

Committee Report

Item No: 1

Reference: 4556/16

Case Officer: Rebecca Biggs

Ward: Stowmarket North.

Ward Member/s: Cllr Barry Humphreys MBE. Cllr Dave Muller. Cllr Gary Green.

Description of Development

Hybrid planning application consisting of full planning permission for the erection of 48 dwellings and outline planning permission for 3 commercial units (1 no. Class A3, 1 no. Class A4 and 1 no. Class A3/A5) with 'appearance' and individual plot landscaping as reserved matters.

Location

Phase 3D Cedars Park, Land South Of Gun Cotton Way, Stowmarket IP14 5EP,

Parish: Stowmarket

Site Area: 31000 m²

Conservation Area:

Listed Building: Not Listed

Received: 07/11/2016

Expiry Date: 09/02/2017

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mrs H Haydon

Agent: Melville Dunbar Associates

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1467-3D-LOC received 07/11/2016 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Affordable Housing Plan 1467-3D-P002 - Received 17/05/2017

Affordable Housing Statement SCHEDULE - Received 17/05/2017

Drainage Details PRE-PLANNING ASSESSMENT REPORT - Received 12/06/2017

Drainage Details DRAINAGE MAINTENANCE SCHEDULE - Received 12/06/2017

Drainage Details CORRESPONDENCE WITH AW - Received 12/06/2017

Drainage Details 45391-C-015 - Received 12/06/2017

Drainage Details 45391/C/10 - Received 12/06/2017
Application Form - Received 07/11/2016
Defined Red Line Plan 1467-3D-LOC - Received 07/11/2016
Proposed Site Plan 1467-3D-P001 A - Received 13/05/2017
Street Scene - Proposed 1467-3D-P002 - Received 01/12/2016
Street Scene - Proposed 1467-3D-P003 - Received 30/11/2016
Street Scene - Proposed 1467-3D-P004 - Received 01/12/2016
Plans - Proposed WALL AND GATE- 1467-3D-P005 - Received 07/11/2016
Proposed Plans and Elevations PLOTS 36-38- 1467-3D-P101 - Received 07/11/2016
Proposed Plans and Elevations PLOTS 24-25 1467-3D-P102 - Received 30/11/2016
Floor Plan - Proposed APARTMENT A- 1467-3D-P108 - Received 07/11/2016
Floor Plan - Proposed APARTMENT A- 1467-3D-P109 - Received 07/11/2016
Floor Plan - Proposed APARTMENT A- 1467-3D-P110 - Received 07/11/2016
Elevations - Proposed APARTMENT A- 1467-3D-P111 - Received 07/11/2016
Floor Plan - Proposed APARTMENT M- 1467-3D-P112 - Received 07/11/2016
Proposed Plans and Elevations APARTMENT M- 1467-3D-P113 - Received 07/11/2016
Proposed Plans and Elevations CARPORT GARAGES- 1467-3D-P114 - Received 07/11/2016
Tree Protection Plan LSDP 11444-3D-01 - Received 25/11/2016
Landscaping Plan LSDP 11444-3D-02 A - Received 25/11/2016
Proposed Plans and Elevations PLOTS S,45 □47- 1467-3D-105 - Received 30/11/2016
Proposed Plans and Elevations PLOTS 43-44- 1467-3D-106 - Received 30/11/2016
Proposed Plans and Elevations BIN □CYCLE STORE- 1467-3D-P115 - Received 30/11/2016
Proposed Plans and Elevations PLOTS 26-28, 39 □40- 1467-3D-103 - Received 01/12/2016
Proposed Plans and Elevations PLOTS 1, 29, 30, 41, 42, 46 □48- - Received 01/12/2016
Proposed Plans and Elevations PLOTS 18-23, 31-35- 1467-3D-107 - Received 01/12/2016
SPECIFICATION SHEET- DAF TRUCKS - Received 07/02/2017
Highway Access Plan TRACK 8A- 6301-SA-8811-P002 - Received 08/02/2017
Highway Access Plan J8775-58 - Received 08/02/2017
Highway Access Plan TRACK 9A- 6301-SA-8811-P002 - Received 08/02/2017
Air Quality Assessment BY REC OCT 2016 - Received 07/11/2016
ARCHAEOLOGY REPORT AUG 2016 - Received 07/11/2016
Land Contamination Assessment BY RSA GEOTECHNICS LTD AUG 2016 - Received 07/11/2016
Design and Access Statement - Received 07/11/2016
Ecological Survey/Report BY APPLIED ECOLOGY - Received 07/11/2016
Noise Assessment BY LOVEN ACOUSTICS OCT 2016 - Received 07/11/2016
Flood Risk Assessment - Received 07/11/2016
Draft Travel Plan - Received 07/11/2016
Odour Assessment - Received 07/11/2016
Supporting Statement PLANNING STATEMENT - Received 07/11/2016
Transport Assessment - Received 07/11/2016
UTILITIES ASSESSMENT - Received 07/11/2016
Ecological Survey/Report - Received 17/04/2017
Viability Assessment - Received

