

Committee Report

Item 7C

Reference: DC/18/04357

Case Officer: Vincent Pearce

Ward: Haughley, Stowupland and Wetherden

Ward Members: Cllr Rachel Eburne & Cllr Keith Welham

RECOMMENDATION – Approval, subject to S106 Agreement and conditions

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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”

This application was the subject of a report that appeared on the agenda for MSDC Development Control Committee A on 18 September 2019. The minutes recorded:

“The Area Planning Manager advised Members that the item had been withdrawn by Officers after the publication of the agenda for Officers to consider assessment of development against policy SNP6 of the Neighbourhood Plan and consider further any surface water drainage requirements.”

The report now before Members is a new report that in considering the merits of the proposal now:

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- (i) has full regard, amongst other material planning considerations, to all of the policies within the Adopted Stowupland Neighbourhood Plan considered most relevant to the proposal;**
 - (ii) reflects the fact that the applicants and representatives from the Parish Council continued a dialogue in respect of Thradstones Meadow after the item was deferred in January,**
 - (iii) sets out the latest formal response from the Parish Council [15 Nov 2019],**
 - (iv) updates the 5-Year Housing Land Supply position of the Council and considers whether the most important policies for the determination of the application are up to date.**
 - (v) provides additional commentary on the relevance of the Draft Joint Local Plan**
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This report should be treated as a fully revised report rather than an addendum to that presented [but not considered by Committee] in January 2019

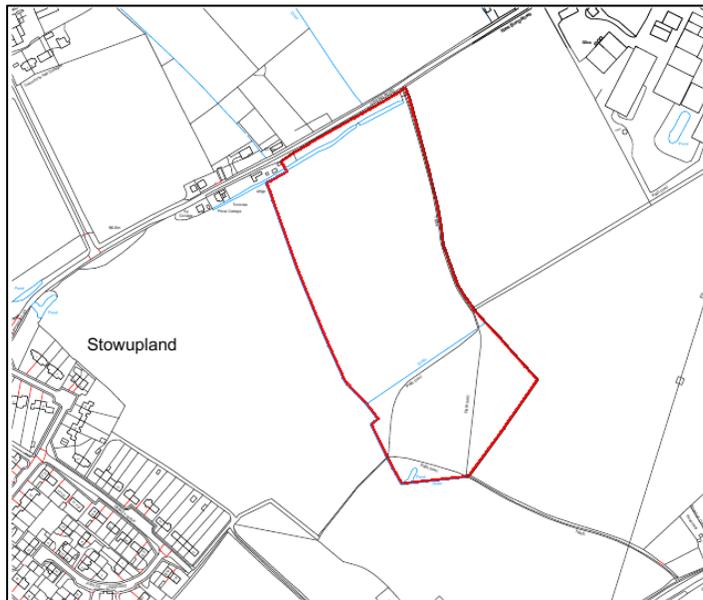


figure 1: **Red Line Plan – The Application**

PART TWO – POLICIES AND CONSULTATION SUMMARY

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
- 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]

Overall housing need numbers for Stowupland as detailed in table 04 on page 41 of the JLP. 'Minimum housing requirement for NP Areas' – Mid Suffolk. Stowupland **752** dwellings. This is in contrast to the minimum of 203 homes provided for in the Neighbourhood Plan which comprises sites that already benefit from planning permission or resolutions to grant planning permission.

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

It has been made, 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 SNP6: Rural Exception Sites

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

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

Particular reference will be made to paragraph 14 in this report because of its central relevance as a material planning consideration: [underscoring is the report author's accentuation and not found within the NPPF]

“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 required⁹ over the previous three years."

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.

Status to be afforded to relevant Plans

Local Plan 1998 and Core Strategy 2008/2012:

These remain the Council's adopted Development Plan. Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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 attract little 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.**

The housing numbers within the current plan are predicated upon a now historic method of calculation (where adherence to the Government's 'standard method' is now required) and are out of date. It is important to recognise that the Council's current five-year housing land supply is reliant upon sites which are unallocated and within the countryside for the purposes of Policies CS2 and H7. 44% of the Council's supply is outside of settlement boundaries and 58% of major applications (>10 dwellings) are outside of settlement boundaries and unallocated. The site before Members, does however, correspond to the underlying objective of that the Core Strategy's spatial strategy which is to site new development in sustainable settlements and where Stowupland sits within a sequentially higher tier as a Key Service Centre.

Stowupland Neighbourhood Plan 2019

This recently made [27 June 2019] 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.”

Officer comment:

It is to be noted that all four criteria (a) to (d) must be met. They do apply in this case. The plan was made less than two years ago. It identifies a housing need (albeit now falling short of the needs identified within the emerging JLP) and allocates sites to meet that need. Criteria (c) and (d) are also satisfied.

However, if paragraph 14 of the NPPF applies, that does not mean that permission must be refused and does not even mean that the tilted planning balance is dis-engaged. All paragraph 14 does is to advise that decision makers are “likely” to conclude that the harm caused by the breach of the Neighbourhood Plan significantly and demonstrably outweighs the benefits. A decision maker is not bound to conclude that that is the case. It is still necessary for a decision maker to weigh up all of the harms and benefits and form a judgment on the overall planning balance, bearing in mind the indication that paragraph 14 gives.

In that context, it is very important to note that the Neighbourhood Plan’s assessment of housing need is not in line with the emerging Joint Local Plan. The Neighbourhood Plan sets out a need in the plan area of at least 203 new dwellings for the period 2016 to 2036: see policy SNP1. Allocations are made to meet that figure.

However, the JLP [2019] Preferred Options document has identified a requirement for an additional 752 dwellings in Stowupland in the period to 2036. This is based upon an apportionment of the overall housing need figure for the plan area. Although this figure is in draft and cannot be afforded full weight, it is an important indication of the Councils’ current thinking and very far removed from the figure in the SNDP. In order to contribute towards meeting this higher need, the emerging JLP proposes to allocate the application site for housing development. Whilst that allocation is also in draft and at an early stage, it is a material consideration in the determination of the application deserving of weighting and is an important indication that Paragraph 14 should not be used as a reason to refuse the application in these circumstances. The fact that the Council has already set out its intent to allocate the site for development is an important consideration underpinned by the need to consider the most up to date housing needs for the District and it is important for Members to consider the consistency of that decision given the individual circumstances of this application.

