

## **Committee Report**

**Item No:** 1

**Reference:** DC/19/00662

**Case Officer:** Gemma Walker

**Ward:** Combs Ford.

**Ward Member/s:** Cllr Keith Scarff and Cllr Gerard Brewster

---

## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

---

### **Description of Development**

Outline Planning Application (some matters reserved) - Erection of up to 138 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Poplar Hill (re-submission of refused application DC/18/02380).

### **Location**

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

**Parish:** Stowmarket

**Expiry Date:** 11/05/2019

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

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

**Applicant:** Gladman

---

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

---

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**

Application DC/18/02380 was determined by Development Control Committee A on 26<sup>th</sup> September 2018, with refusal 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 Building 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 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).

5. 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).

This refusal is the subject of an appeal.

**Has a Committee Call In request been received from a Council Member?**

No

**Details of Pre-Application Advice**

None

---

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

---

**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- Proportion of Affordable Housing  
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**

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

In addition to the reasons why the first application was refused - with particular emphasis on the detriment to the setting of St Mary's Church - we submit that the proposed development is not sustainable for three principal reasons:

- A. It will depend for its access to all the facilities that the residents will need on a road system 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;
- C. The proposed development fails to recognise the intrinsic character and beauty of that piece of countryside landscape, and its location will cause substantial harm to the natural environment.

##### **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, Le. the relevant Impact Risk Zones have been triggered.

The likely impacts arising from the proposal are straightforward to assess with confidence by following the advice notes provided below, and where necessary, requesting further information from the applicant

where uncertainties exist. We therefore advise you to review the planning application under consideration, and apply the principles described, as appropriate.

#### Standing Advice on ancient woodland and veteran trees

Natural England and Forestry Commission have produced standing advice entitled 'Ancient woodland and veteran trees: protecting them from development' which outlines what planning authorities should consider for developments near ancient woodland and veteran trees. Advice is given on determining impacts and how to avoid, reduce or compensate for the impacts. Note that planning authorities should refuse planning permission for developments that would lead to loss or deterioration of irreplaceable ancient woodland habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. This principle is outlined in the National Planning Policy Framework paragraph 118.

#### 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.

#### Reasons for Notification of Sites of Special Scientific Interest (5551)

Background information on SSSIs and their notified interest features can be found on the Magic map system website. The SSSI citation should be referred to in order to understand the special interest of the SSSI and its sensitivities.

#### 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

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.

## **Historic England**

This application seeks outline permission for up to 138 dwellings, public open space, landscaping and access at Land east of Poplar Hill, Stowmarket. The proposed site is currently an agricultural field to the

south of Stowmarket. The number of houses proposed has been reduced since a previous application in 2018, but the development would still introduce a large amount of modern housing within the setting of the Church of St Mary which is listed at grade I. Historic England considers that the proposed scheme would have a harmful impact on the significance of St Mary's through development in its setting. Historic England objects to the application as it currently stands due to the harmful impact of the proposed development contrary to the aims of the National Planning Policy Framework.

### **Suffolk Wildlife Trust**

Combs Wood Site of Special Scientific Interest (SSSI) The application site is located within approximately 500m of Combs Wood Site of Special Scientific Interest (SSSI), the wood is also a Suffolk Wildlife Trust reserve. We note the conclusion in the ecological appraisal report (FPCR, Feb 2019) that as the wood is over 700m from the application site that it is unlikely to be accessed on a daily basis by a significant number of people (paragraph 4.6). The ecological appraisal assesses that the proposed development is likely to result in an additional 32 people a day visiting Combs Wood (paragraph 4.10). This is calculated to be an increase of 6% on the visitor levels currently predicted (paragraph 4.14). The assessment goes on to conclude that such an increase over expected visitor numbers is unlikely to result in a significant impact on the interest features for which Combs Wood is designated.

However, as acknowledged in the paragraph 4.7, the predicted current level of visitors is based on the assumption that all current Stowmarket residents with a dog living within a 2.3-2.6km circular walk of the wood will visit it daily. We consider that this assumption has the potential to significantly downplay the likely increase in visits which could arise as a result of the proposed development. Factors such as distance from the wood, ease of access and attractiveness of walking route will all have an impact on the number of dog walkers currently choosing to visit the site. We therefore consider that the current usage figure calculated using the methodology presented in the report must be considered a maximum. Based on this, it is likely that the number of visitors from the proposed development, which will be closer than much of the existing housing stock used in the calculation, will result in more than a 6% increase. This in turn may result in increased impacts on the wood as a result of greater recreational pressure. Also, notwithstanding the above point, it has not been demonstrated that a 6% increase in daily visitors is not a statistically significant increase.

