

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 21 October 2015

AGENDA ITEM NO	5
APPLICATION NO	3010/15
PROPOSAL	Proposed residential development, associated highway, car parking and open space.
SITE LOCATION	Land at Chilton Leys, Bury Road, Stowmarket
SITE AREA (Ha)	0.46
APPLICANT	Laurence Homes (Eastern) Ltd
RECEIVED	August 24, 2015
EXPIRY DATE	November 27, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- (1) a Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council. The Members reasoning is included in the agenda bundle.
- (2) the Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the extent and planning substance of comments received from third parties and the location of the application within a defined Visually Important Open Space.

PRE-APPLICATION ADVICE

1. The applicant sought pre-application advice from Planning Officers. Advice was provided based on comments received from Triage Panel meeting held on 17/03/2015 which supported the principle of the development due to the Council's lack of a 5 year land supply.

SITE AND SURROUNDINGS

2. The application site is an area of open space located between existing residential developments on Burns Drive and Walton Close. The site has a total area of 1.14 acres and extends from the edge of Chilton Way to what is currently open countryside beyond. The site is privately owned but is informally used as a footpath, linking to a landscaping strip to the north-west of the site.

Development along Chilton Way is varied with predominantly modern development on its northern side including a two storey dwellings to the west and a mix of two and three storey dwellings to the east.

The site is currently an area of grass with the western boundary consisting of an area of hedge. There are a mix of hawthorn, field maple and cherry trees within the site. The site frontage has a boundary of young but established hedge with ash trees set back from the highway to allow visibility with a green verge alongside the Chilton Way footpath.

HISTORY

3. The planning history relevant to the application site is:

2722/13 Full Planning Permission for: Erection of 215 dwellings/flats with associated garaging, private and visitor parking, sheds and accesses. Provision of public open space and landscaping, including SUDS and attenuation basin. Construction of new estate access road and junction improvements. Granted 17/04/2015

Outline Planning Permission (with all matters reserved except for access and landscaping) for: Change of use of 1.34ha land to A3, A4, B1, B8, C1, D1, D2 uses.

Outline Planning Permission (with all matters reserved except for landscaping) for: Change of use of land to School.

0189/06 Application for Approval of Reserved Matters for 39 (2, 2.5 & 3 storey) dwellings in respect of siting, design, appearance and means of access (pursuant to Outline Planning Permission OL/100/01 as varied in respect of condition 8 by planning permission 1969/06) Granted 08/12/2006

0100/01 Residential Development (Area J, Chilton Way) Granted 12/08/2005

PROPOSAL

4. Outline permission is sought for residential development of the site with associated access, car parking and open space.

An indicative site layout has been submitted to show that 10no. dwellings could be provided including 7 no. 3 bed dwellings and 3 no. 4 bed dwellings, open space and a children's play area.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Stowmarket Parish Clerk**

The Town Council recommends refusal of the planning application on the following grounds:

- i) That, contrary to planning policy **CL08**, the proposed development will bring about the loss of an important habitat which is well-used and well-loved by the local community;
- ii) That, contrary to planning policy **CS5**, the proposed development will not maintain or enhance the environment... and retain the local distinctiveness of the area. In particular the Town Council is concerned about the loss of the green corridor that the site currently provides;
- iii) Planning policy **ENV01** states "Areas and networks of green infrastructure should be... protected, enhanced and managed to ensure an improved and healthy environment is available is for present and future communities". The Town Council believes that the proposed development would destroy an important area of green infrastructure.
- iv) Planning policy **H16** states "...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". The Town Council considers the green area contained within the application site to be an important area for recreation and amenity purposes.
- v) That, contrary to planning policy **SB2**, the proposed development will adversely affect an existing open space which provides important amenities for the local community.

Suffolk County Council - Landscape Development Officer

'The development of this space will erode the overall balance of green infrastructure and linking spaces through the estate. The various approved master plans and planning layouts have indicated that this space was needed in order to create an amenity greenspace/play space for residents and I see no reason to put aside these established design concepts for green space infrastructure. In addition the land is a designated VIOS which is intended to protect the green spaces in Stowmarket.'