Members will also note that the Council's Strategic Planning Policy team support this application and comment that during the preparation of the Stowupland Neighbourhood Plan it was advised that the number of dwellings being allocated (predominantly taken from existing planning permissions) were potentially below the emerging figure being prepared by the Council. It is not unexpected that sites such as that now proposed should be identified for meeting housing needs going forward where calculated on the latest methodology; hence, the allocation in the Council's emerging Plan.

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 in its latest response dated 15 November 2019 states:

FIRST PART

“The Council recognise that there are benefits for residents of Stowupland which would be very welcome should the Council have full control of Thradstones Meadow. You asked that the Council set out suggested conditions under which the Council would accept the freehold transfer in the event of planning permission being granted. These would be as follows:-

- ***Thradstones Meadow, including the existing natural pond and boundary hedges to be gifted to the Parish Council;***
- ***All legal costs in respect of the transfer to be met by Gladman;***
- ***Meadow to be mown and hedges cut prior to transfer;***
- ***Tree surgery to be carried out prior to transfer of the land to remedy concerns set out in the arboricultural report and larger trees reduced in height and reshaped where required;***
- ***Debris to be cleared from the existing pond and branches overhanging the pond to be removed;***
- ***Payment to the Parish Council of a commuted sum of £75,000 for future maintenance;***

- ***Provision of a dog waste bin and bag dispenser at the Gipping Road end of the access track and payment of an additional commuted sum of £3000 to cover future costs of emptying and maintenance;***
- ***Provision of a gate and stile – details to be agreed – at the entrance to the Meadow;***
- ***Provision of 2 no. benches, set upon concrete bases, at locations to be agreed, to a design acceptable to the Council;***
- ***A right to use the track for future maintenance of the Meadow and occasional use by vehicles requiring access in connection with leisure activities on the Meadow. The track is to be retained at its current width and maintained under a maintenance agreement arranged by the developer of the application site;***
- ***No public utility services or similar pipes, ducts, drains or cables to laid in or under the transferred land.***

PLEASE NOTE: PC comments continue after officer comment

Officer comment:

Members are advised that the applicant is willing to agree all of the above by way of a S106 Agreement. For the avoidance of any doubt the applicant has agreed that the land transfer would be for £1. Therefore in terms of the Parish Council's latest response were the Committee to approve the residential proposal the subject of this application despite the continued objection of the Parish Council then, the recognised benefits [Thradstones Meadow being transferred into Parish Council ownership] would be secured in the form prescribed by the Parish Council for the wider benefit of the community. Clearly the Parish Council in maintaining its objection to further residential development has expressed its views in respect of the transfer of Thradstones Meadow on a 'without prejudice' basis in the event that the Council determines that the application be approved on the basis of being sustainable.

PARISH COUNCIL RESPONSE: SECOND PART [objection]

“However, having regard to policies contained within the adopted Stowupland Neighbourhood Plan and to the NPPF, the Council must re-iterate its objection to this application for the following reasons:-

- This site is not an allocated site for development in the current Mid Suffolk 5 year housing plan. Nor in the adopted Stowupland Neighbourhood Plan. Policies SNP6 Rural Exception Sites and SNP12 Local Green Spaces are particularly relevant;

Officer comment:

The Parish Council is correct in that the site has not been included in the 5YHLS calculation. [the presumption of the Parish Council being that it is therefore not required to make up a current deficiency as the Council can demonstrate that it already has a 5YHLS]. It is also true to say that it is not allocated for development on the current proposals map and does not have the

benefit of a previous planning permission. It is correct to say that the site is not allocated for development in the Adopted Neighbourhood Plan. It is accepted that SNP6 and SNP12 are relevant.

- 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.

Officer comment:

Whilst the concerns of the Parish Council are noted, Members are advised that neither the site nor the surrounding landscape/environment benefit from any statutory national designation or any non-statutory designation within the Adopted Local Plan. This report will shortly consider landscape impact in greater detail.

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

Officer comment:

It is right to describe the proposed development as currently being outside of the settlement boundary for Stowupland[in the Adopted Local Plan]. However despite the fact that only limited weight can currently be afforded to the Council's Draft Preferred Options Draft Joint Local Plan it must be recognised that in looking to identify sufficient sites to satisfy the demand for housing up to 2036 the Council has identified the application site [LA079] as being suitable for residential development for up to 100 dwellings and that the settlement boundary for Stowupland could be extended to embrace it within the village. Clearly if any site is removed from the Draft JLP as an allocation other sites will need to be found to replace it [assuming that the Council does not opt to make up such shortfalls by allowing increased densities on sites that remain] . The Council has currently set the housing requirement for Stowupland as 752 dwellings [Draft JLP Preferred Options Document] . The Adopted Neighbourhood Plan in allocating sites for future development fails to identify sufficient land for this number of dwellings.

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

Officer comment:

This point will be explored later in this report but officers draw Members attention to recent developments on both the south and north side of Gipping Road that are closer to Columbine Hall with the potential to have a more immediate impact upon its setting. Furthermore officers point to conditions requiring frontage woodland planting attached to the recent Bloor Homes development [Trinity Field] and suggested conditions for the current proposal [should members

be minded to grant outline planning permission]. There are no heritage objections outstanding from internal consultees or Historic England.

- Concerns that unless the ancient Thradstones Meadow which is part of this application is transferred on suitable terms to the Parish Council, it 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:

The applicant has now agreed to transfer Thradstones Meadow to the Parish Council on the basis set out by the Parish Council in its response of 15 November 2019. Conditions are proposed to survey and mitigate any impacts on farmland birds, should this be necessary.

There is no objection from the Council's Ecologist.

- Whilst the single access onto the A1120 may be considered by the applicant's highway consultant to be adequate for up to 300 homes, the Parish Council has 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. Congestion on A1120 may result in drivers avoiding use of that road by turning left and finding rat runs through unsuitable country lanes.

Officer comment:

Suffolk County Council as local highway authority has not objected to the proposed access arrangements. It is noted that the development will be served from the newly created estate junction [Trinity Fields] on Church Road. This makes sense as the proposed development will be accessed via the adjacent estate using estate roads being provided as the development is built out. It is clear that the estate road layout for Trinity Fields was designed to facilitate later access to the adjacent site [application site] were that ever to receive planning permission for development.

- 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 improvements to these facilities, lack of capacity is not being addressed 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:

As is recognised by the Parish Council CIL contributions would be expected to deliver additional school places where appropriate. That said SCC has indicated that the development actually also triggers a S106 requirement for education contributions of £299,302. New or expanded places tend to follow growth on the basis that development provides the funding and schools are not usually built until the demand is there to support the cost of running the building. This is however a matter for Suffolk County Council.