Paragraph 4.13 of the ecological survey report makes reference to the potential use of other exiting circular walking routes being used to by new residents which would lower the visitor pressure on Combs Wood. Whilst this may be the case, without assessment of the quality of such routes it is not possible to determine how much of an alternative offer they would provide. Also, the report makes reference to the provision of onsite open space with circular walks which will be available, again without any certainty of the habitats proposed in this area it is unclear to what degree they will reduce new recreational pressure on Combs Wood.

Paragraph 175(b) of the National Planning Policy Framework (NPPF, Feb 2019) states that "development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted". In addition to the above, the mitigation proposed for the development should consent be granted does not include any measures to monitor recreational pressure impacts at Combs Wood or provide remediation if adverse impacts are identified. Notwithstanding the significant concerns set out above, we would expect such monitoring and mitigation measures to be identified and secured (including any necessary financial contributions required) should consent for some level of development be consented at this site.

### **Priority Habitats and Species**

As recognised in the ecological appraisal report, the proposed development would result in the loss of part

of a hedgerow assessed as "Important" under the Hedgerow Regulations (1997). The exact degree of loss is unclear from the plans provided in the application, however it is important that the significance of such loss and the degree to which it can be adequately compensated are considered as part of the determination of this application.

Also, the ecological appraisal identifies that the proposed development will result in the loss of nesting habitat for at least two pairs of skylark, a UK Priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006). The appraisal concludes that this loss would be insignificant and therefore no compensation measures are proposed. However, Stowmarket Area Action Plan (AAP) Policy 9.1 (criterion viii) requires that all developments must "implement appropriate mitigation and compensation measures to ensure that there is no net loss in biodiversity in the Stowmarket area". The uncompensated loss of nesting habitat for skylark would result in the net loss of this species in Stowmarket. Also, the appraisal fails to consider the loss of suitable skylark habitat in-combination with other developments in the area and the impact that this could have on the species.

#### Conclusion

From the information provided in the application we do not consider that it has been demonstrated that the increase in visitors to Combs Wood SSSI predicted to result from this development will not result in an adverse impact on the wood, or that sufficient mechanisms can be secured to ensure that such impacts do not occur. Also, the proposed development will result in the uncompensated loss of nesting habitat for skylark, contrary to Policy 9.1 of the Stowmarket AAP. We therefore object to the application as currently presented.

#### **Ecology Consultation**

We have reviewed the Ecological Appraisal (FPCR Environment and Design Ltd, February 2018), provided by the applicant, relating to the likely impacts of development on Designated Sites, Protected & Priority species/habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. We also support the reasonable biodiversity enhancements, which should also be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The ecological mitigation and enhancement measures identified in the Ecological Appraisal (FPCR Environment and Design Ltd, February 2018) should be secured and implemented. This is necessary to conserve Protected and Priority species.

However, we do disagree with the justification provided within the ecological appraisal why compensation measures are not required for Skylarks for this application. Consequently, it is recommended that a Skylark Mitigation Strategy should also be implemented for this application, to compensate for the loss of ground nesting habitats for this Priority species.

The Ecological Appraisal identifies that up to two skylark breeding pairs were likely present within the red line boundary. Therefore, a total of 4 skylark plots (two plots per Skylark territory lost) should be provided within nearby arable land for this application. The plots should follow the methodology for Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots' and must be maintained for a minimum period of 10 years.

If an appropriate location for the Skylarks can be provided within land owned by the applicant then this compensation measure can be secured as a condition of any consent. If this cannot be undertaken then the Skylark Plots must be secured via a unilateral legal agreement.

We also note Suffolk Wildlife Trust's previous concerns with this application in regards of the impacts of increased recreation to Combs Wood SSSI. We have assessed the Impact Risk Zones on [Magic.defra.gov.uk](http://Magic.defra.gov.uk) for this site and have identified that proposed development will trigger consultation with Natural England because it contains more than 100 dwelling. Consequently, we consider that Natural England should be specifically contacted to provide comments on the potential increased visitor numbers to Combs Wood SSSI. At a minimum, we request that promotion to this site should not be provided within any stage of this development.

