years for which there was a record of all of the following:
- a. Corresponding date of approval;

- b. Known start on site date;
- c. Known completions data.

4.16 With regard to lead-in times, these were identified through the following steps:

- a. A review of national evidence paying particular attention to the NLP Research and the Chamberlain Walker Economics Research which looks at sites of comparable sizes to those identified in Mid Suffolk. These identifies a period of **2.8-4.1 years and 2.5 years** respectively from submission of the planning application to first completion/start on site;
- b. A review of the lead-in times of 18 sites in Mid Suffolk ranging from 14-276 dwellings in size. These sites were split into two categories; under 100 dwellings and over 100 dwellings in size. The lead-in times were calculated from the date the planning application was first submitted to the date the first completion was recorded. This identified an average lead-in time of **2.8 years** for both categories;
- c. The average lead-in time when considering local evidence and national evidence is 2.5-2.9 years (see table 12).

4.17 An assumption of **2.8 years** has been applied to sites in the housing trajectory unless there is evidence to indicate a shorter lead-in time or where due to a prolonged time in determining the planning application, 2.8 years has already passed. For the latter, a lead-in time of 2.8 years was added from the date of approval.

**d) Sites Under Construction**

4.18 For those sites in the supply which are currently under construction, the first step was to identify the number of units completed by 30<sup>th</sup> September 2018. For sites where dwellings have already been completed, 40dpa has been added from year 1 unless there is evidence to suggest a different rate of delivery.

4.19 There are some sites which are under construction that have not yet recorded completions. These have been assumed to deliver first completions in year 1 at a rate of 40dpa unless evidence suggests otherwise.

**e) Sites with Full Planning Permissions**

4.20 For sites in the supply with full planning permission, the following steps were taken:

- a. Check for any potentially expired permissions.
- b. Planning history search to identify if all pre-commencement conditions have been discharged;
- c. Contact was also made with all known landowners/agents/developers to confirm the status of individual sites which had planning permission;
- d. The application of 2.8 years lead-in times from the date of approval and delivery rates of 40dpa, unless the estimated lead-in time period has already passed (i.e. the application was submitted more than 2.8 years ago but permission was only granted in 2018) but permission has only recently been granted. In these cases, the lead-in time has been applied to the date of approval, which effectively results in a longer than 2.8-year lead-in time.

- 4.21 It should be noted that for Chilton Leys (OUT Ref: M/5007/16/OUT), an MoU has been provided by Taylor Wimpey (c/o Boyer Planning) who outline current progress on each of their sites in the district. This document provides the most up to date number of completions at Chilton Leys to the end of October 2018. However, as the land supply period commences from 1<sup>st</sup> October 2018, the number of completions has been divided by 10 (no. of months between January and October) and multiplied by 9 (no. of months prior to start of monitoring year) to identify the number of completions on site at Chilton Leys. Therefore, 158 completions recorded on site at 1<sup>st</sup> October 2018, are an estimation, based on available information.
- e. 46 units recorded as completed between January and October 2018;
  - f.  $46/10$  months = 4.6 dwellings per month;
  - g.  $4.6 \times 9$  months = 41 dwellings;
  - h. 117 completions recorded at December 2017 plus 41 dwellings recorded as completions between January-October 2018 = 158 dwellings completed on site.
- f) Sites with Outline Planning Permissions**
- 4.22 A planning history search was undertaken for sites with outline planning permission. Following this, six sites were identified as having clear evidence that completions would be delivered on site within 5 years as required by the definition of 'deliverable' at page 66 of the 2018 Framework.
- 4.23 Four sites had reserved matters applications submitted by housebuilders (three nationals, and one regional) and validated by the Council before 1<sup>st</sup> October 2018 and have been included in the five-year land supply on the basis this is clear evidence completions will be delivered on site within five years. It is noted that since 1<sup>st</sup> October 2018, these reserved matters applications have been approved, reaffirming the clear evidence these sites will deliver completions in the five-year period.
- 4.24 Memorandums of Understanding have been prepared and signed by the site developer (contained at appendix 3) for the following sites:
- a. Land north of Chilton Leys, Stowmarket;
  - b. Land west of Ixworth Road, Thurston;
  - c. Land on the North Side of Norton Road, Thurston;
  - d. Land to the east of Turkeyhall Lane and to the North of North Close, Bacton.
- 4.25 MoU's outline the anticipated build rates for the site and comprise of either rates by calendar year (i.e. 2019, 2020, 2021) or by year commencing 1<sup>st</sup> October 2018 to year ending 30<sup>th</sup> September 2019. Where delivery rates have been confirmed as calendar year, these have been adjusted to reflect (appendix x).
- g) Sites under 10 Dwellings**
- 4.26 For small sites in the supply a full planning history search was undertaken which removed the following types of sites:
- a. Sites with no extant planning permission;
  - b. Sites with planning permission for holiday lets or non C3 Class Uses;

- c. Sites with permission superseded by a non-residential permission.;
- d. Sites already completed.

4.27 The Council directly contacted the agent or applicant on sites with an upcoming or passed expiry date, and where there is no record of commencement and/or the agent or applicant could not confirm commencement have been removed from the supply.

**h) Lapse Rate**

4.28 No lapse rate has been applied to the Council's five-year land supply calculation.

4.29 In the *Wokingham v SoSCLG and Cooper Estates Strategic Land Limited (2017) EWHC 1863* High Court judgement, it was concluded that the use of a 10% lapse applied to the whole of the estimated supply was not necessary given the application of a 20% buffer for the same purpose. The Judge determined that an increase to the housing supply by 20% "*where there has been a record of persistent under delivery of housing*" in each case in order to "*provide a realistic prospect of achieving the planned supply*" performed the same function as the application of a lapse rate. It was judged that there was no reason to apply a lapse rate to the whole of the estimated supply as well as a 20% buffer. The Council previously applied a 10% lapse rate to all sites under construction or that had planning permission. The revisions to the definition of 'deliverable' mean that all sites in the five-year supply have planning permission and therefore a lapse rate would be relevant to the entire five-year land supply. This is no longer considered appropriate and has not been applied.

**i) Windfall**

4.30 In addition to these 4 categories of sites, an assessment of windfall has been undertaken to determine whether the Council can rely on a contribution from windfall sites in the five-year period. The methodology is detailed in section 6. There is no detailed data records held by the Council prior to 2014 which accounts for only 4 years of analysis.

**j) Specialist Accommodation**

4.31 The Council have only recently begun monitoring specialist accommodation uses such as care homes and sheltered housing. There are no monitoring records for such types of accommodation and have therefore not been included in the supply.

## 5.0 SITE ASSESSMENTS

5.1 Section 4 of this report identifies the process undertaken in the assessment of Mid Suffolk's housing land supply and the process for removing or including sites when undertaking a review of the evidence. This section goes into detail on a site by site basis providing the justification for including or excluding sites.

### a) Sites with Detailed Planning Permission

5.2 Following the assessment of all sites with detailed planning permission, the following sites have been removed from the five-year supply as these permissions are due to expire shortly and there is no evidence or indication that they will be implemented:

- a. Grove Farm, Queen Street (44 dwellings);
- b. Former Scotts/Fisons site, Paper Mill Lane (74 dwellings)
- c. Whitton Park Retirement Home (19 dwellings)

### b) Sites with Outline Planning Permission

5.3 The following list of sites have outline planning permission and in accordance with the Framework's definition of 'deliverable' have been included in the Council's five-year housing land supply. It is considered there is clear evidence completions will be delivered on site within 5 years.

5.4 These sites had clear evidence at 30<sup>th</sup> September 2018 to justify their inclusion in the five-year land supply. MoU's were prepared between November 2018 and January 2019 to support the clear evidence already available at the start of the monitoring year.