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 given to the eastern edge of the proposed development to allow better screening of the houses from the open landscape.

Natural England

No comments

SCC Water & Floods Team

Recommends approval subject to conditions: [summarised below]

1. Reserved Matters to include a surface water drainage scheme
2. No occupation until SuDs components and pipe networks have been submitted and approved
3. No commencement until Construction Surface Water Management Plan submitted and approved

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

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)

No objection subject to securing biodiversity mitigation and enhancement measures.

The ecological mitigation measures identified in the Ecological Report (FPCR, September 2018) should be secured and implemented. This is necessary to conserve Protected and Priority species.

Archaeology

No objection, standard conditions.

SCC Fire and Water

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

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 Team [BMSDC]

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 affordable housing for the development – a policy compliant 35% - would be controlled through the s106 legal agreement.

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:

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.

Strategy Planning Policy

Supports the application, as follows:

Policy comments for DC/18/04357 Stowupland (70 dwellings) (JLP allocation LA079)

At the time the Stowupland Neighbourhood Plan was at examination the Babergh and Mid Suffolk emerging Regulation 18 (Reg 18) Joint Local Plan (JLP) was still in preparation. It was advised by the Strategic Planning Team through question 7 of the Independent Examination Correspondence (<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Exam-Correspondence.pdf>) that at that time *“it is not possible to provide certainty on the likely requirement for Stowupland at present but a higher figure than that currently provided for in the Neighbourhood Plan cannot be ruled out.”* Therefore, the Strategic Planning Team had advised that the allocated sites in the Stowupland Neighbourhood Plan were potentially not enough for residential allocations.

The Stowupland Neighbourhood Plan was adopted (June 2019) and the emerging Reg 18 Babergh and Mid Suffolk JLP went out for formal public consultation July 2019. The latest emerging Reg 18 JLP document identifies Stowupland is expected to accommodate more development than that allocated in the adopted Stowupland Neighbourhood Plan. It is apparent the adopted Stowupland Neighbourhood Plan provides for a minimum of 203 homes, which is considered acceptable by the examiner’s report in Policy SNP1: Strategy for Sustainable Growth (<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Exam-Report.pdf>). This was based on the information available at that time which was imminently parallel with the preparation of the emerging JLP that was producing up-to-date evidence for housing needs. Therefore, whilst 203 homes minimum is acceptable in the adopted Stowupland Neighbourhood Plan it also does not mean additional homes are not acceptable in accordance with the National Planning Policy Framework (NPPF) (Feb 2019) and the up-to-date housing needs evidence of the JLP cannot be ignored and is a material consideration in this case in accordance with Section 38(6) PCPA 2004 that states: *‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination*

must be made in accordance with the plan unless material considerations indicate otherwise. The up-to-date evidence that underpins and supports the JLP is a material consideration and cannot be ignored at this current moment in time. This should also highlight even though the Stowupland Neighbourhood Plan (June 2019) is recently adopted it also requires current review as the emerging JLP is gaining weight and strategic plan-led direction.

The adopted Stowupland Neighbourhood Plan (June 2019) allocates Local Green Space through policy SNP12, which is to be retained, which is the south eastern area of the application site in question. In looking at the submitted illustrative framework plan it is apparent this area is proposed to be retained as such designated space, which conforms with the adopted Stowupland Neighbourhood Plan (June 2019).

The application in principle is supported by the strategic planning policy team.

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;
- 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

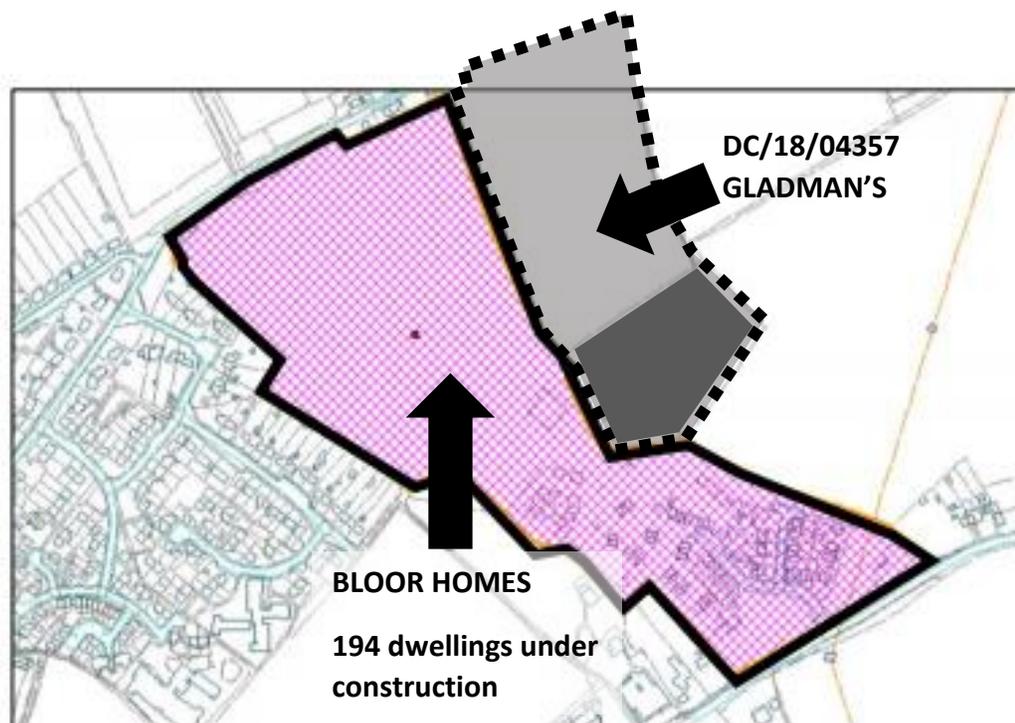


figure 2: Relationship between application site and the adjacent Bloor Homes development that is currently under construction

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The site [housing element] 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. Within the site [southern end] is an area known as Thradstones Meadow. This area is fully enclosed by mature trees and hedgerows and appears not to be farmed. It is criss-crossed by a series of designated public footpaths and prescriptive paths and is well-used by walkers. It is not proposed to develop this part of the site but to leave it as open space for the community by way of a land transfer to the Parish Council.
- 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, particularly CS2, have repeatedly been found to be out of date in major planning appeals. As stated above, the fact that the application site is in this instance outside of, but nevertheless well-related to, the settlement boundary of a Key Service Centre renders the significance of any conflict with that policy as being low.
- 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.
- 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.