MSDC - Tree Officer

The few trees potentially affected by this proposal are of limited/moderate amenity value and need not be considered a constraint subject to appropriate new planting in mitigation.

SCC - Corporate S106

106 Contributions would be required for the following:

- Education - £36,543

Conditions are recommended to address the following issues:

- Play space provision
- Travel plan
- Waste
- SuDS

Suffolk County Council - Highways

No objections subject to conditions

MSDC - Environmental Health - Land Contamination

In order for the Applicant to demonstrate the suitability of the site for its proposed sensitive end use i.e. dwelling house(s) we would require a full Phase-I investigation study to be undertaken by a competent and appropriately qualified person, incorporating a desktop study, site walkover and initial risk assessment and that would be fully compliant with BS10175 to be submitted prior to any permission being granted.

Without this information we are unable to provide an objective recommendation other than that of refusal of the application.

MSDC- Environmental Health - Sustainability Issues

It is recommended that development should be built to the equivalent of Code for Sustainable Homes Level 4. (*Officer note: Code for Sustainable Homes has been abolished*)

Command Support Team, Suffolk Fire and Rescue Service

Fire Hydrants should be provided in accordance with standing advice.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

49 objections have been received summarised into the following key issues:

1. The area is an important area of open space, well used by the local community
2. The area has been protected in the past
3. The area is a designated VIOS
4. Development would be contrary to policy
5. The area is well used as a footpath for dog walkers and for children's play
6. There are few other open spaces in the area
7. The proposed development would add to congestion in the area
8. Other brownfield sites are available in Stowmarket
9. The area is of increased importance if other development in the area takes place.
10. Loss of trees
11. Loss of visitors parking
12. Loss of natural habitat

ASSESSMENT

- 8.
- Principle of development
 - Design and layout including surrounding sites
 - Loss of open space (VIOS)
 - Infrastructure contributions
 - Residential Amenity
 - Conclusion

Principle of development

The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land, as required by paragraph 47 of the Framework. Accordingly, in accordance with paragraph 49 of the Framework, the proposal should be considered in the context of the presumption in favour of sustainable development. For the purposes of decision taking, that means granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole.

The application site is within the settlement boundary of Stowmarket. The principle of infill development within the settlement boundary of Stowmarket is supported by the NPPF's presumption in favour of sustainable development, Core Strategy Focused Review policy FC1 and FC1.1, Stowmarket Area Action Plan (SAAP) Policy 4.1, Core Strategy CS1 and Local Plan Policy H2, subject to detail and no adverse impact on residential amenity, traffic or other material consideration.

The site is allocated as a Visually Important Open Space (VIOS) in the SAAP Policy Strategy Policy 4.2 and Local Plan SB3. SAAP Policy 4.2 – Providing a Landscape Setting for Stowmarket states:

'The council will resist development that would have a harmful effect on the value of a Visually Important Open Space and will require developments that may have a detrimental effect on the quality of a Visually Important Open Space to be sensitively designed to minimise these effects.'

Local Plan Policy SB3 (Retaining VIOS) states:

'Within or abutting settlement boundaries, visually important open spaces will be provided because of their contribution to the character and appearance of their surroundings and their amenity value to the local community. The District planning authority will resist development which would have a harmful effect on these identified Visually Important Open Spaces because of their contribution, in an undeveloped form, to the distinctiveness of their setting or the character of a settlement or nearby landscape.'

Local Plan Policy RT3, RT5, SAAP Policy 10.1, 10.2 and 10.3 seek to protect existing green open spaces and improve their quality and linkages where possible.

The principle of residential development within a sustainable location is supported, particularly in light of the Council's lack of 5 year land supply and the NPPF's presumption in favour of sustainable development. However, the site is

within a designated VIOS where the appearance of the area and its amenity value is of particular importance. The provision of new market dwellings in a sustainable location should be carefully weighed against the loss of a valued area of open space.

Design and layout

NPPF paragraphs 56 - 58 require any new development to be of good quality design. This is reiterated as Core Strategy CS5 which requires new development to protect or enhance the character and appearance of the area and to respect the local distinctiveness of its setting. Local Plan Policy GP1 and H13 require that any new development be in keeping with the character and of the area and not detract from the amenity of existing dwellings.