**Table 13. Sites with Outline Planning Permission Considered Deliverable**

Site Address	Planning Reference	Type of Application	Site Capacity	5Yr Supply	Reason for inclusion in 5 Year Supply
Land North of Chilton Leys	M/5007/16/OUT	Outline	600	200	<p>Outline planning permission was granted on 5<sup>th</sup> July 2018</p> <p>The site is owned by Taylor Wimpey UK Limited a national house builder with a good track record of housing delivery.</p> <p>A reserved matters application for 175 dwellings was submitted in July 2018 by Taylor Wimpey, shortly after the outline application was granted.</p> <p>The Council were aware of this application at the start of the monitoring period of 1<sup>st</sup> October 2018.</p> <p>Phase 1 for 215 dwellings is already under construction by Taylor Wimpey and nearing completion. The element of the supply to which this relates is Phase 2 for 600 dwellings.</p> <p>Taylor Wimpey and the Council have also signed a Memorandum of Understanding in respect of the site. This document outlines the following:</p> <ul style="list-style-type: none"> <li>• A number of pre-commencement conditions have been submitted under reference DC/18/04761 and will be determined shortly (approved in January 2019);</li> <li>• Confirmation that no additional site assessment works will affect Taylor Wimpey's intention to deliver the site as planned;</li> <li>• Confirmation that unless there is a significant change</li> </ul>

					<p>in the housing market viability, financial viability will not affect the deliverability of the site;</p> <ul style="list-style-type: none"> <li>• The outline permission for the wider site is controlled by Taylor Wimpey and therefore there are no issues with site ownership or access affecting the commencement of the site;</li> <li>• The infrastructure to serve the site has already been approved under a full planning application (Ref: 5005/16) and is already under construction. Therefore, the infrastructure will be in place allowing the reserved matters applications to be brought forward promptly and assist the speed of delivery.</li> </ul> <p>The MoU confirms the intention of Taylor Wimpey to deliver the site in the region of 50dpa. Phase 1 has delivered in excess of 50dpa in each full year of construction to date and is expected to do so again in 2018 (see appendix x). Taylor Wimpey have a track record of delivering such levels of completions and the evidence supports a deviation from the prescribed delivery rates in section 3.</p> <p>This provides clear evidence of the intention of Taylor Wimpey, a national housebuilder in bringing this site forward, notwithstanding Taylor Wimpey are currently delivering 215 dwellings directly adjacent to the site.</p> <p>It is also of note that the Inspector for the Land on east side of Green Road, Woolpit appeal considered this site to demonstrate the clear evidence required to be included in the five-year supply and considered the site capable of delivering 200 dwellings in the five year supply in his decision dated 28<sup>th</sup> September 2018 (Ref: 3194926, paragraph 68 and footnote 12)</p> <p>This demonstrates clear evidence that the site will deliver completions in 5 years.</p> <p>The reserved matters application was approved on 2<sup>nd</sup> November 2018, by Mid Suffolk Council.</p>
Land adjacent Wetherden Road	M/4911/16/OUT	Outline	240	160	<p>Outline planning permission was granted on 28<sup>th</sup> March 2018.</p> <p>At 2<sup>nd</sup> November 2018, the site was owned by J.D. &amp; R.J. Baker Farms Limited. Although it is expected the sale of the site, to Crest Nicholson, will be completed shortly as the reserved matters application has only very recently been approved.</p> <p>A reserved matters application for 240 dwellings was submitted by Crest Nicholson in April 2018, soon after the outline application was granted. The Council were aware of this application at the start of the monitoring period of 1<sup>st</sup> October 2018 and provided the Council with clear evidence of the intention of Crest Nicholson in bringing this site forward.</p> <p>This demonstrates clear evidence that the site will deliver completions in 5 years.</p> <p>The reserved matters application was subsequently approved in October 2018.</p> <p>An application was made in May 2018 to discharged 20 conditions, which was subsequently approved in February 2019 under reference (DC/18/02237) and an additional application to discharge conditions submitted in January 2019 to discharge 8 conditions under reference DC/19/00405 also by Crest Nicholson.</p>

Land to the south side of Norton Road	M/5010/16/OUT	Outline	175	160	<p>Outline planning consent was approved on 30<sup>th</sup> October 2017 on appeal.</p> <p>The site is owned by Green King Brewing and Retailing Limited, but the site is subject to a charge on the land registry register which confirms an option to purchase the land pursuant to an agreement dated 24<sup>th</sup> May 2013 between Greene King, Mr J Fisher and Mr R Flack and Hopkins Homes (house builder).</p> <p>A reserved matters application for 175 dwellings was submitted in March 2018 by Hopkins Homes, a regional housebuilder. The Council were aware of this application at the start of the monitoring period of 1<sup>st</sup> October 2018 and provided the Council with the clear evidence needed of the intention of Hopkins Homes in bringing this site forward.</p> <p>This demonstrates clear evidence that the site will deliver completions in 5 years.</p> <p>The reserved matters application was subsequently granted on 12<sup>th</sup> October 2018.</p> <p>A non-material amendment application was approved in February 2019 and was submitted by Hopkins Homes. Also submitted by Hopkins Homes was an application to discharge condition 8 (archaeology) is currently pending (DC/19/00735). This reaffirms the intention and commitment of Hopkins Homes delivering the site.</p>
Land west of Ixworth Road, Thurston	M/4963/16/OUT	Outline	250	160	<p>Outline planning consent was approved on 9<sup>th</sup> July 2018 under reference 4963/16.</p> <p>A reserved matters application for 250 dwellings was submitted in August 2018 by Persimmon Homes, a national housebuilder under reference DC/18/03547. The Council were aware of this application at the start of the monitoring period of 1<sup>st</sup> October 2018 and provided the Council with the clear evidence needed of the intention of Persimmon in bringing this site forward.</p> <p>The site is owned by Mr Adrian Nice and Mrs Pauline Nice at 12<sup>th</sup> October 2018, with an option to purchase the site dated 19<sup>th</sup> July 2018 by Persimmon Homes.</p> <p>An MoU has been prepared and signed between the Council and Persimmon Homes. This MoU is attached at appendix 3. In summary, this outlines that two meetings have taken place since submission of the reserved matters application and amendments have been made to address the comments and expect the application to be presented to planning committee on 13<sup>th</sup> February 2019. The MoU confirms no issues with viability. The site is under single ownership and Persimmon have an option to purchase the site. Persimmon expect completions of 50dpa from the year 2019/20 although in the absence of a past record of delivery in the district for Persimmon, 40dpa has been applied from 2019/20 in line with local evidence.</p> <p>This demonstrates clear evidence that the site will deliver completions in 5 years.</p> <p>Due to final amendments sought from Persimmon on the layout, the reserved matters application has been deferred to the 27<sup>th</sup> March 2019 planning committee and is recommended for approval.</p>
Land on the north side of Norton Road, Thurston	M/5070/16/OUT	Outline	200	140	<p>Outline planning consent was approved on 29<sup>th</sup> March 2018 and was submitted by Pigeon Capital Investment and Mr Peter Hay.</p> <p>An MoU has been prepared and signed between the Council and Pigeon which is attached at Appendix 3. It outlines that Pigeon Linden Homes as its development partner and the sale of the site to Linden was completed in October 2018. Linden Homes</p>

					<p>prepared a reserved matters application for the site following pre-application discussions with planning officers at MSDC. The MoU confirms no issue with viability. The site is expected to deliver completions from 2019/20 and at a rate of 40dpa which is in line with local evidence.</p> <p>Linden Homes confirmed on 13<sup>th</sup> March 2019 that the Reserved Matters application was submitted on 8<sup>th</sup> March 2019 as broadly expected in the MoU.</p> <p>This demonstrates clear evidence that the site will deliver completions in five years.</p>
Land to the east of Turkeyhall Lane and to the north of North Close, Bacton	DC/18/00723/OUT	Outline	51	51	<p>Outline planning permission was granted in July 2018 and was submitted by Pigeon.</p> <p>An MoU has been prepared and signed between the Council and Pigeon which is attached at Appendix 3. It outlines that the site is owned by Cocksedge Building Contractors who will build out the site, who are currently preparing a reserved matters application and expect this to be submitted in early 2019. There are no issues with ownership or financial viability on the site. The MoU expects 30 completions in 2019/20 and 21 completions in 2020/21. These delivery rates have been applied to the trajectory, but completions have been anticipated a year later than identified in the MoU to reflect the local evidence on lead-in times of 2.7 years, as there is no available past record of delivery of the developer to assume faster lead-in times.</p> <p>This demonstrates clear evidence that the site will deliver completions in five years</p>

### c) Summary of Housing Land Supply

5.5 Table 14 below outlines the components of housing land supply by type of application.

**Table 14. Number of Sites in Housing Land Supply by Type of Permission**

Type <sup>6</sup>	No. of Sites
Under Construction	21
Full Planning Permission	12
Reserved Matters Permission	2
Outline Planning Permission	6
Small Sites (<10 Dwellings)	475
<b>Total Sites</b>	<b>516</b>

<sup>6</sup> See relevant appendix each trajectory.

