

## **Committee Report**

**Item No:** 1

**Reference:** DC/18/02380

**Case Officer:** Gemma Walker

**Ward:** Stowmarket South, Ringshall

**Ward Member/s:** Cllr Gerard Brewster. Cllr Nick Gowrley, Cllr David Whybrow

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### **Description of Development**

Outline Planning Application- Erection of up to 160 No. dwellings with public open space, landscaping and sustainable drainage system and creation of new vehicular access. (All matters reserved except for access.)

### **Location**

Land To The East Of, Poplar Hill, Stowmarket, Suffolk IP14 2EJ

**Parish:** Stowmarket

**Expiry Date:** 28/09/2018

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Large Scale - Dwellings

**Applicant:** Gladman Developments Ltd

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

It is a “Major” application for a residential land allocation for 15 or more dwellings

### **Details of Previous Committee / Resolutions and any member site visit**

None

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

CS06 - Services and Infrastructure

CS09 - Density and Mix

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
H04- Altered Policy H4  
H07 - Restricting housing development unrelated to needs of countryside  
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  
CL08 - Protecting wildlife habitats  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
SAAP - Stowmarket Area Action Plan

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Stowmarket Town Council**

The Town Council opposes the grant of planning consent due to the following:

- i) That, contrary to planning policy HB1, the site is within the setting of the Grade I listed Church of St Mary and the proposal would have a negative impact on the setting of the church;
- ii) That, contrary to planning policy HB1, The Church of St Mary would be made more isolated from the parish which it serves if the proposed development were to be approved;
- iii) That, contrary to planning policy HB1, the proposed development would detract from the view of the Church of St Mary from the parish of Combs;
- iv) That contrary to planning policy T10, the increase in traffic movements along Poplar Hill at Combs Ford will have a detrimental impact upon highway movements and safety.

##### **Combs Parish Council**

Proposal fails to be sustainable development two principal reasons:

A. it will depend for its access to all the facilities that the residents will need on a road system (Poplar Hill) which cannot, at peak times, take much more traffic than it does already before it ceases to function altogether;

B. its location will diminish the strategic gap between Stowmarket and Combs to an unacceptable and unsustainable level.

##### **Historic England**

The proposed development would bring modern development further out into the open countryside surrounding Stowmarket. The proposed location contributes to the significance of St Marys Church as it reinforces its rural setting. It also forms part of the separation between the two settlements of Stowmarket and Combs.

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We consider this harm to be less than substantial however, the National Planning Policy Framework (which has been revised since we last commented on the application) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be, irrespective of the level of harm (paragraph 193). In this instance we would stress that the building is listed at grade I putting it in the top 2.5% of listed buildings nationally. Paragraph 194 states that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

## **NHS**

There are 2 GP practices within a 2 km radius of the proposed development. These practices do not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

## **Highways England**

Offer no objection

## **Natural England**

Natural England's initial screening of this planning application has identified that this proposed development has the potential to adversely affect a Site of Special Scientific Interest (SSSI) designated for its woodland interest, i.e. the relevant Impact Risk Zones have been triggered.

Ancient woodland and veteran trees within the application site

We strongly advise the retention of ancient woodland and veteran trees within the application site as they have important roles to perform as local landscape features and possibly as visual screening, as wildlife habitats for woodland species (including NERC Act s41 priority species such as stag beetle) and ecological corridors for mobile species. Depending on the configuration of the proposed development, they may also act as buffers to the designated site.

Larger sites have more options for green infrastructure in general, but we suggest that woodland/veteran trees within the application site are designed into an ecological network / local landscaping which includes connections to other wooded habitat and transitions to semi-natural habitats, such as long grassland.

SSSI Impacts which may need to be addressed

(i) Air quality during construction

Best practise measures should be deployed during construction to minimise the likelihood of dust and other airborne pollutants, which in excess can smother leaves and hinder normal photosynthetic functioning of plants.

(ii) Increase in access

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Any new access points into the SSSI from adjacent developments should be avoided. If a development shares a boundary with a woodland SSSI, the application should include details of a suitably robust (full height) boundary fence. The SSSI must not be used for access by construction vehicles or storage of materials (even temporarily). For larger sites which may be transferred to a grounds maintenance company, the specification of their responsibilities should include any boundary treatment monitoring and maintenance.

Where public access into the woodland already exists, new housing development is likely to increase visitor pressure to woodland SSSIs, and may result in an increase in impacts such as the trampling of ground flora, and nutrient enrichment from dog waste in particular. General disturbance impacts to other (non-notified) wildlife may also increase. Natural England may provide bespoke advice where in our view these issues are significant for certain SSSIs, either individually or cumulatively, however you may wish to consult with the woodland owner / manager with a view to identifying whether any proportionate developer contribution to specific visitor management measures may be appropriate (such as improved signage, dog bins, path surface treatment etc.).

#### (iii) Root compaction

An appropriate root protection zone should be clearly marked on plans, and no buildings (or other operations likely to result in soil compaction) should be constructed within this zone. The root protection zone should be in accordance with British Standard BS 5837:2012 'Trees in relation to design demolition and construction'. We recommend that the advice of a Tree Officer/professional arboriculturalist is sought where root protection zones may be required.

#### (iv) Tree surgery works

Trees growing within the SSSI close to the boundary of the application site may also have boughs and branches extending within the red-line boundary. Our advice is that these branches should not be removed or cut back for aesthetic reasons, e.g. to increase light levels to a garden or reduce leaf drop in Autumn, but might be permitted for health and safety reasons. If necessary, the advice of a Tree Officer/professional arboriculturalist should be sought, and a full tree health survey commissioned prior to permission being granted. The site layout may need to be adjusted to take account of both limitations on tree surgery works as well as the root protection zone.