3.17 Mid Suffolk does have a 5YHLS.

3.18 The site is not allocated for development in the Adopted Development Plan.

3.19 Although it is not specifically allocated for residential development in the made Stowupland Neighbourhood Plan [2019] the Plan includes a policy [SNP6] to guide development beyond the settlement boundary in the rural area. In this way the Plan countenances development outside the settlement boundary albeit on an exceptional basis. In determining this application therefore significant regard needs to be given to SNP6.

3.20 It is also fair to say that the development brings with it the opportunity to secure the long-term preservation of [and public accessibility to] the green space designated under Policy SNP12. In that respect it realises the achievement of an important objective within the Neighbourhood Plan and weighs in favour of the scheme where the land is not currently in public control.

3.21 As previously highlighted it should be noted that the site is also allocated for residential development in the BMSDC Joint Local Plan Preferred Options Document [2019]. The site described in the Draft JLP [Preferred Options] is described as LA079 where the following draft policy is proposed:

“Approximately 100 dwellings (with associated infrastructure)

The development shall be expected to comply with the following:

- I. The relevant policies of the Joint Local Plan;
- II. Surface water flood risks are effectively mitigated;
- III. Design, layout and landscaping is sympathetic to the close setting of heritage assets;
- IV. Local Green Space identified in the Stowupland Neighbourhood Plan is retained [Thradstones Meadow]
- V. Contributions to the satisfaction of the lpa, towards additional Household Waste Recycling Provision
- VI. pedestrian access is achieved through adjoining development site; and
- VII. A full assessment of increased discharge on the watercourse, and relevant mitigation measures.”

3.22 In terms of weight the Adopted Neighbourhood Plan currently carries full weight where policies are up-to-date. Where there is conflict 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 but it is a clear indication of the District Council’s current direction of travel in terms of planned growth and is a democratically-approved document intended to

meet the needs of the District based upon up to date housing requirements. Member's did agree the Preferred Options Document for consultation and the presumption is that the site is considered appropriate for further development by the Council. Furthermore, the difference between the identified housing requirement for Stowupland and the adopted SNDP (in excess of 500 homes) is significant and the SNDP does not propose any further allocations although it does not expressly preclude new development from being permitted.

- 3.23 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 to be an important consideration – and it is. However, this also needs to be tempered by consideration of SNP6 and SNP12 as described earlier.
- 3.24 The Neighbourhood Plan sits alongside the development plan and the NPPF. As Members are aware even though the Council can demonstrate that it has a 5YHLS the fact that much of its Local Plan Policy is out of date brings into play the tilted balance under NPPF paragraph 11. To that extent the Council is also required to consider the extent to which development outside of a settlement boundary can be said to be sustainable. Neighbourhood Plan policy SNP 6 is NPPF compliant because it does not close the door to sustainable development outside of the settlement boundary where it satisfies the relevant criteria set out in that policy.
- 3.25 Therefore, the fact that the Stowupland Neighbourhood Plan does not allocate the application site for 'development' is not necessarily the 'end of the story'
- 3.26 Although the Stowupland Neighbourhood Plan does not allocate that part of the site currently the subject of an outline residential application for development neither it does it afford it any particular protection. [eg Local Green Space or green link] unlike the position in respect of Thradstones Meadow [which is afforded protection from development and would be secured for the benefit of the wider public should planning permission be granted for this scheme realising the objective of Policy SNP12].
- 3.27 The Neighbourhood Plan considers the prospect of development beyond those sites positively allocated for development within it in the form of policies that look generically at how development proposals will be considered in the context of the Neighbourhood Plan. Principally these are policies SNP1, SNP2.
- 3.28 Members will want to carefully consider to what extent these policies are relevant and if they are how much weight to afford them in the context of the current proposal.

3.29 **Policy SNP1: Strategy for Sustainable Growth**

This states:

"Stowupland will be a location for environmentally, socially and economically sustainable growth over the twenty-year period of the Neighbourhood Development Plan. The Plan provides for at least 203 new homes by 2036. The protection of the natural and historic environment, the distinctive village character and maintenance of the visual gap and separation between the built-

up areas of the village and Stowmarket and Saxham Street will be given significant weight when assessing any development proposals. The Green Gaps identified on the Proposals Map shall be protected and remain undeveloped to maintain this separation. Opportunities to use previously developed land and buildings, and infill sites will be supported.”

Officer comment:

This policy recognises that Stowupland will be a location for sustainable growth over the next plan period [up to 2036]. In order to help direct the preferred locations within the village for that the Neighbourhood Plan allocates three sites for residential development. These are identified in Policies SNP 2, 3 & 4. These are as follows:

Site location	Number of units	Already with pp?	Under construction?
SNP2 Land between Church Road and Gipping Road	175 dwellings [recent pp to uplift to 194 [+19] DC/19/01947 DC/18/00097 3112/15	YES: OO & RM	yes
SNP3 Land between Church Farm Barn and Brecklands	10 dwellings Full 0117/17 NMA DC/18/05020 Approved 10.12.18	YES: FULL	?
SNP4 Land on the south-east side of Church Road	18 dwellings, parking for primary school and cemetery extension 1884/16 Outline permission 23.05.18	YES: Outline Record indicates no RM	No

3.30

Effectively 87% of the already approved dwellings are currently under construction and completion of all of these are expected within the next 2 years.

3.31 Policy SNP5: Affordable Housing

“Proposals for residential development of more than 10 units or on sites of 0.5ha or more will be expected to provide 35% affordable housing on the site (with at least 10% of these being homes available for affordable home ownership) subject to viability assessment and identified local needs with the aim of creating mixed and inclusive communities. Affordable homes must be delivered at the same time as the market homes. Conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need. The mix, size, type and tenure of affordable homes should meet the Babergh and Mid Suffolk local identified housing need for Stowupland. 28 Where affordable housing is provided under a Section 106 agreement or similar planning obligation, the maximum proportion possible of the total units provided under Babergh and Mid Suffolk District Councils’ Allocation Scheme shall at every opportunity be allocated to people meeting the “local lettings” circumstances with a local need or connections to Stowupland. This obligation will have permanent effect unless it can be demonstrated that there is no longer any requirement for the affordable housing.”