## 6.0 WINDFALL ASSESSMENT

- 6.1 The Framework and PPG allow for local authorities to include a windfall allowance in their five-year housing land supply where there is *“compelling evidence that they will provide a reliable source of supply”* (Framework paragraph 70).
- 6.2 Windfall is defined in the glossary of the Framework on page 73 as *“sites not specifically identified in the development plan”*.
- 6.3 Paragraph 70 of the Framework states that *“any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends”*.
- 6.4 Paragraph 048 of the PPG also requires annual position statements of five-year land supply to assess the permissions granted for windfall development by year and how this compared with the windfall allowance.
- 6.5 This section examines the past trends and considers the potential for future delivery of housing on windfall sites across Mid Suffolk and considers whether there is justification to include an allowance for windfall in the five-year housing land supply. Analysis of historic trends and consideration of future windfall sources has been undertaken to ascertain the level of any such allowance.
- 6.6 Monitoring records show that since 2014/15 windfall has consistently delivered a significant proportion of Mid Suffolk’s housing completions. Table 14 presents the total number of windfall completions between 2014/15 and 2017/18 as a proportion of total completions. The table demonstrates that since 2014/15, 69% of net completions on all residential development has been on windfall sites.

**Table 15. Windfall as a Proportion of Net Completions<sup>7</sup>**

AMR Year	Net Completions	No. of Windfall Completions <sup>8</sup>	% of Net Completions
2017/18	426	292	69%
2016/17	305	230	75%
2015/16	304	240	79%
2014/15	416	246	59%
<b>Total</b>	<b>1,451</b>	<b>1,008</b>	<b>69%</b>

### a) Methodology

- 6.7 Analysis on windfall dwelling delivery rates has been conducted for the 4 years 2014/15 to 2017/18 for which the Council have adequately detailed records.
- 6.8 As part of the analysis, the following types of windfall were removed from the assessment:
- Sites in residential gardens. Although no longer restricted in the inclusion of windfall assessments, this type of windfall as a continued source is uncertain.
  - Sites larger than 0.25ha or more than 11 dwellings in size. These sites have been

<sup>7</sup> Table 10 of 2017-18 Annual Monitoring Report

<sup>8</sup> Includes residential garden land

removed, as sites of this size would be expected to be allocated in the emerging Local Plan. The year in which windfalls make a contribution to land supply in this assessment, it is likely that there will have been further progress on the emerging Local Plan, possibly to Plan Examination.

- c. Sites granted through appeal. All sites granted by appeal cannot be relied upon due to the nature of their determination, plus the closer the Council comes to adopting a Local Plan and after adoption, it is likely there will be fewer appeals. Permissions granted by appeal have been removed across all site types.

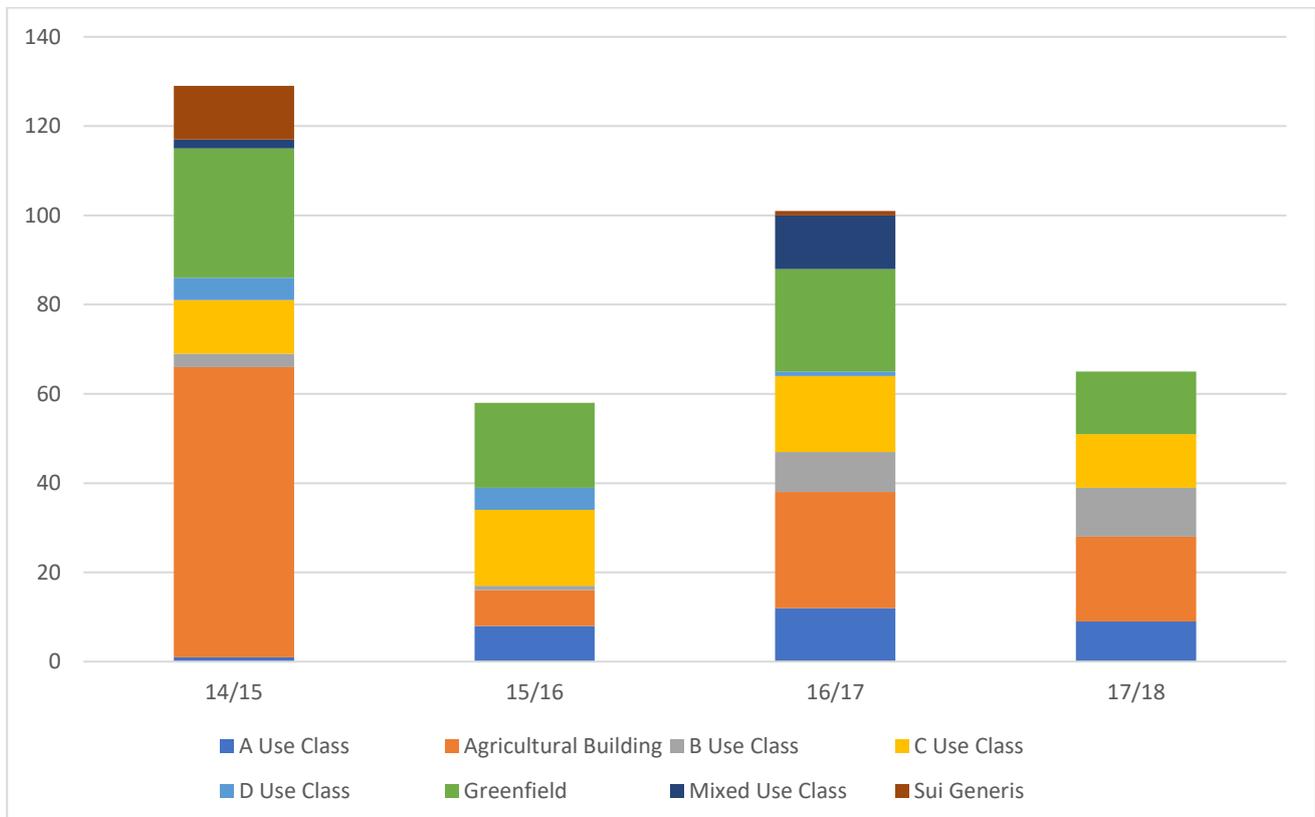
6.9 As a result, a total of 353 windfall completions in the period 2014/15 to 2017/18 are removed following this filtering process.

**b) Sources of Windfall**

6.10 Following the removal of a number of sites detailed above, the source of remaining windfall sites has been analysed.

6.11 Chart 1 identifies the nature of windfall completions and sites that have come forward over the last 4 years in Mid Suffolk. Sites which have previously been used as agricultural dwellings have contributed the biggest proportion of windfall completions annually over the last 4 years, this equates to 33% of windfall. Greenfield sites have contributed 24% of windfall completions in the last 4 years.

