

**EXTRACTED FROM THE CONFIRMED MINUTES OF THE SPECIAL MEETING OF SUFFOLK COASTAL DISTRICT COUNCIL'S PLANNING COMMITTEE HELD ON MONDAY 26 NOVEMBER 2018**

- 4. WOODBRIDGE and MELTON – DC/18/3424/FUL – Residential development (100 units) including affordable housing (Class C3) plus a community building (364.1sq.m) (Class D1) and a retail unit (102.3sq.m) (A1/A2/A3), car parking, means of access and landscaping, all following demolition of the buildings on site at Former Council Offices, Melton Hill, Woodbridge IP12 1AU for Active Urban (Woodbridge) Ltd**

Planning Permission was sought for the redevelopment of the former Suffolk Coastal District Council Offices site to a residential lead scheme of 100 dwellings. The proposal also included community and café space towards the site frontage, pedestrian thoroughfare through to the river and underground parking.

The application was considered by the Planning Committee in April 2017, following a site visit, whereby the scheme was endorsed by the Committee. The Minutes of that meeting were included as an appendix to the report. The application was withdrawn prior to the formal decision notice being issued, although the full set of conditions was agreed between both the applicant and local planning authority.

The differences between the new application and its predecessor related only to the application of Vacant Building Credit (VBC) to reduce the level of affordable housing to be provided. All other matters remained identical to those previously considered.

The Committee received a presentation on the application from the Planning Development Manager. She advised that the NPPF was updated in July 2018, following the approval of the previous application, and that her report had been updated to reflect the change in paragraph numbers and wording.

An objection to the application had been received from Historic England; it had not previously commented on the application and was not a statutory consultee. The full consultation response had been appended to the Committee report.

The Committee was referred to the update sheet which provided the Principal Design and Conservation Officer's comments on the previous application which remained pertinent to the current scheme. These comments addressed the points that had been raised by Historic England.

The Planning Development Manager referred to the presentation, which was the same one received by the Committee on 19 April 2018. As the application before the Committee was in effect a new application, all issues needed to be considered.

A site layout was shown to the Committee. The majority of the site lay within the town of Woodbridge although a small part of the site was in the Parish of Melton; it was within the

settlement boundary and was predominantly in a residential area. The site's proximity to the nearby conservation area was shown.

Five listed buildings were located near to the site and the two buildings currently on its frontage were non-designated heritage assets, Historic England having declined to list the buildings.

The Committee was reminded of its visit to the site on 2 October 2017 and the views of the site that would have been considered.

The site had remained vacant since the Council had relocated to East Suffolk House, in Melton, at the end of November 2016.

The range of buildings proposed was outlined and this remained unchanged from the previous application. The highest buildings were proposed to be in the middle of the site.

The site would contain underground parking so that the surface could be given over to pedestrian use and landscaping. The proposals also included a café and community space, which had been added following pre-app consultations the applicants held with the local community.

The Committee was shown illustrative images denoting the proposed height of the buildings and their relationship to the area, the frontage of the site, and additional car parking. It was also shown section drawings. The Planning Development Manager advised that the large plaza area could possibly incorporate some public art to mitigate the loss of the "Drummer Boy" which had been moved to Woodbridge Town Hall.

The removal of a balcony facing out to Deben Road, and the retention of a Yew Tree on that boundary, were highlighted to the Committee, as they had been sought following concerns raised by Members previously.

The Planning Development Manager said that it was considered that the scheme would open up views of the AONB in the local area which were currently hidden by existing buildings.

A visual demonstration of the difference between the existing and proposed frontage was displayed.

Views of the site from both Sutton Hoo and the AONB were shown to the Committee. The Planning Development Manager said it was not felt that the site would disrupt either of these views as it would nestle in amongst the existing buildings, remain below the treeline and not disrupt views of the historic core of Woodbridge seen by the church spire and Tide Mill.

Local and national policies relevant to the application were summarised, as were changes since the application was last considered by the Committee.