### **NHS**

The proposal comprises a development of up to 138 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure levy (CIL).

### **Highways England**

No objection

### **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 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 71 two-way trips in the AM peak hour and 71 trips in the PM peak hour which is acceptable in this location (approx. 1.2 cars per minute).

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

There has been 15 accidents over the past 5 years on the Ipswich Road/Needham Road/Poplar Hill junction however, there is no pattern to suggest that highway layout or design were a contributory factor.

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

The catchment primary school is 0.9 miles and the high school is 1.8 miles from the site; both with continuous footway links.

The closest bus stops are 0.2 miles from the centre of the site and is within walking distance.

There are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network (NPPF para 109) therefore, SCC as the LHA does not object to the proposal.

### **CONDITIONS**

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

Visibility splays to be provided

Details of access works approved

Details of estate roads and footpaths  
Provision of carriageways and footways  
Means to prevent discharge of surface water onto the highway  
Construction management plan  
Parking and manoeuvring including evc and cycle storage  
Travel plan implementation  
Provision of travel pack  
Full travel plan

#### Public Transport

There are bus stops that serve the community on Poplar Hill. The transport team would like the applicant to liaise with the Bus Operators and consider the option of bus routes 88/89 diverting into the development and provide bus stops with shelters and RTPI screens within the site. If the route does not divert, a contribution of approx. £5,000 is required to construct or improve bus stops nearby. Travel Plan

Also as Suffolk County Council (as Highway Authority) is identified in the Travel Plan as the organisation to audit the Travel Plan a Travel Plan Evaluation and Support Contribution of £1,000 per annum for a minimum of five years, or one year after occupation of the final dwelling (whichever is the longest duration) will be required by Suffolk County Council through a Section 106 Agreement to ensure it has suitable financial resource to oversee this discretionary service. This is permitted under Section 93 of the 2003 Local Government Act, Section 3 of the 2011 Localism Act, and in accordance with the outcomes of the recent Ministry of Housing, Communities and Local Government Developer Contributions Consultation. Failure to pay this contribution is likely to lead to failure with the Travel Plan, as Suffolk County Council will not be adequately resourced to oversee the implementation, monitoring and target setting requirements with the Travel Plan. A full breakdown of how the contribution will be spent can be submitted on request of Mid-Suffolk District Council or the Applicant.

#### SCC Infrastructure

SCC anticipates the following minimum pupil yields from a development of 138 dwellings, namely:

- a) Primary school age range, 5-11: 34 pupils. Cost per place is £12,181 (2018/19 costs).
- b) Secondary school age range, 11-16: 24 pupils. Cost per place is £18,355 (2018/19 costs).
- c) Secondary school age range, 16+: 5 pupils. Costs per place is £19,907 (2018/19 costs).

The local schools are Combs Ford Primary (catchment school and 2nd nearest to the proposed development), Trinity Church of England Voluntary Aided Primary School (nearest), Abbot's Hall Community Primary School (3rd nearest), and Stowmarket High School. All 3 primary schools are within 2 miles walking distance from the proposed development.

Based on existing forecasts, SCC will have no surplus places available at the local schools. On this basis, at the primary school level a future CIL funding bid of at least £414,154 (2018/19 costs) will be made and at the secondary school level a future CIL funding bid of at least £540,055 (2018/19 costs) will be made.

From these development proposals SCC would anticipate up to 22 pre-school children arising which is equivalent to 13 FTE places, at a cost per FTE place of £8,333.

This proposed development is in the Stowmarket South Ward, where there is an existing deficit of places. On this basis, a future CIL funding bid of at least £108,329 (2018/19 costs) will be made to Mid Suffolk District Council.

#### SCC Flood and Water Management

No objection subject to conditions

### **East Suffolk Drainage Board**

We note that due to unsuitable ground conditions, the applicant is not able to discharge their surface water through the use of infiltration features. Therefore the applicant intends to discharge to an existing watercourse adjacent to the site boundary. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment a surface water development contribution fee, calculated in line with the Board's charging policy.

### **SCC Public Rights of Way**

Footpath 43 Stowmarket is recorded adjacent to the south eastern border of the proposed development area, and within the blue edged land marked as also being controlled by the applicant. Whilst we do not have any objections to this proposal informative notes apply.