#### (v) Surface water runoff

During the construction phase, surface water drainage must be directed away from the SSSI, and care should be taken to ensure that contamination does not enter drainage ditches which feed into the SSSI. For the operational phase, SuDS should be used to maximise groundwater infiltration rates where appropriate.

#### (vi) Foul water disposal

The application should confirm that foul drainage will be to mains sewer. Additional advice may be needed from Natural England if alternative arrangements are proposed. Care should be taken that pollutants do not enter local watercourses feeding the SSSI once development is completed.

#### (vii) Groundwater changes

Some woodland SSSIs are dependent upon ground-water supplies remaining undisturbed (for example, if there is a significant alder/willow component (wet woodland or carr) within the SSSI). Any activities

proposed by the development which might interfere with groundwater supplies, such as increased abstraction, should be assessed as part of the decision-making process.

#### (viii) Development Buffering

Natural England advises that, notwithstanding any root protection zone required, that a buffer zone of at least 15m between the development and the SSSI should be designed into the layout plan where possible, with the view to ensuring that the SSSI is buffered from any remaining possible impacts (such as increases in lighting and noise), and that the SSSI is sensitively designed into local landscaping. This would also help to reduce anti-social activities, such as fly-tipping. If the developer requires substantive pre-application advice in addition to that provided above, Natural England advises that the applicant/developer consults Natural England directly, so that they have the opportunity to express an interest in using our chargeable Discretionary Advice Service (DAS).

#### **Anglian Water**

The sewerage system at present has available capacity for these flows via a pumped discharge regime to manhole 6003 on Hillside in correspondence to the Pre-Development Enquiry 27047. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### **Suffolk Wildlife Trust**

The application site is located within approximately 500m of Combs Wood Site of Special Scientific Interest (5551), the wood is also a Suffolk Wildlife Trust reserve. We note the conclusion in the ecological appraisal report that as the wood is over 800m from the application site that it is unlikely to be accessed on a daily basis by a significant number of people. We disagree with this conclusion. Evidence from elsewhere in the county identifies that regular walking routes in the region of 2.3km to 2.6km are used, particularly by dog walkers. As the distance between the application site and Combs Wood is within a circular walk of this length, we consider that further assessment of the likely increase in recreational pressure on the wood is required in order to determine what impact the proposed development will have.

#### Protected and/or UK Priority Species

The ecological appraisal report identifies that further surveys for great crested newts, reptiles, water voles and breeding birds are required to inform the assessment of the likely impacts of the proposed development on these species. Whilst it is understood that a number of these surveys are underway, to date the results are not available on the council's website and therefore it is not possible to determine the full impacts of the proposed development on these groups/species.

#### Stowmarket Area Action Plan (AAP)

Policy 6.20 of the Stowmarket Area Action Plan (adopted 2013) allocated land off of Farrier's Road and Poplar Hill for new residential development, this included an area of informal public open space on the eastern side of Poplar Hill. This area is now proposed for residential development as part of this application. Approval of this application would appear to mean that the delivery of the Farrier's Road/Poplar Hill development could not be achieved in the form adopted in the AAP. This proposed development would therefore appear not to be in accordance with the adopted plan.

#### Conclusion

As currently presented we consider that this application fails to demonstrate that the proposed development will not result in an adverse impact on statutory designated sites (Combs Wood 5551) and protected and/or UK Priority species. The proposal also appears to be contrary to the adopted Stowmarket AAP. We therefore object to this application.

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## **SCC Highways**

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

We have reviewed the Transport Assessment and the data supplied with this application, the summary of our findings are as follows:

The junction assessments show the traffic created from the development increases the Ratio of Flow (RFC) by 0.06 at major junctions.

The maximum 85%ile speed recorded on Poplar Hill adjacent to the site is 43.3mph and the required visibility for the access on the highway can be met.

The site is likely to generate 84 two-way trips in the AM peak hour and 82 trips in the PM peak hour which is acceptable in this location (approx. 1.5 cars per minute).

There are records of 2 slight injury accidents on Poplar Hill.

The proposed emergency/pedestrian access off Church Road improves connectivity to the local amenities for cyclists and pedestrians.

Taking all the above into account, it is our opinion that this development would not have a severe impact (NPPF para 32) therefore we do not object to the proposal.

A revised Travel Plan or Technical Note that fully takes into account the comments raised must be submitted prior to the determination of this application. These revisions need to comply with National Planning Policy Framework paragraph 32, which sets out that plans and decisions should take account of whether:

- . the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- . safe and suitable access to the site can be achieved for all people.
- . improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Following amended Travel Plan:

Thank you for re-consulting me about the revised Travel Plan. I have had the chance to review the document where all concerns with the Travel Plan raised in the Suffolk County Council Highway response (dated 21st June 2018) have been addressed by this revised document.

## **SCC Floods**

Following additional information recommend approval subject to conditions.

## **SCC Archaeology**

(Following re-consultation)

Many thanks for re-consulting us on this planning application following the submission of the geophysical survey report.