Officer comment:

As the proposed development comprises 70 dwellings and includes the provision of 35% affordable housing it complies with the first part of SNP5. Within the proposed affordable mix are 18 rented and 6 shared ownership units. This mix exceeds the minimum requirement of the Neighbourhood Plan for affordable home ownership [described as being at least 10%] in that it equates to 25%. In the event that Members are minded to approve the application a S106 Agreement is recommended as a pre-requisite. That Agreement will require affordable dwellings to be delivered in accordance with a predetermined sequence parallel with the delivery of open market units. Although the Neighbourhood Plan seeks affordable housing to be offered on a ‘local lettings’ basis the Council does not operate such an allocation policy. Within the District of Mid Suffolk affordable housing is offered to those in greatest housing need rather than on any other basis. In this way those in greatest housing need may be offered accommodation anywhere in the District. A local lettings policy means that those in greatest housing need may not be housed as a priority and by restricting occupancy to those with a local connection the overall stock is effectively reduced as a result of inflexibility.

3.32 SNP6: Rural Exception Sites [SNDP 2019]

This states:

“ Proposals for housing on sites situated outside, but adjoining the settlement boundaries of Stowupland village and Saxham Street (as defined on the Proposals Map) will be supported where the following criteria are met:

- *the scheme would meet an identified *local need for affordable housing that cannot be met within the settlement boundaries;*
- *the development is small-scale and demonstrates, where appropriate:*
 - (i) how it addresses the relationship of the proposal to the built form, history and character of the area,*
 - (ii) the effects on any nearby heritage assets, local buildings of character, and/or trees and hedgerows, village green, playing fields and local green space, and (iii) accessibility to village services and facilities; and where it complies with the other policies in this Neighbourhood Plan;*
- *pre-application engagement with the local community has been undertaken;*
- *secure arrangements are made to ensure the housing need to be met will be secured by legal agreement to ensure that the need can be met in perpetuity.*

Where it is demonstrated that a proportion of market housing is necessary to cross-subsidise the specific identified housing need the market housing should be provided at the minimum level to support viability and all proposals must be accompanied by an open book viability appraisal.

Schemes will not be supported where it is considered that the location of the proposal is too remote from village services and facilities, and/or would have a detrimental impact on the built form, historical context or character of the area, or on the environment, green space, or landscape and/or landscape features including trees and hedgerows.

Rural exception sites may also include an element of self-build or custom-build homes.”

3.32 With this policy now ‘front and centre’ let’s dissect it and establish the extent to which the proposal may or may not comply with it.

- 1st sentence:

“Proposals for housing on sites situated outside, but adjoining the settlement boundaries of Stowupland village and Saxham Street (as defined on the Proposals Map) will be supported... [where they meet the specific criteria, more of these shortly]”

Officer comment.

- [a] The proposal is for housing and is situated outside of the settlement boundary. SNP6 is therefore relevant. It does not adjoin the current defined settlement in the Adopted Local Plan [1998] Proposals Map.]. However, the SNDP 2019 included an amended settlement boundary (Map 8) to include the adjacent land subject to Policy SNP2 (the (the adjoining 'under construction' housing estate). The site is therefore outside but immediately adjacent to the Neighbourhood Plan settlement boundary. The proposed development is to be accessed through the neighbouring new estate via its estate roads and vehicular entrance on Church Road and can therefore be seen [if approved] as an extension of that estate. Consequently, the proposed development is 'de facto' an expansion of development adjoining the current defined settlement boundary.
- [b] It is presently proposed within the BMSDC JLP Preferred Options Document [2019] that the adjacent Bloor Homes [Trinity Fields] development be included in an expanded settlement boundary for Stowupland. In the event that this change is ultimately adopted this would reflect the Neighbourhood Plan settlement boundary. In reality expanding the settlement boundary for Stowupland to include the Bloor Homes [Trinity Fields] site is absolutely logical because it represents contiguous built development on the east side of the village.
- The criteria:
 - *“the scheme would meet an identified *local need for affordable housing that cannot be met within the settlement boundaries;”*

Officer comment:

Whilst not defined within the Neighbourhood Plan it is assumed that what is meant by 'local need' is affordable housing for people in Stowupland and/or adjacent villages with a registered housing need. Clearly the affordable housing that would result from development on the application site [were it to be approved] would add to that already secured from the Trinity Fields development. On this basis it is highly unlikely that the local need within Stowupland would in itself warrant a further number of affordable homes.

Members will however be aware that affordable housing is delivered on the basis that it is occupied by those in greatest housing need when assessed against a set of prescribed criteria. Affordable housing is therefore offered on a district-wide basis and is therefore local to Mid Suffolk as opposed to a county-wide or sub-regional catchment. The Council does not operate a local letting policy in the sense of a strict restriction to people only from that immediate town/village. The universal operation of such a letting system would not help tackle the housing problem across the district. The current shortfall in affordable homes across the district correlates with there being in excess of 600 people on the housing register] Delivery in this case of 25 affordable homes in what is a defined 'Service Centre' [where development is directed within the Core Strategy] needs to be afforded significant weight even though it may not be for local need in the sense meant in the Stowupland Neighbourhood Plan.

- *the development is small-scale and demonstrates, where appropriate:*
 - (i) *how it addresses the relationship of the proposal to the built form, history and character of the area,*
 - (ii) *the effects on any nearby heritage assets, local buildings of character, and/or trees and hedgerows, village green, playing fields and local green space, and (iii) accessibility to village services and facilities; and where it complies with the other policies in this Neighbourhood Plan;*

Officer comment:

At 70 dwellings the development cannot be said to be small-scale even though the Neighbourhood Plan doesn't define what would constitute small-scale one might reasonably expect small-scale to mean significantly less. In that context the development does not conform to this part of the policy but 70 dwellings is not a significant number. That said the proposed number of dwellings is 30% lower than identified as being appropriate in the JLP [2019]. Officers are satisfied that the proposed development if approved could be controlled through the Reserved Matters process such as to conform with (i) and (ii) above.

- *pre-application engagement with the local community has been undertaken;*

officer comment:

The applicant and the Parish Council have been in regular dialogue and the report was previously withdrawn from the planned agenda for the 18 September 2019 of the Committee to facilitate an additional opportunity for dialogue around the future of Thradstones Meadow. That meeting and subsequent discussion resulted in the submission of the Parish Council's latest response dated 15 November 2019. Not only is the land to be transferred to the Parish Council, the Applicant has agreed to contribute a significant sum to provide for its maintenance in order to achieve the objectives of policy SNP12.