The proposed development seeks outline permission for the development of the site to provide residential properties, associated access, parking and open space. Details of the design and appearance of the proposed dwellings would be subject of a reserved matters application if permission is granted. An indicative site layout has been provided that shows residential development for 7no. 3bed units and 3no. 4bed units including new and retained planting, the retention of open space and the potential provision of a Local Area for Play (LAP). The site has been laid out with open space retained along the northern boundary to retain an element of landscape buffer and the potential for a footpath link to land to the west of the site. Given the spacing, layout and indicative designs it is considered that layout of the development is largely in keeping with the existing two storey dwellings in the area.

The proposed development would largely infill an area of privately owned land between existing residential development sites. The land currently creates a visual break between residential developments that have been built along both sides of Chilton Way. The open space allows open views towards the countryside to the west of Stowmarket. The proposed development would result in continuous development along Chilton Way from the allotments up to the Rugby Club.

If the principle of development is supported then it is likely that design and layout details could be secured through a reserved matters application that is in keeping with the character and appearance of the area. The impact of the development on the wider character and appearance of the area is considered below.

Loss of Visually Important Open Space (VIOS)

SAAP Policy 4.2 and Local Plan Policy SB3 set out the importance of VIOS's in the appearance of the wider area and their amenity value to local community. The application to redevelopment the VIOS is considered in relation to the Council lack of 5 year land supply as well as recent planning applications that have been granted in the vicinity.

It is noted that the original permission for 'Area J' (0100/01) to the east of the application site was granted subject to a condition that required the application site to be provided with play equipment. A subsequent permission (0189/06) superseded the previous outline application and was based on the application site being retained as open space. The Stowmarket Area Action Plan (2013) has

since been adopted that shows the area retained as a VIOS.

SCC's Landscape Architect has considered the proposal and is of the opinion that the VIOS adds to the character and appearance of the area by providing 'breathing space' and a 'green lung' between estate developments along Chilton Way. Representation has been received from local residents objecting to the proposal on the grounds of the impact that the development would have on the character and appearance of the area.

Outline permission has recently been granted for a mix of residential and commercial properties to the north and north east of the site (2722/13) (Copy of approved Landscape Strategy Plan in agenda). The site is also within the Chilton Leys allocation as set out in the SAAP and the area is shown as being retained as a landscape buffer in the Chilton Leys Development Brief (copy in agenda). Considering these, it is likely that the site will become enclosed in the future so any long range views of the surrounding countryside from Chilton Way will be lost. However, if the area becomes developed further, the value of green open space to the local community is likely to be increased if the site were to become enclosed by new development.

The importance of retaining the open space as part of the landscape buffer should be considered carefully in relation to the need to provide housing in a sustainable location in light of the Council's lack of a 5 year land supply.

Infrastructure Contributions

Supplementary Planning Document for Social Infrastructure including Open Space, Sport and Recreation requires contributions to be made towards the provision of local services and facilities. SAAP Policy 11.1 and Core Strategy CS6 seek to ensure that appropriate contributions are secured from new development for the provision of services and infrastructure.

The application proposes to provide open space including a Local Area of Play (LAP). Comments have been received from SCC Infrastructure setting out a need for contributions of £36,543 for the provision of education. The development of 10 dwellings would be below the threshold for the provision of affordable housing as set out in Altered Local Plan Policy H4 and therefore no contribution towards the provision of affordable housing is required.

The application would result in a requirement of OSSI contributions totalling £78,905. However, in light of CIL 123 regulations, the pooling of contributions is restricted and collection should be considered carefully to ensure compliance. Provision is also made for the on-site provision of a LAP and landscaped open space. In light of CIL 123 regulations it is considered that on-site provision of play space adequately provides for the requirements of the SPD and CS6.

Should permission be granted it is recommended that it be subject to securing a 106 agreement for the provision of SCC Education contributions totalling £36,543 and the provision of equipment for the LAP.

Residential amenity

Local Plan Policy H13 and H16 state that development which would have a detrimental impact on the amenity and privacy of adjacent dwellings will be

refused. The NPPF and relevant Planning Practice Guidance (PPG) recommend that planning permission should not be granted where there would be adverse impact on residential amenity.