This report is currently in draft form and would ask if the following comments could please be passed onto the developer as I don't have a direct contact:

- Please can the approved WSI and completed OASIS form be included as appendices in the report
  - The geophysical survey results should be compared to the historic mapping included in the submitted heritage assessment, as some of the anomalies may relate to features identified on the maps e.g. mill mount field and the hop yard shown on the 1710 estate map
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- Once these amendments have been made, we would ask that a digital and hard copy of the report are submitted to the County HER and that the online OASIS record is completed so that it can be signed off. Digital, geo-referenced copy of the survey plans should also be provided.

In terms of the report itself, I disagree with some of the interpretations/findings. For instance the circular feature on the western edge of the site has been labelled as natural, but we would argue that it is likely to be of archaeological origin, as it is comparable to other similar anomalies recorded by geophysics on other sites in the county, which did turn out to be archaeological in nature. Based upon the map evidence, there is a good chance that this may be the remains of a mill mound, although it could also be the site of a prehistoric burial mound. Also, the origin/date of many of the 'agricultural anomalies' in the east of the site have not been determined- early boundaries are archaeologically important, and these anomalies could also be associated with settlement activity, especially given the proximity to the recorded medieval remains surrounding the church.

I would disagree with point 1.7 of the heritage addendum, as without ground truthing the geophysics through trial trenching, there is insufficient information to support the claim that no significant remains are likely to be present within this site. As per the disclaimer in the geophysics report:

7.1.1 Geophysical results are not a map of the ground and are instead a direct measurement of subsurface properties. Detecting and mapping features requires that said features have properties that can be measured by the chosen technique(s) and that these properties have sufficient contrast with the background to be identifiable. The interpretation of any identified anomalies is inherently subjective. While the scrutiny of the results is undertaken by qualified, experienced individuals and rigorously checked for quality and consistency, it is often not possible to classify all anomaly sources. Where possible an anomaly source will be identified along with the certainty of the interpretation. The only way to improve the interpretation of results is through a process of comparing excavated results with the geophysical reports.

In addition, geophysical survey will often not detect more ephemeral remains such as burials or unenclosed settlement activity. We always advise that geophysical survey results require ground truthing to determine the extent, nature and significance of surviving archaeological remains at a site, and to assess whether there are any remains present which geophysics has failed to detect.

This site is located in an area of very high archaeological potential based upon the results of archaeological investigations in the vicinity and finds and sites recorded on the County Historic Environment Record. Roman and medieval archaeological remains were recorded during archaeological investigations immediately to the north-west (COM 041) and large scatters of finds dating from the Mesolithic to post-medieval periods have been identified in the immediate vicinity (COM 25 and 045). The Grade 1 medieval church of St Mary (COM 012) is located to the east, as well as associated medieval and post-medieval earthwork remains (COM 007, 009 and 010). This site is also an area that is topographically favourable for early occupation, overlooking a tributary of the Rattlesden River. As a result, there is high potential to encounter archaeological remains at this location, as supported by the geophysics results.

We would therefore still strongly advise that archaeological evaluation is undertaken at this pre-determination stage, as evaluation will enable decisions to be made on preservation in situ/mitigation strategies should significant archaeological remains be defined, and give Mid Suffolk an appropriate and adequate evidence base to determine planning applications, in line with paragraphs 189-190 of the National Planning Policy Framework. Without up-front evaluation, there is a risk that significant finds will be identified which require preservation in situ, and thus require revisions to the layout of the site which would have both financial and time costs.

Best practice would be for the entire site to be subject to trial trenched evaluation at this stage, however, as a minimum we would advise that the possible mill mound/barrow and the anomalies identified in the

east/south-east of the site should be sampled through trial trenching at this stage to properly characterise and understand them.

Should you be minded to grant planning permission without a requirement for up front archaeological investigation, we would advise that in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage assets before they are damaged or destroyed.

#### Initial Comments

This site is located in an area of very high archaeological potential, as recorded on the County Historic Environment Record. Roman and medieval archaeological remains were recorded during archaeological investigations immediately to the north-west (COM 041) and large scatters of finds dating from the Mesolithic to post-medieval periods have been identified in the immediate vicinity (COM 25 and 045). The Grade 1 medieval church of St Mary (COM 012) is located to the east, as well as associated medieval and post-medieval earthwork remains (COM 007, 009 and 010). This site is also an area that is topographically favourable for early occupation, overlooking a tributary of the Rattlesden River. However, as this site has never been the subject of systematic archaeological investigation, there is high potential for previously unidentified multi-period archaeological remains to be present which could be damaged or destroyed by development.

Given the high potential, lack of previous investigation and large size of the proposed development area, I recommend that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of any planning application submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined (and which are still currently unknown). This large area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent). This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework.

#### **SCC Fire and Rescue**

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hardstanding for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, Le. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

#### **SCC Strategic Development**

The local catchment schools are Combs Ford Primary, and Stowmarket High School. Based on existing forecasts SCC will have no surplus places available at the catchment schools. On this basis, SCC will



make future CIL funding bids at a minimum cost of £487,240 (2018/19 costs) for primary school provision, and £633,382 (2018/19 costs) for secondary school provision.

From these development proposals we would anticipate up to 25 pre-school children arising. This proposed development is in the Stowmarket South ward, where there is an existing surplus of places.

### **Housing Enabling**

A development proposal for up to One hundred and sixty (160) dwellings on land east of Poplar Hill, Combs, Stowmarket.

This is an open market development and offers 56 affordable housing units on the site which =35%.

### **Arboricultural Officer**

I have no objection in principle to this proposal subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Although a small number of losses seems likely, the trees affected are of limited amenity value and their removal will have negligible impact upon the character of the local area. If you are minded to recommend approval of the application we will also require an arboricultural method statement and tree protection plan for the scheme, this can be dealt with as part of reserved matters.

