

Committee Report

Item No: 9D

Reference: DC/22/03761

Case Officer: Jasmine Whyard

Ward: Haughley, Stowupland & Wetherden.

Ward Member/s: Cllr Jane Pearson. Cllr Rachel Eburne.

RECOMMENDATION – GRANT RESERVED MATTERS SUBJECT TO CONDITIONS

Description of Development

Application for approval of Reserved Matters following Outline Planning Approval 1884/16 dated 24/12/2019 - Erection of 18 dwellings (including 6 No Affordable/Starter homes), parking for primary school and extension to cemetery. Submission of details for Appearance, Layout, Landscaping and Scale.

Location

Land on the South East Side of, Church Road, Stowupland, Suffolk

Expiry Date: 03/03/2023

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Landex LTD

Agent: Artisan PPS Ltd

Parish: Stowupland

Site Area: 1.95 hectares

Density of Development:

Gross Density (total site): 9.2 dwellings per hectare

Net Density (developed site- excluding open space, estate roads, SuDs, play space, car park and cemetery extension): 21 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: Outline Planning Permission was granted in 24th December 2019 under 1884/16 following committee on the 26th September 2018.

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- i. This is a major development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan for Mid Suffolk District which for the purposes of determining this application is comprised of: Stowupland Neighbourhood Plan (2019), Mid Suffolk Core Strategy Focused Review (2012), Mid Suffolk Core Strategy (2008), Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2016).

All policies (save for policy CS3) are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 219 of that document. The less than full weight attached to policy CS3 is discussed at point 7.2 of this report.

- Stowupland Neighbourhood Plan (2019)
 - SNP1: Strategy for Sustainable Growth
 - SNP4: Land on the south-east side of Church Road
 - SNP5: Affordable Housing
 - SNP8: Landscape Character- Green Gaps, Views and Features
 - SNP10: Protecting the Natural Environment and Biodiversity
 - SNP13: Public Rights of Way
 - SNP14: Quality of Development, Resource Efficiency and Design Considerations
- Mid Suffolk Core Strategy Focused Review (2012)
 - FC1 - Presumption in Favour of Sustainable Development
 - FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development
- Mid Suffolk Core Strategy (2008)
 - CS3 - Reduce Contributions to Climate Change
 - CS4 - Adapting to Climate Change
 - CS5 - Mid Suffolk's Environment
- Mid Suffolk Local Plan (1998)
 - H13 - Design and Layout of Housing Development
 - H15 - Development to Reflect Local Characteristics

H16 - Protecting Existing Residential Amenity
H17 - Keeping Residential Development away from Pollution
CL8 - Protecting Wildlife Habitats
HB1 - Protection of Historic Buildings
T9 - Parking Standards
T10 - Highway Considerations in Development
T12- Designing for People with Disabilities
RT12- Footpaths and Bridleways

Emerging Joint Local Plan (Regulation 22)

The Councils are currently jointly preparing a new Joint Local Plan which once adopted will supersede the current Development Plan. Following a meeting and letter from the Inspector examining the plan in December 2021, it has been agreed that the Plan will be split into two parts, Part 1 will progress through examination and allocations and a review of the settlement hierarchy will follow later in Part 2.

The main modifications to Part 1 have recently closed for consultation (3rd May 2023) and examination hearings are expected to continue in June. Whilst Part 1 is not adopted policy nor is it currently determinative, it now has added weight as a material consideration in the decision-making process of applications.

The emerging policies of relevance are as follows:

SP01 - Housing Needs
SP02 - Affordable Housing
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 – Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP29 - Safe, Sustainable and Active Transport

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Other Considerations

- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)
- National Planning Practice Guidance (PPG)

Consultations and Representations

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

[Click here to view consultee comments online](#)

A: Summary of Consultations

Re-consultations were sent to the Parish Council and neighbours following minor amendments being made to the landscaping scheme and prior to application being heard by committee, this consultation ends on the 14th June. Any amended/ updated comments received after the publication of this report will be reported to committee via tabled papers/ verbally.

Parish Council

- **Stowupland Parish Council**

Support the application subject to Plot 15 having no structures erected over 3ft high. Would further like to see a means of stopping vehicles parking on the footpath adjacent to Pump House and would like to understand whether the cemetery extension car park, track to car park, bridge to existing cemetery and footpath to the bridge will be built as part of the development.