**Chart 1: Small Windfall Completions by Source**

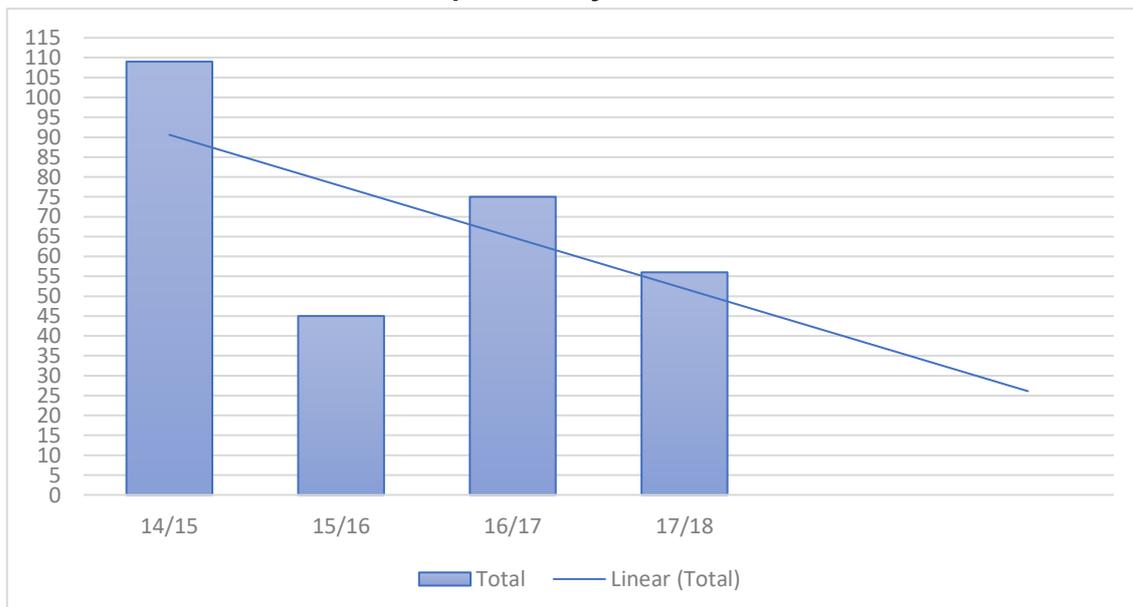


6.12 Given the rural nature of the district and changes in modern agriculture, it is reasonable

to assume that windfall completions on previous agricultural buildings and greenfield sites will provide a future consistent source of windfall.

- 6.13 It is also expected windfall completions on former B Use Class buildings will continue to provide a modest contribution due to the temporary change to permitted development rights remaining and furthermore a contribution can be expected from former C Use Class buildings.
- 6.14 Chart 2 has been produced removing windfall completions from sources which are considered to be unreliable or not providing a constant form of supply, namely:
  - a. A Use Classes;
  - b. D Use Classes;
  - c. Mixed Use Classes;
  - d. Sui Generis
- 6.15 When removing sources of supply likely to be inconsistent, it can be demonstrated that the future trends of those remaining sources is set to decrease and is predicted to be around 25dpa by year 3 (2020/21) when windfalls contribute in the five-year land supply.
- 6.16 This is considered to be an accurate reflection of the Council's intention to adopt a new Local Plan which will provide site allocations and direct development into specific locations thus reducing contribution from windfall sites to annual completions.
- 6.17 A windfall allowance of 25dpa has been applied to years 3, 4 and 5 of the five-year housing land supply to avoid the double counting in years 1 and 2 of smaller sites already in the 5 year supply.

**Chart 2: Small Windfall Completions by Year**



## 7.0 LAND SUPPLY POSITION

- 7.1 This section concludes the housing land supply position in Mid Suffolk drawing on the evidence set out in sections 3-6 of this report. The assessment of deliverability as explained, was carried out on all sites, and those which were not considered deliverable have been removed. Overall, there are 516 sites through outstanding permissions which meet the relevant requirements set out in the 2018 Framework and PPG.
- 7.2 Drawing on the evidence on housing delivery from national research, national housebuilder performance and local evidence, a delivery rate of **40dpa** and a lead-in time of **2.8 years** has been applied. This is outlined in detail in section 3 of this report. Where MoUs set out different lead-in times and delivery rates, these have been used. Applying these assumptions to deliverable sites equates to a housing land supply of 3,493 dwellings to 2023.
- 7.3 6 sites with outline planning consent are considered to demonstrate the clear evidence as required by the Framework (2018) to be included in the housing land supply. These three sites had a reserved matters application lodged by a national or regional housebuilder at the start of the monitoring year and have been approved.
- 7.4 No sites are included in the supply which did not have a planning permission on 30<sup>th</sup> September 2018.

### a) Housing Land Supply Components and Housing Land Supply Position

- 7.5 Details of the sites which comprise Mid Suffolk's Housing Land Supply are outlined in table 15. This table also concludes the housing land supply position of Mid Suffolk District Council to be **5.06 years**.

**Table 16. Components of Five-Year Housing Land Supply**

Housing Land Supply Components	Housing Land Supply 2018-2023	
	Under Construction	1,231
	Full Planning Consent	351
	Reserved Matters Consent	170
	Outline Planning Consent	859
	Small Sites (<10 dwellings)	806
	Windfall Allowance	75
	<b>Total</b>	<b>3,493</b>
Requirement Calculations	Requirement Scenario	
	Base LHN requirement (dpa)	<b>575</b>
	Requirement over 5 years	2,875
	With Buffer @ 20%	3,450
	Dwellings Per Annum	690
5 Year Supply	Council Supply	
	Council Deliverable Supply	3,493
	Years @ 20% Buffer	<b>5.06</b>
	Oversupply/Undersupply	<b>+43</b>

- 7.6 Therefore, as required by the Framework (paragraph 73 and glossary page 66) and in accordance with the guidance set out in the Framework and accompanying PPG, Mid Suffolk District Council can demonstrate a 5.06 years housing land supply.

## APPENDIX 1: NPPF/PPG CHECKLIST

A1.1 This appendix provides a check between the paragraphs of the Framework and PPG and which part of this report addresses it (or otherwise).

Reference	Location
Housing Delivery Test (20% buffer)	Section 2c and Table 1, pages 9 & 10
<p>PPG 036/047: relevant to Sites with Outline Planning Consent:</p> <p>Evidence may include:</p> <ul style="list-style-type: none"> <li>• <i>“any progress being made towards the submission of an application;</i></li> <li>• <i>any progress with site assessment work; and</i></li> <li>• <i>any relevant information about site viability, ownership constraints or infrastructure provision.”</i></li> </ul> <p>For example:</p> <ul style="list-style-type: none"> <li>• <i>“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.</i></li> <li>• <i>a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions.”</i></li> </ul>	Section 5(c), page 28-30
<p>PPG 052: Consultation with Stakeholders such as:</p> <ul style="list-style-type: none"> <li>• <i>“small and large developers;</i></li> <li>• <i>land promoters;</i></li> <li>• <i>private and public land owners;</i></li> <li>• <i>infrastructure providers (such as utility providers, highways, etc);</i></li> <li>• <i>upper tier authorities (county councils) in two-tier areas;</i></li> <li>• <i>neighbouring authorities with adjoining or cross-boundary sites.”</i></li> </ul>	See Section 4 and Appendix x for a summary of the consultation responses received.
PPG 047: Assumption on delivery rates and lead-in times to be based on clear evidence.	Section 3, pages 11-24
<p>PPG 048: Assessments will be expected to include:</p> <p><i>“for sites with detailed planning permission, details of numbers of homes under construction and completed each year; and where delivery has either exceeded or not progressed as expected, a commentary indicating the reasons for acceleration or delays to commencement on site or effects on build out rates”</i></p>	Available records were not sufficient to adequately evidence this.
PPG 048: Assessments will be expected to include <i>“for small sites, details of their current planning status and record of completions and homes under construction by site”</i>	See Housing Trajectory



