

## Committee Report

**Item No:** 7a

**Reference:** DC/18/04357

**Case Officer:** Vincent Pearce

**Ward:** Stowupland

**Ward Member:** Cllr Keith Welham

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### RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS

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#### Description of Development

Outline Planning Application (All matters reserved) Erection of up to 70 dwellings.

**Location:** Land to The South of Gipping Road, Stowupland, Stowmarket

**Parish:** Stowupland

**Expiry Date:** subject to an extension of time

**Application Type:** Outline planning application

**Development Type:** Major Small 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:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

#### Details of Previous Committee/Resolutions and Member Site Visit

This application was the subject of a report that appeared on the agenda for MSDC Development Control Committee B on 30 January 2019. The item was deferred, the minutes recording:

“76 DC/18/04357 LAND TO THE SOUTH OF GIPPING ROAD, STOWUPLAND, STOWMARKET

76.1 Item 3

Application DC/18/04357

Proposal Outline Planning Application (All matters reserved) Erection of up to 70 dwellings.

Site Location STOWUPLAND- Land to the South of Gipping Road, Stowupland, Stowmarket

Applicant Gladman Developments Ltd

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76.2

The Area Planning Manager advised Members that since the publication of the report and the application being heard by the committee, a material change in the weight of the Stowupland Neighbourhood Plan had taken place as the response had been received from the Planning Inspector. The Area Planning Manager further advised that due to this change the report would have to be reviewed and asked that Members defer the application on these grounds.

76.3

Councillor Kathie Guthrie Proposed that the application be deferred as requested by the Area Planning Manager.

76.4

Councillor John Matthissen seconded the motion.

76.5

By a unanimous vote”

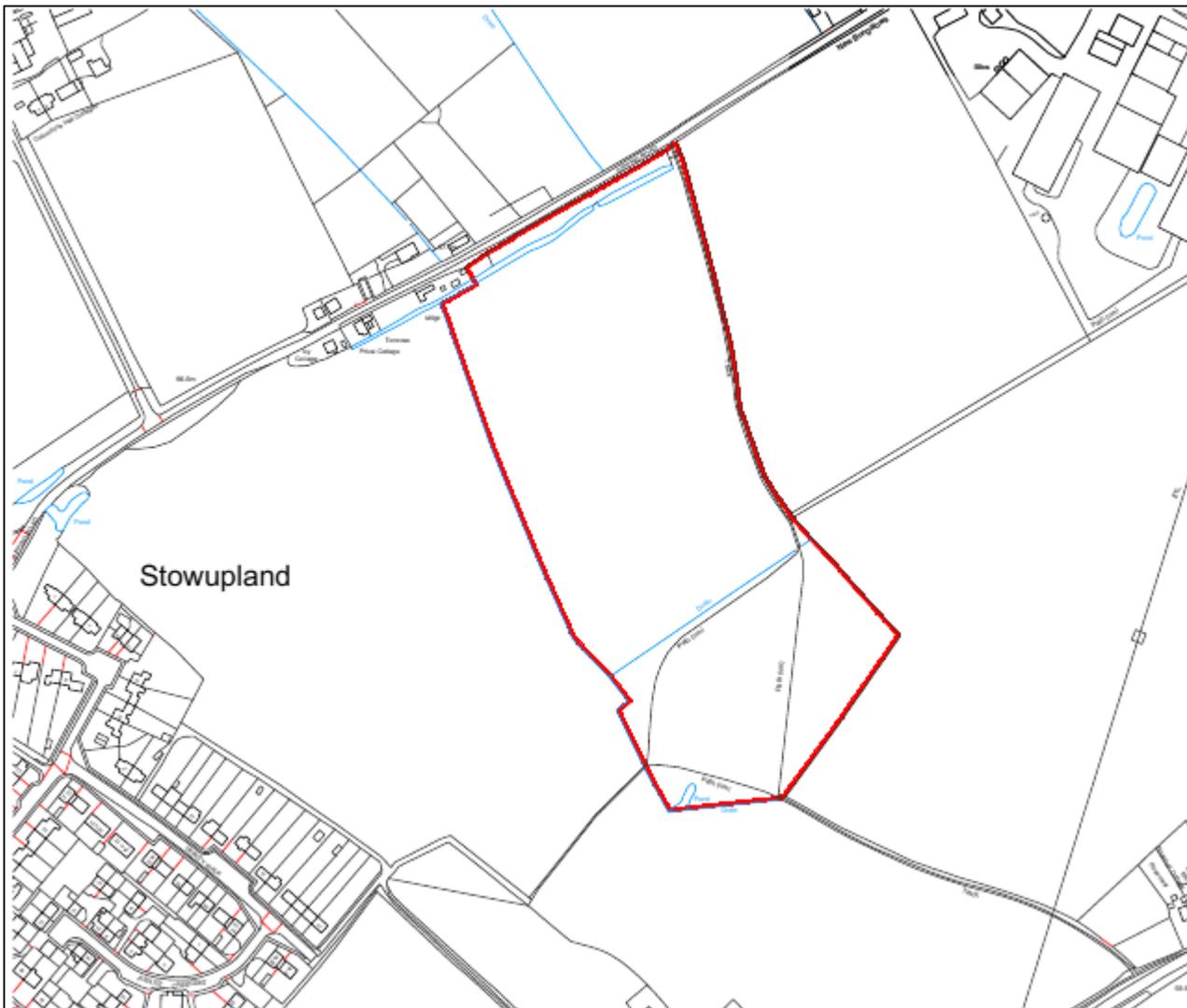


figure 1: Red Line Plan – The Application

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

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### **Summary of Policies**

Relevant policies in the Core Strategy Focused Review 2012 and Mid-Suffolk Local Plan 1998:

#### **Core Strategy Focused Review 2012**

- FC1 - Presumption in favour of Sustainable Development
- FC1\_1 Mid Suffolk approach to delivering Sustainable Development
- FC2 - Provision and Distribution of Housing

#### **Core Strategy 2008**

- CS01 - Settlement Hierarchy
- CS2 – Development in the Countryside
- CS03 - Reduce Contributions to Climate Change
- CS04 - Adapting to Climate Change
- CS05 - Mid Suffolk's Environment
- CS06 - Services and Infrastructure
- CS09 - Density and Mix