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

0019/17	Erection of six commercial units for B1 or B8 business units.	Pending Decision
2375/15	Outline application with all matters reserved except access for erection of 52 dwellings and commercial use of land (4975 sqm) for B1 (office only), A1 (Pharmacy only) and/or D1 (Doctor's Surgery only).	Refused 07/04/2016
2372/14	Engineering operations and ground modelling to include raising of ground level from boulder clay subsoil.	Granted 31/10/2014
4555/16	Erection of 143 dwellings and 15 Class B1 units.	Pending Decision

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
FC03 - Supply Of Employment Land
CS01 - Settlement Hierarchy
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
SAAP - Stowmarket Area Action Plan
SB02 - Development appropriate to its setting

GP01 - Design and layout of development
H02 - Housing development in towns
H04- Altered Policy H4
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
HB13 - Protecting Ancient Monuments
E04 - Protecting existing industrial/business areas for employment generating uses
E07 - Non-conforming industrial uses
E09 - Location of new businesses
E12 - General principles for location, design and layout
T07 - Provision of public car parking
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
SDA01 - Programmed B1115 Relief Road
SDA02 - Funding for B1115 Relief Road
SDA03 - Comprehensive development within the SDA
SDA04 - Sustainable development
SDA05 - Affordable housing within the SDA
SDA06 - Employment Land
SDA07 - Local Shopping facilities
SDA08 - Principle issues to be included in SDA

List of other relevant legislation

- Human Rights Act 1998
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

Pre application advice has been given on this site in respect of the principle of development, layout, local policies and current constraints. Details of documents to be provided were also discussed. Advice was also given regarding the creation of the detention basin in regards to drainage and the Wildlife Protection Area.

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

Historic England

Historic England do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

SCC - Archaeological Service

The site has previously been subject to archaeological evaluation, which did not reveal significant finds or features. There would be no need for a condition relating to Archaeological Works on this site.

Suffolk Wildlife Trust

From the information provided in the drainage layout drawing (Richard Jackson Consulting) it appears that the majority of the Wildlife Protection Area (WPA) will be lost to the creation of the attenuation basin. This would result in almost the complete loss of the original County Wildlife Site. No measures appear to be provided to compensate for this loss and it would therefore be a net loss of biodiversity in the area, contrary to policies 7.8 and 9.1 of the Stowmarket Area Action Plan. We would object to any development which is contrary to these policies.

It appears that a considerable number of animals have already been translocated in to the receptor location in site 3A and we query whether it has capacity to take any more. We recommend that this is assessed before any further translocation activity takes place. A new receptor site must be found if no capacity exists in the current receptor area.

We are also concerned about the proposed translocation from the WPA to the receptor area and then back to the WPA which is proposed as potentially part of the mitigation work. Dependent on the timescales involved, it is possible that this will result in triple handling of some animals (from the CWS to the WPA; from the WPA to the receptor area; from the receptor area back to the WPA) which is not good practice.

Stowmarket Town Council

The Town Council opposes the application. The Town Council has serious concerns regarding the composition of the hybrid application, specifically the outline designation of the proposal for three commercial units.

The Town Council would recommend that the District Council set conditions to ensure certainty that the commercial units be constructed as part of the development of Phase 3D, with no option for the developer to rescind on the proposal, leaving only residential development on an area which was originally designated for commercial activity.

Heritage Team

The Heritage Team considers that the proposal would not cause harm to the setting of a designated heritage assets because this proposal would be read in the context of existing modern residential and commercial development away from historic assets.