PPG:048: Assessments will be expected to include <i>"permissions granted for windfall development by year and how this compares with the windfall allowance"</i>	Section 6, pages 31-33
PPG 048: Assessments will be expected to include <i>"details of demolitions and planned demolitions which will have an impact on net completions"</i>	See Housing Trajectory
PPG 048: Assessments will be expected to include <i>"total net completions from the plan base date by year (broken down into types of development e.g. affordable housing)"</i>	Table 4, page 20
PPG 048: Assessments will be expected to include <i>"the 5 year land supply calculation clearly indicating buffers and shortfalls and the number of years of supply."</i>	Table 15, page 34
NPPF Paragraph 73: Standard Method for Calculating Local Housing Need where adopted Local Plans are more than 5 years old	Section 2b, page 9

## APPENDIX 2: LIST OF DOCUMENTS REFERENCED

- 1) Babergh and Mid Suffolk Joint Annual Monitoring Report 2017/18:  
<https://www.babergh.gov.uk/assets/Strategic-Planning/AMR/FINAL-BMSDC-AMR-2017-18.pdf>
- 2) National Planning Policy Framework (2018):  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)
- 3) Planning Practice Guidance:  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- 4) Housing Delivery Test Measurement Rule Book:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728523/HDT\\_Measurement\\_Rule\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf)
- 5) Letwin Review:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/752124/Letwin\\_review\\_web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.pdf)
- 6) Start to Finish How Quickly do Large-Scale Housing Sites Deliver?" NLP Paper (2016):  
<https://lichfields.uk/media/1728/start-to-finish.pdf>
- 7) 'The Role of Land Pipelines in the UK Housebuilding Process' by Chamberlain Walker Economics (2017):  
[https://cweconomics.co.uk/wp-content/uploads/2017/10/CWEconomicsReport\\_Land\\_Banking.pdf](https://cweconomics.co.uk/wp-content/uploads/2017/10/CWEconomicsReport_Land_Banking.pdf)
- 8) HBF Paper: Chairman's Update (31/03/2016)
- 9) 'Housing Delivery on Strategic Sites' by Colin Buchanan Report (2005):  
<https://www.scribd.com/document/40249959/Housing-Delivery-on-Strategic-Sites>
- 10) *Urban Extensions: Assessment of Delivery Rates* by Savills (2013):  
[http://www.barrattdevelopments.co.uk/~/\\_media/Files/B/Barratt-Developments/materials-and-downloads/savills-delivery-rates-urban-extensions-report.pdf](http://www.barrattdevelopments.co.uk/~/_media/Files/B/Barratt-Developments/materials-and-downloads/savills-delivery-rates-urban-extensions-report.pdf)
- 11) 'Factors Affecting Housing Build-out Rates' by University of Glasgow (2008):  
[https://www.gla.ac.uk/media/media\\_302200\\_en.pdf](https://www.gla.ac.uk/media/media_302200_en.pdf)
- 12) Avant Homes Full Year Results 2018;  
<https://www.avanthomes.co.uk/about-us/corporate-news/avant-homes-announces-reord-financial-results-and-40-per-cent-rise-in-profits-for-2018/>
- 13) Barratt/ David Wilson Homes Trading Update 2018;

<http://www.barrattdevelopments.co.uk/~media/Files/B/Barratt-Developments/press-release/2018/trading-statement-oct-2018.pdf>

- 14) Bellway Homes Annual Report 2018;  
<http://www.bellwaycorporate.com/sites/default/files/2018-11/annual-report-2018.pdf>
- 15) Bovis Homes Half Year Report 2018;  
<https://www.bovishomesgroup.co.uk/~media/Files/B/Bovis-Homes-Group/documents/reports-and-presentations/2018/half-year-report-2018.pdf>
- 16) CALA Homes Full Year Update 2018;  
<https://www.cala.co.uk/~media/files/group/cala-group- fy-update -july-2018.pdf?la=en>
- 17) Countryside Properties Full Year Results 2018;  
[https://investors.countrysideproperties.com/application/files/8415/4278/3686/FY18-RNS\\_v1.5.pdf](https://investors.countrysideproperties.com/application/files/8415/4278/3686/FY18-RNS_v1.5.pdf)
- 18) Crest Nicholson Half Year Results 2018;  
<https://www.crestnicholson.com/investor-relations/reports-results-and-presentations>
- 19) Kier Group Annual Report 2018;  
<https://www.kier.co.uk/media/2408/kier-annual-report-2018.pdf>
- 20) Linden Homes Galliford Try Full Year Results 2018;  
<https://www.gallifordtry.co.uk/~media/Files/G/GallifordTry/presentation/2018/full-year-results-2018-presentation.pdf>
- 21) Miller Homes Half Year Results 2018;  
<https://www.millerhomes.co.uk/corporate/financial/news-and-press/Interim-Results-for-the-Six-Months-Ended-30-June-2018.aspx>
- 22) Persimmon Home Half Year Results 2018;  
<https://www.persimmonhomes.com/corporate/media/355105/final-hy18-announcement.pdf>
- 23) Redrow Homes Full Year Results Presentation 2018;  
<http://investors.redrowplc.co.uk/~media/Files/R/Redrow-IR-V2/latest-results/2018/analyst-presentation-full-year-2018.pdf>
- 24) Taylor Wimpey Trading Statement 2018:  
<https://www.taylorwimpey.co.uk/corporate/investor-relations/reporting-centre/2018>



**APPENDIX 3: COLLECTION OF MEMORANDUMS OF UNDERSTANDINGS  
IN RESPECT OF THE FOLLOWING SITES:**

- a. Land north of Chilton Leys, Stowmarket
- b. Land west of Ixworth Road, Thurston
- c. Land on the North Side of Norton Road, Thurston
- d. Land to the east of Turkeyhall Lane and to the North of North Close, Bacton



**Appendix 3a: Land North of Chilton Leys, Stowmarket, MoU**



**Appendix 3b: Land west of Ixworth Road, Thurston, MoU**



**Appendix 3c: Land on the North Side of Norton Road, Thurston, MoU**



**Appendix 3d: Land to the east of Turkeyhall Lane and to the North of North Close, Bacton, MoU**



## APPENDIX 4: HOUSING TRAJECTORY



## **APPENDIX 5: SUMMARY OF STAKEHOLDERS CONSULTED AND COMMENTS RECEIVED**

- A5.1 Appendix 5 provides a summary of comments received, and any changes made from the consultation draft land supply statement.

## APPENDIX 6: GLOSSARY OF TERMS

**Annual Monitoring Report (AMR):** an annual assessment of the implementation of the Local Development Scheme, which monitors the extent to which local development plan policies are being used and performance against other key indicators.

**A Use Class:** Use of premises for shops, financial and professional services, restaurants and cafes, drinking establishments or hot food takeaways as described in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Build-Out Rate:** The annual build-out rate on a site.

**B Use Class:** Use of premises for business, general industrial or storage and distribution as described in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Condition Discharge Application:** A type of application where a condition in a planning permission or a listed building consent requires details of a specified aspect of the development (which was not fully described in the original application) to be approved by the local planning authority before the development can begin. This is also commonly known as 'discharging' conditions.

**Core Strategy:** The Core Strategy is one of the development plan documents forming part of a local authority's Local Plan (formerly the LDF). It sets out the long-term vision for the area, the strategic objectives, and the strategic planning policies needed to deliver that vision.

**Conditions (or 'planning condition'):** A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

**C3 Class Use:** Use of premises as a 'dwelling house' by a single person or by people living together as a family; or by not more than six people living together as a single household, as described in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Deliverable:** As defined in Annex 2 of the National Planning Policy Framework (2019) as 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. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

**Delivery Rate:** The annual build rate on a site.

**Detailed Planning Permission:** A planning application seeking full permission for a development proposal, with no matters reserved for later planning approval.