National Consultee

- **Anglian Water**

Private foul water drainage is proposed which is outside of Anglian Water's remit. The SuDS are also not proposed for Anglian Water adoption.

Officer Comment: The applicant's agent has confirmed that the foul water drainage is to be connected to Anglian Water sewers. The applicant previously had discussions with Anglian Water prior to submitting this application and Anglian Water confirmed there was capacity in the system (Stowmarket Waste Recycling Centre). The applicant intends to make connection to the system via the Anglian Water pumping station northwest of the site. Contact has been made with Anglian Water to clarify their position and ensure they are made aware that the development intends to connect. Members will be provided with an update on this matter either via tabled papers or verbally during the meeting.

- **Historic England**

No comment.

- **Natural England**

No comment.

County Council Responses

- **Archaeology**

No comment as archaeological matters were dealt with at the outline stage.

- **Developer Contributions**

All county infrastructure contributions fall to CIL. Raised issue with the car park serving the staff of the school and church being omitted from the reserved matters and the associated Deed fo Variation proposing to remove the obligation from the s106 agreement.

- **Fire and Rescue**
Condition required for the provision of fire hydrants.
- **Flood and Water**
Recommend approval.
- **Highways**
No objection, subject to conditions on 1) details of estate roads and footpaths to be submitted, 2) parking provision provided, 3) EV charging points details to be submitted, 4) bin presentation and storage areas to be provided and 5) Construction Management Plan to be submitted.
- **Public Rights of Way**
Public Right of Way should be shown in its legally definitive position and should not be obstructed.
- **Travel Plan**
No comment as development is below threshold for a Travel Plan.

Internal Consultee Responses

- **Economic Development**
No comment.
- **Environmnetal Health- Air Quality**
No objection.
- **Environmental Health- Land Contamination**
No objection.
- **Environmental Health- Noise/ Odour/ Light and Smoke**
No objection subject to conditions on 1) construction hours restricted 2) no burning, 3) dust control measures submitted and 4) Construction Management Plan submitted.
- **Environmental Health- Sustainability**
No objection subject to condition securing sustainability measures.
- **Heritage**
No harm would be caused to the setting of the Grade II listed Holy Trinity Church.
- **Infrastructure**
The development site is within the high value CIL charging zone (£115m²)
- **Place Services- Ecology**
No objection subject to biodiversity enhancements being provided in full.
- **Place Services- Landscaping**
Recommend approval following amendments being made to the landscaping scheme.

- **Public Realm**
Support the landscaping comments made by Place Services, better ecological enhancement measures could be incorporated.
- **Strategic Housing**
The inclusion of bungalows is welcomed however some small units would be preferred in respect of the open market housing mix. The affordable housing mix is in line with the s106 agreement.
- **Waste**
No objection subject to the road being suitable for a 32-tonne refuse vehicle to manoeuvre around and bin presentation points are appropriate.

Other Consultee Responses

- **Disability Forum**
All dwellings should conform with Part M4(1) and 50% at least should conform with Part M4(2). All surfaces and footpaths should be even and wheelchair accessible.
- **Freeman Community Primary School**
Support the delivery of the car park in line with the s106 agreement for the use by staff. Reiterate that the school does not want to be liable for maintenance or management of this car park now or in the future.
- **Stowmarket Ramblers**
No comment.

B: Representations

At the time of writing this report at least 4 letters/emails/online comments have been received. It is the officer opinion that this represents 4 objections. A verbal update shall be provided as necessary.

Views are summarised below:

- Affects ecology/ wildlife
- Building work
- Conflicts with neighbourhood planning
- Fear of crime
- Inadequate access
- Increased pollution
- Increased traffic
- Light pollution
- Loss of open space
- Loss of outlook
- Overdevelopment
- Strain on community facilities
- Sustainability
- Inadequate public transport
- Duty of care to children's safety
- Loss of farmland
- Loss of countryside
- Loss of privacy

- Loss of light
- Overshadowing
- Out of character
- Anti-social behaviour
- Construction disruption
- Car park should be provided as part of the application