### **Environmental Health – Land Contamination**

I have reviewed the Phase I report submitted in support of the application and note that the report recommends that further additional limited sampling - however I feel that this is a largely precautionary measure that would not be necessary to achieve by means of condition. I therefore have no objection to the proposed development from the perspective of land contamination. Should the applicant wish to pursue the precautionary investigation then this would be outside of the planning system but we would be willing to review any such investigation.

### **Environmental Health – Air Quality**

Having reviewed the air quality assessment from AQC I can confirm that I am in agreement with the findings of the assessment that the likelihood of the development adversely impacting on the existing good air quality is low and as such I have no objection to the proposed development from the perspective of air quality.

### **Environmental Health – Other Issues**

The Noise Assessment Report, dated May 2018, prepared by Noise Consultants Ltd demonstrates that with standard double-glazing and trickle ventilation to the proposed dwellings, there should not be significant adverse impacts on the occupiers. I would advise, however, that the recommended mitigation measure of ensuring that amenity areas fronting Poplar Hill are located no closer than 15m from the carriageway edge, is controlled by condition.

The application site is close to existing residential dwellings and for this reason there is a risk of loss of amenity during the construction phase of the development. I would, therefore, recommend that a construction management plan be required by means of condition.

### **Lighting**

At this stage it is not possible to adequately assess the impact of lighting from the proposed development. It is, therefore, recommended that a condition be attached to any permission.

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## **Environmental Health – Sustainability**

We have reviewed this application and are pleased to see the applicant is aiming to reduce emissions of CO<sub>2</sub> to below that required by building regulations (D&A document section 5 sustainability) we are also pleased to see consideration of environmentally friendly materials will take place.

We encourage these aims and would ask that water use once dwellings are occupied is also minimised and also provision for electric vehicles is made throughout the site, the addition of a fused point in the parking areas and suitable cabling back to the distribution board will have minimal cost and avoid disruption and greater expense in the future.

We request a condition is added should permission be granted for a sustainability and energy strategy.

## **Suffolk Preservation Society**

### **Landscape Impact**

The site is identified as Rolling Valley Claylands typology in the Suffolk Landscape Characterisation Study (See 2011). It is characterised by gentle valley sides with smaller fields in arable use. Ancient woodland on the upper fringes of the valley and isolated churches are notable features of this landscape type. The Babergh Mid Suffolk Landscape Guidance (2015) specifies that new development within this landscape character is likely to have significant impact on both the character and visual amenity of valley floor and valley side. The aim of the guidance seeks to retain, enhance and restore this distinctive landscape and settlement character and the key design principles which should inform decision making relating to this typology state that Due to the rolling landscape, development in this area is considered to have significant visual impact. All development must take into consideration the cultural historic importance of this area and the potential visual impact on conservation areas. It is therefore clear that the site has a high landscape quality and demonstrates a historic, cultural and visual value that must be fully recognised in the decision making process in accordance with para. 109 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment by seeks to protecting and enhancing valued landscapes.

### **Heritage Impact**

In its undeveloped form, the site currently makes a very strong positive contribution to the wider agrarian setting of St Mary's church. The church has an elevated position at the top of the valley side and is encircled by mature trees. The church sits remotely and in a commanding position and provides a focal point in the landscape. Its setting makes a very strong contribution to its significance by virtue of its elevated and detached position. The sovereignty of the church and its dominion over the parish is clearly demonstrated by this strategic siting. Its imposing scale and positioning within the landscape clearly communicates the power of the medieval church and the role that it played in society.

The Society considers that the setting makes a very important contribution to the significance of the listed building and must be afforded considerable weight in assessing this application for further development which would irrevocably destroy it.

### **Coalescence**

The site is within the area covered by the 2013 Stowmarket Area Action Plan which affirms that an acceptable degree of separation between Stowmarket and surrounding villages should be safeguarded (para 6.5) and that the importance of maintaining the separate identity of Combs and Stowmarket is a key issue. The submitted application fails to recognise the landscape sensitivity of the site and the importance of it as a strategic gap between Stowmarket and Combs.

## **The Stowmarket Society**

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The Stowmarket Society would like to register its objection to this proposal.

Over recent years, much thought has been given into finding sites which are suitable for accommodating the expansion of Stowmarket. This site has been considered as part of that process, and rejected as inappropriate. Nothing has changed recently which could alter that conclusion.

One of our greatest concerns about the development of this site is the impact that it would have on the setting of the Grade 1 Listed Combs Parish Church. The setting of a Listed Building can be much more than just the small patch of land which forms its immediate surroundings. In the case of Combs Church, it includes its isolated position on a valley side, with the backdrop of historic Combs Wood in views to the church across open fields from Combs Village, and local roads and footpaths. The development of this site will completely change this setting, and profoundly degrade the setting of the building.

## **B: Representations**

Highway safety and traffic congestion

Impact on character and appearance of the area

Scale and dominance of the development

Effect on listed buildings and conservation areas (including Grade 1 listed St Mary's Church, Church Meadow - Site of Special Scientific Interest - and Combs Wood)

Effect on trees and wildlife and nature conservation

Impact on schools

Impact on healthcare services (doctors, dentists, hospitals)

Drainage and flood risk

Noise, dust, fumes

Character of the area

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site is an area of open agricultural land to the south and east of Poplar Hill, and to the west of Church Road.
- 1.2. To the north-eastern boundary of the site are existing properties in Church Road, whilst to the north there are also neighbouring properties on Poplar Hill. The site otherwise bounds open land. To the east of the site, within the surrounding open countryside is the Grade I Listed Church of St Mary and Combs Wood SSSI.
- 1.3. The site is quite open in character, forming part of the rolling valley typology of the locality.

