

REPORT TO PARISH COUNCIL MEETING: 20th APRIL 2020

Stradbroke Parish Council Planning Committee has reviewed the applications and proposes the following responses:

- A. **DC/20/01198** – Variation of Condition 7 (Archaeological Evaluation), 8 (Archaeological Written Investigation) and 9 (Archaeological Works) on outline planning permission DC/19/00022. Land to the South of, New Street, Stradbroke

The majority of the committee members have no objections to note on this application to vary conditions 7, 8 & 9 (one committee member abstained from comment).

Motion: SPC **supports** this application.

- B. **DC/20/01337** – Application for Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition. Pond and Meadow Cottages, Street Farm, Laxfield Road, Stradbroke

The committee members have no objections to note on this application.

Motion: SPC has **no comments** to make on this application.

- C. **DC/20/01415** – outline application (all matters reserved) – erection of 6no. dwellings (including 2 affordable homes) (following demolition of garage). Barley Green Garage, Laxfield Road, Stradbroke IP21 5JX

The committee members objected to this application and propose the following.

Motion: Stradbroke Parish Council (SPC) **objects** to this proposal for the following reasons.

1. The Stradbroke Neighbourhood Plan (NP) conforms with the NPPF and provides a deliverable supply of housing that meets both quantum and need. Mid Suffolk have demonstrated there is a 5 year land supply. The attached report demonstrates the made NP meets local housing need.
2. The NP Policy approach to focus growth on development within the settlement closely connected environment was supported at the NP examination. The examiner wrote:

66. Subject to my comments with regard to the details of the site-specific allocations below, I consider that the allocated housing sites meet the Basic Conditions. Thus, I do not consider it necessary for the inclusion of additional, or alternative, sites.

67. I consider that the proposed level of growth on the allocated sites will contribute to the achievement of sustainable development notwithstanding that others are seeking more growth and development plan documents in future might provide for additional growth.

3. The level of growth proposed for the village and surrounding area is constrained by the future capacity of the primary school. This was a guiding principle of the NP.

4. The examiner recognised this in her report:

28. A fundamental constraint identified in Stradbroke was that development in excess of 270 new dwellings would be very likely to trigger a requirement for a new primary school. It was felt that a new school would be likely to require a strategic scale of growth which should be determined through the Local Plan process.

5. This approach has been supported by Mid Suffolk District Council which does not allocate or promote additional sites in the draft local plan other than those proposed for allocation in the made NP.

6. The applicant relies on his interpretation of the Braintree case to justify his argument for “isolated” development outside the settlement in the countryside. He says it is not isolated. The applicant has only provided the lower court decision and has not quoted from the Court of Appeal.

Landmark Chambers publish an annual digest of important cases. One of these reflects on this case with the Court of Appeal perspective which the applicant omits.

<https://www.landmarkchambers.co.uk/wp-content/uploads/2018/12/SL-Case-Law-Update.pdf>

extract from p 11 which SPC highlight in red

“49. In Braintree District Council v SSCLG [2018] EWCA Civ 610 the issue before the Court of Appeal was whether an inspector determining a planning appeal misinterpreted [55] of NPPF1 which stated that local planning authorities “should avoid new isolated homes in the countryside unless there are special circumstances ...”. It was contended by the claimant that the phrase could mean either physically isolated relative to settlements and other development or, of equal importance, whether the site is functionally isolated relative to services and facilities. The proposal would only comply with the policy if neither consideration applied.

50. The Court of Appeal regarded this as a strained and unnatural reading of the policy (see [31]- [32]) which “simply connotes a dwelling that is physically separate or remote from a settlement”. **Whether a proposed new dwelling is, or is not, “isolated” in this sense “will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. What constitutes a settlement for these purposes is also left undefined, but it “would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach”. Whether, in a particular case, a group of dwellings constitutes a settlement, or a “village”, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker.**

51. NPPF2 [79] tweaks the wording of old NPPF [55] but not in a way which affects the application of this judgment to the term “isolated”.