Details of the external appearance of the proposed dwellings are not subject of this application. However, the proposed layout of the development would retain a minimum distance of 17m between the side of plot 1 and no. 3 Walton Close. The closest back to back relationship would be between proposed plot 4 and no. 4 Walton Close, retaining a distance of 22m including retained boundary planting.

Considering the proposed layout of the site it is considered reasonable that details as will be required in a reserved matters application would avoid a significant and detrimental impact on the residential amenity of neighbouring properties.

Conclusion

The application seeks outline permission for a residential development on an area of open space designated as a VIOS. Apart from being within a VIOS, the layout of the site is considered to be acceptable and would not cause a significant impact on the privacy of adjoining properties.

However, the development would have an impact on the character and appearance of the wider area by largely removing an area of designated private open space. The application has sought to limit the adverse impacts of losing an area of open space by providing a children's play area, changing part of the land to open public space and retaining the potential to provide a footpath link through to the nearby buffer strip if development to the north of the site is implemented.

The proposed development would infill the gap between significant urban development, but subject to good layout (reserved) has potential to provide a more public functional area to serve as a transition site between both existing residential areas and the developing Chilton Leys allocation to the north. The proposed site relates to only part of the VIOS designation and while this would be a loss, the remaining strip represents a valuable corridor to further VIOS designations (Rugby Pitches) and continues to link to the wider countryside. On its own merits the part of the VIOS to be developed is not considered to continue to serve a strategic purpose given the allocated development within the area nor has sufficient benefit for retention against the significant benefit of housing and creation of functional public space.

The Council has failed to demonstrate that a 5 year land supply and therefore the harm arising from the provision of 10no. new dwellings in a sustainable location should be considered carefully in relation to the NPPF's presumption in favour of sustainable development. The application demonstrates that the dwellings could be provided whilst being in keeping with the character and appearance of existing property in the area. Although it is highly regrettable that the development would result in the loss of a VIOS, the provision of housing in sustainable locations is considered to be paramount.

RECOMMENDATION

That authority be delegated to The Corporate Manager for Development Management to grant outline planning permission subject to the prior completion of a Section 106 on terms to his satisfaction to secure the following head of terms and that such permission be subject to the conditions as set out below:

- Contribution towards the provision of Suffolk County Council Infrastructure
- The provision of on-site public open space

Conditions:

1. Standard time limit
2. A reserved matters application to be submitted and agreed
3. Approved plans agreed
4. Up to 10 dwellings only
5. Details of play equipment
6. Materials to be agreed
7. Highways ER1 – Details of surfacing and drainage
8. Highways ER2 – Provision of roads before occupation
9. Highways P1 – Provision of parking as set out on plans
10. Protection of existing trees and planting
11. A scheme of hard and soft landscaping to be agreed
12. Landscape management and implementation to be agreed
13. Details of surface water disposal
14. Details of provision of footpath link to Chilton Fields to be agreed
15. A scheme of archaeological investigation to be undertaken
16. Construction hours to be agreed
17. Removal of permitted development rights for extensions
18. Provision of fire hydrants, number and position to be agreed

Philip Isbell
Corporate Manager - Development Management

Mark Pickrell
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

- Cor1 - CS1 Settlement Hierarchy
- Cor5 - CS5 Mid Suffolks Environment
- CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- Cor6 - CS6 Services and Infrastructure
- CS SAAP - Stowmarket Area Action Plan

2. Mid Suffolk Local Plan

- GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

- SB3 - RETAINING VISUALLY IMPORTANT OPEN SPACES**
- 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**
- H2 - HOUSING DEVELOPMENT IN TOWNS**
- RT3 - PROTECTING RECREATIONAL OPEN SPACE**
- RT5 - RECREATIONAL FACILITIES AS PART OF OTHER DEVELOPMENT**

3. Planning Policy Statements, Circulars & Other policy

- C01/03 - Safeguarding aerodromes, technical sites and military explosives**
- NPPF - National Planning Policy Framework**
- SPD-OSSI - Open Space & Social Infrastructure**

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **49** interested party(ies).



The following people **supported** the application:

The following people **commented** on the application: