

HEARING STATEMENT

MID SUFFOLK & BABERGH DISTRICT COUNCIL
JOINT LOCAL PLAN

MATTER 9

QUESTIONS 9.1-9.6

POLICY LA095: LAND NORTH OF THE STREET,
WOOLPIT

FOR HOPKINS HOMES LTD

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1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Bidwells on behalf of Hopkins Homes Ltd, in respect of **Matter 9: Allocation Sites for Housing and Other Development and Settlement Boundaries** of the Inspector's 'BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION MATTERS AND QUESTIONS' (no publication date). Specifically, this Hearing Statement relates to emerging site allocation Policy LA095: Land North East of The Street, Woolpit.
- 1.2 The Statement is intended to assist the Inspector's consideration of the soundness of the Plan and will form the basis of the discussion at the Examination Hearing session. We have only sought to answer those questions that relate to our previous representations.
- 1.3 The proposals for the southern portion of the proposed site allocation (LA095) benefit from outline planning permission (ref DC/18/04247), so the principle of residential-led development on a large part the proposed allocation site, as specified by Policy LA095, is already established. The outline permission was granted on 21 August 2020 and fulfils many of the requirements I-XV contained within draft Plan Policy LA095, as demonstrated by Table 1 below. The permission permits the construction of up to 300 residential dwellings (including 60 affordable homes), garages, parking vehicular access with Bury Road ('the Street') and the A14 (Junction 47) via a new spine road, estate roads, public open space, play areas, landscaping and amenity greenspace with sustainable drainage systems and associated community infrastructure including land for a new primary school, playing fields, sports pitches, a burial ground extension, and village car park. The consented proposal covers 23.43 hectares of the overall 36.2ha site proposed for allocation.
- 1.4 Following grant of outline planning permission, an application for the approval of reserved matters (ref: DC/21/01132) was submitted in February 2021, alongside separate applications to discharge planning conditions required to be submitted concurrently with any reserved matters application. Some conditions have already been discharged, whilst the approval of reserved matters is pending determination.

Table 1: Consideration of the Outline Planning Permission against the Requirements of Policy LA095

LA095 REQUIREMENT	EXTANT PLANNING PERMISSION
Part I	The pending reserved matters application has been prepared to align with other relevant policies within the Joint Local Plan (JLP).
Part II	As specified within this Hearing Statement, the proposed development has been designed to conserve and, where possible, enhance the setting of nearby heritage assets.
Part III	The detailed design proposals, submitted as part of the pending Reserved Matters planning application, provide suitable screening and separation from While Elm Road.

LA095 REQUIREMENT	EXTANT PLANNING PERMISSION
Part IV	A planning condition, associated with the outline planning permission, requires a programme of archaeological evaluation to be undertaken prior to commencement of development.
Part V	The outline planning permission was accompanied by a robust suite of protected species surveys, while a Construction Management Plan for Biodiversity and a Skylark Mitigation Strategy have both been agreed through discharge of relevant planning conditions associated with the outline planning consent (ref: DC/21/01158 and DC/21/01159).
Part VI	A robust Noise Impact Assessment will be prepared as part of proposals for the northern portion of the site, to determine the most appropriate acoustic treatment to address noise emanating from the A14.
Part VII	The site layout has been prepared to reflect Anglian Water's assets within proximity of the site.
Part VIII	Contributions towards the delivery of a new cycle and footpath link from Woolpit to Elmswell has been secured through the Section 106 Agreement associated with the outline planning permission.
Part IX	Where appropriate, any minerals resources will be reused and recycled.
Part X	Contributions towards significant off-site improvements to the A14 Junction 47 have been secured through the Section 106 Agreement associated with the outline planning permission.
Part XI	A robust Transport Assessment was prepared to support the outline planning application, which determined that the proposed infrastructure solution for the site has capacity to cater for the approved outline planning permission, the remainder of the site, and other cumulative development in Woolpit.
Part XII	Contributions towards the delivery of a new cycle and footpath link from Woolpit to Elmswell has been secured through the Section 106 Agreement associated with the outline planning permission.
Part XIV	Appropriate contributions have been secured through the Section 106 Agreement associated with the outline planning permission.
Part XV	Appropriate contributions have been secured through the Section 106 Agreement associated with the outline planning permission.