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: 1884/16	Application for Outline Planning Permission for the erection of 18 dwellings, parking for primary school and extension to cemetery.	DECISION: GTD 24.12.2019
REF: DC/22/02091	Application for Outline Planning Permission (Access points to be considered, Appearance, Layout, Landscaping and Scale to be reserved) Town and Country Planning Act 1990 - Erection of 14No dwellings (including 5 affordable homes and 4 self-builds).	DECISION: REF 11.01.2023
REF: DC/22/03774	Discharge of Conditions Application for 1884/16- Condition 7 (Archaeology Pre Investigation) and Condition 8 (Archaeology Post Investigation)	DECISION: GTD 23.09.2022
REF: DC/22/03895	Application for the Modification of Section 106 Planning Obligation dated 24.12.19 relating to 1884/16 to amend the affordable housing mix.	DECISION: PCO
REF: DC/22/03911	Application for the Modification of a Section 106 Planning Obligation - Variation of S106 legal agreement dated 24.12.19 relating to 1884/16 Affordable housing obligation (tenure mix, unit type and inclusion of local lettings clause) remove obligation to provide car park for the school and church.	DECISION: PCO
REF: DC/22/04328	Discharge of Conditions Application for 1884/16 - Condition 10 (Roads and Footpaths), Condition 16 (Surface Water Drainage), Condition 17 (Implementation, Maintenance and Management) and Condition 19 (CSWMP)	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site extends 1.95 hectares, is relatively level and is located to the southeast of Church Road (A1120) in Stowupland fronted by a low-level hedgerow. There are dwellings located immediately northeast (Coringa) and southwest of the site (Inglewood and Wind in the Willows). On the northwest side of Church Road, opposite the site, are dwellings (Cherry Tree Cottage and Cordwalner Cottage) and the Holy Trinity Church and Freeman Community Primary School. The surrounding dwellings are of a varied appearance and scale. There is agricultural land surrounding the southern boundary of the site.
- 1.2. There is a Public Right of Way (footpath) running along the northeast boundary of the site. As per Map 9 of the Stowupland Neighbourhood Plan, there is a 'key view' looking inwards to built form from the PROW at the southeast corner of the site. There are no protected trees on site and the site is not within any designated landscape area (for example Special Landscape Area).
- 1.3. The site is not within any Conservation Area. The nearest listed building is opposite the site and is Grade II listed Holy Trinity Church.
- 1.4. The site is located within Flood Zone 1 and is therefore at a very low risk of river (fluvial) flooding and is primarily at a very low risk of surface water (pluvial) flooding. A small sliver of higher surface water flood risk is located in the northeast side of the site, however this along the existing Public Right of Way.

2. Proposal

- 2.1. The proposed development includes car parking for staff of the Holy Trinity Church and Freeman Primary School, a crossing point from the car park to the northwest side of Church Road, 18 dwellings, SuDS, spine road, play space, and footways and associated landscaping.
- 2.2. The proposed housing mix is as follows:
 - 2 x 1-bedroom bungalows (both affordable, both measure 50m²)
 - 2 x 2- bedroom houses (both affordable, both measure 79m²)
 - 5 x 3-bedroom houses (2 affordable, 2 measure 93m² and 3 measure 134m²)
 - 5 x 3-bedroom bungalows (3 measure 107m² and 2 measure 134m²)
 - 1 x 4-bedroom bungalow (measures 167m²)
 - 3 x 4-bedroom houses (all measure 162m²)
- 2.3. The Outline Planning Permission 1884/16 included the following conditions:
 - Commencement time limit (3 years to submit reserved matters and 2 years from the date of reserved matters approval to commence)
 - Approval of reserved matters prior to commencement

- Development to be carried out in accordance with approved plans
- Materials to be agreed prior to development above slab level
- Finished floor levels to be agreed alongside reserved matters
- Landscape Management Plan to be agreed prior to first occupation
- Archaeology- Written Scheme of Investigation to be agreed prior to commencement
- Archaeology- Post Investigation to be agreed prior to first occupation
- Access and drive gradient to be constructed no greater than 1 in 20
- Details of estate roads and footpaths to be agreed prior to commencement
- Estate roads and footpaths to be provided prior to first occupation
- Estate road junction with Church Road to be provided prior to any other development
- Details of parking and secure cycle storage to be agreed prior to commencement
- Visibility splays to be provided prior to first use of Church Road junction access
- Crossing point to be provided prior to first occupation of any dwelling or use of church/ school car park
- Surface water drainage scheme to be agreed alongside reserved matters
- Details of implementation, maintenance and management of surface water drainage scheme to be agreed alongside reserved matters
- SuDS details to be submitted for Flood Risk Asset Register prior to first occupation
- Construction Surface Water Management Plan to be submitted prior to commencement
- Ecological report recommendations to be followed