7. The made NP policy position is that the village is the only settlement and the land allocations follow from that premise. If SPC had considered Barley Green might be a settlement to which settlement specific policies on development could apply it would have gathered evidence to test this proposition and sought public views on the matter during the consultation period.
8. Equally when the plan was consulted on the residents of Barley Green had an opportunity to make their case for being treated as a settlement however there is no evidence that any of the residents did so, including the applicant.
9. The SNP site allocation report evidences the rejection of a larger site 14 nearer the village on the Laxfield Road due to lack of connectivity. The NP group commented in Appendix 3
 “This site was submitted after the public consultation events. No assessment of the site has been carried out. **It was agreed that this site would be discounted because it is clearly separate from the settlement boundary and the built-up area generally. This site is considered to be unsustainable**, particularly in light of the fact that there are sufficient sites to address our requirements in more sustainable locations.”
10. The made SNP policy approach was not considered restrictive by the NP examiner. The applicant says it is restrictive. Is the applicant therefore saying that the examiner erred in law by supporting SNP development in and around the village that “restricts” countryside development?
11. (i) The applicant site is a mile from the centre of the village, the schools the shop and the surgery.
 (ii) There is no footpath and that section of road from the site into the village is straight and flat and noted for speeding as it is long and straight.
 (iii) There is a nearby anaerobic digester.
 (iv) If the garage shuts there is no shop to serve the cluster of houses.
 (v) There is a very limited bus service along the road into the village.
 (vi) The applicant proposes affordable housing for which there is no evidenced need beyond that already proposed.

A list of outstanding unbuilt planning applications included in the plan is shown below with SPC updates in **red**.

MSDC Ref	Site Address	Date of Approval	Net dwellings gained	Building Control Start Date	Development Progress
DC/18/01335/Ful	Havensfield Farm, Fressingfield Road	06/02/2018	2		Not started
DC/17/06203/Ful	Land Formally Known as Mark Peacock Landrover, Neaves Lane	18/05/2018	6	25/01/2019	Under construction SPC: complete
DC/18/01335/Ful	Hillcrest, New Street	23/05/2018	see below	One house will be	Not started

				demolished to build 2	
DC/18/02621/Ful	Plot 1, Hillcrest, New Street	10/08/2018	1	05/09/2018	Under construction
DC/18/02624/Ful	Plot 2, Hillcrest, New Street	10/8/2018	1		Not started
DC/18/02634/Ful	15 Woodfields	16/10/2018	1		Under construction
DC/18/03643/Ful	The Oaks, Drs Lane	15/10/2018	1	25/03/2018	Under construction
M/2098/13/Ful	Land At Havensfield Farm, Fressingfield Road	20/12/2013	1	08/11/2016	Under construction
M/2141/16/Ful	Summer Place, Battlesea Green	03/08/2016	1	02/01/2019	Under construction
M/2532/14/Ful	Land adj The Laurels Bungalow, Church Street	15/06/2015	3	06/06/2019	Under construction
M/2815/15/Ful	Valley Farm, New Street	05/10/2015	3		Under construction
M/2980/16/Ful	Land at the Paddocks	23/09/2016	1	01/04/2017	Under construction
M/3142/09/Ful	Land to rear of Doggets Farm , New Street	23/12/2013	3	15/09/2010	Under construction SPC: footings laid
0069/16/Ful	Westland House	03/03/2016	1		
0068/16/Ful	5 Meadow Way	10/03/2016	1		SPC: Lapsed – previous planning still valid
0310/17/Ful	White House Cottages, Queens Street	13/03/2017	1		

12. In conclusion the SPC **object** because:

1. The proposal is contra the basic premise of the NP to concentrate sustainable development close to the core settlement.
2. In SPC's view the proposal site is isolated as a matter of fact and the aerial photograph on p 4 of the planning statement supports this.
3. No further affordable housing is required for the area as shown by the attached report, which means it would be at risk of becoming a gated community of high value developments.

COMMENTS ON MID SUFFOLK LOCAL PLAN (REG 19) ON BEHALF OF STRADBROKE COMMUNITY LAND TRUST FOR SHARING WITH STRADBROKE PARISH COUNCIL

8 April 2020

1.0 Introduction

BVA has been asked by the Stradbroke Community Land Trust (SCLT) to comment on the allocations proposed for Stradbroke in the Emerging Mid Suffolk Local Plan . The revised Sustainability Scoping document is currently undergoing Regulation 19 Consultation. This is reviewing the delivery of proposed allocation sites.

BVA has previously been involved in the area by virtue of its association with the Stradbroke Community Land Trust, with whom we are working to deliver additional affordable housing in the village.

Initial conclusion

The current allocation sites in Stradbroke support and promote sustainable development within 20 years without the need for additional outlier or new clusters of development, subject to land value recovery post Covid-19 event.

One site LA081/ STRAD15 has a diminished quantum to target but this can be made up on another of the sites as shown below without the need for any further small developments that would exclude affordable housing

We are informed that the allocations proposed at present are as follows:

JLP Ref	NP Site Ref
LA080 – Land west of Queens Street	STRAD18
LA081 – Land north of Laxfield Road	STRAD15
LA082 – Land south of New Street	STRAD17
LA083 – Land east of Farriers Close	STRAD16
N/A – Land at Grove Farm	STRAD19

We understand that, although the land at Grove Farm is to be allocated, it is not included in the five year land supply at present because, although it has previously had the benefit of a planning permission, that permission has lapsed.