#### **Local Plan 1998**

- CL11 - Retaining high quality agricultural land
  - GP01 - Design and layout of development
  - H13 - Design and layout of housing development
  - H15 - Development to reflect local characteristics
  - H16 - Protecting existing residential amenity
  - T10 - Highway Considerations in Development
  - FC02 - Provision and Distribution of Housing
  - H07 - Restricting housing development unrelated to needs of countryside
  - H14 - A range of house types to meet different accommodation needs
  - H17 - Keeping residential development away from pollution
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T9 - Parking Standards

RT04 - Amenity open space and play areas within residential development

RT12 - Footpaths and bridleways

RT13 - Water based recreation

CL08 - Protecting wildlife habitats

### **Babergh & Mid Suffolk Joint Local Plan: Preferred Options July 2019**

Policy LA078 Allocation: Land south of Gipping Road, Stowupland

Allocation for approximately 100 dwellings [with associated infrastructure]

### **Stowupland Neighbourhood Development Plan [SNDP] [Adopted June 2019]**

This is a new and relevant material planning consideration that must now be taken into consideration. It has been Adopted, carries full weight, and is part of the statutory development plan. This was not the case when the proposal was previously expected to be discussed. [30 January 2019].

The following policies within the SNDP are considered the most relevant to the issues raised by this application:

Policy SNP1: Strategy for Sustainable Growth

Policy SNP2: Land between Church Road and Gipping Road

Policy SNP5: Affordable Housing

Policy SNP7: Settlement Boundaries

Policy SNP10: Protecting the Natural Environment

Policy SNP11: Playing Fields

Policy SNP12: Local Green Spaces

Policy SNP13: Public Rights of Way

Policy SNP14: Quality of Development, Resource Efficiency and Design Considerations

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## Proposals Map

### **National Planning Policy Framework (NPPF) 2019; incl,**

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: promoting sustainable transport  
Section 12: Achieving well-designed places  
Section 15: Conserving the natural environment

### **Supplementary Planning Documents**

Suffolk Adopted Parking Standards (2015)

### **Stowmarket Action Area Plan [SAAP] 2013**

The site falls within the SAAP area. This site is not an allocation in the document.

Policy SAAP 4.1: Presumption in favour of sustainable development  
Policy SAAP 4.2: Providing a landscape setting for Stowmarket  
Policy SAAP 6.1 Housing and waste storage  
Policy SAAP 9.1: Biodiversity measures  
Policy SAAP 10.2: Provision of accessible natural greenspace  
Policy SAAP 10.3: Improving the quality of open spaces  
Policy SAAP 11.1: Developer contributions to infrastructure delivery

### **Settlement Classification**

- Core Strategy: Stowupland defined as a 'Key Service Centre'  
  
Key Service Centres: the main focus for development outside of the 'towns'. [Towns – Stowmarket, Eye & Needham Market]
- Stowmarket Action Area Plan: Stowupland defined as a 'Key Service Centre'
- BMSDC Joint Local Plan: Preferred Options: Stowupland is defined as a 'Core Village'  
  
Core Villages: the main focus for development along with Market Towns/Urban Areas

### **Five-Year Housing Land Supply [5YHLS] Position**

Mid Suffolk District Council is able to demonstrate that it has a 5YHLS.

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## **Status to be afforded to relevant Plans**

### **Local Plan 1998 and Core Strategy 2008/2012:**

These remain the Council's adopted Development Plan and are therefore material planning considerations.

The weight that particular policies carry now varies as not all are compliant with the NPPF [2019] and may therefore be considered to be 'out-of-date'. [and therefore little or no weight] Others do comply and continue to carry significant weight.

The Settlement Hierarchy continues to be a relevant and valid expression of spatial hierarchy. CS2 Countryside has been held not to be compliant with the NPPF [2019] because it fails to support sustainable development as a result of its rejection of new development in the countryside. [except that related to rural activity]. It's overall spatial strategy is, however, consistent with the NPPF and in that regard the development complies with Policy CS2, bearing in mind its location immediately adjacent to the built form of Stowupland, a 'Key Service Centre'. For those reasons the significance of the conflict posed by the site falling within the 'countryside' is low.

### **Stowupland Neighbourhood Plan 2019**

This recently adopted [up to date] document forms part of the development plan.

Recent changes to the NPPF [2019] around housing provision in areas with an adopted neighbourhood plan where the Council is operating the presumption at paragraph 11[D] of the NPPF [2019] are relevant; Namely,

Paragraph 14.

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and,
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years."

In this context it needs to be confirmed that the Stowupland Neighbourhood Plan carries FULL weight.

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## Stowmarket Action Area Plan 2013

Whilst this document is now more than 5 years old policies that comply with the NPPF [2019] continue to carry significant weight

### 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

##### Stowupland Parish Council

*Stowupland Parish Council would like to OBJECT to this application and reasons for refusal:-*

- *This site is not an allocated site for development in the current Mid Suffolk 5 year housing plan. Nor the emerging Stowupland Neighbourhood Plan which is currently with Mid Suffolk in statutory consultation stage;*

*Officer comment:*

*The Parish Council is correct in that the site is not allocated for development in the Adopted Development Plan for Mid Suffolk. [and therefore does not currently figure within the 5YHLS calculations].*

*It is accepted that the site is not allocated for residential development in the Adopted Stowupland Neighbourhood Plan. Part of the site is however allocated for open space purposes in that Plan and that part coincides with open space proposed within the current proposal before members [DC/18/ 04357].*

*The Parish Council's comments were received prior to the publication of the Council's Joint Local Plan Preferred Options Document [July 2019]. Whilst this document currently attracts limited weight as a material planning consideration it does represent the Council's preferred current direction of travel. The Council is required to plan for some 10,000 new dwellings over the next plan period and the current application site is allocated for residential purposes; at the very least, the Council has expressly envisaged that the site could be an appropriate location for meeting the District's housing needs.*

- *The cumulative impact of recent and yet to be commenced developments and this application will have a detrimental impact on the village character and landscape setting. As a primary village within an Ancient Plateau Claylands landscape character type, it would be expected that any emerging development should preserve or enhance these landscape characteristics. However, a proposal in this location will negatively impact the rural settlement fringe character;*
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*Officer comment:*