### **2. The Proposal**

- 2.1 The proposal is for outline permission for up to 160 No. dwellings with public open space, landscaping and sustainable drainage system and creation of new vehicular access. All matters are reserved except for access.
- 2.2 The application site extends to 8.5ha, which with a proposal for 160 dwellings equates to 18.8 dwellings per hectare. However, part of the site is proposed for open space, reducing the residential area to 4.58ha, equating to a density of 35 dwellings per hectare.

- 2.3 The proposal is outline with all matters reserved except access, however the indicative plan shows the proposed residential development abutting Church Road, with surface water drainage to the eastern corner of the site and open space to the southern part of the site.

### **3. The Principle Of Development**

- 3.1 The National Planning Policy Framework (NPPF) was amended in July 2018 and is a material consideration in planning decisions. The NPPF does not change the statutory status of the development plan as the starting point for decision making, stating “where a planning application conflicts with an up to date development plan permission should not normally be granted. Local Planning Authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.
- 3.2 The NPPF also provides (paragraph 11) that there is a presumption in favour of sustainable development. This paragraph states "for decision-taking this means approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 sets out that this includes circumstances in which the local planning authority cannot demonstrate a five-year supply of deliverable sites. Mid Suffolk can currently demonstrate a five-year supply of housing land, such that the policies should not be considered out of date in this regard.

- 3.3 The application site is located outside of the settlement boundary of Stowmarket, and is therefore within the countryside, wherein development must accord with Core Strategy CS2. The proposal fails to accord with the developments allowed within the countryside and therefore is considered to conflict with Core Strategy Policies CS1 and CS2.
- 3.4 Furthermore the proposal is contrary to Stowmarket Area Action Plan (SAAP) 6.20 which allocates the northern part of the site for public open space. Whilst this is in relation to a wider allocation for the delivery of housing to land off Farriers Road and Poplar Hill it is nonetheless allocated for open space. Whilst the consent granted for Farriers Road (Ref: 1492/15) does not include the delivery of the part of this application site allocated for open space the SAAP does not predicate the delivery of the houses on the Farriers Road site on the delivery of open space.
- 3.5 Despite all of the above the NPPF nonetheless requires a presumption in favour of sustainable development. Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open

spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy. "

- 3.6 Economic Objective – The proposal would deliver new housing, including affordable housing in the locality of Stowmarket, the construction and occupation of which would support services, facilities and employment within the town as to have some benefits in respect of this strand of sustainable development.
- 3.7 Social Objective – The proposal would support the local community and services and deliver homes in the locality of Stowmarket so as to offer some benefits in respect of the social strand of sustainable development.
- 3.8 Environmental Objective – The proposal is situated within close proximity to Combs Wood SSSI and the Grade I Listed Church of St Mary's. The proposal would result in less than substantial harm to the heritage asset, not outweighed by public benefits, such that the proposal would result in harm to the environmental objective of sustainable development. The proposal is also considered to risk harm to the archaeological heritage assets, conflicting with the environmental objective. Furthermore, the ecological appraisal requires additional surveys to be carried out to demonstrate that harm would not result to protected species, given the risk of harm the proposal is considered to fail to comply with the environmental objective of sustainable development in this respect. The site is also near to a Site of Special Scientific Interest and is considered to risk harm by reason of increased use of the SSSI, without appropriate assessment or mitigation measures, such that the proposal risks further harm to biodiversity contrary to the requirement of the environmental objective.

The application site abuts the settlement boundary of Stowmarket, and as such is not considered to be isolated. Furthermore, it benefits from access to the services and facilities in both Combs and Stowmarket, which are readily accessible by sustainable transport from the application site, so as the proposed dwellings would not be reliant on private car and support a move towards a low carbon economy, required by paragraph 8 of the NPPF with regards to the environmental strand of sustainable development.

- 3.9 Whilst some benefits have been identified, given the harm identified in not just one, but to various strands, within the environmental objective of sustainable development it is considered that the proposal would fail to result in sustainable development, and furthermore with adverse impacts which significantly and demonstrably outweigh the benefits.
- 3.10 The proposal conflicts with the requirements of the Core Strategy, SAAP and further fails to be sustainable development within the definition set out at paragraph 8 of the NPPF, resulting in harm within the objectives set out by the NPPF to cause adverse impacts which significantly and demonstrably outweigh the benefits of delivering housing, such that the proposal is unacceptable in principle.

#### **4. Site Access, Parking And Highway Safety Considerations**

- 4.1 The proposal includes a new access from Poplar Hill, including a footpath to link the site to existing footpaths along Polar Hill and an emergency/pedestrian access from Church Road.

- 4.2 The proposed access strategy includes pedestrian access from the site to adjoining areas and with appropriate design of the site at reserved matters stage will allow for a well-connected site in this respect. Furthermore, the proposed access achieves appropriate visibility splays for Poplar Hill.
- 4.3 In light of this the proposal is not considered to have severe impacts on highway safety to consider refusal in this respect. SCC Highways confirm this and have also agreed an appropriate Travel Plan to further support sustainable access to and from the site.

## **5. Design And Layout**

- 5.1 The proposal is outline with all matters reserved except for access and the proposal in this respect will be considered at the reserved matters stage.