**Development Plan:** A document setting out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.

**D Use Class:** Use of premises as a non-residential institution or for assembly and leisure as described in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**First Housing Completion:** The date of the first housing completion on site.

**Housing Delivery Test (HDT):** As defined in Annex 2 of the National Planning Policy Framework (2019) as a mechanism which measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November. The outcome of which determines whether a 5% or 20% buffer is applied to the five-year land supply requirement.

**Lead-In Time:** This measures the period up to the first housing completion on site from the submission date of the first planning application made for the scheme.

**Local Development Scheme (LDS):** The local planning authority's scheduled plan for the preparation of Local Development Documents.

**Local Housing Need (LHN):** The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 60 of this Framework) as defined in Annex 2 of the National Planning Policy Framework (2019).

**Local Plan:** As defined in Annex 2 of the National Planning Policy Framework (2019) as a plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

**Local Plan Allocation:** Sites identified within a Local Plan for housing, industry or other use that identifies a specific area of land to be developed within the time period of the Plan.

**Memorandum of Understanding (MoU):** A Memorandum of Understanding is a written statement of agreement between the Council and the site developer(s) which confirms the developers' delivery intentions and anticipated start and built-out rates.

**Mixed Use Class:** Use of premises which provides a mix of complementary uses, such as residential, community and leisure uses, on a site or within a particular area.

**National Planning Policy Framework (NPPF):** sets out government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance (PPG):** The National Planning Practice Guidance adds further context to the National Planning Policy Framework (“NPPF”) and it is intended that the two documents should be read together.

**Net Completions:** Measures the absolute increase in stock between one year and the next, including other losses and gains (such as conversions, changes of use and demolitions).

**Outline Planning Permission:** A general application for planning permission to establish that a development is acceptable in principle, subject to subsequent approval of detailed matters.

**Pre-Commencement Condition:** A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order which must be discharged prior to commencement of development.

**Reserved Matters Application (RM):** The application for approval of reserved matters should be made after the grant of outline planning permission and should deal with some or all of the outstanding details of the outline application proposal, including appearance, means of access, landscaping, layout and scale.

**Start on Site:** The point at which site works commence.

**Sui Generis:** Uses of land and buildings which do not fall within a specified use class of the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Windfall Sites:** Defined in Annex 2 of the National Planning Policy Framework (2019) as Sites not specifically identified in the development plan.

**Windfall Allowance:** An allowance made in the five-year land supply for windfall sites (as defined above).

**Q 16 refers: Copy of English Heritage comments on Reg 14 Eye NP**

Eye  
Suffolk  
IP23 7AF

2 December 2018

Dear Ms Alcock

**Ref: Eye Neighbourhood Plan Regulation 14 Consultation**

Thank you for your correspondence dated 8th November 2018 inviting Historic England to comment on the Regulation 14 Pre-Submission Draft of the Eye Neighbourhood Plan.

We welcome the production of this neighbourhood plan, and are pleased to see that it considers the built and historic environments of Eye. However, we regret that we are unable to provide detailed comments at this time. We would refer you to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

For further advice regarding the historic environment and how to integrate it into your neighbourhood plan, we recommend that you consult your local planning authority conservation officer, and if appropriate the Historic Environment Record at Suffolk County Council.

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

For further advice regarding the historic environment and how to integrate it into your neighbourhood plan, we recommend that you consult your local planning authority conservation officer, and if appropriate the Historic Environment Record at Suffolk County Council.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James  
Historic Places Advisor, East of England

### **Supporting Document AA – Biodiversity Networks Policy EYE 21**

The Map AA identifies the existing networks of habitats within the parish of Eye that support biodiversity (Priority habitats and species). These provide connections for nature and also opportunities to strengthen and enhance them in line with the emerging Suffolk Ecological Networks project for a local Nature Recovery Network - led by Suffolk Biodiversity Information Service (SBIS) as outlined in the Government's 25 Year Environment Plan.

Policy EYE 21 Biodiversity Networks seeks to maximise opportunities through the planning process to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks in line with para 174a of the NPPF. This helps to implement the recommendations of the Government report "Making Space for Nature: A review of England's Wildlife Sites and Ecological Network" (Lawton, 2010) by linking existing habitats, creating more habitat, buffering habitats to make their area bigger and managing habitats better for nature to make them more resilient. This is in line with NPPF para 174b i.e. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity through the planning process.

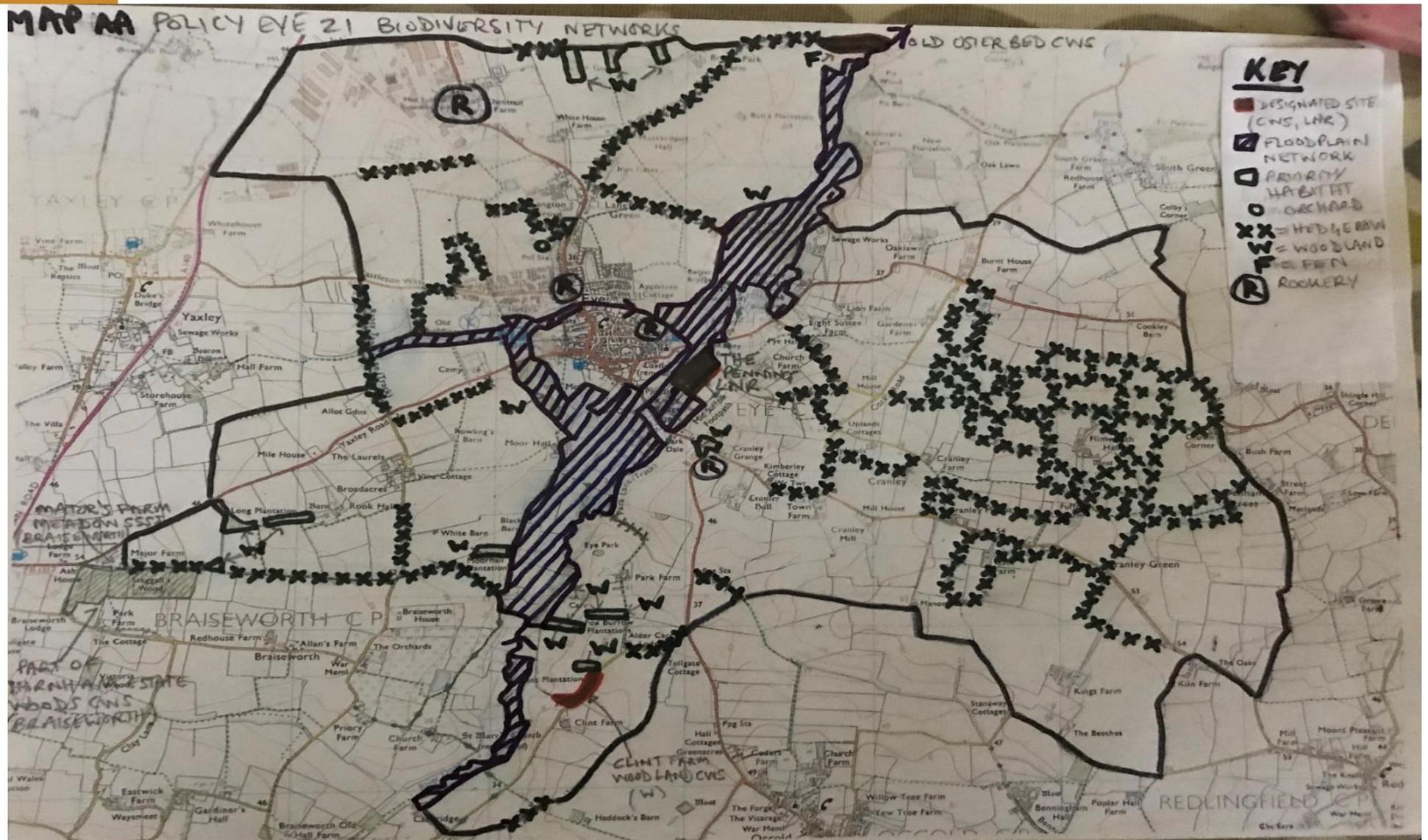
The aim of this policy therefore is to enhance the existing biodiversity networks within the parish and link them to adjoining parishes and beyond (e.g. Major's Farm Meadow SSSI and part of Thornham Estate Woods CWS both abutting the Eye parish boundary) thus contributing to the county and national networks.