2.0 Planning and Evidential Context

The purpose of this paper is to support the above allocations to deliver development to village infrastructure capacity based on the made Stradbroke Neighbourhood Plan and examination, and to show how the inclusion of these sites in the BMSDC local plan will support local and District-wide objectives.

In this context, the primary evidential document for determining the overall level of housing provision at the level of the District is the Strategic Housing Market Assessment. In this case, the relevant study is the Ipswich and Waveney Housing Market Areas SHMA, undertaken by Peter Brett Associates with HDH Planning.

Whilst this document undertakes assessment of a wide range of housing information, it has two primary outputs – an estimate of the Objectively Assessed Need for homes of all tenures (the OAN) and a distinct but related assessment of the number of affordable homes required over the life of the plan. Reporting on these issues is made more complicated by the fact that the initial reporting was undertaken in 2017 but it was then updated in 2019 with significantly different results.

The following table shows the annualised requirements at the District level.

	2017 Initial Report	2019 Update
OAN (All tenures)	435	585
Affordable Homes	97	103

The SHMA does not consider the distribution of need around the district, it follows that, in the absence of any other information we would expect the housing and affordable housing need to be distributed evenly around the settlements of the district – broadly in line with their population.

At the time of the last Census then, the village of Stradbroke had a population of just over 1,400 people. This compares with a population of 97,000 across Mid Suffolk as a whole. From the point of view of the SHMA then, and in the absence of any other policy considerations or competing objectives, we would expect Stradbroke receive allocations equivalent to at least 1.4% of the total envisaged by the plan. Those allocations should be capable of delivering at least 23% of the homes in the form of affordable housing.

However, the spatial distribution of housing throughout the district is guided not by the SHMA but by the draft Local Plan, which has allocated 28% of planned housing to the 14 Core Villages. These 14 settlements contain around 27% of the District's population at the time of the last Census. Therefore, if allocations were to be distributed among the Core Villages in the same way, we would expect Stradbroke, to accommodate around 125 homes.

However, in in this case, there are other considerations – which were part of the impetus behind the Neighbourhood Plan. Residents of the village were concerned about the on-going viability of the local Primary school. Schools need to run at or near their full capacity in order to ensure that they can be managed effectively but, of course, at a certain point, the level of growth would exceed the existing capacity and a new school would be required (necessitating still further growth in order to ensure that it too is kept full).

Evidence from other Local Plan examinations shows the difficulties of establishing new schools on new sites as they require a quantum leap in development. SCC modelling shows this to be 800 homes for a new school , ie 0.25 pupils for a 2 form entry Primary school. (Suffolk Coastal Plan – Saxmundham).

The accuracy and currency of this modelling formula are out of date and have been challenged by Stradbroke Parish Council in their Reg 18 submission, as wider national evidence shows that a high percentage of affordable homes offers up a high level of school places and the converse is also true.

The upper and lower parameters for the number of homes required in Stradbroke are therefore set by a pro-rata consideration of the OAN and affordable housing requirements (at the low end) and the number of homes that would trigger the need for a new primary school (at the upper end).

The Inspector who examined the soundness of the Neighbourhood Plan in 2018 considered exactly this point and concluded that:

“A fundamental constraint identified in Stradbroke was that development in excess of 270 new dwellings would be very likely to trigger a requirement for a new primary school.”

Thus the intention is for allocations to get as close as possible to 270 new homes without exceeding that total.

The SA is now proposing 12 more homes over this total but that does include 27 homes already granted permission, some of which are extant for several years, most of which have no affordable homes in them and there is no local confidence they will be delivered in the medium term.

3.0 The Proposed Allocations

Although indicative capacities for the sites set out above were included in the SHLAA, we are aware of constraints and variations in respect of some of them, which may affect their overall capacity or their ability to deliver affordable housing.

JLP Ref	NP Site Ref	SHLAA Capacity	Updated Capacity	Affordable Capacity
LA080 West of Queens Street	STRAD18	75	80	0
LA081 North of Laxfield Road	STRAD15	45	28	10
LA082 South of New Street	STRAD17	60	60	21
LA083 East of Farriers Close	STRAD16	35	35	12
N/A Grove Farm	STRAD19		44	16
Total		215	247	59

Site LA080 has, in our view, slightly more capacity than was originally envisaged by the SHLAA but it's capacity for the delivery of affordable housing may be constrained by the flood attenuation strategy required for the site and by the requirement to make provision for parking facilities for the school. These are likely to lower the level of affordable housing that the site can deliver, and possibly by a significant amount. Without, in any way seeking to pre-judge the outcome of the planning process for that site, and solely for the purposes of this note, we have made the most pessimistic possible assumption and proceeded on the basis that no affordable homes at all are delivered.