*Development of this site will undoubtedly change the character of the north-eastern edge of the village. That character is already planned to seek change as a result of the Bloor Homes development that will fill the gap between the current village edge and the Gladman's site. In this sense the north eastern edge of the village will shortly be characterised by new development [Bloor Homes]. To that extent an additional 70 homes will not appear as prominent in the landscape as an initial glance at an O.S. map might suggest. However, if members are minded to approve the application it will be imperative to ensure that the countryside edges of the site are heavily landscaped to provide a deep and effective natural edge to the village.*

- *It is further development outside of the village settlement boundary in the countryside and using high quality agricultural land;*

*Whilst the application does involve the loss of 'very good' [Natural England Agricultural Land Classification agricultural land the amount involved does not represent a 'strategic' threat to agricultural activity in the area.*

- *This development will further erode the setting of listed building Columbine Hall;*

*Officer comment:*

*Members will have noted the comments from Historic England who suggest that with sensitive planting along the northern edge of the site the setting of Columbine Hall will be protected. Members will also note the development (approved dwellings) being carried out to the west of the application site between it and Columbine Hall, further potentially eroding the relationship between the two were it not for extensive landscaping secured along the road frontage.*

- *Concerns that the ancient Thradstones Meadow which is part of this application will lose its character by being over managed which would cause loss of the wildlife and nesting place of Skylarks. This meadow is highlighted in the Neighbourhood Plan as being an important feature that should be protected;*

*Officer comment:*

*Thradstones Meadow is to be preserved within the development and the land can potentially be transferred to the Parish Council to manage along with an appropriate commuted financial sum for ongoing maintenance and management. The management can therefore be a light touch as considered desirable by the Parish Council. This can be secured by S106 Agreement. Indeed the Agreement [if Members are minded to approve the application] could also require the transfer to include agreed specifications for condition and reasonably associated facilities. This is a positive benefit which not only weighs in favour of the development but realistically secures a key aspiration of the Neighbourhood Plan.*

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*In this way the Parish Council would be able to preserve the meadow for all time.*

- *Whilst the single access onto the A1120 may be considered by the applicant's highway consultant to be adequate for up to 300 homes we have great concerns that there will be long tail backs through the estate at busy times of the day as the A1120 is a very busy road, also most of the vehicles leaving the site will be turning right across a traffic flow. This could lead to a highway hazard as impatient drivers chance getting into a small gap in the traffic. It may also cause drivers that what to turn right turning left and finding rat runs through unsuitable country lanes;*

*Officer comment:*

*The concern expressed by the Parish Council is acknowledged. Suffolk County Council as local highway authority has raised no objection subject to conditions. These conditions will include the submission of full access details at Reserved Matters stage. SCC is however happy with the principle of 70 dwellings being accessed from one point of entry on the A1120. With appropriate geometry and visibility splays the access will meet the relevant highway standards*

- *Shortage of school places and lack of capacity at Health Centres to accept new patients. Whilst the developers would put money into CIL for further increases in these facilities it is just not happening fast enough to keep up with the demand that all the current new housing in the area is placing on the education and health services.*

*Officer comment:*

*The development will attract C.I.L. payments at the high rate. [£115 per sq.m.]. An average new home in the UK has an area of 76sq.m. On that basis a crude estimate of CIL on this site would be 76 x £115 = £8740 per dwelling. 70 dwellings x £8740 = £611,800. Whilst this is a very crude calculation it provides a ball park figure for likely CIL receipts. As Stowupland has an Adopted Neighbourhood Plan it is entitled to 25% of the relevant CIL receipt.*

*CIL is expected to support infrastructure delivery. That said additional infrastructure needs are to be met from S106 Agreement provision as will be described later in this report.*

### **Stowupland Neighbourhood planning advisory committee**

*The Stowupland Neighbourhood Plan (NP) is at an advanced stage. The Submission version, September 2018, is currently out on consultation (Regulation 16). This finishes on 30<sup>th</sup> November, and the NP and responses to this consultation will be with the Examiner in early December. We expect the Examiner's report early in the New Year. Policies in the Stowupland NP should be afforded substantial weight when this application is considered.....*

*The response then listed several policies within the NP, which it considered the proposal to be in breach of. Then concluding:*

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*The Stowupland Neighbourhood Plan has been three and a half years in preparation and has involved the whole community – approval of this proposal will undermine the NP and the process, and will further erode confidence in the local planning authority and the planning process.*

**NOTE: since receipt of this representation the Stowupland Neighbourhood Plan has been Adopted**

### **Historic England**

Development could result in harm to significance of Columbine Hall through further erosion of its rural setting. No objection to the principle of development but would suggest that the Council also consider if the landscaping belt to the northern edge of the site could be increased, allowing a deeper area of planting. The landscaping area between the currently proposed development and the previous one could also be removed and the open space give to the eastern edge of the proposed development to allow better screening of the houses from the open landscape.

### **Environmental Health**

No comments

### **Natural England**

No comments

### **SCC Water & Floods**

Holding objection - whilst the applicant has provided a comprehensive assessment of the existing flood risk, has proposed a method for the disposal of surface water, they have not demonstrated that the watercourse they intend to discharge to have a positive outfall.

This holding objection was maintained on 14<sup>th</sup> December because insufficient information had been submitted and more was requested.

On 17<sup>th</sup> December, the further information was provided, but our Floods team requested information showing flow into an OS mapped watercourse.

Additional comments from SCC Water & Floods is awaited

### **Arboricultural Officer**

No objection in principle to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a number of trees/small section of hedgerow is proposed for removal they are of limited amenity value and the loss will have negligible impact upon the character of the local area. If you are minded to recommend approval we will require a detailed Arboricultural Method Statement and Tree Protection Plan in order to help ensure harm is not caused to the trees scheduled for retention, this can be dealt with under condition.

### **Highways England**

No objection

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**Environment Agency**

No objection, guidance given on foul drainage.

**Anglian Water**

Standard response and advice

**SCC Highway Authority**

Would not support a site served off Gipping Road as there are inadequate pedestrian facilities and the junction with Rendall Lane has sub-standard visibility. However, if this site is served off the A1120 via the existing approved site, and provides an emergency access, as shown on the indicative plan, it will comply with requirement that no more than 300 homes are served off one access.

Conditions relating to:

- Access
- Refuse storage
- Water discharge
- Details of roads
- Roads up to binder level
- Cycle storage

**Place Services (Ecology)**

No objection, subject to securing biodiversity mitigation and enhancement measures.

**Place Services (Landscapes)**

More information required on the cumulative impact of this and other developments. Development would have a detrimental impact on the rural character of the area.

If approved – suggest several conditions.

**Tree Officer**

No objection, limited impact from removal of trees, Arboricultural Method Statement and Tree Protection Plan required if permission is granted.

**Archaeology**

No objection, standard conditions.

**Natural England**

No comments

**SCC Fire and Water**

Standard comments ((i.e. supply of fire hydrants and development to comply with Building Regulations)).

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## **SCC Strategic Infrastructure**

Contributions towards land and build costs of a new primary school [S106], pre-school provision, waste, libraries and affordable housing.

In terms of the S106 contribution towards the proportionate provision of a new 420 place primary school to serve the village SCC calculated this to be in the order of some:

Build cost contribution £279,293 [2018/19 prices]

Land cost contribution £ 20,009

Total £299,302

These are provisional estimates as the application is 'outline' in nature.

## **Heritage**

Harm to heritage asset (Columbine Hall) by diminishing its rural character. If approved, boundary treatment should be considered.

## **Sustainability**

Disappointing lack of commitment to low carbon. Commitment to this required or the application should be refused (or it could be conditioned).

*Officer comment: Through appropriate conditions this is a matter to be addressed through the reserved matters once the total number of dwellings and their final arrangement/layout is known.*

## **Environmental Control (Air Quality)**

No objection.

## **Environmental Control (other)**

No objection, standard working hours conditions.

## **Strategic Housing**

This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the **743** applicants registered is the important number.

The housing register shows a district wide need by bedroom size as follows:

1 bed - 379

2 bed - 260

3 bed - 86

4 bed - 17

5 bed – 1

In line with current local policy, affordable rented and shared ownership units are the preferred affordable housing options to meet local housing needs

The following affordable housing mix is recommended:

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#### Affordable Rent:

- 10 x 2b x 4p houses @ 79sqm
- 3 x 1b x 2p houses @ 58sqm
- 2 x 2b x 4p bungalows @70sqm
- 3 x 3b x 5p houses @ 93sqm

Total: 18

#### Shared Ownership:

- 4 x 2b x 4p houses @ 79sqm
- 2 x 3b x 5p houses @ 93sqm

Total: 6

It is recommended that no flats are built for affordable rent or shared ownership on this site. This decision has been made in light of the adjoining site APP/W3520/W/15/3139543 where permission has been granted via appeal for 34 flats – (16 x 1b2p flats and 8 x 2b4p flats 'open market' and (10 x 1b2p 'affordable rent' flats). From a housing management point of view it is not good practise to have high numbers of 1 bed flats on any development.

#### **B: Representations**

Eleven letters of representation were received nine of these from neighbouring properties, one from the Suffolk Preservation Society (SPS) and one from a Planning agent. The neighbours and SPS objected. The Planning agent spoke on a different aspect as explained below.

The neighbour objections covered the following points:

- Not in line with the development plan;
  - Outside of the Built-up Area Boundary;
  - Contrary to the Stowupland Neighbourhood Plan;
  - Contrary to the Stowmarket Area Action Plan (SAAP);
  - Babergh and Mid Suffolk *do* have a five-year housing supply;
  - Increase in traffic;
  - Proposed entrance is dangerous;
  - Proposed emergency access is dangerous;
  - Light pollution;
  - Harm to wildlife;
  - Loss of green space
  - Possible loss of footpaths through open space;
  - Affect setting of Columbine Hall;
  - Schools are at capacity;
  - Strain on services – doctor's, dentist's etc;
  - With this and other developments, becoming an "urban sleeper town";
  - The style is suburban;
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- The houses are not needed;
- The site is on higher land and, therefore, visible;
- Unsustainable;
- Build phase would cause nuisance;
- Danger to pedestrians;
- Demand on sewerage system;
- The housing is “bog standard, ordinary and boring”;
- Housing not for locals;
- No amenities in the village;
- Babergh and Mid Suffolk *do* have a five-year housing supply;
- Claim of “high quality” cannot be sustained as only Outline and will be sold on;
- Character of hay meadow will be undermined;

SPS echoed several of these points, also pointing to a landscape appraisal which identified the Walnut Tree Farm Plateau (on which this site sits) as being important to local identity. It stated that if permission were granted, then a comprehensive planting scheme would be required and further consideration to the layout and landscaping on land adjoining Thradstones Meadow. It also agreed with Historic England’s comments about the setting of Columbine Hall.

### **Relevant Planning History**

DC/19/01947: Committee resolution [7 Aug 2019 MSDC DCC ‘B’] to grant FULL planning permission for:

“53 dwellings as an amendment to outline 3112/15 [up to 175 dwellings] and RM DC/18/00097 Land at Church Road and Gipping Road, Stowupland