Economic Development & Tourism

Identify that this scheme represents a considerable reduction to the quantum of valuable employment land in area that is well suited to such uses. Although there is a requirement for new housing within the

District and particularly or affordable housing data suggests that unless additional employment opportunities become available within Stowmarket occupants of new housing might have to out-commute to find employment.

The Team wish to support this application but subject to the developer providing appropriate viability evidence to support only three commercial units on site. Safeguarding of B class uses on other employment land allocation at Mill Lane is a priority. Ensure that all commercial units are constructed to highest sustainability/energy efficiency standards. Developer is to be solely responsible for ensuring all site boundaries are secure with adequate boundary treatment and to ensure that security of these boundaries is maintained at all times.

Environmental Health - Land Contamination

Agree with the conclusions of the Phase I and II studies submitted in support of the application that the risk from previous uses of the site are low and as such Environmental Health raise no objection. They request that they are contacted in the event of unexpected ground condition being encountered during construction and that the developer is made aware that the responsibility of the safe development of the site lies with them.

SCC - Rights Of Way Department

The proposal as submitted would have a direct impact on Public Footpath 23. This footpath is not shown and plans seem to indicate that trees and hedgerow will be planted on top of the path. The Rights of Way Team object to the development on the basis that the proposed planting will cause an obstruction. The footpath should be accommodated within a green corridor with planting at least 2m away from the path.

Bob Boardman - Ramblers Association

No response received.

MSDC - Planning Policy - Contrary To Dev Plan/Departures

No response received.

Anglian Water

The foul drainage from this development is in the catchment of Stowmarket Recycling Centre that will have available capacity for these flows. The surface water strategy/ flood risk assessment show the surface water connecting to the sewers which are currently under a Section 104 agreement and are not owned by Anglian Water. The Planning Authority will need to seek the views of the Environment Agency.

The Environment Agency

Environment Agency raised concerns regarding capacity and the Stowmarket Sewage Treatment Works. Also commented that the application is within 300m of a facility under the Control of Major Accident Hazards Regulations 2015. The Environment Agency advised that we should consider the need to consult the Health and Safety Executive.

Additionally, the proposed development is also within 200m of facilities which hold Environmental (Installation) permits under the Environmental Permitting Regulations 2010, which are regulated by the Environment Agency.

New development within 250m of a permitted facility could result in the community at the proposed development being exposed to amenity impacts such as odour, noise and dust. The severity of these impacts will depend on local factors such as the nature of the activities carried out at the permitted facilities. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

Strategic Housing (Affordable/Major Dwell/G+T)

A verbal response has been provided that the provision of affordable housing as proposed is satisfactory. Formal response is to be provided prior to Committee.

SCC - Highways And Rights Of Way

Highways advised that they do not agree with the views of the agent regarding the provision of visitor parking and the widening of a footway. However, the shortcomings in the application are not sufficient to warrant a recommendation of refusal. Therefore Highways recommend suitable highway conditions.

Recommends contributions towards resurfacing sections of Footpaths nearby, contributions to the Travel Plan and securing its implementation, and contributions to bus stops.

Arboricultural Officer

No objection to this proposal subject to being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. No significant trees are proposed for removal or should be affected.

Communities

No response received.

SCC - Corporate S106 And Education

The SCC Planning and Infrastructure Officer sets out County's view on the infrastructure requirements associated with this application. Identifies that the local catchment school, Stowmarket Cedars Park Community Primary School will have no surplus places available at the catchment primary school. Cedars Park is unable to expand this school. Therefore Primary age pupils will be offered a place at Trinity Church of England Voluntary aided primary school. County request that £39,750 will arise in terms of additional school transport costs. This is to provide free travel facilities for students and will form a site specific mitigation which will be covered by a planning obligation. County also set out the basis for a future CIL contribution.

SCC - Fire & Rescue

Suffolk Fire and Rescue advise the access to buildings for fire appliances and firefighters must meet with the requirements specified in the relevant Building Regulations. They recommend that fire hydrants be installed. These should be secured via condition. They recommend that proper consideration be given to the provision of an automatic fire sprinkler system.

SCC - Flood & Water Management

Following the submission of additional documents, Suffolk County Council Floods Team recommend approval of this application subject to conditions.