In an email the developer has now stated the site cannot deliver the full quantum of affordable homes sought by policy. SPC is concerned for traffic escalation on Queens Street (see Grove Farm below) and is unlikely to accept any expansion of numbers.

Site LA081 has been consented for 28 homes instead of 45 and is possibly constrained for future resubmission at higher numbers due to heritage harm issues. Heritage harm as a material consideration has been strengthened since 2018, However, as the consent is policy compliant we have no reason to suppose that it will face any further viability constraints that would hamper provision of the 35% affordable housing sought by policy.

Sites LA082 and LA083 are assumed to come forward in the manner envisaged by the SHLAA and the SNP. We have no reason to doubt that they will be able to deliver the full

35% quantum of affordable housing. LA082 now has an outline consent for a policy compliant scheme of 60 homes and the developer is actively bringing it forward.

The final site is Grove Farm, which we have made the subject of a separate section.

4.0 Grove Farm

At the time of its inclusion of the Neighbourhood Plan, Grove Farm had a planning permission, for 44 homes with access off Queens Street.

However, a new district wide Sustainability Appraisal scoping report has been published which refers to WSP transport modelling that shows capacity issues on the B1118 at the junction with the A 140.

This matter was challenged by the SPC at Reg 18 stage and an initial clarification email has been submitted to show the PC is not considering the sites in the Plan to be ineffective, rather that the SA itself was ineffective in not assessing the cumulative impact of development on the Policy that is the Stradbroke NP.

The Neighbourhood Plan includes a policy stating that all new residential development should mitigate its impact on Queens Street. The Grove Farm site is unable to mitigate its impact on Queens Street. It is only because permission was issued prior to the adoption of the plan that the Parish Council wrote it into the SNP Plan to enable control of development should planning lapse.

That permission has now lapsed, and the site has been sold. Access on to Queens Street is now a much more charged issue than in 2016 due to the significant increase in village through traffic, and the increase in local commercial activity. Future transport issues are foreseeable in the lifetime of the Neighbourhood Plan due to the Eye Cranswick factory development and the proposed lorry ban through Eye, that will funnel all traffic along three sides of the B1117/B1118 crossroads in Stradbroke northwards past the Grove Farm entrance.

There is, however, an alternative which is to reconfigure the site in such a way as to achieve access from Shelton Hill – thus alleviating any additional pressure on Queens Street. The drawback is that this would impose greater costs on the site, which would then need to be offset by additional development on the southern portion of the Grove Farm site (identified in the SHELAA as SS0575).

Moreover, since the southern portion of the Grove Farm site is outside the development boundary, it would need to provide a higher level of affordable housing – 50% of all the dwellings on that portion of the site.

BVA has undertaken feasibility work for the Stradbroke Community Land Trust which demonstrates this proposal is indeed feasible and possible from a development and economic point of view.

We estimate that reconfiguring the site in this way would raise the total capacity of the site from 44 homes to 60 and increase the output of affordable housing from 16 homes (35%) to 24 (40%).

This would offset the potential loss of 17 homes on site LA081, counterbalance the objections of the developer on LA080 and mitigate traffic on to the Queens Street pinch point.

5.0 Conclusion

The housing allocations currently contemplated for Stradbroke in the emerging Babergh and Mid-Suffolk Joint Local Plan, and the lapsed consented Grove Farm site, reflect both the overall strategy outlined in the Neighbourhood Plan and the wider strategic objectives of the District (and plan area).

The allocations contemplated not only meet the minimum requirements established by the SHMA (147 homes and 27 affordable homes), they go well beyond that level, with the aim of supporting the ongoing viability of the primary school.

In line with the Neighbourhood Plan Inspector's comments, they maximise the level of provision that can be made without triggering the need for a new school. Taken together, all the sites including Grove Farm would deliver a total of 247 homes (of which 59 would be affordable) over the life of the plan.

In addition to this, work currently being undertaken by the Community Land Trust with the support of both the Parish and District Councils may bring forward a further 16 or more homes on land outside the development boundary. These could form a percentage of windfall sites proposed in the Local Plan. Not only would 50% of these homes be available as affordable homes, they would also allow for the reconfiguration of the Grove Farm site in such a way as to eliminate any increase in pressure on the already overloaded Queens Street bottleneck.