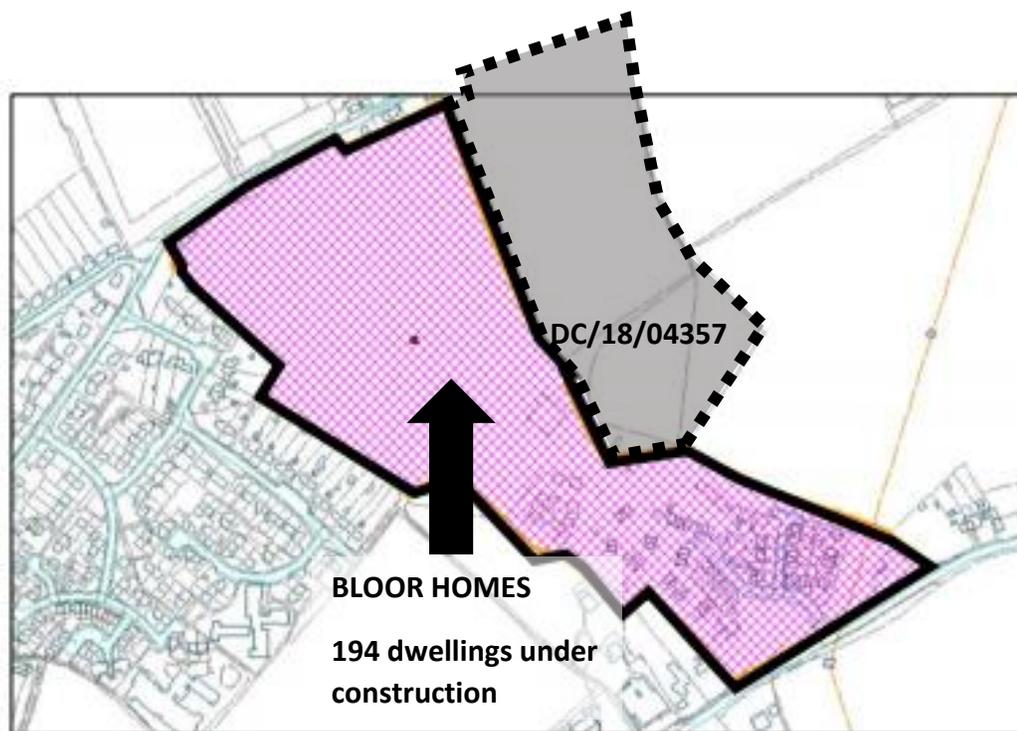


figure 2: **Relationship between application site and the adjacent Bloor Homes development that is currently under construction**

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

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### **1.0 The Site and Surroundings**

- 1.1 The site is agricultural land to the east of the village of Stowupland. To the north is Gipping Road, with the garden of an existing dwelling overlapping. To the west and south-west is a housing site (Bloor) which is currently being built out, with a track leading out on to Church Road. To the south-east and east agricultural land remains, with Allards Farm just beyond and vast areas of open country beyond that.
- 1.2 The site does not contain any constraints other than a series of Public Rights of Way.
- 1.3 The town of Stowmarket is approximately 1.8km to the west.
- 1.4 350 metres to the north is the Grade II\* listed Columbine Hall whose formal grounds extend to Gipping Road.

### **2.0 The Proposal**

- 2.1 The application seeks Outline Planning permission (All matters reserved) for the erection of up to 70 dwellings. With this an area of Public Open Space to the south will be provided, along with a smaller area to the north.

### **3.0 Policy Background**

#### **3.1 Core Strategy and Focused Review**

- 3.2 Policy CS1 provides that the majority of employment, retail and housing development shall be directed to towns and key service centres. Policy CS2 provides a list of possible development in the countryside.
  - 3.3 Members will be aware that the above policies were recently criticised in the Woolpit public inquiry and should be given very limited weight.
  - 3.4 Policy CS4 provides that all development will contribute to the delivery of sustainable development and reflect the need to plan for climate change and then outlines issues of flood risk, pollution and biodiversity. Also included is encouragement of the implementation of Sustainable Urban Drainage Systems (SUDs) that this application does include such provision within its proposals. There are no principle issues raised in CS4 to resist the proposed development or make it contrary to the development plan.
  - 3.5 Policy CS5 provides that all development will maintain and enhance the environment, including the historic environment, design and landscape and retain the local distinctiveness. There are no principle issues involved in this policy given this is an outline application.
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- 3.6 Policy CS9 provides requirements on the density and mix of new housing development. The policy seeks a mix of types, sizes and affordability in terms of residential schemes, but does not set any specific levels or percentages to achieve. The policy also provides that new development should provide an average density of at least 30 dwellings per hectare.
- 3.7 In this proposal a gross density of approximately 12.5 dwellings per hectare is proposed, rising to approximately 26.5 when looking at the developed area on its own. Being an edge of settlement/ fairly rural location, it is considered that the proposed density is suitable and appropriate in this location.
- 3.8 The CSFR was adopted by Full Council on 20 December 2012 and should be read as a supplement to Mid Suffolk's adopted Core Strategy (2008). This document updates some of the policies of the 2008 Core Strategy as already addressed above. The CSFR document does introduce new policy considerations, including Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides "development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan.
- 3.9 Proposals for development must conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents."
- 3.10 The proposed development falls within the Stowmarket Area Action Plan (SAAP) and it therefore needs to be considered in relation to SAAP Policy 11.1 relating to the delivery of infrastructure.
- 3.11 Relevant specifically to Stowupland is the Adopted Neighbourhood Plan. This document was Adopted in July 2019.
- 3.12 **Saved Policies in the Local Plans**
- 3.13 Members will be aware that the weight to be attached to the 1998 Local Plan must be considered carefully by reference to the NPPF to ensure consistency.
- 3.14 The saved Local Plan through policies GP1, H13, H15, H16, and T10 supports good design that reflects Suffolk character, avoids adverse impacts on amenity and considered traffic and highway implications of development. Policy HB1 while not wholly NPPF compliant refers to setting of historic buildings and along with other policies including employment matters shall be considered in the detailed assessment below.
- 3.15 **The Principle of Development**
- 3.16 In terms of the principle there is a question of judgement to be exercised here.
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- 3.17 Mid Suffolk does have a 5YHLS.
- 3.18 The site is not allocated for development in the Adopted Development Plan
- 3.19 The site is not allocated for residential development in the Adopted Stowupland Neighbourhood Plan [2019] albeit the development would not expressly conflict with its policies or prejudice the objectives of that Plan. The development can also secure the long-term preservation of the green space designated under Policy SNP12.
- 3.20 It should be noted that the site is also allocated for residential development in the BMSDC Joint Local Plan Preferred Options Document [2019].
- 3.21 In terms of weight the Adopted Neighbourhood Plan currently carries full weight and where this conflicts with other adopted planning policies of the Council it is the Neighbourhood Plan that would be expected to carry greatest weight because it is the most recently adopted policy. The BMSDC JLP [2019] currently only carries limited weight.
- 3.22 In such circumstances you would expect the fact that the Adopted Neighbourhood Plan [2019] does not allocate the site for residential development to be an important consideration which does not support the application. At the same time the NP sits alongside the development plan under which the development, in principle terms, poses no conflict save for being in the countryside; a matter which should carry little weight bearing in mind recent appeal decisions and the direction of the NPPF.
- 3.23 Members will have noted from the policy section of this report that the Stowupland Neighbourhood Plan identifies Thradstones Meadow, which lies within the application site, as an important local green space. Policy SNP12: Local Green Spaces of the Neighbourhood Plan states:

“SNP12: Local Green Spaces

Local Green Spaces are designated at the village green and an area of land to the east of the village known as the meadow (or Thradstones Meadow) as shown on the Proposals Map. Local Green Spaces shall not be built on or developed for other uses unless very special circumstances are demonstrated.