- *secure arrangements are made to ensure the housing need to be met will be secured by legal agreement to ensure that the need can be met in perpetuity.*

Officer comment:

Whilst it is accepted that the proposed affordable housing is not designed just to meet the needs of Stowupland it will help to reduce the high deficiency of affordable homes across the District and therefore help to tackle the significant shortfall in homes for those in housing need. The delivery of the 35% of affordable housing will be secured through a S106 Agreement as required. Clearly if people from or with an association with Stowupland on the housing register have sufficient points to get a home then the fact that new affordable homes are being built in Stowupland should improve their chances of living in Stowupland rather than elsewhere in the District.

3.33 Policy SNP7: Settlement Boundaries

“Within the settlement boundaries for Stowupland and Saxham Street, as defined on Map 8 and the Proposals Map, there is a general presumption in favour of residential development in the form of infill and redevelopment sites and small groups of approximately ten dwellings subject to proposals being well designed and meeting all relevant requirements set out in other policies in this plan and Mid Suffolk development plan documents. Proposals that include provision for self-build or custom-build plots will be encouraged.

Officer comment:

Understandably the Neighbourhood Plan directs new development to sites within the Neighbourhood Plan Settlement boundary and the Proposals Map [Local Plan] to accommodate its identified need at the time of the Examiners Report. This is consistent with the NPPF in that Stowupland is a Key Service Centre and as such sites within its settlement boundary are by definition sustainable. This report has already described the site as sitting outside of the current Settlement Boundary [Neighbourhood Plan and Local Plan] and so you would expect the presumption in SNP7 to point against support for this proposed development. However, the proposed site is adjacent to and abuts the settlement boundary as defined in the Adopted Neighbourhood Plan. It is also proposed to physically connect it to the development under construction immediately to the south-west. As a result of its contiguous nature, excellent connectivity and permeability [with the expanded urban Stowupland] it is considered as sustainable as the adjacent development. Indeed, as previously reported the Council has included the application in the Reg 18 draft of the JLP (Draft Local Plan Preferred Options document) on the basis that it is considered sustainable and desirable to help meet predicted housing need to 2036. With the Neighbourhood Plan’s largest allocated housing site already under construction [prior to adoption] there is every chance that the District will require more land to be allocated for housing in the area in the next 16 years if delivery rates are to be sustained and the 5YHLS position protected. In the absence of alternative sites being allocated within the SNDP the Council will likely need to rely upon allocations within the JLP; hence, that this site is allocated for development in the emerging plan in order to meet the significant housing needs of the District within the next plan period and to meet the identified housing requirement of the parish of 752 homes.

3.34 SNP8: Landscape Character – Green Gaps, Views and Features

Development proposals will be supported where:

- i. they do not have a significant detrimental impact on the rural setting of the village and the visual qualities of the upland landscape are protected;
- ii. the separate identity of Stowupland as a village is retained and coalescence with Stowmarket is prevented;
- iii. the separate character of the main village and Saxham Street is maintained and coalescence between the two areas is prevented;
- iv. the plateau-edge open character of the parish (characterised by the open spaces, wide verges, trees and hedgerows and key views out from points identified on Map 9 and the Proposals Map) are maintained; and
- v. they improve landscape condition, visual amenity, or the setting of valued features, and settings where existing development has adverse effects. The Green Gaps and key views to the wider landscape at the points identified on Map 9 and the Proposals Map are of particular importance in protecting the rural setting and maintaining the distinctive local character and qualities of the parish.

Officer comments:

The proposed development will unquestionably alter the character of the landscape hereabouts insofar as the land will no longer be in open arable use but this is a truism of development proposals on greenfield sites. This impact has already been considered by Mid Suffolk District Council when it allocated the site in the Draft JLP 'Preferred Options' Document for residential development. Any adverse impact can be ameliorated by new planting and by retaining Thradstones Meadow. The site is on the opposite side of the village to Stowmarket and so cannot contribute to any risk of coalescence. There will continue to be a significant gap between this edge of the village [as extended] and Saxham Street. Officers argue that by ensuring Thradstones Meadow is protected for all time by ownership being transferred to the Parish Council and as a result of extensive structural landscaping works the development can ensure the distinctive character of the area can be maintained.

3.35 SNP9: Protecting best and most versatile Agricultural Land

“To protect opportunities for food production and the continuance of the agricultural economy, proposals for development on sites of 1 hectare or more on the best and most versatile agricultural land will not usually be supported unless it can be satisfactorily demonstrated that land of a poorer quality is not available.”

Officer comment:

Albeit not advisable to rely upon for individual sites, the provisional land use classification maps for the East of England indicate the majority of the site as falling within Grade 2 [very good quality

agricultural land with minor limitations which affect crop yield, cultivations or harvesting.] with a rump of Grade 3 in the north east corner. [note Grade 3 land includes two types [a] & [b] described as:

- [a] good quality agricultural land with moderate limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops.
- [b] moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass.

SNP9 is also consistent with Local Plan policy CL11 which encourages the conservation of Grade 1, 2 and 3a agricultural land.

That said National Planning Policy Guidance [NPPG] only requires Natural England to be consulted on applications involving the loss of the Best Most Versatile [BMV] agricultural land where development area exceeds 20ha. The current site is only 5.6ha in area and therefore well below the strategically significant threshold described in the NPPG. Even though the proposed development is unlikely in itself to result in a strategic loss of high-quality agricultural land it does follow the ongoing development of former agricultural land adjacent to it. [10.9ha]. Cumulatively the two developments fall below the 20ha threshold at 16.6ha.

The advice in cases where the site area is below 20ha is:

“You should take account of smaller losses (under 20 hectares) if they’re significant when making your decision. Your decision should avoid unnecessary loss of BMV land”.

It should also be noted that the quality of land within the area (and District) tends to be BMV land; the significance of the loss is therefore deemed to be quite low especially given the contained nature of the application site. Therefore while at face value there could be said to be some tension with this policy, that tension is not particularly significant.

3.36 Policy SNP10: Protecting the Natural Environment

“All proposals for development will be expected to retain features of biodiversity value, especially ponds, ditches, streams, trees and hedgerows, and green verges/margins. Where loss or damage is unavoidable e.g. where a new access is created, the development shall provide for appropriate replacement planting using native species together with a method statement for ongoing care and maintenance of that new / replacement planting, and new green or blue infrastructure features as appropriate. The creation of ponds, attenuation features, landscape planting and related management plan/method statements should reflect the characteristics of the locality and use indigenous species only. Where opportunities exist, new development must link with existing

features to provide and promote ecological areas and restore wildlife “corridors”, and shall involve creating new / additional wildlife habitats.”