The Biodiversity Networks identified within the Plan area include "building blocks" of designated sites (County Wildlife Sites & Local Nature Reserve) as well as Priority Habitats (hedgerows, woodland, orchard, fen & floodplain grazing land) and Local Green Spaces identified as important for biodiversity (see Supporting Document for LGS). Data has been provided by the Suffolk Hedgerow Survey, Veteran Tree Survey and SBIS Rookery survey, all undertaken by local volunteers which has helped identify the evidence baseline for this Policy.

#### Policy implications

The Biodiversity Networks have been identified because of their contribution to the biodiversity assets of the parish of Eye. These contribute important connectivity that needs to be recognised, protected and wherever possible added to throughout the development management process.

It provides a mechanism for applications to deliver measurable net gain for biodiversity by contributing to the conservation, restoration and enhancement of Priority habitats and ecological networks within the parish of Eye.



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## Possible Annex/Supporting Document to the Eye Neighbourhood Plan

## List of infrastructure projects related to Policy Eye 34.

August 2019

Project	Resource Requirement	Funding source	Notes
Traffic management Plan (incl parking)	Full cost currently unknown. Preparation for TRO to restrict lorry weights in the Town. Initial costs £5,000 for evidence collection and £10,000 for TRO process. Implementation cost unknown.	ETC CIL MSDC Regulation 123 list SCC Highways Resources Developer contributions.	Consultancy support for evidence collection for TRO currently being procured.
Development of The Rettery for car parking	Cost unknown to include purchase cost and construction of car park and access.	MSDC Regulation 123 list	Likely to need professional support for feasibility study
Car Parking off Magdalen Street	None	Provided by developer	
Supermarket	None	Private Investment	
Footpaths and Cycleways	Construction of new cycleway/footpath Town Centre to Airfield. Other rights of way improvements	MSDC Regulation 123 List Developer contributions	
Optimum use of ETC land at Victoria Mill incl alternative allotment provision	Professional support for negotiations with developer and landowner interests re access.	ETC MSDC Grants Other Grants and Loans	

	Establishment of Community Land Trust Support for negotiations regarding sale of parts of site Purchase and establishment of alternative allotment site		
New Public Access Leisure Provision at High School	Currently unknown but application for MSDC funding by High School planned for October	MSDC 123 List Other grants	
High School Expansion	Cost determined by SCC and High School	MSDC Regulation 123 list and Section 106 Developer contributions	
Primary school expansion	Cost determined by SCC and Primary School	MSDC Regulation 123 list and Section 106 Developer contributions	
Community Centre – New Changing Rooms	Unknown		
Community Centre – New children’s play area	£80,000	MSDC grant up to 28% Other Grants Local Fund raising	
Community Centre – other improvements including heating	£20,000	Grants MSDC grants MSDC Regulation 123 list Developer contributions	
New playground – Bellands Way	£80,000	As above	

Churchyard wall	Repairs to Church Wall	Grants ETC Church	
Town hall clock tower	RB/CB plus grant application	None -	Will require application to Heritage England.
Local Surgery	Improvement as part of relocation to Hartismere Health and Care	From proceeds of development of site Policy Eye 4.	
Hub for youth provision	Unknown	Grants Developer funding	
Landscaped Open Space between the settlement boundary and the Airfield Business Park	None	Provided by developer.	

[ Ends ]

**7. E-mail to Examiner dated 17 Sept 2019 – Update from CCG re Policy Eye 4**

**From:** Paul Bryant (BMSDC)  
**To:** Rosemary Kidd  
**cc.** Cllr Peter Gould (MSDC), Andy Robinson (ETC), Tom Barker (MSDC)  
**Dated:** 17 Sept 2019  
**Subject:** Eye NP: Update from CCG re Policy Eye 4

*PLEASE NOTE: This e-mail is being sent FYI only and ahead of a formal announcement to be made by the Ipswich & East Suffolk CCG in the coming days.*

Dear Rosemary, (All)

Your Eye NP Exam question 4 refer, in which you asked about the availability of the land at Eye Health Centre/Hartismere Health & Care. In response we advised you that the Ipswich & East Suffolk CCG were unable to comment at the time.

Events have moved on and the CCG have, this afternoon, very kindly provided me with a brief statement (below) which I have their permission to share with you ahead of a more formal announcement to be made in the coming days.

From : Ipswich & East Suffolk CCG  
Dated: 17 Sept 2019

“On the 16th September our Clinical Commissioning team met with Eye Health Centre to talk about their future plans and in particular the proposed move into Hartismere Hospital. The surgery and the CCG are extremely grateful to NHSPS and the providers located within the hospital for the effort and ongoing support they have given to working up options for a potential relocation. Unfortunately the outcome of the meeting with Eye Health Centre was that for the foreseeable future they are not in a position to consider this relocation.

Alternative arrangements are now being explored by NHSPS and the CCG to better utilise space in the hospital and the CCG will update the council’s planning team with the Infrastructure Delivery Plan as part of the Local Plan work going forward.”

It goes without saying that the above has implications as far as the allocation made at Policy Eye 4 in the draft Eye Neighbourhood Plan. If you have any further questions on this matter we will respond to those as soon as possible.

Kind regards

Paul Bryant  
Neighbourhood Planning Officer | BMSDC

[ Ends ]

**8 E-mail from Examiner dated 25 Sept 2019 – Re Update from CCG re Policy Eye 4 and further questions**

**From:** Rosemary Kidd  
**To:** Paul Bryant (BMSDC)  
**Dated:** 25 Sept 2019  
**Subject:** RE: Eye NP: Update from CCG re Policy Eye 4  
**Attached:** Further questions

Dear Paul

I am currently finalising my draft report and have attached some further questions and other matters on which I would welcome the views of the LPA and / or QB.

In the light of your email I shall recommend that Policy Eye 4 should be deleted, although the text in the justification may be retained to provide guidance should the site come forward in the future.

I shall be recommending that Phase 2 of the site south of the Airfield is to be a phased site rather than a reserve site and as such should be considered as an allocation.

I have reviewed the summary tables 3 and 4 to reflect the proposed changes. Would you check that the figures are all correct.

The Further Questions and responses to them should be placed on your website in the interests of openness and transparency.

Kind regards  
Rosemary Kidd  
Independent Examiner

**9. E-mail to Examiner dated 10 September 2019 – Response to Examination Questions**

**From:** Paul Bryant (BMSDC)  
**To:** Rosemary Kidd (cc. Andy Robinson, ETC)  
**Dated:** 4 October 2019  
**Subject:** Eye NP Examination  
**Attach':** Response – Further questions

Dear Rosemary

I am responding on behalf of Eye Town Council and Mid Suffolk District Council to your e-mail dated 30 July in which you set out your examination questions.

With our sincere apologies for the delay and our thanks for allowing us the extra time needed to bring this together, please find attached our collective response. We also recognise that this may generate some follow-up questions which we will both aim to deal with more promptly.

You also asked that your questions and our response be made publicly available so I will make arrangements to ensure that happens.

It only remains for me to politely ask that you confirm safe receipt of the attached at your earliest convenience.