Development proposals adjacent to and/or affecting the historic setting, visual qualities, biodiversity and character of Local Green Spaces must demonstrate how the distinctive and valued qualities of the LGS have been considered, and should respond positively to the character and context of the LGS to preserve and enhance the quality of the LGS and its setting.”

- 3.24 The Neighbourhood Plan suggests that only very special circumstances will justify development and that local green spaces will be protected from development unless they are for alternative uses or small-scale development for community interest only that come forward through a new or revised Neighbourhood Plan, Local Development Order, Community Right to Build or other similar locally-led mechanism, following local consultation.
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3.25 The neighbourhood Plan then describes 'Community Actions' in respect of Thradstones Meadow. These are set out as:

- maintaining, enhancing and signing public rights of way and working with others to extend or develop long distance/themed routes;
- publication of maps/notes for walkers;
- investigate and map the different countryside characteristics in the parish (e.g. traditional pasture management of the valley floor area, woodland) and the range of biodiversity and potential for protection of scarce or vulnerable areas through environmental designations.

3.26 Thradstones Meadow is accessible to the public in that it sits on the confluence of a network of designated footpaths. The land itself is however in private ownership and can be managed and/or worked as the owner sees fit. [within the confines of any relevant wildlife protection legislation].

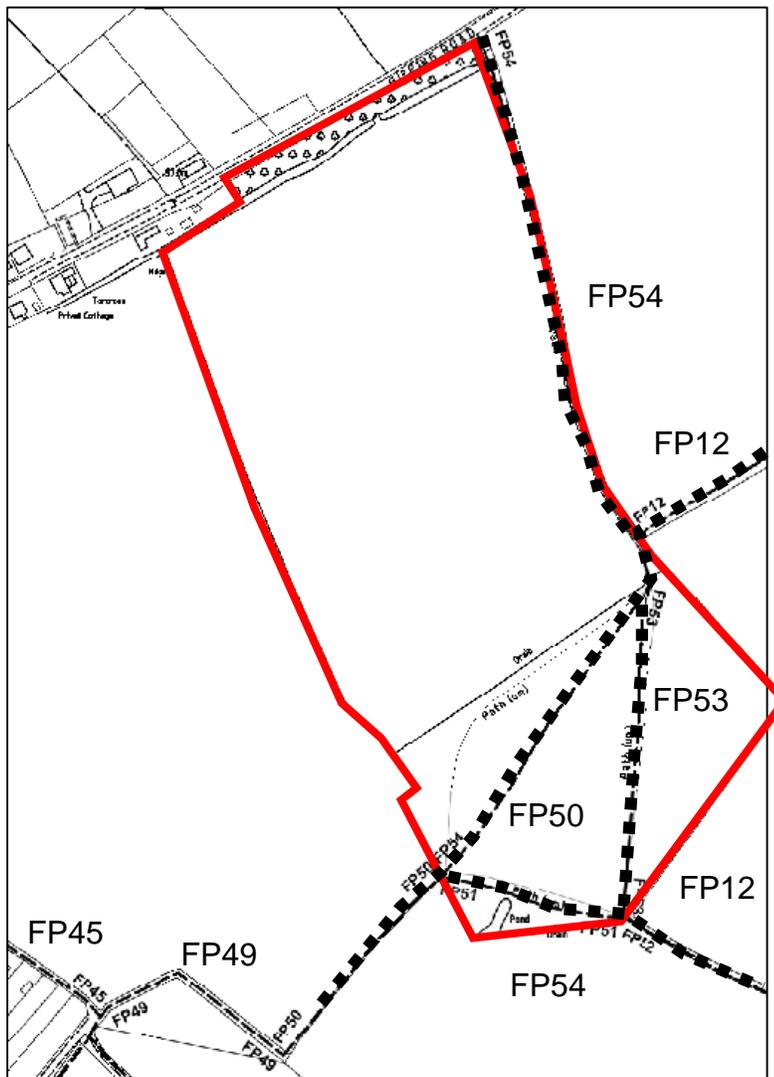


figure 3: Designated Public Footpath routes

- 3.27 It appears therefore that there would be significant benefit in Thradstones Meadow being in public ownership and control. This is made possible through the current outline application because the owner has offered to transfer the land to the Parish Council.
- 3.28 If so minded Stowupland Parish Council could accept the transfer along with an appropriate financial sum for its future maintenance. This sum would be calculated based on the expected costs of managing the site against a management regime that could be devised by the Parish itself – thereby ensuring it controls the balance between accessibility and protection for wildlife.
- 3.29 Ownership by the Parish Council would ensure that the Meadow remains undeveloped which is the primary aim of policy SNP12.
- 3.30 This is likely to be the only way the land can be safeguarded and managed according to principles set by the community via the Parish Council.
- 3.31 This is an important mitigation and environmental benefit to set against the additional expansion of residential development on this corner of Stowupland.