### **SCC Archaeology**

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 identified 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 located in the immediate vicinity (COM 25 and 045). The Grade I medieval church of St Mary (COM 012) is situated to the east, as well as associated medieval and post-medieval earthwork remains (COM 007, 009 and 010). Historic mapping also records this land parcel as mill field, suggesting the presence of a mill either within or in close proximity to the development area (COM 090). This site is also an area that is topographically favourable for early occupation, overlooking a tributary of the Rattlesden River. Geophysical survey at the site identified a number of anomalies with the potential to be archaeological in origin. A first phase of low level trial trenched evaluation, primarily aiming to characterise the geophysical survey anomalies, identified a number of archaeological features, potentially of prehistoric date, as well as finds dated from the prehistoric to the post-medieval periods, although some of the anomalies were demonstrated to be non-archaeological in origin. On the basis of the initial evaluation results and the fact that much of the site has yet to be subject to trial trenched evaluation, there is high potential for additional archaeological remains to be present within the site which could be damaged or destroyed by development

Taking into account the results of the geophysical survey and first phase of trial trenched evaluation, we would advise that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### **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 firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing 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, i.e. 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. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

### **Housing Enabling**

The mix for a total of 48 dwellings we would require is the following: -

Rented 36 dwellings: -

4 x 1 bed 2-person flats @ 50 sqm

4 x 2 bed 4-person flats @ 70 sqm

4 x 2 bed 3-person bungalows @ 61 sqm

2 x 2 bed 4-person bungalows @ 70 sqm

16 x 2 bed 4-person houses @ 79 sqm

6 x 3 bed 5-person houses @ 93 sqm

Shared ownership 12 dwellings: -

8 x 2 bed 4-person houses @ 79 sqm

4 x 3 bed 5-person houses @ 93 sqm

The above mix is requested and to be included in the 5106 agreement.

Other requirements for affordable homes:

. Properties must be built to current Nationally Described Space standards as published March 2015. Paragraph 9.16 states that the properties do meet this standard although no floor areas have been provided.

. The council is granted 100% nomination rights to all the affordable units on all first lets and that all allocations are made through the Choice-based lettings system known as Gateway to Homechoice

. Adequate parking provision is made for the affordable housing units and inclusion of cycle storage/sheds.

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

Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **Environmental Health – Noise, Odour, Light**

In line with the comments made by EH on the previous application, the overall noise levels in the locality remain similar therefore comments made here are in line with the previous consultation response:

The Noise Assessment Report submitted with this application, prepared by Noise Consultants Ltd (Doc Ref: NJ1024A/1/F5) dated 28th January 2019, 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.

Such a plan shall include details of operating hours (which shall be limited to 08.00hrs - 18.00hrs Monday - Friday, 09.00hrs - 13.00hrs on Saturdays, with no working to take place on Sundays, Public or Bank Holidays. Deliveries should also be limited to these hours), means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors), loading and unloading of plant and materials, wheel washing facilities, lighting, location and nature of compounds and storage areas, waste removal, temporary buildings and boundary treatments, dust management, noise management and litter management during the construction phase of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phase, unless otherwise agreed in writing by the Local Planning Authority.

The Construction Management Plan shall cover both site clearance' and the construction phase of the above development and there shall be no burning of waste. 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 requiring full details of the scheme of lighting including a polar luminance diagram based on vertical luminance at the site boundary and at the nearest residential properties if these will be affected.

#### **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 – Sustainability**

It is disappointing that the only reference to the topic of energy/climate change/carbon emissions is paragraph 5.8.1 which confirms the development will meet building regulation standards. For such a significant development it is hoped that forethought is given to this topic and measures offered to mitigate impact.

Our recommendation is refusal of permission but should permission be granted we request a condition is imposed which requires an energy strategy.

#### **Waste Services**

No objection subject to conditions.

#### **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.

#### **Stowmarket Society**

As with the previous application on this site (ref 18/02380) one of our greatest concerns about the development 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 air of remoteness 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. While the previous application contained no indication of the form that development might take, this application does include an illustrative site layout, consideration of which has confirmed our view that development of this site will result in a fundamental change in the character of the area, and profoundly degrade the setting of a nationally important Listed Building.