Officer comment:

The proposal will enable Thradstones Meadow to be managed in line with a regime that is set and controlled by the Parish Council. All new planting will reference traditional indigenous field edge and countryside species. Biodiversity will be enhanced including the creation of a SuDS feature which will introduce a wetland/grassland habitat. This is a significant benefit not least because it secures the objectives of Policy SNP12.

3.37 Policy SNP12: Local Green Spaces

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:

“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.”

3.38 Policy SNP 13: Public Rights of Way

“Existing Public Rights of Way in the parish will be protected. Where rerouting is essential to accommodate sustainable development any loss of amenity value will be minimised and mitigation measure will be taken to ensure that the network is not adversely affected or reduced. 51 Opportunities will be sought to enhance the network of Public Rights of Way through the creation of new links, improved maintenance and waymarking, and making use of developer contributions, agricultural schemes and local partnership initiatives.”

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.”

Officer comment:

All public footpaths are protected and the fact that Thradstones Meadow will be transferred to the Parish Council with a maintenance sum will add a further layer of protection. [Members will have noted that a number of footpaths all converge into Thradstones Meadow].

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

“All new development must meet the highest standards of design that respect the character, scale, form, height, proportions, density and massing, materials, context and setting of buildings in the parish, demonstrate resource efficient design, and shall: a) respond positively to the key features, character and local context to maintain and enhance the community and its environment; b) not adversely affect the distinctive character around The Green, and the setting of and context for the listed buildings, other heritage assets and their settings in the parish; c) enhance and protect the landscape and significant landscape features, and not involve the loss of locally important open, green or landscaped areas, including verges, trees, hedgerows, woodlands, orchards, and remnants of estate parkland, and night time dark skies that make a significant contribution to the character and appearance of Stowupland; d) provide access for all through the provision or enhancement of pedestrian and cycle links and routes that are attractive, safe and uncluttered, particularly to bus stops, the schools, and community facilities (including local shops); e) include parking spaces / facilities that are well integrated as part of the overall design; f) if appropriate to the scale of development, provide open space and green and blue infrastructure that connects, where possible, with existing green infrastructure; g) for non-residential development, measures to promote environmental sustainability and high levels of resource efficiency, including design and construction methods and energy (including lighting) and water efficiency measures should be included wherever possible; and h) protect the amenity of existing and future residents, particularly with regard to privacy, overlooking, security, noise disturbance and pollution (including light pollution).”

Officer comment

Application of Council Policy at Reserved Matters stage [if the outline application is approved] will ensure the development achieves the appropriate levels of sustainability

3.40 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.

3.41 On the basis that Policy SNP12 is predicated on Thradstones Meadow being protected from future development just how much of an ‘offer’ does Gladman’s willingness to transfer the land to the Parish Council represent, particularly when it comes with a ‘price tag’ of up to 70 dwellings nearby? At first sight you might be tempted to think ‘very little’. However, to do so would be to miss the importance of ownership of Thradstones Meadow by the Parish Council and the control that then affords it to shape its future and protect its ecological and recreational value for the people of Stowupland. To understand this I now turn to the next part of SNP12.

3.42 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.

3.43 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]. There is therefore no guarantee that it will not be ploughed and planted with arable crops, used for the grazing of livestock, merged with adjacent fields, see agricultural buildings erected on it as permitted development, experience the removal of hedges [where this could be carried out without the need for hedgerow regulation approval], fenced off [except for the public footpaths] [unless they were formally diverted], see weedkiller applied, have public access denied. Therefore, in the context of SNP12 whilst none of the above might need planning permission and therefore not trigger the SMP12 policy requirement to protect from development they could still have a profound impact on the site in terms of its ecological and community value.

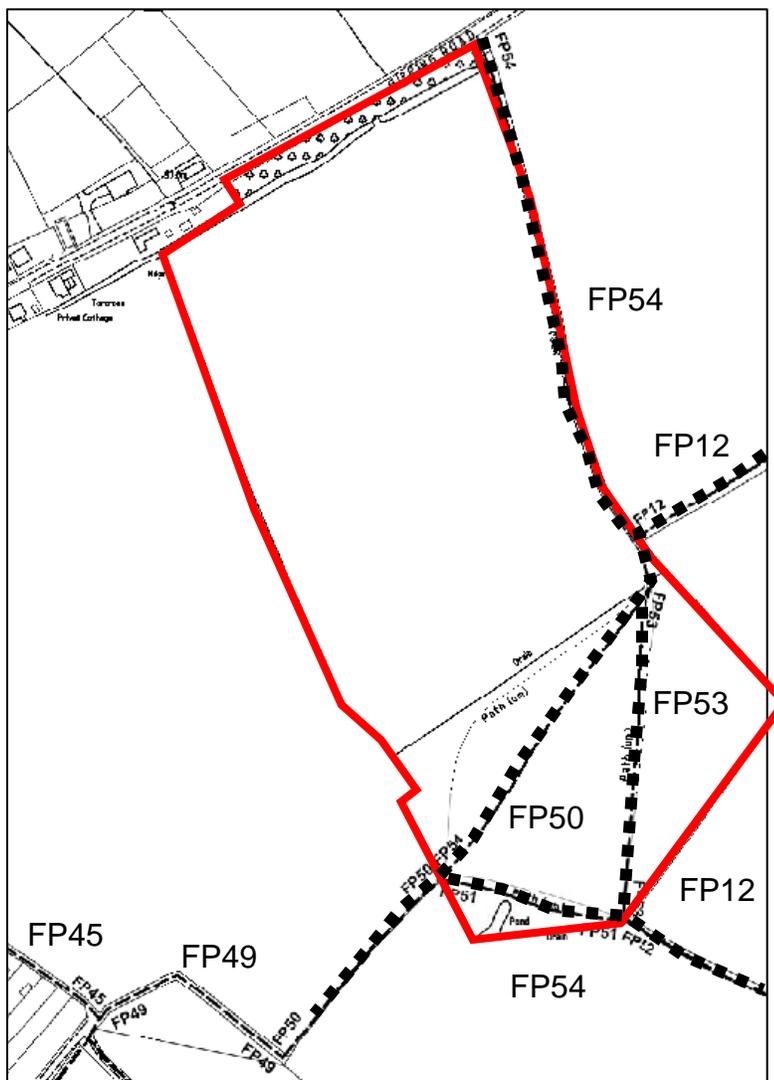


figure 3: **Designated Public Footpath routes**

- 3.44 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. The Parish Council in their latest consultation response of 15 November recognise this.
- 3.45 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. The draft S106 Agreement has set this figure as £75,000.
- 3.46 Ownership by the Parish Council would ensure that the Meadow remains undeveloped which is the primary aim of policy SNP12.
- 3.47 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.
- 3.48 This is an important mitigation and environmental benefit to set against the additional expansion of residential development on this corner of Stowupland.