## **6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 6.1 Landscape Impact  
With regards to landscape impact both Core Strategy Policy CS5 and the SAAP intend to protect the countryside. Core Strategy Policy CS5 stating that the Council will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape. The SAAP protects the landscape having particular regards to this location and the importance of the need to maintain the separation between Combs and Stowmarket.
- 6.2 The application site forms part of the Rolling Valley Claylands typology characterised by gentle valley sides with smaller fields in arable use. The landscape includes woodland on the upper fringes of the valley and isolated churches, both of which are evident when looking across the site from Poplar Hill. The site also forms part of the open space between Combs and Stowmarket, protected by SAAP 6.22.
- 6.3 The development of this site would result in the imposition of built-development into the countryside, which, due to the location and landscape character, in particular its rolling form, would result in a significant visual intrusion impacting on the wider countryside locality and views, failing to protect or conserve the character of both the immediate locality of the site, and wider countryside as a result. The indicative plan includes structural landscaping and this would further be considered at the reserved matters stage, it is nonetheless considered that the impact of the proposal would be sufficiently significant that even with structural landscaping the impact of the proposal would cause harm contrary to Core Strategy Policy CS5 and Stowmarket Area Action Plan Policy 6.20 and 6.22, and paragraphs 8 and 170 of the NPPF.
- 6.4 Furthermore the proposal would result in coalescence of Combs and Stowmarket, the prevention of which is a specific aim of the Stowmarket Area Action Plan at paragraph 6.79, set out in policies 6.20 and 6.22, and in part why the northern part of the application site was allocated as open space. The proposal is for a larger area of land than that allocated, extending further to the south, such that the impact of the proposal with regards to coalescence is significant, which combined with the wider landscape impact is such that the proposal would result in harm in this regard. This would be contrary to Core Strategy CS5 and SAAP 6.22 and paragraphs 8 and 170 of the NPPF.
- 6.5 Ecology, Biodiversity and Protected Species  
The application proposal includes an ecological appraisal including badgers, bats, breeding birds, great crested newts, reptiles, otters and water voles. However, the assessment clearly states that "As a result of the findings of the Phase I survey, further protected species surveys have been

commissioned and are currently being undertaken in respect of great crested newts *Triturus cristatus* (GCN), common reptiles and water vole *Arvicola amphibius*. The results of these further surveys undertaken to date are included within the current Ecological Appraisal. The full results of these surveys will be provided within a separate report on their completion.” No such surveys or update have been provided during the course of the application.

- 6.6 The appropriate survey periods for Great Crested Newts extends from mid March to mid June, for reptiles from mid March to June and September, for water voles March to September and breeding birds March to August. Given that the appropriate survey periods for at least one of the species is currently closed, and in light of the other issues relating to this application it is not considered appropriate to delay determination to seek this information. The proposal is considered to risk harm to protected species by reason of the lack of this information, contrary to paragraph 170 and 175 of the NPPF, Policy CS5 of the Core Strategy Policy FC1 of the Core Strategy Focused Review and Policy CL8 of the Local Plan.
- 6.7 **Impact on Site Special Scientific Interest**  
With further regards to the impact of the proposal on ecology it is noted that the application site is approximately 500m from Combs Wood Site of Special Scientific Interest which is also a Suffolk Wildlife Trust reserve. The application site is within the Natural England Impact Risk Zone of the SSSI, and furthermore the proposal is over the threshold set out by Natural England for assessment of impact of such proposals. Natural England do not object to the proposal on this basis but set out details of SSSI impacts which may need to be addressed:
- 6.8 **Air Quality during Construction**  
Natural England note that best practice measures should be deployed during construction to minimise the likelihood of dust and other airborne pollutants, which in excess can smother leaves and hinder normal photosynthetic functioning of plants. The proposal does not include demolition works and a condition could provide suitable control of any risks.
- 6.9 **Increase in Access**  
New access points are not proposed as part of the application. The application site further does not share a boundary with the SSSI as to risk harm in this regard. Access and construction access would not be through or close to the SSSI. However, the site is within close proximity to the SSSI and the proposal is likely to increase visitor pressure to the woodland. This can include an increase in impacts such as the trampling of ground flora, and nutrient enrichment from dog waste in particular.
- 6.10 The applicant considers that the proposal would be unlikely to be accessed on a daily basis by significant numbers of residents, they therefore consider that it is unlikely that any increase in visitation would be of a level as to result in any adverse effects to the designated site.
- 6.11 Suffolk Wildlife Trust however note that regular walking routes of 2.3km to 2.6km are used, particularly by dog walkers. In the light of this, the distance between the application site and that there is a circular walk of such length there is the likelihood of recreational pressure on the wood, which may result in harm of the types raised by Natural England as of concern.
- 6.12 **Root Compaction, Tree Surgery Works**  
The application site does not border the SSSI and so root compaction zones and tree surgery works are not an area of concern in respect of the proposal.