### **3.32 Sustainability**

- 3.33 The site is within the A14 corridor, where a high level of growth is forecast and is immediately adjacent to the new eastern edge of Stowupland (which is currently being built) and is located within easy reach of some, but not the full suite of, facilities. Stowupland is a Key Service Centre. The Freeman Primary School is 350 metres to the south of the site, with the village hall slightly further and The Crown public house approximately 450 metres distant. The high school is just over 600 metres to the west. The co-op (also a petrol station) is approximately 850m metres off. All of these are on, or near to, the A1120 (Church Road). This road can be reached via a public right of way. There is then a hardened footway from the primary school, linking westward through to the other facilities. However, the 200 metre stretch from the footpath to the school is narrow.
- 3.34 There are alternative footpaths which avoid the A1120, but which would make the journey longer. Whilst these logically link through to the high school and some other facilities, they would be slightly circuitous for people accessing the primary school. In the latter case it is likely that some users would access Church Road in cars.
- 3.35 Whilst there are bus stops to take residents in to Stowmarket, the closest one appears to be opposite The Crown, so approximately 450 metres from the site. The buses run every two hours. Therefore, whilst there is some possibility of use, it does not seem to be a very user-friendly option.
- 3.36 The Nutshells Tea Room at the former Mr Allard's farm shop has recently re-opened, giving another local facility, however it is not clear how long-term a proposition this is.
- 3.37 Therefore, whilst non-car-borne access to some facilities is a very real possibility, it is also likely that there will be some dependence on car use to access some of these facilities. However, the balance is such that the scheme can be held to be environmentally sustainable overall.
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- 3.38 The economic strand to sustainability sees the usual transient boost whilst the development is built out. In addition, a potential 200 plus residents would add spend to local concerns such as the Co-op or the tea-room. It is accepted that the main spend by locals will be in Stowmarket or further afield, but these extra residents will contribute to the local economy.
- 3.39 Socially, the development physically borders (albeit separated by a landscape buffer) the Bloor development, but links through to it and the wider Stowupland housing stock via a series of footpaths. The new residents will call on the same services, such as schools, as existing residents. Given this, and the provision of affordable housing, the development is held to be socially inclusive and socially sustainable.

### **3.40 Site Access, Parking and Highway Safety Considerations**

- 3.41 Permission for access is not being sought in this Outline application. Therefore, the full details of this are not for consideration here.
- 3.42 However, the application shows a proposed link through to the Bloor Homes site to the west (which then accesses Church Road).
- 3.43 The Highway Authority has stated that an access on to Gipping Road would not be acceptable, adding: "if this site is served off the A1120 via the existing approved site, and provides an emergency access, as shown on the indicative plan, it will comply with our requirement.."
- 3.44 This matter will be subject to a condition, to avoid a subsequent applicant (at Reserved Matters stage) applying for a different access.
- 3.45 The substantive issues of highway safety and efficiency are, therefore, satisfied.

### **3.46 Design and Layout**

- 3.47 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. Policies H13 and GP1 contain further commentary as to what is expected of developers in this regard.
- 3.48 Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 3.49 As the proposal is Outline (with only access being sought here), matters of layout and design are left to the Reserved Matters stage. However, it is beholden on the applicant to demonstrate that the desired quantum of development can be satisfactorily achieved.
- 3.50 Your Officers have negotiated changes from an original scheme in response to heritage matters which were raised and this is explored below in the heritage section.
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- 3.51 Given that the scheme has no interface with any residences (the Bloor scheme which is being built out having a buffer between it and this site – a buffer which can be further secured by condition here) and given the relatively low density, there are no doubts that the desired quantum of development can be achieved. There is one existing residence to consider, and that is covered in the relevant section below.
- 3.52 It is proposed to have a condition in place that garaging should be used just for that purpose (and for storage of household items), so as to ensure garages are not converted, which could lead to nuisance parking on carriageways and footpaths.
- 3.53 Further, it is advised that the permission should carry an informative that triple parking will not be accepted at Reserved Matters stage.
- 3.54 **Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**
- 3.55 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 3.56 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 3.57 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. There are, however, issues of the rural landscape in relation to heritage assets which require examination (below).
- 3.58 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 3.59 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 3.60 Paragraph 170 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
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3.61 The application was accompanied by an Ecological Scoping Survey which has made certain recommendations and Place Services have recommended that these measures be taken on board.

3.62 Overall, there are no outstanding concerns relating to landscape impact, trees, ecology, biodiversity or protected species.

### **3.63 Impact on Residential Amenity**

3.64 Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.

3.65 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

3.66 As this Outline application seeks Access only, the height of buildings will be established at Reserved Matters. It is therefore not possible or necessary to assess potential overlooking or overshadowing in any detail. It is worth noting, however, that the neighbouring properties at the new Bloor development are sufficiently separated (and in any event front facing and separated from the site by access roads and planting) to not be affected in any meaningful way.

3.67 The one dwelling which could be negatively affected is the farmhouse on Gipping Road which is the only dwelling with a boundary to the site. The north-west corner of the site is currently shown to have a LAP (Local Area of Play) and some landscaping which would act as a buffer to the development as seen from the farmhouse.

3.68 The current open aspect from that property would be lost, this is noted but is not a material consideration. Provided the privacy of that dwelling can be maintained (which will be achieved with a landscaping condition) then matters of residential amenity are satisfied.

3.69 The other aspect is the build phase. Whilst there are few residences in the vicinity, a Construction Management Plan is advised, which would ensure sociable hours of working and so on.

### **3.70 Heritage Matters**

3.71 A number of parties have raised concerns over the visual impact of the development on the setting of the Grade II\* listed Columbine Hall and its grounds. In response to this, the applicant submitted an amended indicative layout (Rev G) on 26<sup>th</sup> November 2018. This sought to address the concerns of Historic England by increasing the POS and landscape buffer to the north. This will assist in not so readily reading the development in the setting of the heritage asset, and bearing in mind recent development being undertaken between the site and Columbine Hall.

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- 3.72 Paragraph 196 of the NPPF states that “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 benefit of the proposal including, where appropriate, securing its optimum viable use.”
- 3.73 The above paragraph does appear to be more relevant to the buildings themselves, their curtilages and their immediate settings, more than what Historic England (HE) has described as their “wider setting.” The identified harm is to the perceived erosion of the wider rural setting of a building 200 metres distant.
- 3.74 Historic England makes it clear that it does not object to the principle of developing the field and has suggested an improvement (i.e. widening the planting belt to the north) which has been accepted by the applicant.
- 3.75 Given the less than substantial harm, given this amendment and given the fact that the setting of Columbine Hall has been preserved thanks to this planting belt (thus optimising its use in the context of preserving the rural setting of the Hall), the heritage issue is held to be satisfied. This is because, subject to appropriate controls and detail at reserved matters, the significance of heritage assets can be preserved so that no material harm would be posed.
- 3.76 Members are therefore reminded that the application is in outline, but it would be prudent to carry a condition at this stage that the above-mentioned buffer be in broad compliance with the submitted drawings.