2.4. At present, both archaeological conditions have been discharged from the outline permission under DC/22/03774. It is anticipated that Discharge of Conditions application DC/22/04328 (covering details of estate roads and footpaths, surface water drainage, the implementation, maintenance and management of the surface water drainage and the construction surface water management plan) will be discharged if these reserved matters are approved as the submitted details have been endorsed by all relevant consultees. Discharge of Conditions application DC/23/02614 has also been submitted to agree materials, parking provision and finished floor levels.

2.5. The Outline Planning Permission 1884/16 included a s106 agreement which secured the following:

Affordable Rent:

- 2 x 1 bedroom 2-person houses (58sqm)
- 2 x 2 bedroom 4-person houses (79sqm)

Shared Ownership:

- 1 x 2 bedroom 4-person houses (79sqm)
- 1 x 3 bedroom 5-person houses (93sqm)

Car Park:

- 16 bays
- Signage
- Two lane in/ out arrangement with automatic rising arm barrier
- Permeable block paving
- Details of car park agreed prior to commencement
- Car park provided prior to first occupation
- Maintenance and management costs to the owner
- Car park to be used solely for staff of Freeman Primary School and Holy Trinity Church

- 2.6. It should be noted that whilst a cemetery extension was included as part of the outline proposal and forms part of the development description. However, there was no mechanism (either by way of S106 agreement nor condition) to secure the delivery and transfer of this extension under the outline permission, and as it is not a reserved matter its delivery cannot be secured at this stage. Only the landscaping and layout details for the cemetery extension can be considered. Whilst the car park and access are not secured, the landscaping will have to be provided as per condition. If the access road and car park were to be built out at some stage they would have to be done in accordance with the submitted details.
- 2.7. As noted within the consultee comment provided by SCC Development Contributions, two Deeds of Variation have been submitted to the Council. DC/22/03911 seeks to remove the obligation in the s106 agreement to provide a car park for the staff of the church and school and amend the affordable housing mix, tenure and lettings clause. The other Deed of Variation (DC/22/03895) solely seeks to amend the affordable housing mix.
- 2.8. The Deed of Variation application (DC/22/03895) submitted to the Council in order to amend the housing mix in line with the submitted plans. The Council's Strategic Housing Team raise no objection. Whilst the size and form of the units has been amended, the overall tenure split remains the same providing both affordable rent and shared ownership units. This Deed of Variation will need to be resolved prior to a decision being made on the reserved matters, this is reflected in the recommendation section of this report.

3. Principle of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. The approval of these Reserved Matters would deliver 18 dwellings which are included within the Council's housing land supply and form an allocation within the Stowupland Neighbourhood Plan.
- 3.3. The principle of development and access arrangements were established through the approval of Outline Planning Permission under 1884/16 which was issued on the 24th December 2019. These reserved matters follow Outline Planning Permission 1884/16 and they were submitted within the three year deadline as per the condition on the outline permission.
- 3.4. The delivery of this site is further guided by the allocation policy SNP4 within the Stowupland Neighbourhood Plan. The principle of developing the site and the proposed access arrangements are not matters that can be revisited at this stage.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. The proposed access was secured under the outline permission and is not a matter for consideration under this reserved matters application. However, the layout of internal estate roads and footways and their appearance can be considered.
- 4.2. A car park is secured and laid out to the frontage of the site to fulfil the S106 agreement for the provision of a car park for use by the Holy Trinity Church and staff of Freeman Community Primary School. This car park would have 16 bays and would be surfaced with permeable block

paving in a charcoal colour. Barriers are proposed at the entrance to ensure it is appropriately managed, secured and used in accordance with the S106 agreement.