Environmental Health - Noise/Odour/Light/Smoke

The Environmental Health Officer provided comments in regards to noise. The assessment of noise by Loven Acoustics dated 28 October 2016 was carried out with reference to World Health Organisation guidelines and British Standard 4142 which is reasonable and robust. The report considers environmental noise from existing road traffic and current commercial operations along with predicted noise levels from the proposed commercial operations. The report concludes that providing dwellings have window glazing constructed to certain specification and an acoustic barrier is constructed there will be no adverse noise impact on residential occupiers. It is recommended this is included as a condition.

The site is close to the Stowmarket Sewage Treatment Works and an odour assessment has been carried out. The results indicate that it is not anticipated that significant odour impacts occur at any of the

residential or other sensitive locations. Environmental Health have no adverse comments in respect of odour issues.

Avenues East

No response received.

Natural England

Natural England has no comments to make on this application.

Landscape - Place Services

From a landscape impact point of view the proposed development sites will have an insignificant impact due to the site forming part of a wider allocated strategic development area. However the proposal need to clearly demonstrate a comprehensive landscape vision for the site to create a suitable high quality new development whilst mitigating the impact development will have on the adjacent residential areas to the north and limiting views to the industrial areas to the south. Recommend planning conditions for soft and hard landscaping planting and specification plan. boundary treatment plan and specification and landscape management plan.

NHS England (50+ Dwellings/C2/Care Or Nursing Homes)

NHS England provides a combined response to this application and application 4555/16- Phases 3a and 3c Cedars Park. The NHS advise that their are two GP Practices within 2km catchment to the proposed development. These practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. A developer contribution via CIL processes towards the capital funding to increase capacity with the GP catchment area would be sought to mitigate the impact. This development is not of a size or nature that would attract a specific Section 106 Planning Obligation. It is anticipated that any funds would be utilised to reconfigure Combs Ford Surgery . Should the level of growth in this area prove this to be unviable, options of relocation of services would be considered and funds would be contribute towards the cost of new premises. Assuming the comments are considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

Environmental Health - Sustainability Issues

The interpretation of the 1000m2 threshold for renewable energy provision does apply. The total property within the application exceeds the threshold and so the 10% of the predicted energy requirement must be supplied from renewable energy requirement must be supplied from renewable technology. Details of the sustainable construction measures are required for the commercial premises. The environmental credential of the eventual occupants cannot form part of the consideration. Occupants can easily change and so do occupants policies and procedures. We would like to see some sustainability credentials for the residential elements. Recommends is for refusal as council policy has not been sufficiently addressed.

Suffolk Police - Design Out Crime Officers

The Suffolk Designing Out Crime Officer has no objection to the plans in its current form but does have concerns that the entrance to the three business units will bring about Anti-Social Behaviour from boy racers/car cruising which has been a problem at the nearby supermarket resulting in additional security measures. Strongly recommend a barrier is placed at the entrance to the three commercial units and secured after trading hours and an ANPR camera is strategically placed at the main entrance for these units. Also has concerns over the permeability of too many access pathways between plots 23 and 24 and 31 and 18 which I believe would act as crime generators. Recommend lockable gates or kissing gate barriers. The response also provides details of Secure by Design and advise.

Infrastructure Team

As this is not a strategic site the residential new build, if granted, would attract a CIL liability of £50sqm. The A3, A4 and A3/A5 Development, if granted, will attract a CIL Liability of £0sqm

Asset Utilisation

Verbal agreement regarding the viability of the scheme. Formal response to be provided accordingly.

Essex & Suffolk Water (Northumbrian Water)

No response received.

Officer notes- It is known that none of Essex and Suffolk Water's assets are located on or near this site.

Cedars Park Residents Association

No response received.

EDF Energy - New Supply

No response received.

Ecology - Place Services

No objection subject to securing ecological mitigation and enhancements. The mitigation measures identified in the Ecology Report (Applied Ecology, 2015) should be secured and implemented on full. Also recommends conditions to obtain reptile mitigation strategy and lighting design scheme.

Health & Safety Executive

No response received.