#### **4.0 Other Matters**

- 4.1 Stowupland Parish Council has requested that the proposed Public Open Space be transferred to it. The area, known as Thradstone’s Meadow is of local importance and has long been enjoyed as a hay meadow. The parish wishes to retain it for its traditional use, rather than it being mown and manicured and used for an area of formal recreation.
- 4.2 The applicant has agreed to this transfer and this shall be written in to a legal agreement, together with a maintenance sum.

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### **PART FOUR – CONCLUSION**

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#### **5.0 Planning Balance and Conclusion**

- 5.1 The site in question is not currently allocated in the Adopted Development Plan nor the up-to-date Stowupland Neighbourhood Plan [2019]. There should be a plan-led approach to growth; however, notwithstanding the Neighbourhood Plan the Council’s housing policies in so far as they relate to the allocation of new housing are out of date. It is clear that the Council relies upon development outside of existing settlement boundaries to meet its ongoing housing needs.
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That the development is outside of a settlement should not of itself be fatal to the application. In that regard, it must be noted that the site is in any event proposed to be allocated for development (of a scale greater than that which is proposed) within the emerging JLP.

- 5.2 The site is contiguous with the newly expanded Stowupland and is reasonably well connected to some, if not all, facilities and services and is held to be reasonably sustainable environmentally, economically and socially. This fact carries considerable weight in terms of the NPPF. Save for falling within the countryside, the development would also accord with the overall thrust of the Core Strategy and its Focused Review document.
- 5.3 There are no concerns in terms of Highway safety and efficiency or ecology and, whilst concerns about the effect on the historic rural landscape and heritage assets have been raised, these have now been addressed. Again, the fact that the proposal does not pose highway safety or capacity issues is a consideration that attracts considerable weight
- 5.4 Given the proposed density, the separation from existing dwellings and the proposed buffer to ensure residential amenity, the quantum of development sought is achievable, whilst ensuring adequate garden size and parking provision.
- 5.5 The proposal also offers affordable housing, which will help towards the Council's objectives regarding affordable provision where this is demonstrable need as evidenced by an extensive register of people in housing need. This is considered to be a significant public benefit that attracts substantial weight
- 5.6 The offer to transfer Thradstones Meadow into public ownership as desired by the Parish Council is considered to represent a significant public benefit that tips the balance in favour of the proposal in that it will allow the community to realise its ambitions for this locally important green space.
- 5.7 The applicant has a track record for bringing permissions through to delivery in a timely fashion and this is evidenced when considering the Bloor site next door which was itself originally promoted by the applicant. Delivery is of itself an important consideration when it is incumbent upon the Council to continue to meet its housing requirements.
- 5.8 Bearing in mind the limited harms posed, weighed against the significant benefits, the recommendation should be one of approval.

## **6.0 RECOMMENDATION**

- (1) That subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, that authority be delegated to the Chief Planning Officer to grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:
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## 1. Locally Important |Greenspace 'Thradstones Meadow'

That the area of land as shown in blue on drawing no: 8193-L-03 Rev F titled 'DEVELOPMENT FRAMEWORK' as open space and known locally as Thradstones Meadow be offered in the first instance to the Council as open space and in the event that the offer [whether in whole or part] is accepted then the land accepted [in whole or part] be transferred freehold for £1 within an agreed timescale. The said offer must be accompanied by a financial sum sufficient for the maintenance and management of the space for 25 years. That sum shall be pre-agreed with the Council based on a management plan that shall first be devised by the Council or its community nominee. The Council will have the right to offer the land and commuted sum to a community nominee for the purpose of permanent open green space. In the event that the Council [or its nominee] declines the offer then the land shall be managed in perpetuity by a private management company [funded by service charges from occupiers of the associated residential development] along with other communal landscaped /open space areas within the development. The land shall be permanently publicly accessible. The land shall be transferred in a condition and state and equipped as agreed between the parties within the Agreement. The developer shall lay no services across the land. The developer shall protect the site during construction of the residential development from any encroachment by construction related activity.



figure 4: land to be offered for transfer by way of S106

## 2. Affordable Housing.

Delivery of 35% affordable housing in accordance with a schedule to be agreed with the Council Housing Strategy Service

### 3. Education Contribution.

A sum of £299,302 towards new primary school build costs and associated school transport contributions.

### 4. Play Equipment.

An agreed sum towards the provision of play equipment to serve occupiers of this development

(2) And that such permission is subject to conditions including:

- Approved Plan showing indicative layout and access
- RM to be submitted within 18 months of the date of outline pp being granted
- Commencement within 18 months of RM approval
- No access on to Church Road.
- Emergency access to be provided as shown
- Travel packs to be provided as shown
- Refuse/bin-store details to be provided concurrent with Reserved Matters
- Details of manoeuvring/parking/cycle storage to be provided with Reserved Matters
- Details of water discharge
- Extra conditions as may be requested by Floods team
- Details of roads/gradients etc. concurrent with Reserved Matters
- Roads/paths to binder level prior to occupation
- Unexpected contamination
- Landscaping scheme to be submitted concurrent with Reserved Matters
- Boundary treatment with Reserved Matters
- Archaeology
- Materials
- Compliance with tree plan
- Detailed Arboricultural Method Statement and Tree Protection Plan with Reserved Matters
- Fire hydrants
- Sustainability measures
- Construction and Delivery method statement
- Ev charging points
- Sustainable energy and renewables
- Garages to be used only for parking of vehicles/storage of household items
- Works to comply with ecological enhancements

And Informatives including:

- Triple parking will not be tolerated at Reserved Matters stage.
  - Standard advisory for Anglian Water
  - Standard advisory for highway works
  - Standard advisory for footpaths
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(3) That in the event of the Planning Obligations referred to in Resolution (1) above not being secured, or if an acceptable drainage scheme is not submitted that the Chief Planning Officer be authorised to refuse planning permission on appropriate grounds.

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