- 4.3. A crossing point was secured under the outline permission connecting the church/ school car park to the church and school across Church Road (A1120).
- 4.4. As noted earlier in the report, whilst its delivery is not secured so as to ensure delivery in association with the remainder of the development, the cemetery extension car park would have 8 parking bays if built out.
- 4.5. Access to the rear agricultural field is provided to the southern boundary of the site and is secured by a five-bar timber field gate.
- 4.6. Private drives would be demarcated from the main spine road through a variation in surfacing material, helping aid legibility around the site. The private drives would be surfaced with bindle colour brick pavers and the spine road and footpaths would be surfaced with black asphalt. The areas of permeable paving would be located in the school and church car park, adjacent driveway serving plots 8 and 9, and the access and car park for the cemetery extension.
- 4.7. There would be a footway running alongside the southwest side of the spine road, improving safety and accessibility through the site, with swales running alongside the spine road on the opposite side.
- 4.8. The Public Right of Way (footpath) falls partially within the site along the northeast boundary of the site but would remain completely unobstructed for continued public use.
- 4.9. Whilst the layout of the internal roads and footways are being considered under this Reserved Matters application, the details have also been submitted under the Discharge of Conditions application DC/22/04328. Within the Discharge of Conditions application, the access road and footpaths would not to be adopted by SCC Highways as they are not being constructed to adoptable standards. However, SCC Highways raise no issue with the roads and footways not being constructed to adoptable standards as there would be no detrimental impact on highway safety. The applicant's agent has indicated that the applicant intends to build the estate roads and footways to an adoptable standard and the plans submitted in respect of DC/22/04328 will be updated and amended to accord with SCC Highways standards.
- 4.10. Parking arrangements and secure cycle storage are to be agreed via condition under the outline planning permission. However, from the submitted layout the space and garages provided would ensure adequate parking provision is provided in accordance with SCC Parking Guidance. There are 12 garages proposed around the site.
- 4.11. EV charging points are now included as part of building regulations, but the layout of the EV charging points are nonetheless recommended to be secured via condition under this reserved matters application, as reflected in the recommendation.
- 4.12. The proposed development would accord with Neighbourhood Plan policies SNP4 and SNP13, Local Plan policies T9, T10, T11 and RT12, paragraphs 100, 110, 111 and 112 of the NPPF and emerging policy LP29.

5. Design and Layout

- 5.1. The proposed layout of dwellings would be loose and not adopt any urban rigid form. The development would have a cul-de-sac layout, with the church/ school car park and cemetery extension sited in the most appropriate locations on site for their use. The church and school car park are opposite the Holy Trinity Church and Freeman Community Primary School and the cemetery extension is just east of the existing cemetery.
- 5.2. Timber play equipment is to be provided in an enclosed central area of the site measuring 142 square metres. The play equipment will sit on a small area of synthetic grass surrounded by real grass and two timber benches are to be provided around the play equipment. The play equipment and its delivery are secured via condition. There are dwellings surrounding the play space aiding natural surveillance.
- 5.3. There would be variation in the street scape through a variety of house types, orientation, scales, architectural features and material pairings applied on the dwellings. The proposed materials would offer two varieties of red brick interspersed with dark and light grey cedar weatherboarding and clay pantiles in a red and grey, two variations of grey windows and black rainwater goods. These materials are considered in principle to be acceptable to both planning officers and Heritage officers, however they will need to be formally agreed and discharged through a Discharge of Conditions application, which is separate to this reserved matters application.
- 5.4. Each dwelling has sufficient amenity space, proportionate to the number of bedrooms in each dwelling. These garden sizes range from a minimum of 150 square metres to a maximum of 602 square metres.
- 5.5. All six of the affordable dwellings would be tenure blind. Whilst they are all clustered in one location in the northwest corner of the site, based on the scale of development and number of affordable units on the site they are considered to be 'pepper potted' as far as reasonably practicable, with general good practice being that no more than 15 affordable units should be in one cluster.
- 5.6. The proposed development would accord with Neighbourhood Plan policies SNP4, SNP5 and SNP14, Core Strategy policy CS5, Local Plan policies GP1, H13, H15 and RT4, paragraphs 126 and 130 of the NPPF and emerging policies SP02 and LP24.