### **Suffolk Preservation Society**

This revised application does not address the reasons for refusal of the previous application; namely the impact on the setting of the church and the character of the landscape. Moreover the indicative site layout reveals that in order to achieve the revised site boundaries all the proposed landscaped areas within the site have been removed. We therefore continue to object to the revised scheme and the reasons raised within our representation against the previous application are relevant:

Landscape Impact  
Heritage Impact  
National, Local Policy and Historic England Guidance  
Coalescence

In this case the environmental harm associated with the revised proposal; impacting on the landscape character, views and wider setting of the church and erosion of the gap between the town and village of Combs continue to be of such a magnitude that they materially outweigh the public benefits of contributing to housing supply in the district. The site has not been allocated for housing development, is not included in the 2017 SHELAA and it is contrary to the Stow market Area Action Plan (2013). Therefore this application should be refused.

### **B: Representations**

Impact on Grade I Listed St Mary's Church  
Wildlife in Combs Wood and Church Meadow Nature Reserve  
Lack of infrastructure – schools, healthcare  
Impact on highway safety and traffic congestion  
Impact on character and appearance of the area including views  
Scale and dominance of the development  
Effect on trees and wildlife/nature conservation  
Reduction in separation distance between Stowmarket and Combs  
Drainage and flood risk  
Noise, dust, fumes  
Loss of outlook  
Out of character with the area  
Over development  
Not sustainable

### **PLANNING HISTORY**

**REF:** DC/18/02380

Outline Planning Application- Erection of up to 160 No. dwellings with public open space, landscaping and sustainable drainage

**DECISION:** REF

system and creation of new vehicular access. (All matters reserved except for access.)

---

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

---

### **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, with views across the site from Poplar Hill.
- 1.4. The site is situated to the edge of development in Combs Ford/Stowmarket, in the gap between this area of development and the village of Combs.

### **2. The Proposal**

- 2.1. The proposal is for outline planning permission for the erection of up to 138 dwellings with public open space, landscaping, sustainable drainage system (SuDS). All matters are reserved except for access.
- 2.2. The application site extends to 8.5ha, however only 4.12ha is proposed as the space for residential development, with 4.38ha for green infrastructure and public open space. As such the density of 138 dwellings on 4.12ha equates to 34 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.
- 2.4. The amendments compared to DC/18/02380 results in the residential development remaining to the northern part of the site, with a larger amount of open space to the south.

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

- 3.1. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.
- 3.2. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. The proposed development does not fall within any of the listed categories.

- 3.3 Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 3.4 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.
- 3.5 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.
- 3.6 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. "

- 3.7 The three dimensions of sustainable development, in the context of the proposed development, are assessed in detail below:
- 3.8 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. However, noting the current land supply position in excess of 5 years the benefit to be had in this regard is not significant.
- 3.9 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.
- 3.10 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. Furthermore, 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 absolutely 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.

- 3.11 Whilst some benefits have been identified, given the harm identified in not just one, but to various strands, particularly 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, if the titled balance were to be applied, which issue is considered in the Heritage section below.
- 3.12 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 SCC Highways confirm that there are no unacceptable impacts on highway safety or the residual cumulative impacts on the road network and SCC as the Local Highway Authority does not object to the proposal.

#### **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 Whilst this proposal would keep the extent of development closer to the edge of Combs than DC/18/02380, with some views to and from the Church the proposal would nonetheless, due to the topography of the site, result in the encroachment of development into the countryside and coalescence. The current development is situated just adjacent to the ridge, with land falling away towards Combs, development across this ridge, even in the reduced form proposed would, by virtue of the location to the top of the ridge and then across the valley result in harm contrary to Core Strategy CS5 and SAAP 6.22 and paragraphs 8 and 170 of the NPPF.

#### 6.6 Ecology, Biodiversity and Protected Species

Appropriate surveys, mitigation and enhancement measures for biodiversity have been provided, and advice from our Ecology Consult is that the measures identified should be secured and implemented in order to conserve Protected and Priority species. They also recommend that a Skylark Mitigation Strategy should also be implemented for this application, to compensate for the loss of ground nesting habitats for this Priority species.

#### 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 in 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. The ecological appraisal assesses that the proposed development is likely to result in an additional 32 people a day visiting Combs Wood, calculated to an increase of 6% on currently predicted levels. The report goes on to conclude that this increase is unlikely to result in a significant impact on the features for which Combs Wood is designated.