2.0 Matter 9 Questions

Question 9.1

- **Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 – LA119 soundly-based?**

- 2.1 As has been demonstrated through the submission of previous representations, the allocation of LA095 is suitable, available, achievable and viable, and is deliverable within the Plan period to 2036. There are no constraints which would affect the suitability of the site for residential development, which has already been demonstrated through the grant of outline planning permission on a significant proportion of the proposed site allocation area.
- 2.2 The proposed Policy wording has been informed by recommendations within the JLP Evidence Base. For instance, the suggestions within the Babergh and Mid Suffolk Landscape Sensitivity Assessment of SHELAA Sites (ref: EE12) to maintain separation from White Elm Road, and to incorporate a sufficient noise buffer to the north of the site, have been carried through to the Policy in parts III and VI. Part II of the Policy has also been directly informed by the Options for Sustainable Development within the Babergh and Mid Suffolk Heritage Impact Assessment (HIA) Stage 2 Impact Assessment for Preferred Sites (ref: EE14 and EE15).
- 2.3 Access was approved as a detailed matter as part of the outline planning permission. This secured the delivery of the Spine Road and associated infrastructure enhancements required to deliver the development as set out within LA095. As part of the outline planning application, extensive sensitivity testing was undertaken to determine the suitability of the proposed road infrastructure to provide for both the development set out within the outline planning application, and the development of the entire site as set out within LA095.
- 2.4 On this basis, it is considered that the proposed allocation is sound.
- **Are the criteria and requirements set out in the relevant policies justified and effective?**
- 2.5 At this stage, we do not consider that part XIII of draft Policy LA095 is sufficiently justified. The S106 agreement accompanying the outline planning permission provides the legal framework within which the primary school site can be called upon and transferred. In addition, whilst preparing the reserved matters application, discussions have taken place and are ongoing with the County Council to help assimilate their emerging designs for the primary school into the wider site design. Therefore, it remains clear, given the progress made to date by the County in developing their detailed designs, that Hopkins Homes remain committed to the delivery of land for the establishment of a new Primary School for Woolpit on site LA095. However, this is based upon the provision of a 2.2ha school site and not 3ha as envisaged under section XIII of draft Policy LA095. The outline planning application has been consented on the basis of a masterplanned development reserving 2.2ha, and the pending Reserved Matters application has been based upon this assumption. The requirement for the reservation of 2.2ha of land for a primary school is also embedded within the signed S106 Agreement which accompanies the outline planning permission, which Suffolk County Council, as Local Education Authority have agreed.

2.6 We, therefore, consider this minor modification should be made to the policy wording to ensure the draft policy aligns with the existing planning permission and S106 Agreement in place on part of this site.

- **Is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?**

2.7 The pending Reserved Matters application, submitted in February 2021 following grant of outline planning consent in August 2020, is representative of the developer's intention to deliver housing at Land north of The Street, in accordance with Policy LA095, and within the Local Plan period. It is Hopkins Homes' intention to commence development on the southern portion of the site in Autumn 2022, subject to approval of the pending reserved matters application. The delivery timescales set out within the Housing Trajectory, which assume commencement of development in 2028, and completion in 2036, are therefore considered achievable and viable.

Question 9.5

- **Is the "contributions to the satisfaction of the LPA, towardsxxxx" wording used in many of the LAXXX policies justified and effective? Would "contributions towardsxxxx, to ensure that the development is acceptable in planning terms" be more appropriate?**

2.8 It is considered that more justified and effective wording for parts XIV and XV of the Policy would be as follows:

Contributions towards school and healthcare provision, to ensure that the development is acceptable in planning terms.

2.9 The required contributions towards school and healthcare provision will be determined in consultation with the LPA and various stakeholders, so the policy should reflect that appropriate contributions will need to be agreed to the satisfaction of various stakeholders, and not just the LPA

Question 9.6

- **Are the settlement boundaries as shown on the policies map justified and effective?**

2.10 The settlement boundary for Woolpit, as shown on the policies map, is justified and effective. The settlement boundary captures LA095 in its entirety, and it has been demonstrated through previous representations that the site is suitable, available, achievable and viable, and is deliverable within the Plan period to 2036.

HEARING STATEMENT

MID SUFFOLK & BABERGH DISTRICT COUNCIL
JOINT LOCAL PLAN

MATTER 9

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POLICY LA053: LAND SOUTH OF IPSWICH ROAD,
BRANTHAM

FOR HOPKINS HOMES LTD

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1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Bidwells on behalf of Hopkins Homes Ltd, in respect of **Matter 9: Allocation Sites for Housing and Other Development and Settlement Boundaries** of the Inspector's 'BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION MATTERS AND QUESTIONS' (no publication date). Specifically, this Hearing Statement relates to emerging site allocation Policy LA053: Land South of Ipswich Road, Brantham.
- 1.2 The Statement is intended to assist the Inspector's consideration of the soundness of the Plan and will form the basis of the discussion at the Examination Hearing session. We have only sought to answer those questions that relate to our previous representations.
- 1.3 Land South of Ipswich Road, Brantham is the subject of a pending full planning application for residential development in accordance with the emerging policy (ref: DC/20/02459). Whilst all technical matters relating to the application have been resolved, including no objection from the Council's Heritage Team, the determination of the application has been paused to align with the Local Plan process to avoid any criticism that the successful determination of the current live planning application could prejudice the current plan making process.

2.0 Matter 9 Questions

Question 9.1

- Are the sites allocated for housing and other development in policies LS01(1-90) and LA001 LA119 soundly-based?

- 2.1 We know from the previous representations from Hopkins Homes in respect of this site allocation, that the allocation of LA053 is suitable, available, achievable and viable, and is deliverable within the Plan period to 2036. There are no constraints which would affect the suitability of the site for residential development.
- 2.2 The proposed Policy wording has been informed by recommendations within the Joint Local Plan (JLP) Evidence Base. For instance, Parts II and III of the Policy have been directly informed by the Options for Sustainable Development within the Babergh and Mid Suffolk Heritage Impact Assessment (HIA) Stage 2 Impact Assessment for Preferred Sites (ref: EE14 and EE15).
- 2.3 On this basis, it is considered that the Policy has been soundly based.
- 2.4 Following submission of the JLP for Examination, we have reviewed published representations received as part of the Regulation 19 consultation. We note that representations have identified elements within the JLP Evidence Base in respect of LA053 which require further review ahead of Examination. For instance, the Landscape Sensitivity Assessment (LSA) for Preferred Sites concluded that the site may have a 'Moderate' landscape impact, though only a portion of LA053 was assessed. See extract from the LSA below for reference:



Figure 1: Extract from LSA

- 2.5 This area within the JLP Evidence Base is explored in further detail below, to provide the Examiner with reassurance that Policy LA053 is soundly-based upon accurate evidence in respect of Landscape and Heritage considerations:

Landscape

- 2.6 Parts II, III and IV of Policy LA053, as written at Pre-Submission (Regulation 19) stage, sets out the policy requirements in respect of Landscape considerations. These require any development proposals to secure the provision of open space to the southern aspect of the site, to provide separation from heritage assets to the south, and provisions to ensure that the landscaping approach is sympathetic to the Dedham Vale AONB and that the tower of the Church of St Michael and All Angels remains prominent.
- 2.7 The detailed landscaping proposal, submitted as part of DC/20/02459, has demonstrated that a suitable landscaping scheme can be delivered for the site, in accordance with the provisions within LA053. The landscaping scheme has been endorsed by Place Services Landscape as a statutory consultee, and incorporates the following elements:
- An area of public open space, incorporating a Local Equipped Area of Play (LEAP), located in the centre of the proposed development to give the site a defined central feature;
 - Provision of a large public open space area to the south of the site, with drainage features incorporated within the landscaping scheme, to maintain a sensitive offset from the heritage assets to the south of the site;
 - Provision of a circular walking route to the site's boundaries, to create an attractive landscape buffer to the development;
 - Creation of view corridors through the site will establish framed views through the site to the heritage assets to the south; and
 - Preservation and reinforcement of existing natural features, with additional tree, hedge and shrub planting to site boundaries.
- 2.8 Views of the site are highly localised due to the intervening built form and mature vegetation within the immediate setting of the site, which results in local and longer distant views being heavily screened. The primary receptors with views possible towards or over the site are those using the local Public Right of Way network that extends south from Church Lane, however, due to intervening built form and mature vegetation, views towards the site are limited and only experienced for a short distance. Further to this, residents of properties overlooking the site and users of the roads adjacent to the site have views towards/over the site. However, it is considered that the site is located within the settlement fringe and that the Proposed Development within the site would be seen within the context of the existing settlement edge.
- 2.9 Overall, it is considered that LA053 contains suitable policy guidance to secure the delivery of residential development which does not compromise the visual amenities or qualities of the localised setting. While comments regarding the JLP Evidence Base in respect of Landscape are noted, it is not considered that the minor discrepancy has any adverse impact upon the soundness of LA053, or its ability to guide the provision of residential development that can deliver a suitable landscaping solution.

Heritage

- 2.10 Parts II and III of LA053, as written at Pre-Submission (Regulation 19) stage, sets out the policy requirements in respect of Heritage considerations. These require any development proposals to conserve and enhance the setting of the heritage assets to the south of the site.
- 2.11 During preparation of the pending planning application for the site (ref: DC/20/02459), it was identified at an early stage that the proposed development of the site had the potential to adversely affect the significance of the Church of St Michael and All Angels and its associated Lych Gate, through alterations to their semi-rural setting. In accordance with Step 4 of Historic England's guidance in *GPA3*, a number of important design and mitigation measures were identified as part of the pending planning application to minimise the extent of any potential harm. This includes:
- Retention of a significant area of publicly accessible open space within the southern extent of the site, in accordance with Part III and IV of Policy LA053;
 - Retention of important views into and through the site to retain the landmark qualities of the listed church;
 - Reduced height, scale and density of development at the southern reaches of the site, to provide a loose rural edge to development, with higher density development provided further north; and
 - Use of traditional materials to respond to the church and the semi-rural location.
- 2.12 These design measures were discussed in detail with the local planning authority through the pre-application process related to the pending planning application. As a result of the embedded mitigation measures, the heritage consultant RPS, concluded that the proposed development will result in a low level of less than substantial harm to the significance of the Church of St Michael and All Angels and no impact to the significance of the Lych Gate.
- 2.13 This low degree of less than substantial harm was confirmed by the local planning authority's Conservation Team in their representation of 29 July 2020. They also confirmed that with further amendments to the materials of the development, it would be possible to further reduce this impact to "*negligible*".
- 2.14 The JLP Historic Environment Appraisal (ref: EE14 and EE15) concluded that the site forms a "*moderately important part of the setting*" of the Church of St Michael and All Angels and its development may affect the significance of the heritage asset. The report concluded that the harm was likely to be medium, which means "*the significance of the heritage asset would be harmed but not substantially*".
- 2.15 The JLP Historic Environment Appraisal was undertaken based on the principle of the site's development and without the benefit of a masterplan or any embedded mitigation. The mitigation measures that have been identified and developed within planning application ref: DC/20/02459 means that the impacts will be reduced from those identified by the Historic Environment Appraisal and will remain less than substantial and at the low end of the scale.