The key considerations were also summarised as remaining the same as those of the previous application, along with the addition of the application of VBC and the reduction of affordable housing.

The Planning Development Manager confirmed that the objections from Historic England had been considered and that the Principal Design and Conservation Officer was present to answer questions if the Committee so desired.

With regard to VBC, the Planning Development Manager referred to paragraphs 6.68 to 6.90 of the report. It was detailed in the report that Officers considered VBC not to be applicable to the site as it had been vacated for sole development nor been vacant for the necessary period of time.

The recommendation, as set out in the report, was outlined. It was noted that although the remainder of the application was deemed acceptable, it was felt that it did not contain a sufficient provision of affordable housing and did not comply with Local Plan policy DM2.

*The Chairman invited questions to the Officer.*

A member of the Committee asked for more detail on the recommendation to refuse, as he considered that the application was identical to what previously been approved by the Committee.

The Head of Planning and Coastal Management stated that the Committee had given him delegated authority in April 2018 to approve the application, subject to the agreed controlling conditions. This resolution from the Planning Committee was not enacted prior to the application being withdrawn and replaced with what was before the Committee. He explained that the only change in circumstance was the applicants' desire to invoke VBC to reduce the amount affordable housing to be delivered on the site.

He acknowledged that the Committee's resolution on 19 April 2018 was a material consideration but that it was entitled to come to a different conclusion on the revised application if there was material planning justification to do so. The recommendation for refusal had been made solely on the basis that VBC was not applicable for the site and that a policy compliant level of affordable housing was required. It was noted by the Head of Planning and Coastal Management that the Committee had undertaken significant debate in April 2018 regarding securing the full affordable housing requirement.

Although the application remained the same in all other aspects, the Head of Planning and Coastal Management advised the Committee that there was no other option available to Officers than to recommend refusal for the reasons set out accepting that the site would remain undeveloped. He acknowledged that the Committee was entitled to go against this recommendation but needed to evidence why it had done so.

A member of the Committee, who was also the Cabinet Member with responsibility for Planning, noted the VBC strategy that had been approved by the Committee.

The Head of Planning and Coastal Management, in response to a question on the application of VBC, noted that there was no real clear guidance on the subject in either the NPPF or the NPPG. Therefore, the Council had been able to explain how the application of VBC would be interpreted and that this had been approved by the Committee.

He said that the Council's policy on VBC was clear and was not applicable on this site.

The Head of Planning and Coastal Management advised the Committee that VBC was in place to incentivise development. The viability appraisals of the site provided for the withdrawn application had not shown any reason as to why the full policy quota of affordable housing could not be delivered on this site. He concurred that the site should be developed, and that it was unfortunate that this would delay matters, but he was of the opinion that any application of VBC on the site would impact on the ability to bring forward the Council's affordable housing policy and this, being a significant issue in the district, and in Woodbridge/Melton in particular, was not a justification to depart from the recommendation presented on the report.

*The Chairman invited Mr Hughes, representing the applicants, to address the Committee.*

Mr Hughes informed the Committee that he had no particular statement to make beyond that it was the view of the applicants that VBC applied to the site, acknowledging the opposing view held by Officers.

Mr Hughes advised that he was happy to answer the Committee's questions.

*The Chairman invited questions to Mr Hughes.*

The Vice-Chairman asked Mr Hughes for detail on why the new application did not include a full complement of affordable housing.

Mr Hughes explained that VBC was not available when the applicants had first bid for the site. He noted that the value of affordable housing was outside of the applicants' gift and would be transacted with a registered provider.

He stated that no Registered Provider had come forward at their required price, despite extensive work to ensure the viability of the site. Once VBC became available the applicants were advised by their planning consultants that their viability issues would be solved through its application and that legal advice had been provided which indicated VBC could be applied to the site.

Mr Hughes confirmed that VBC could not be applied after planning permission was granted, hence the withdrawal of the previous application and the submission of a near identical one. He noted the reduction on the vacant site through CIL regulations and considered that this provided precedent that VBC was also applicable.