B: Representations

Summary of neighbour responses-

- * Have the improvements to the sewage system considered the new housing?
 - * The school is already too small and children from this estate are having to go to other schools. Are you going to extend the Primary school on the estate to accommodate more families?
 - * When residents of Cedars Park purchased their properties they were assured that provision be made for a doctor's surgery, part-time dental practice, small independent shops, and a village centre. This estate was supposed to be a new type of village. Significant failure to build good community facilities on the estate.
 - * Concerned that the amount of traffic that these developments will generate adversely affect the surrounding area. Already have a very busy road due to Tomo estate and with so many new houses and commercial units this will increase quite significantly.
 - * Wish to ensure full recognition is made by the planning authority for the access and use of the road network and in particular Gun Cotton Way from businesses located on Tomo Industrial Estate. The traffic flow from the estate is likely to increase as businesses continue to grow. Any move to restrict access to the estate now or in the future will jeopardise employment in the town. Must consider the application considering the continued access required to and from the Estate to ensure Gun Cotton Way and the surrounding roads can continue to support future road use.
 - * Increase road noise, particularly from lorries. Existing traffic along Gun Cotton Way is extremely noisy and believe this will affect house values if more vehicles use this route, especially commercial ones.
 - * Will you build more road crossings as this will be needed if traffic is thundering along.
 - * There is already a problem with motorbikes and cars racing along the road at night. There should not be units built and they should not be open 24 hours.
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- * Concern raised by Climax Molybdenum regarding the potential conflict between their operation and the new neighbouring properties. The business can operate 24 hours and has a slag heap near to the site. Activities involved large vehicles with reversing alarms and flashing lights on plant and lorry's. Potential noise complaints from future occupiers due to activity on site.
- * Concern regarding security.
- * The Stowmarket Society object to this application because the site is part of a strategic allocation of employment land meant to form part of a mixed use development on the edge of the town. There is no evidence that the original needs either no longer exist or will be met adequately elsewhere.
- * Stowmarket Society raise concern regarding the potential impact on Mill Lane and the possibility of the Mill Lane site coming forward for housing as well.
- * Stowmarket Society do not think it possible to object to the commercial units as they will offer some services to Cedars Park and Stowmarket, as a town, can support them.
- * Stowmarket Society comment that the general layout is good but they find the New England style overly artificial, overbearing and somewhat Disneyesque. Some boarded buildings within a development of varied facing materials would relate more to the vision of the Suffolk Residential Design Guide.
- * No justification as to why the full quota of affordable housing cannot be provided. The uplift in value from agricultural land to residential is enormous.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

1.1. The site lies on the southern side of Gun Cotton Way, the distributor road which provides a link between the A1120 and the B1115 Relief Road. The land is currently undeveloped and is approximately 3.1ha. The land slopes towards the Stowmarket Sewage Treatment Works which lies to the north west of the site. To the north east on the opposite side of Gun Cotton Way is Tesco supermarket and to the north-west is existing residential development. To the south is an industrial unit operated by Climax Molybdenum UK Ltd. The site is bounded to the east by the A1120 and beyond this road is the 'Mill Lane' site which has a committee resolution to grant permission for a business and enterprise park.

1.2. The site benefits from two existing vehicular access points off Gun Cotton Way; one of which is off the existing roundabout used to access Tescos. A bus stop is positioned along the northern boundary of the site. The site is connected to the town centre of Stowmarket and Stowmarket railway station by footway and cycleways. The site is enclosed with boundary trees and vegetation along with a metal mesh fence along the southern boundary enclosing the industrial site.

1.3. The western end of the application site has been created as a Wildlife Protection Area. and the whole site is designated as a County Wildlife Site.

1.4. The site is within the Stowmarket Settlement Boundary and is included within the Strategic Development Area (SDA) for Stowmarket. The Local Plan allocates the application site for the purposes of B1 - light industry; B2 - general industry and B8 - warehousing storage and distribution. Vacant land to the north west side of the application site is also designated for these purposes. An application for land

adjacent to the site and adjacent to Tomo Industrial estate is under consideration and seeks full permission for 15 business units and 143 dwellings (ref. 4555/16). An application for over 5000sqm of commercial units has a committee resolution to grant permission subject to the legal agreement (ref. 0019/17). These two applications along with this application constitute the development of all the land designated as employment land under the SDA.

2. The Proposal

2.1. The proposal is for full planning permission for the erection of 48 dwellings and outline planning permission for the erection of three commercial units.