- 2.16 At Regulation 19 stage, Historic England commented that the proposed development would result in “*less than substantial harm, at the upper end of the scale*”. In Historic England’s view, this would arise from the reduction in the rural context provided by the site and the design of the development (including the mitigation measures) which would create a “*designed landscape setting seen only from specific viewpoints*”. This would particularly affect the historic interest of the Listed Building which would have drawn people from the surrounding, predominantly rural, areas.
- 2.17 It is important to note that the church is only experienced today from very restricted public viewpoints, with limited views from Ipswich Road (including views across the site) and from Church Lane. Although fuller views are permitted from within the site, these are still restricted by intervening planting.
- 2.18 In summary, the site currently forms part of the setting of two designated heritage assets. It has been demonstrated, through a detailed assessment and design process, that any impacts to the significance of these heritage assets can be satisfactorily mitigated, and they do not represent an overarching constraint to the proposed allocation and delivery of the site. Bespoke design and mitigation measures have been developed to ensure that any harm to the significance of the Church of St Michael and All Angels will remain limited, and at the low end of the spectrum of less than substantial harm, in accordance with Parts III and IV of Policy LA053. There will be no impact to the significance of its associated Grade II Listed Lych Gate.
- 2.19 Overall, it is considered that the LA053 contains suitable policy guidance to secure the delivery of residential development which does not compromise the setting and significance of heritage assets to the south of the site.
- **Are the criteria and requirements set out in the relevant policies justified and effective?**
- 2.20 Yes. As outlined within pending planning application ref: DC/20/02459, all criteria and requirements listed within Policy LA053 are suitable, and they are incorporated within the development vision for the site proposed within pending planning application ref: DC/20/02459.
- 2.21 In particular, Policy LA053 addresses Heritage and Landscape elements in an appropriate manner by requiring compliance with mitigation measures identified within the Evidence Base. For instance, the HIA Stage 2 (ref: EE14 and EE15) sets out the following Options for Sustainable Development, which have been incorporated within Parts II, III and IV of Policy LA053, as written at Regulation 19 stage:
- Provision of open space to the south of the site, to maintain sufficient separation from heritage assets. The pending planning application for the site complies with this policy requirement;
 - Incorporating sight lines within the development, to ensure that the Church Tower remains prominent. The pending planning application for the site complies with this policy requirement; and
 - Concentration of development to the northern half of the site. The pending planning application for the site complies with this policy requirement by incorporating a significant

area of open space and higher density residential development to the north of the site, grading down to looser grain, low density development to the south of the site.

- 2.22 On this basis, it is considered that the policy requirements within LA053 are justified and based upon sound recommendations within the Evidence Base. It is also considered that LA053 is effective and capable of securing the necessary mitigation measures, as evidenced by their incorporation within the emerging development proposals for the site.

- **Is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Housing Trajectory set out at Appendix 01 of the plan?**

- 2.23 The pending full planning application is representative of Hopkins Homes intention to deliver housing at Land South of Ipswich Road, in accordance with Policy LA053, within the Local Plan period. Subject to determination of the pending planning application, it is Hopkins Homes' intention to achieve first completion in late 2023, with completion of 50 dwellings per annum thereafter. The delivery timescales set out within the Housing Trajectory, which assume commencement of development in 2025, and completion in 2029, are therefore considered achievable and viable.

Question 9.2

- **Do the sites allocated for housing and other development in policies LS01 (1-90) and LA001 – LA119 give great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB) in line with paragraph 172 of the NPPF?**

- 2.24 It is considered that the criteria and requirements within Policy LA053 place great weight upon conserving and enhancing the Dedham Vale AONB, which lies to the east and south of the site.

- 2.25 The Babergh and Mid-Suffolk Landscape Sensitivity Assessment (ref: EE12) concluded that the site is of moderate landscape sensitivity. Table 2.3 (reproduced below), within Part 1 of the Landscape Sensitivity Assessment (LSA), defines 'moderate' landscape sensitivity as follows:

"Development would be likely to give rise to some adverse landscape and/or visual effects, but these will potentially be limited in extent."