- 6.13 **Surface Water Runoff**  
A construction surface water management plan has been requested by SCC Flood and Water Management to control run-off during construction, and a surface water drainage scheme agreed to control impacts of surface water.
- 6.14 **Foul Water Disposal**  
Anglian Water has confirmed that there is available capacity for foul water disposal, and alternative arrangements which may risk harm to the SSSI are not proposed.
- 6.15 **Groundwater Changes**  
The proposal for residential development does not include any activities which are expected to interfere with groundwater supplies so as to risk harm to the ground-water of the SSSI.
- 6.16 **Development Buffering**  
Natural England advises a buffer zone of 15m between the development and the SSSI, however the application site is over 250m away from the boundary of the application site, at the nearest point.
- 6.17 The impact of the additional visitors likely from the proposal is considered to risk harm, and information about this impact and any mitigation has not been provided to confirm that the proposal would be acceptable in this regard.
- 6.18 Paragraph 175 of the NPPF requires that “if significant harm to biodiversity resulting from the development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused; development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact, and any broader impacts on the national network of Sites of Special Scientific Interest”
- 6.19 The application is considered to risk harm, by reason of lack of information, such that planning permission should be refused, in accordance with the requirements of the NPPF. In terms of the exceptions set out by paragraph 175, the proposal for residential development has some benefits with regards to the provision of additional housing, however given the impacts identified with regards to the SSSI and other wider issues the proposal is not considered to result in benefits which outweigh its likely impact on the SSSI as to consider approval in this respect.

## **7. Land Contamination**

- 7.1 Environmental Health confirm that the proposal is acceptable from a land contamination perspective.

## **8. Heritage Issues and Archaeology**

- 8.1 The Planning (Listed Buildings & Conservation Areas) Act 1990 places a duty on the local planning authority to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. The application site is situated to the west of the Church of St Mary, south of Combs, which is Grade I Listed. The Church is a prominent landmark and clearly visible on the approach into Stowmarket from Poplar Hill.
- 8.2 Local Plan Policies support this duty, and in particular Local Plan Policy HB1 sets out that there is a high priority to protecting the character and appearance of listed buildings, with particular attention



given to protecting the settings of Listed Buildings. This is further supported by Core Strategy Policy CS5 which seeks to protect, conserve and where possible enhance the natural and built historic environment. The SAAP also provides for protection of the historic environment at 9.5.

- 8.3 Furthermore the NPPF not only identifies protecting and enhancing the historic environment as an objective of sustainable development but at paragraph 193 states “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”
- 8.4 The application site forms an area of open countryside at the edge of Combs Ford to the south of Stowmarket, between Combs Ford and the village of Combs. The Church of St Mary sits at the very south of the developed edge of the existing settlement, still very much in a rural setting. Although the expansion of Stowmarket has brought development closer to the church the setting is still separate as to retain the appreciation of the rural setting of the church, particularly from the south and west. The site forms part of the undeveloped character of this locality and the setting of the church, offering appreciation of the setting and significance of the church and wider landscape due in part to its elevated position.
- 8.5 The development would result in further encroachment into the rural setting of the church, resulting in the setting of the church, which is currently open, becoming developed, removing the historic open setting, important to the understanding of the setting and significance. The proposal would furthermore result in the loss of open space around the settlement which would also cause the settlements of Stowmarket and Combs to converge. Due to the location and topography of the site this would result in the development affecting the setting and character of the Church with particular regards to views to and from the church in the locality, changing the appreciation of the rural church.
- 8.6 The advice from Historic England is that “the proposed development would have a harmful impact on the historic significance of the grade I listed Church of St Mary through development within its setting.”
- 8.7 Whilst it is recognised that part of the site is allocated within the SAAP, the area is designated for public open space and indeed at 6.20 and 6.22 is clear that this parcel of land must maintain the separation between Stowmarket and Combs. This proposal is for housing across both the area of land identified within the SAAP and further south, creating a significant encroachment of development on the setting of the Grade I Listed Church.
- 8.8 Clearly as a Grade I Listed Building the advice of paragraph 193 is relevant, and in light of the high level of listing great weight should be given to the asset’s conservation. Indeed, as a Grade I listed building it is within the top 2.5% nationally. Nonetheless Historic England identify, and it is agreed by the officer, that the harm resulting from the proposal is less than substantial harm.
- 8.9 Paragraph 196 of the NPPF states in this regard “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”
- 8.10 The proposal would offer benefits with regards to the delivery of housing including affordable housing, however, this benefit is considered to be limited given the availability of other sites in the locality without such impacts, and the five-year housing land supply. Furthermore, whilst the southern part of the site is proposed for open space this does not substantively protect the setting

of the church, nor provide protection of the setting from the encroachment of the development, or outweigh the harm resulting from the proposal in this respect.

- 8.11 The applicant considers the proposal to have a low level of less than substantial harm outweighed by the benefits of delivering housing. However, given the extent of development, the encroachment on the setting of the church and impact upon its significance resulting it is considered that the proposal has a significant level of harm, albeit less than substantial.
- 8.12 The benefits of the proposal are not considered to be sufficient to outweigh this harm, delivering housing whilst important can be delivered without the harm identified here, whilst affordable housing is required as part of all developments in the district.
- 8.13 In the light of all of the above the proposal fails to achieve the requirements of paragraph 196, being without public benefits to outweigh the harm identified. As such the proposal would still be contrary to the NPPF paragraphs 8, 11, 193 and 196, Core Strategy CS5 and Local Plan Policy HB1.
- 8.14 **Archaeology**  
Following the submission of additional information and geophysical survey SCC Archaeology have provided additional comments, with a holding objection currently as further information is required to demonstrate that the proposal does not cause unacceptable harm and assets can be preserved in situ, or appropriate mitigation provided. Without up-front evaluation, there is a risk that significant finds will be identified which require preservation in situ.
- 8.15 SCC Archaeology offer these comments as a holding objection, such that it is considered that the proposal would risk harm to heritage assets by reason of insufficient information. This would be contrary to paragraph 189 of the NPPF which requires an applicant to assess heritage assets appropriately. "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 8.16 Furthermore it would be contrary to paragraph 190 of the NPPF, which requires the Local Planning Authority to consider "the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal". Without information in this regard the proposal risks harm contrary to these requirements.