6. Heritage

- 6.1. The statutory duties within the Listed Buildings Act impose a presumption against granting planning permission where harm is identified and harm of any quantum, is a matter of considerable importance and weight.
- 6.2. The Council's Heritage Team raised no objection the proposed development as it would cause no harm to the setting and significance of the Grade II listed Holy Trinity Church.
- 6.3. The Heritage Team raised initial issues with the materials proposed, however this has since been amended and would nonetheless need to be formally discharged under a Discharge of Conditions application separately.
- 6.4. The proposed development would accord with Neighbourhood Plan policies SNP4 and SNP14 Core Strategy policy CS5, Local Plan policy HB1, paragraph 197 of the NPPF and emerging policies SP09 and LP19.

7. Sustainability

7.1. Sustainability measures currently incorporated into the scheme include the following:

- Biodiversity enhancement measures
- Air Source Heat Pumps to all units
- Secure covered cycle storage for all units
- EV charging points

7.2. Whilst the overall environmental objectives within policy CS3 to 'encourage' reducing contributions to climate change within developments are consistent with the NPPF, the policy, when read as a whole, is not wholly compliant with the NPPF, as the standards it refers to have been superseded/ updated and there has since been an uplift in Building Regulations. The policy is therefore considered to hold limited weight rather than full weight.

7.3. There is a current policy gap between policy CS3 and emerging policies SP10 and LP23 owing to a shift in national standards and increased emphasis on climate change between 2008, when policy CS3 was adopted, and the present day. A condition is therefore proposed to require the submission of a sustainability statement to secure a range of energy, water and waste measures both during construction and for the life of the development.

7.4. The development would comply with Neighbourhood Plan policy SNP14 and Core Strategy policy CS4. There would be some tension with policy CS3 (which holds limited weight) and emerging policies SP10 and LP23 (which is not yet adopted/ determinative). This tension is however considered to be mitigated and offset by the proposed sustainability condition.

8. Landscape

8.1. A range of hedgerows, shrubs, trees and grass are interspersed around the site, ensuring the development adopts a rural character.

8.2. 1.8-metre-high timber close boarded fencing is proposed between the plots for privacy and security. Such fencing is kept to a minimum, and in more visible locations is softened by the planting of hedgerow.

8.3. The southern boundary of the site is separated from open countryside by a 1.2-metre-high timber post and three rail fence, hedgerows, and trees.

8.4. The cemetery extension is proposed to be seeded with Clay Soils Meadow Mixture containing a mixture of 19 native wildflower species and 6 grass species.

8.5. The SuDS basins would be seeded with Water's Edge Meadow Mixture in the wettest parts of the basin containing a mixture of 24 native wildflowers and 9 grass species. The outer drier parts of the basins would be seeded with the same Clay Soils Meadow Mixture as the cemetery extension.

8.6. Grassed areas around the remainder of the site, adjoining footpaths would be seeded with Flowering Lawn Mixture containing a mixture of 12 native wildflower species and 6 grass species.

- 8.7. There are trees scattered around the boundaries of the site outside of the application site. Root protection areas are identified on the submitted landscaping plans demonstrating that there are no construction works that would undermine the health of existing trees.
- 8.8. The landscaping is secured via condition (including the provision of the grassland area for the cemetery extension).
- 8.9. The proposed development would accord with Neighbourhood Plan policy SNP4, SNP8 and SNP10, Core Strategy policy CS5, paragraphs 131 and 174 of the NPPF and emerging policies SP09 and LP17.

9. Ecology

- 9.1. Biodiversity enhancement and mitigation measures are proposed around the site including:
- 20 x bat boxes
 - 3 x swift boxes
 - 3 sparrow terrace
 - Hedgehog highways in timber fences and stock mesh
 - Planted SuDS basins
- 9.2. Place Services Ecology raised no objection to these proposed measures which are to be secured via condition.
- 9.3. The proposed development would accord with Neighbourhood Plan policies SNP8 and SNP10, Core Strategy policies CS4 and CS5, paragraphs 174 and 179 of the NPPF and emerging policies SP09, LP15 and LP16.

10. Land Contamination, Flood Risk, Drainage and Waste

- 10.1. The Council's Environmental Health Team reviewed the application and raised no objection from the perspective of land contamination.
- 10.2. SCC Floods and Water have reviewed the surface water drainage strategy on site and recommended approval. A mixture of SuDS basins and swales are proposed across the site. The basins are not fenced off as the SuDS are designed to accord with SCC Floods and Water criteria in which the basins are at such a gradient and with steps/platforms that increase the safety of the basins if someone was to fall in. The design safety requirements of SCC Floods and Water surpass those outlined within the guidance produced by the Royal Society for the Prevention of Accidents (RoSPA).
- 10.3. The foul water drainage arrangements are private connections and would not be adopted by Anglian Water.
- 10.4. The proposed development would accord with Neighbourhood Plan policies SNP4 and SNP10, Core Strategy policies CS4 and CS5, paragraphs 169 and 174 of the NPPF and emerging policies SP09 and LP15.