Table 2.3: Overall sensitivity ratings

Sensitivity	Definition
High	Development would be very likely to give rise to significant adverse landscape and/or visual effects.
Moderate - high	Development would be very likely to give rise to adverse landscape and/or visual effects, and there is some potential for these to be significant.
Moderate	Development would be likely to give rise to some adverse landscape and/or visual effects, but these will potentially be limited in extent.
Low-moderate	Development may give rise to some minor adverse landscape and/or visual effects, but these would be unlikely to be significant.
Low	Development would be very unlikely to give rise to significant adverse landscape and/or visual effects.

- 2.26 The LSA determined that the sensitive landscape features of the site include the setting the site provides to the historic core of the settlement, as well as its proximity to the Dedham Vale AONB. While the LSA appears to assess only a portion of the LA053 site, is it considered that the sensitive landscape features identified are applicable to the entire site, so they can be used to inform the policy requirements of LA053.
- 2.27 Parts II, III and IV of LA053 require the development of the site to conserve and enhance the setting of heritage assets within the historic core of the village by incorporating open space to the southern aspect of the site, and to ensure that the design, layout and landscaping approach is sympathetic to the setting of the AONB.
- 2.28 From this, it is considered that the proposed approach to conserving and enhancing the AONB adopted within LA053 is suitable and proportionate to the landscape sensitivity of the site. It is therefore apparent that LA053 places great weight upon conserving and enhancing the AONB, in accordance with paragraph 176 of the NPPF (2021).

Question 9.3

- Are any of the sites allocated for housing/other development within the AONB likely to constitute major development and if so are the exceptional circumstances required to permit such proposals, in line with paragraph 172 of the NPPF, likely to exist?

- 2.29 While the site is not located within an AONB, so the exceptional circumstances required by Paragraph 177 of the NPPF (2021) do not apply, it is acknowledged that the site lies adjacent to the Dedham Vale AONB to the south and east.
- 2.30 The requirement within LA053, to ensure that development of the site is sympathetic to the adjoining AONB, is considered an appropriate policy response, which reflects the

recommendations within the Council's Evidence Base. The pending planning application has demonstrated that development of the site, which remains sympathetic to the AONB, can be achieved through careful consideration of landscaping, housing density and material treatments.

Question 9.4

- **Are the precise dwelling numbers listed in policy LS01 justified and effective? Would approximate figures be more appropriate?**

- 2.31 Policy LS01 relates to development of various sites within Hinterland Villages and Hamlets. While LA053 is located within a Core Village and, therefore, exempt from LS01, it is considered that approximate figures would be more appropriate, to afford sufficient flexibility for development in these settlements to meet the JLP's housing delivery targets. Similarly, the overall District housing delivery requirements should not be seen as an upper maximum, and the acknowledgement within Policy SP01 that the JLP will deliver a *minimum* of 18,069 net additional dwellings over the plan period (2018 – 2037) is broadly supported.

Question 9.5

- **Is the “contributions to the satisfaction of the LPA, towardsxxxx” wording used in many of the LAXXX policies justified and effective? Would “contributions towardsxxxx, to ensure that the development is acceptable in planning terms” be more appropriate?**

- 2.32 It is considered that more justified and effective wording for parts X and XI of the Policy would be as follows:

Contributions towards school and healthcare provision, to ensure that the development is acceptable in planning terms.

- 2.33 The required contributions towards school and healthcare provision will be determined in consultation with the LPA and various stakeholders, so the policy should reflect that appropriate contributions will need to be agreed to the satisfaction of various stakeholders, and not just the LPA.

Question 9.6

- **Are the settlement boundaries as shown on the policies map justified and effective?**

- 2.34 The settlement boundary for Brantham, as shown on the policies map, is justified and effective. The settlement boundary captures LA053 in its entirety, and it has been demonstrated through previous representations and now a pending full planning application, that the site is suitable, available, achievable and viable, and is deliverable within the Plan period to 2036.