## **9. Impact On Residential Amenity**

- 9.1 The detailed design and layout of the proposal in this respect would be considered at the reserved matters stage, however sufficient space is retained on site to deliver the level of housing proposed without unacceptable impacts in this regard to consider refusal at the outline stage in this respect.
- 9.2 With regards to the wider impact the proposal does not include a main access onto Church Road, so as to limit the impact of the proposal on those properties. The proposal would inevitably result in an increase in traffic movements along Poplar Hill, however this in itself is not considered to result in unacceptable harm to residential amenity to consider refusal on this basis.

## **10. Planning Obligations / CIL**

- 10.1 The proposal includes affordable housing provision at 35% in compliance with Local Plan Policy altered H4.

- 10.2 Given that the site is of a significant size an obligation with regards to the phasing of the delivery of the development across the site and the delivery, management and maintenance of the open space would be required with any S106 agreement.
- 10.3 The remainder of the infrastructure for the proposal falls within the CIL charging regime.

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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1 The proposal is situated outside of the settlement boundary for Stowmarket and fails to comply with Core Strategy Policy CS2 so as to be unacceptable in principle. Furthermore, the proposal does not comply with the allocation in the Stowmarket Area Action Plan 6.20 and 6.22.
- 11.2 Notwithstanding the in principle objection to the proposal the proposal was considered against the presumption in favour of sustainable development required by the NPPF. The proposal fails to accord with the three objectives of sustainable development at paragraph 8, and furthermore results in harm, with particular regards to the environmental objective, such that the adverse impacts of the proposal outweigh the benefits.
- 11.3 The proposal further results in harm to the setting and significance of the Grade I Listed Church, harm to the landscape character, and risks harm to the archaeological heritage assets, SSSI and ecology.

### **RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to refuse outline planning permission for the following reasons:

1. The proposed development is situated on land outside of the settlement boundary of Stowmarket, the proposal fails to accord with the developments permitted within the countryside, contrary to Policies CS1 and CS2 of the Mid Suffolk Core Strategy (2008). The proposal is also contrary to the allocation of the site within policy 6.20 of the Stowmarket Area Action Plan (2013). Furthermore, the development fails to comply with the requirements of paragraphs 8 and 11 of the NPPF (2018) with regards to the presumption in favour of sustainable development as the proposal would have limited benefits outweighed by harm identified to the environmental objective, with particular regards to the natural and historic environment. As such the proposal is not acceptable in principle, being contrary to paragraphs 8, 11, 193 and 196 of the NPPF (2018), Policies CS1, CS2 and CS5 of the Core Strategy (2008), Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012) Policies HB1, HB14, CL8 and CL9 of the Mid Suffolk Local Plan (1998) and the Stowmarket Area Action Plan (2013).
2. The proposal results in the loss of the site as an area of open countryside, forming part of the setting and contributing to the significance of the adjacent Grade I listed Church. The proposal would therefore fail to protect, preserve or enhance the character and appearance of the locality, landscape and therefore the setting and significance of the surrounding heritage assets, which would result in a high level of less than substantial harm to the setting and significance of the Listed Buildings not outweighed by public benefits. As such the proposal would be contrary to the

requirements of the NPPF including with regards to the environmental role of sustainable development and furthermore with particular respect to paragraphs 8, 11, 193 and 196 of the NPPF (2018), Policy CS5 of the Core Strategy (2008) and Policy HB1 of the Mid Suffolk Local Plan (1998).

3. The proposed development results in the imposition of built development into the open countryside in a location where this would result in significant impacts on the character and appearance of the countryside, failing to protect or conserve landscape qualities, considering both the natural and historical dimensions of the landscape in this locality. As such the proposal would fail to comply with the requirements of Policy HB1 of the adopted Mid Suffolk Local Plan (1998), Policy CS5 of the Mid Suffolk Core Strategy (2008), 6.20 and 6.22 of the Stowmarket Area Action Plan (2013) and paragraphs 8, 11 and 170 of the NPPF (2018).
4. The application fails to demonstrate that the development would not risk harm to biodiversity by reason of insufficient information with regards to the need for further surveys, such that the proposal is contrary to paragraphs 8, 11, 170 and 175 of the NPPF (2018), Policy CS5 of the Mid Suffolk Core Strategy (2008), Policy FC1 of the Core Strategy Focused Review (2012) and Policy CL8 of the adopted Mid Suffolk Local Plan (1998).
5. The application fails to demonstrate that the development would not risk harm to Combs Wood Site of Special Scientific Interest with regards to the impact of additional visitors to the SSSI, by reason of insufficient information, given that the SSSI is within regular walking distance of the site wherein there is a likely increase in recreational pressure on the wood. The proposal is therefore contrary to paragraphs 8, 11, 170 and 175 of the NPPF (2018), Policy CS5 of the Core Strategy (2008), and Policies CL8 and CL9 of the adopted Mid Suffolk Local Plan (1998).
6. The application risks harm to heritage assets in terms of archaeological interest, with particular regards to the risk that significant finds may be identified which require preservation in situ, by reason of insufficient information being submitted to demonstrate that the archaeological impacts of the development are appropriately assessed, considered and mitigated. As such the proposal is contrary to paragraphs 8, 11, 189 and 190 of the NPPF (2018), Policy CS5 of the Core Strategy (2008), and Policy HB14 of the adopted Mid Suffolk Local Plan (1998).