11. Residential Amenity

- 11.1. The Council's Environmental Health Team reviewed the application in respect of noise, odour, light and smoke and raised no objection in respect of the noise from the air source heat pumps.
- 11.2. Adequate and proportionate amenity space is provided to serve each new dwelling. Sufficient separation distances are provided between the proposed and existing adjacent dwellings, with a minimum of 20 metres in back-to-back distances. Internally between the new dwellings, there are minimum back-to-back distances of 20 metres.
- 11.3. There would be no overlooking, loss of outlook, loss of light, or overbearing to existing adjacent dwellings.
- 11.4. The proposed development would accord with Neighbourhood Plan policies SNP14, Local Plan policies H16 and H17, paragraph 130 of the NPPF and emerging policy LP24.

12. Parish Council Comments

- 12.1. In their comments dated 23rd March 2023, Stowupland Parish Council support the application subject to removing permitted development rights for plot 15 to prevent further development in the countryside.
- 12.2. It is not considered that the removal of permitted development rights on plot 15 would meet the six tests of a condition as per paragraph 56 of the NPPF, as such condition is not considered reasonable nor necessary. Moreover, the removal of permitted development rights would not prevent further ancillary and incidental development on the site in principle, it would solely mean that development that ordinarily would not need planning permission would need to apply for planning permission. The removal of permitted development rights does not in itself mean subsequent planning applications are refused, only that the development is assessed against the development plan rather than national legislation.
- 12.3. Stowupland Parish Council have been re-consulted on the application, as such there may be an updated response received prior to committee. Members will be informed of any updated responses either via tabled papers or verbally during the meeting.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. The principle of erecting 18 dwellings (including 6 affordables) was established through the grant of outline planning permission 1884/16 and these reserved matters are consistent with that quantum of development.
- 13.2. Since the grant of outline permission, the Stowupland Neighbourhood Plan has been made (adopted), which allocates the site for 18 dwellings under policy SNP4. As discussed within the body of this report these proposed reserved matters are wholly in accordance with policy SNP4 as well as other relevant Neighbourhood Plan policies.
- 13.3. On balance, the appearance, landscaping, layout and scale are acceptable and accord with the adopted development plan as a whole (Neighbourhood Plan, Core Strategy Focused Review,

Core Strategy and Local Plan), outline permission (subject to the submitted Deed of Variation being signed to vary the affordable housing mix as detailed under point 2.7 of this report) and the NPPF (an important material consideration).

- 13.4. There are no material considerations (including the NPPF and emerging Joint Local Plan) that indicate a decision should be taken against the development plan.
- 13.5. In conclusion, the development is considered acceptable, and the recommendation is therefore to grant these reserved matters following the submitted Deed of Variation being signed.

RECOMMENDATION

Delegate authority to the Chief Planning Officer to grant reserved matters subject to conditions (those listed and others as may be deemed necessary*) and following DC/22/03895 Deed of Variation being signed in respect of amending the affordable housing mix.

* [If details reserved by condition are resolved prior to issuing the decision the conditions will be amended accordingly]

Conditions

- Approved plans
- Bin presentation and storage areas to be agreed
- Landscaping to be planted in first available planting season and then retained
- Play equipment, benches and amenity space to be provided
- Play and amenity space management to be agreed
- Fire hydrant details to be agreed
- EV charging details to be agreed
- Biodiversity enhancements to be provided in line with submitted information
- Sustainability measures to be agreed- including provision of air source heat pumps to all dwellings
- Construction Management Plan to be submitted
- No burning on site

Informatives

- Proactive working in line with NPPF
- No pre-app
- Drainage informative- as recommended by SCC Floods and Water
- Public Rights of Way recommended informatives
- Conditions and obligations must be complied with and discharged formally and separately under Discharge of Conditions (DOC) applications. All details within those DOC applications must be in line with the details submitted within the reserved matters where relevant.