2.2. The residential area is located to the western section of the site. It provides one access road utilising an existing arm of the roundabout on Gun Cotton Way. The access road forks east towards apartments and west towards detached and semi-detached dwellings. A footway is to be included across the site connecting the commercial units to the residential units and to the adjacent tram track. Footways are to be provided along Gun Cotton Way and the existing landscaping to the south and north is to be retained. The Wildlife Protection Area is to be retained but also form a drainage basin for surface water.

2.3. Originally the application proposed 100% market housing. It now provides affordable housing with 9 rented dwellings, 3 dwellings for shared ownership and 4 discounted market housing. The housing proposed is a mix of property types with apartments, semi-detached, terraces and detached dwellings. The houses are single and two storey and the apartments are three storey. The bedroom mix across the site is-

- 6- One bedroom apartments
- 9- Two bedroom apartments
- 14- Two bedroom dwellings
- 19- Three bedroom dwellings

The proposed dwellings are of a New England Style with predominately weatherboarding walls and slate roofs. Pantile is to be used on the bungalows.

2.4. Parking is provided in a variety of forms with parking courts, on street parking, garages, and private driveways. Each two and three-bedroom dwelling will have two designated parking spaces. The one bedroom apartments will have one allocated parking space per apartment. The block of two-bedroom apartments has 12 unallocated spaces (communal) shared between 9 apartments. 12 visitor parking spaces are distributed across the new residential estate.

2.5. Trees are to be planted to break-up the on-street parking bays, with new planting on the Wildlife Protection Area and adjacent to the existing pumping station. New trees are also to be plant adjacent to the footway link between the residential area and the commercial area and as buffer areas between the residential properties and commercial properties. Acoustic fencing is to be provided between the commercial area and residential area.

2.6. To the eastern section of the site outline permission is sought for the commercial units with appearance and site-specific landscaping forming the reserved matters. The proposal is for one A3 Café/restaurant unit with a floor area of 168.4sqm; one A4- public house of 685sqm; and one A3/A5 unit, hot food takeaway (User of the A3/A5 unit) with a floor area of 380sqm.

2.7. Access is to be provided from the existing vehicular access off Gun Cotton Way. This will provide a new road with access east to the A5 unit which includes a drive through and 57 parking spaces, west to the A3 unit which provides 32 parking spaces and a drive through. The road ends at the A4 unit which provides 59 parking spaces and outside garden area.

2.8. Pedestrian access is provided to all three areas by way of a footway. To the A4 and A5 unit this is adjacent to a landscaped area to the A4 unit providing a pub garden area.

3. National Planning Policy Framework

3.1. The National Planning Policy Framework (NPPF) 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-making purposes.

4. Core Strategy

4.1. Core Strategy 2008-

- * FC01 - Presumption in Favour of Sustainable Development
- * FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
- * FC03 - Supply of Employment Land
- * CS01 - Settlement Hierarchy
- * CS03 - Reduce Contributions to Climate Change
- * CS04 - Adapting to Climate Change
- * CS05 - Mid Suffolk's Environment
- * CS06 - Services and Infrastructure
- * CS09- Density and Mix

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. Stowmarket Area Action Plan 2013-

- * SAAP Policy 4.1- Presumption in Favour of Sustainable Development
- * SAAP Policy 4.2- Providing a Landscape Setting for Stowmarket
- * SAAP Policy 7.1- Sustainable Employment Sites
- * SAAP Policy 7.7- Local Plan Employment Allocations
- * SAAP Policy 7.8- Cedars Park Employment Site
- * SAAP Policy 8.2- A14 Trunk Road
- * SAAP Policy 9.1- Biodiversity Measures
- * SAAP Policy 9.5- Historic Environment

6. Saved Policies in the Local Plans

6.1. Mid Suffolk Local Plan 1998-

- * SB2 - Development appropriate to its setting
- * GP1 - Design and layout of development
- * HB1 - Protection of historic buildings
- * Altered Policy H4- A Proportion of Affordable Housing in new housing developments
- * H13- Design and Layout of Housing Development
- * H14- Encourage a variety of house types and designs to cater for different accommodation needs and to avoid undue uniformity.
- * H15- Development to Reflect Local Characteristics
- * H16- Protecting Existing Residential Amenity
- * T9- Parking Standards