Another member of the Committee asked why the site was considered unviable without VBC, given the significant profits being made by housing developers. Mr Hughes replied that a quality site would not be viable without the application of VBC and that the applicants were looking to deliver what they were promising in the application rather than something of a lesser standard.

*The Chairman invited Mr Saggars, representing objectors to the application, to address the Committee.*

Mr Saggars noted that the Officer recommendation for refusal related to a single matter and that all other matters were deemed acceptable. He asked the Committee if it deemed all other matters to be acceptable.

He considered that all aspects of the application needed to be considered and highlighted the objections from Historic England. He stated that Historic England existed to protect heritage and guide planning, and was of the view that the development would cause harm to the nearby Conservation Area and that the new buildings would be alien and intrusive, quoting the latest version of the NPPF to support its arguments.

He acknowledged that Planning Officers did not agree with the views of Historic England and appeared to have dismissed the objections, resulting in a situation where one set of planning professionals was disagreeing with another.

Mr Saggars said that when the latest version of the NPPF was introduced in July 2018, the Minister had said that the updated guidance gave communities a greater say on how developments should look. He was of the opinion that Officers' rejection of Historic England's concerns did not reflect that.

He said that the NPPF states that applicants should evolve designs to take the views of the community and as such should be looked on favourably if done so. He therefore considered that the public consultation had not been listened to by the applicants and taking this in to account, the tilted balance applied in April 2018 had been reversed.

*There being no questions to Mr Saggars the Chairman invited Mr Mortimer, the Mayor of Woodbridge and representing Woodbridge Town Council, to address the Committee.*

Mr Mortimer noted that both applications on the site had been refused by Woodbridge Town Council and that it was pleased to see that the recommendation was for refusal. There was concern, however, that the recommendation focussed solely on VBC and did not want this to be misinterpreted as full approval for the remaining matters.

He considered that this was a new application and was not identical to the previous one, as changes had been made to the number of parking spaces. Mr Mortimer also highlighted that the new NPPF had come into effect since the previous application had been considered by the Committee. Mr Mortimer noted the objections received from Historic England.

It was Mr Mortimer's opinion that the reduction in affordable housing had upset the tilted balance previously applied and advised that the Town Council maintained its concerns regarding parking, the height and dominance of the buildings and the site's impact on the second best town centre in the country.

*There being no questions to Mr Mortimer the Chairman invited Miss Barrington, representing Melton Parish Council, to address the Committee*

Miss Barrington said that the views of Melton Parish Council reflected those expressed by Woodbridge Town Council. It too had never supported any form of the application and was pleased to see a recommendation of refusal.

Miss Barrington expressed similar concerns to Mr Mortimer regarding VBC being the sole basis of the recommendation to refuse. She considered that Historic England's objections should be

taken seriously and that the tilted balance applied previously had changed due to the reduction of affordable housing.

She confirmed that Melton Parish Council wanted to see the approach to the site started afresh, be compliant with planning policies, and make a positive addition to the communities of Melton and Woodbridge.

*The Chairman invited questions to Miss Barrington.*

Miss Barrington confirmed that the site was not explicitly part of the Melton Neighbourhood Plan.

*The Chairman invited Councillor Bidwell, Ward Member for Melton, to address the Committee.*

Councillor Bidwell explained to the Committee that although he had been unable to attend its meeting on 19 April 2018, he had been steadfast in his opposition to the scheme. He noted that the decision to delegate authority to approve had been made only on the strength of the Chairman's casting vote, highlighting the change from the split majority when the application was first considered by the Committee in October 2017.

He noted the objections from Historic England, particularly the comments regarding the non-designated heritage asset buildings. He considered that the objections were a result of the application being contrary to the NPPF.

Councillor Bidwell said that the application remain controversial and had created a gap between local communities and the Council, as demonstrated by the weight of letters of objection. He stated that he had received significant correspondence on the application as Ward Member, with none of it being in favour of the application.