Kind regards

Paul Bryant  
Neighbourhood Planning Officer | BMSDC

[\[ See next page for questions and responses \]](#)

# **EYE NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**Eye Neighbourhood Plan Examiner's Further Questions by  
Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

25 September 2019

## Eye Neighbourhood Plan Examiner's Questions

Thank you for the responses to my examination questions. Before finalising my examination report I would welcome comments from the QB and/or LPA on the following points and proposed revisions to the Eye NP. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

1. I am proposing revisions to the site allocations in the relevant policies to delete Policy Eye 4 (Health Centre) and to include Policy Eye 8 as an phased allocation which will be reflected in summary tables 3 and 4 (page 44 of the ENP). Would you confirm that the figures are correct.

**Table 3 Housing Proposals by Site, Type and Tenure as follows:**

Site/dwellings	Affordable	Sheltered	Market	Total
South of Eye Airfield	56	0	224	280
South of Eye Airfield Phase 2	61	<del>0</del> 25	113 88	174
Chicken Factory	0	0	80	80
Paddock House	<del>30</del> 16	0	0	<del>30</del> 16
Victoria Mill Agricultural	15	0	19	34
Victoria Mill Allotments	15	45	12	72
Windfall allowance	0	0	60	60
<b>Total</b>	<b>163</b>	<b>45 70</b>	<b>508 483</b>	<b>716</b>
<b>Housing Need Targets</b>	<b>90</b>	<b>70</b>	<b>No target</b>	

**Revise Table 4 Expected Phasing of Housing Development as follows:**

Site/dwellings	2018-2023	2024-2029	2030-2036	Total
South of Eye Airfield	200	80	0	280
South of Eye Airfield Phase 2	0	100	74	174
Chicken Factory	0	40	40	80
Paddock House	<del>30-16</del>	0	0	<del>30</del> 16
Victoria Mill Agricultural	0	34	0	34
Victoria Mill Allotments	0	36	36	72
Windfall allowance	19	19	22	60
<b>Total</b>	<b>235</b>	<b>309</b>	<b>172</b>	<b>716</b>

## Response from Eye TC & MSDC:

We are both in agreement that the figures in revised Table 3 and Table 4 above are correct subject to the Paddock House entry reading 16 dwellings and not 30 dwellings as was indicated. This appears to have been a simple transcription error based on (i) the revised wording of Policy Eye 5 put forward in response to your earlier questions, and (ii) that to total columns (both vertical and horizontal) add-up correctly if the figure reads '16'.

## Further comment from Eye TC:

The deletion of Policy 4 removes 25 sheltered dwellings from that site. Given the current uncertainty over its availability it is proposed that these dwellings are accommodated on the South of Eye Airfield Phase 2 site. We therefore suggest a further change to the figures presented in Table 3 above to take this into account. If you are in agreement, an amendment to the proposed wording of Policy Eye 8 might also be appropriate. We offer a suggestion re this under question 4 below.

2. Policy Eye 2 and Para 4.15. The figures in para 4.15 are those from the Housing Needs Survey and I can see no reason why they should not be included in the policy. Experience from other areas cautions against being too prescriptive in specifying a number of one bedroom dwellings. It is suggested that to improve the flexibility of the policy the requirements for one and two bedroom dwellings should be combined to give 53% 1 and 2 bedrooms. Would the QB and LPA comment on the revised wording for Policy Eye 2 and the additional policy proposed on House Types and Sizes:

### [Revised wording for Policy Eye 2]

***“Residential development sites in the Plan area should provide for 163 affordable homes and 45 sheltered homes. There should be at least 40 small homes to buy through shared ownership, 18 homes at (less than 80% of market) social rent and 27 homes at (80% of market rent) affordable rent.*”**

***“Affordable housing should be provided in groups of 15 homes or fewer and be integrated within development schemes.*”**

***“The type, size and tenure of housing should reflect the latest housing needs assessment. Affordable housing should be delivered in accordance with the latest strategic policy and guidance.”*”**

### Add a new Policy Eye X House Types and Sizes

***“Across the various sites for all forms of residential development:*”**

- a. ***53% of new homes should be 1 or 2 bedrooms, 41% 3 bedrooms and 5% 4 or more bedrooms;***
- b. ***48% should be houses, 29% bungalows and 14% flats.”***

Revise paragraph 4.15 to read:

***“Evidence from the 2017 Housing Needs Survey demonstrated that there is a need in the plan area for: points a) and b).***

**Eye TC Response:** We are supportive of both the revised wording for Policy Eye 2, proposed additional policy and revised paragraph 4.15. We suggest one further amendment to the first sentence in Eye 2 above to pick up on matters raised elsewhere re Sheltered Housing, i.e. that this now read as follows:

*“Residential development sites in the Plan area should provide for **163** affordable homes and **70** sheltered homes. There should be ... “*

**MSDC Response:** We would be supportive of all the amendments proposed, including that made by Eye Town Council.

3. Policy Eye 4. I am proposing that this policy should be deleted in view of the uncertainties about its delivery. I shall propose that paragraphs 4.19 and 4.20 and figure 3 should be retained and the following should be added to paragraph 4.20 to set out the type of housing that will be sought on the site: ***“A mix of market housing and sheltered / extra care housing or a care home will be preferred on this site.”*** Would the LPA / QB confirm the preferred form of wording.

**Response from Eye TC & MSDC:** We both agree that, given the current circumstances, the allocation made through Policy Eye 4 be deleted from this iteration of the Neighbourhood Plan. The retention of paragraphs 4.19 and 4.20, and Figure 3 are welcomed in that they provide a helpful link should this site become available again at a future date. With regards to the proposed wording, and the suggestion made elsewhere that the *shortfall* in Sheltered Housing provision could be delivered on an alternate site, we suggest the following:

*“A mix of market, affordable and potentially sheltered housing (if considered appropriate by Eye TC and the LPA) will be preferred on this site.”*

4. Would the LPA and QB confirm that the following additional wording to Policy Eye 8 is satisfactory: ***“Land South of Eye Airfield (phase 2) is allocated for housing development. This site will be commenced once the 250<sup>th</sup> dwelling on the site South of Eye Airfield (Policy Eye 3) has been completed.”*** The site should be included in the settlement boundary.

**Response from Eye TC & MSDC:** We are both supportive of the proposed modification.

**Further comment from Eye TC:** *[See also our response to Q1 above]*

In addition to the revised wording set out on your question 4, and to pick up on our proposal re Sheltered Housing delivery on this site, may we also we propose the following further amendment to the second paragraph of Policy Eye 8 as follows:

*“The site is 5.8 hectares and developed at 30 dwellings per hectare would provide about 174 homes. Of those, 35% (61 dwellings) should be affordable with the tenure and type of home to be agreed subject to an updated local housing needs survey assessment before planning permission is granted. The site will also be expected to deliver a sheltered housing scheme providing about 25 units.”*

5. I shall be proposing the following revisions to Policy Eye 15 to refer to the boundary on the Policies Map and to state general support to suitable development inside the settlement boundary. Would you confirm the date of the Local Plan when the settlement boundary was defined previously. Comments from the LPA and QB are welcomed on the wording:

**Revise the first paragraph to read:**

***“The Settlement Boundary is defined on the Policies Map. Development within the Settlement Boundary will be supported where it complies with the policies of the development plan. Outside of the Settlement Boundary, development will be supported where it satisfies national and strategic policies on development in the countryside.”***

**Delete the three bullet points.**

**Revise paragraph 7.1 to read**

***“The settlement boundary around Eye has been defined by revising the settlement boundary established in the **XX Local Plan** to include the allocated housing sites and other completed development sites. It defines the area where most new development will take place. Policy Eye 15 will apply outside the settlement boundary, except for the Eye Business Area where Policy Eye 33 will apply.”***

**Improve the definition of the settlement boundary on the Policies Map.**

**MSDC Response:** The Eye settlement boundary was established in the ‘1998’ Local Plan following its formal adoption in the September of that year.

**Response from Eye TC & MSDC:** We are both supportive of all the proposed modifications set out above as they are in accordance with national policy.

[ Ends ]

Rosemary Kidd  
Independent Examiner  
25 September 2019