3.49 Sustainability

- 3.50 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.
- 3.51 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.

- 3.52 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.
- 3.52 The Nutshells Tea Room at the former Mr Allard's farm shop has recently re-opened, giving another local facility, which is connected to the site by a footpath constructed as part of the Bloor scheme. New resident expenditure may be able to continue to support the retention and viability of this service.
- 3.53 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.
- 3.54 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.
- 3.55 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.

3.56 Site Access, Parking and Highway Safety Considerations

- 3.57 Permission for access is not being sought in this Outline application. Therefore, the full details of this are not for consideration here.
- 3.58 However, the application shows a proposed link through to the Bloor Homes site to the west (which then accesses Church Road).
- 3.59 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.."
- 3.60 This matter will be subject to a condition, to avoid a subsequent applicant (at Reserved Matters stage) applying for a different access.
- 3.61 The substantive issues of highway safety and efficiency are, therefore, satisfied.

3.62 Design and Layout

- 3.63 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.
- 3.64 Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 3.65 As the proposal is Outline (with all matters reserved), 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 and accessed. An indicative access proposal has been provided but approval is not sought for it at this stage.
- 3.66 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.
- 3.67 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.
- 3.68 The applicant has provided evidence that it has the legal right to deliver a suitable access. There is therefore no known impediment to the delivery of the scheme where delivery is an important consideration underpinning the proposed development.
- 3.69 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.
- 3.70 Further, it is advised that the permission should carry an informative that triple parking will not be accepted at Reserved Matters stage.

3.71 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 3.71 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.
- 3.72 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.

- 3.73 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).
- 3.74 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 3.75 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.
- 3.76 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.
- 3.77 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.
- 3.78 Overall, there are no outstanding concerns relating to landscape impact, trees, ecology, biodiversity or protected species.
- 3.79 **Impact on Residential Amenity**
- 3.80 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.
- 3.81 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.
- 3.82. 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.
- 3.83 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.

3.84 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.

3.85 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.

3.86 Heritage Matters

3.87 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 26th 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 which effectively breaks the visual link between the site and that asset.

3.88 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.”

3.89 The identified harm is to the perceived erosion of the wider rural setting of a building 200 metres distant.

3.90 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.

3.91 The desirability of preserving or enhancing the setting of listed buildings must be given considerable importance and weight in decision making. Case law has determined that harm to the setting of a listed building creates a strong presumption against the grant of planning permission. However, given the less than substantial harm, which is considered to be very low, 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, in that the public benefits of the proposal do outweigh the heritage harm, even though considerable importance and weight has to be given to the desirability of preserving the setting of the listed building and the strong presumption against permission that this raises.

3.92 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.

3.93 The conclusion that the balancing exercise in paragraph 196 of the NPPF is passed, means that the heritage harms do not provide a clear reason to withhold planning permission (see paragraph 11(d)(i) of the NPPF) and so the tilted planning balance applies, as dealt with below.

4.0 S106

4.1 The proposed development triggers the requirement for a S106 Legal Agreement to secure mitigation appropriate within the terms of the CIL test.

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.



Right of access [incl: vehicular* with connection to adopted highway

- Maintenance vehicles and equipment



Land to be transferred for £1

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

PART FOUR – CONCLUSION

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 and those needs have increased significantly beyond those set out within the current Plan. The emerging JLP, which responds to the 'standard method' proposes to address that need through housing allocations including for the site now before Members. Of itself this is an important consideration. Furthermore the JLP draft approved by full Council sets out the identified requirements of neighbourhood plan areas. Allocation aside, the number proposed for Stowupland is significant and cannot be met by the current Neighbourhood Plan, the needs under which are to be predominantly met by existing planning permissions.

That the development is outside of a settlement should not of itself be fatal to the application, especially for a settlement which is both a Key Service Centre now and a Core Village in the emerging Plan – this point is consistent and the development would therefore meet the underlying aims of the settlement hierarchy policies for both the existing and emerging District plans. In that regard, it must be noted that the site is in any event

proposed to be allocated for development (of a scale much less than that which is proposed within the emerging JLP). Again, this is an important consideration. Further, although the proposal does not accord with the adopted Development Plan when taken as a whole, the policies which are most important for determining the application are collectively out of date (policies CS1, CS2, and H7). In addition, although the Neighbourhood Plan meets the requirements of paragraph 14 of the NPPF, this does not mean that permission should be refused. Given that the SNDP requirement figure is no longer derived from an up to date needs assessment and given also that the scheme would bring significant benefits, it is concluded that, notwithstanding the indication in paragraph 14 of the NPPF, in this case the harm caused by the breach of the SNDP does not significantly and demonstrably outweigh the benefits of the proposal.

- 5.2 Whilst the made Neighbourhood Plan includes allocations these are not sufficient to accommodate the housing identified by the District Council in the Draft JLP. The requirement has been identified as 752. Consequently, the Neighbourhood Plan does not provide a robust defence against further development..
- 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 further tips in favour of the proposal in that it will allow the community to realise its ambitions for this locally important green space consistent with SNDP policy.
- 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 The proposal is not in accordance with the Council's Development Plan. However, the Council accept that as per paragraph 11[d] of the NPPF, the policies most important for

determining the application are out-of-date, meaning the presumption in favour of sustainable development is applicable and the decision must be made against the tilted balance.

- 5.9 This means permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. It is expected that planning permission will be granted unless there are compelling reasons not to do so. In this case, the harm caused by the breach of the Neighbourhood Plan does not significantly and demonstrably outweigh the benefits, notwithstanding the indication to the contrary in paragraph 14 of the NPPF.
- 5.10 Bearing in mind the limited harms posed (in addition to the harm from the breach of the SNDP), it is concluded that the harms of the proposal do not significantly and demonstrably outweigh the benefits. This outcome of the tilted planning balance, 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:

A.

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 to part] be transferred freehold for £1 within an agreed timescale. The said offer must be accompanied by a financial sum [not less than £75,000] 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.



Right of access [incl: vehicular*
with connection to adopted
highway

- Maintenance vehicles and equipment



Land to be transferred for £1

B. Affordable Housing.

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

C. Education Contribution.

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

D. 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

3) That in the event of the Planning Obligations referred to in Resolution (1) above not being secured then the Chief Planning Officer be authorised to refuse planning permission on appropriate grounds.