6.11 However, Suffolk Wildlife Trust note, as acknowledged by the assessment, that the predicted level of visitors is based on the assumption that all current residents with a dog living within 2.3-2.6km circular walk will visit it daily. This assumption is considered by SWT as having the potential to significantly downplay the likely increase in visits which could arise as a result of the proposed development. Factors such as distance from the wood, ease of access and attractiveness of walking route will all have an impact on the number of dog walkers currently choosing to visit the site. SWT therefore consider that the current usage figure must be considered a maximum, and based on this it is likely that the number of visitors from the proposed development, which will be much closer than existing housing will result in more than a 6% increase. This in turn may result in increased impacts on the wood as a result of greater recreational pressure. Also, notwithstanding the above point, it has not been demonstrated that a 6% increase in daily visitors is not a statistically significant increase.

6.12 The report makes reference to the potential use of other existing walking routes being used which would lower the visitor pressure on Combs Wood. However, no assessment of the quality of the routes is provided and it is not possible to determine how much of an alternative offer they provide. Routes on site are also mentioned, but without any detail it is not clear to what degree they will reduce new recreational pressure on Combs Wood.

6.13 The mitigation proposed does not include any measures to monitor recreational pressure impacts at Combs Wood or provide remediation if adverse impacts are identified.

6.14 Further discussions have been held with SWT by the applicant and Suffolk Wildlife Trust have indicated that mitigation measures could reduce the impact, however they have not confirmed that this would be sufficient to overcome the objection. Until this has been confirmed the above issues remain.

6.15 Paragraph 175(b) of the National Planning Policy Framework (NPPF, Feb 2019) states that "development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted". The proposal does not demonstrate that the proposal would not have an adverse impact, or that appropriate mitigation could or would be provided to address this, such that the proposal is contrary to the NPPF in this regard.

- 6.16 **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.
- 6.17 **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.
- 6.18 **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.
- 6.19 **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.
- 6.20 **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.
- 6.21 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.
- 6.22 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”
- 6.23 The application is considered to risk harm 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, to which this site contributes. 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 previous application for up to 160 dwellings (DC/18/02380) was refused for several reasons, including one relating specifically to the harm considered to be caused to the Grade I listed church:
- “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 Building 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).”
- 8.6 The proposal the subject of this application proposes less dwellings than that previously refused, presumably aiming to reduce the encroachment into the rural setting and attempting to create an open view from Poplar Hill across to the church. However, the proposal would still result in development extending over the ridge and down into the valley which forms part of the rural setting of the Church, such that the currently open setting will become development, removing the historic open setting, important to the understanding of the setting and significance of the Church.
- 8.7 Furthermore the proposal would still result in a degree, albeit slightly reduced compared to the refused scheme, of coalescence between Stowmarket and Combs. Although this is somewhat reduced due to development crossing the ridge and extending into the valley this would nonetheless result in an impact in this regard. 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. Historic England agree with this assessment: "Despite the reduction in the number of housing previously proposed (up to 160 units) the proposed development would still erode the historic rural character of the church by bringing modern development closer to the church."

- 8.8 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."
- 8.9 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 and failing to maintain the separation between Stowmarket and Combs.
- 8.10 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. Historic England do not specifically identify the level of harm identified, however they refer to paragraph 196, such that it is considered that the harm resulting from the proposal is considered by HE to be less than substantial harm. The officer concurs with this view in respect of the level of harm.
- 8.11 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.*"
- 8.12 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 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 to the setting from the encroachment of the development, or outweigh the harm resulting from the proposal in this respect.
- 8.13 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 encroachment on the setting of the church and impact upon its significance it is considered that the proposal has a high level of harm, albeit less than substantial within the meaning detailed by the NPPF.
- 8.14 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.
- 8.15 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. As such the proposal would have adverse impacts which significantly and demonstrably outweigh the benefits, when assessed against the requirements of the NPPF, such that the proposal should be refused as policies in the NPPF protect the heritage asset and provide a clear reason for refusing the development, and the tilted balance required in respect of sustainable development would not therefore be engaged.

#### 8.16 Archaeology

The application was previously refused for reasons including risk of harm to archaeological assets. Following work with SCC Archaeology they have confirmed that sufficient information has been submitted to understand the assets, and that subject to conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed the proposal would not be unacceptable to consider refusal.

### **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 such that this would not be reason 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.

---

## **PART FOUR – CONCLUSION**

---

### **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, not outweighed by public benefits, such that paragraph 11 (d)i would apply: “the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed”.

11.4 In addition to the above, and considered within the environmental strand of sustainable development, the proposal would result in harm to the landscape character, contrary to CS5 and paragraph 170 of the NPPF.

### **RECOMMENDATION**

That authority be delegated to the Acting Chief Planning Officer 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 Building 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 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).