He was of the opinion that the reduction of affordable housing was an outrageous suggestion. He noted that balance was an integral part in what had been approved by the Committee and that seventeen fewer affordable housing units would provide fewer opportunities for young people to live and work in the area and would increase income for the developer. He urged the Committee to refuse the application.

*There being no questions to Councillor Bidwell the Chairman invited Councillor Mulcahy, Ward Member for Woodbridge, to address the Committee.*

Councillor Mulcahy considered that the Committee was clear on her views of the application and did not intend to revisit what she had stated at previous meetings. She was pleased that Officers had recommended that the application be refused.

She highlighted that affordable housing had been a key part of what had been approved by the Committee previously and if a full complement was not viable, then the whole scheme needed to be revisited. She was of the opinion that it could then be made smaller and the viability issue in relation to affordable housing need could be redressed. She urged the Committee to follow the recommendation for refusal.

*There being no questions to Councillor Mulcahy the Chairman invited Councillor Hedgley, Ward Member for Woodbridge, to address the Committee. Councillor Hedgley moved from the Committee table to the public speaking table to address the Committee.*

Councillor Hedgley said that he did not intend to revisit the pros and cons of the site; he considered that his opinion on the site was well known and recorded in the Minutes of the previous meetings that had considered the application.

He maintained that his objections to the application remained. He stated that the Council was committed to providing affordable housing where possible and the Committee had been unanimous in that regard at its meeting on 19 April 2018.

He said that nothing in the intervening months had changed his mind on the application. He noted the concerns of residents regarding the application and the letters of objection that had been received.

He concluded that the application did not meet either the Council's nor the community's needs and should be refused.

*Following Councillor Hedgley's statement, the Chairman sought advice from the Monitoring Officer to clarify whether or not he was predetermined in regard to the application. The Monitoring Officer confirmed that Councillor Hedgley was not predetermined.*

*There being no questions to Councillor Hedgley, he returned to the Committee table.*

*The Chairman invited the Committee to debate the application that was before it.*

In response to a question from a member of the Committee, the Chairman invited the Principal Design and Conservation Officer to address the Committee regarding the objections of Historic England to the application.

The Principal Design and Conservation Officer advised the Committee that he considered it was not fair to characterise the Officer views of the objection as dismissive. He referred to comments made by the Planning Development Manager regarding the Officer views as being in accordance with Historic England in some respects.

He said that he shared concern regarding the loss of the two non-designated heritage asset buildings at the front of the site and the development's setting in relation to the Conservation Area. He considered that these types of harm needed to be taken into account when the Committee determined the item.

The Principal Design and Conservation Officer maintained that the positive benefit of the scheme was the proposed high quality architecture. He said that Officers had respected the views of Historic England and agreed that they should be considered, but emphasised that Historic England was not a statutory consultee in terms of matters relating to the Conservation Area or the non-designated heritage asset buildings.

The Principal Design and Conservation Officer did not comment on Sutton Hoo as it was not within his remit. He also considered that Historic England's comments suggested it viewed the

site as being within the Conservation Area and that this had influenced its comments accordingly.

The Vice-Chairman considered that given the site had been a Council site, it was important that affordable housing was delivered there at maximum capacity. The Chairman concurred with this statement.

Members of the Committee supported the Officer recommendation to refuse the application. One Member spoke about the need to look at the risk of delivering housing numbers out of proportion to what was required and considered that VBC did not apply to the site, and was attempting to apply it to abdicate responsibility for delivering the affordable housing needed on the site and in the community.

Members were clear that they wanted to see the full complement of affordable housing delivered on the site.

There being no further debate, the Chairman moved to the recommendation, which was proposed, seconded and determined unanimously as follows:

**DETERMINATION:**

**REFUSED** due to the lack of provision of affordable housing in accordance with Policy DM2 of the Local Plan (Core Strategy) as a result of VBC not applying in this instance.

---