- * T10- Highway Considerations in Development
- * E02 - Industrial uses on allocated sites
- * E03 - Warehousing, storage, distribution, and haulage depots
- * E04 - Protecting existing industrial/business areas for employment generating uses
- * E09 - Location of new businesses
- * E12 - General principles for location, design, and layout
- * CL8- Protecting Wildlife Habitats
- * SDA03 - Comprehensive development within the SDA
- * SDA04 - Sustainable development
- * SDA06 - Employment Land
- * SDA08 - Principle issues to be included in SDA
- * SDA01 - Programmed B1115 Relief Road
- * SDA02 - Funding for B1115 Relief Road

7. The Principle of Development

7.1. The site forms part of a parcel of land to the south of Gun Cotton Way which is allocated as 'Employment Land' in Local Plan Policy SDA6 of the Mid Suffolk Local Plan for the purposes of General Industrial [B2], Light Industrial [B1]; and Storage/Warehousing [B8] businesses. In 1999 a Strategic Development Area Stowmarket masterplan was adopted highlighting the land uses.

7.2. The Core Strategy Focused Review sets out that the Cedars Park employment allocation has good strategic transport links; forming a strong employment location in the future. However, paragraph 5 identifies that the Cedars Park site is too constrained to be the major employment allocation for Stowmarket. Paragraph 5.31 lists the constraints of the site as the size, topography, shape of the site, proximity to residential uses, and the recent designation of part of the site as a County Wildlife Site. Therefore, land adjacent to this site has been allocated as Stowmarket Business and Enterprise park (Gateway 14). A planning application for the Enterprise Park was submitted in February 2015 and has a committee resolution to grant planning permission. The Planning Obligation remains under consideration.

7.3. The Focused Review identifies has set a target for 8000 jobs in the plan period to 2026. The Cedars Park allocation would provide approximately 567 jobs. Policy SAAP 7.7 of the Stowmarket Area Action Plan 2013 (SAAP) details that the existing employment allocations at Cedars Park will be retained to allow for the employment market to return and the allocations to be taken. This situation will be monitored and once the employment market has returned the future use of the Cedars Park employment allocations will be reviewed.

7.4. Policy SAAP 7.8- Cedars Park Employment Site states that the council will actively promote and encourage development in appropriate use classes on the allocated employment land that is likely to meet the future needs of the district, be consistent with other policies in the development plan and make a positive contribution to the relevant objectives of the SAAP. Policy SAAP 7.8 also sets out that future development proposals for the Cedars Park Site will require a development brief that must address aspects regarding the sewage treatment works, compatibility of uses with the amenity of nearby residential uses, the need to incorporate high standards for sustainable development, flexible design for employment spaces and management and protection of biodiversity.

7.5. The site is also within the Settlement Boundary for Stowmarket. Stowmarket is defined under Policy CS1 of the Core Strategy as a Town where most residential development will be directed. The site is well connected by footway and cycleway to Stowmarket Town Centre. The site is also close to the Stowmarket Railway station providing rail connection to London and Cambridge and adjacent to the 319.5ha of employment land (Enterprise Park). As such the site is considered a sustainable location for new dwellings.

7.6. The proposal seeks to depart from the local plan by providing a mixed-use development with commercial units of A3, A4 and A5 uses and residential use. The commercial units will provide employment opportunity. It is identified that the proposed end-users of these commercial units will provide approximately 145 jobs. The other land parcels forming the Cedars Park employment site have identified 160 jobs on phase 3B (ref. 0019/17) and 100 jobs with the phases 3A (ref. 4555/16). As such the proposed development, alongside the other applications under consideration, would provide approximately 405 jobs. As such despite the departure from the employment allocation the development will still provide contribution to employment.

7.7. Paragraph 22 of the National Planning Policy Framework identifies that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

7.8. The Cedars Park employment land has been allocated for employment use for 19 years. Whilst various planning applications for employment use have been granted the site remains undeveloped mainly due to a lack of interest. On this basis the weight that might be applied to the employment policy could be lessened reasonably.

7.9. The Planning Authority is unable to demonstrate a five-year land supply for housing. As such, Paragraph 49 of the National Planning Policy Framework (NPPF) states; "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 14 of the NPPF reads, "where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".

7.10. Given the material growing housing need and that this land has remained undeveloped, there is potential that this site could be reasonably considered for other uses given the position of paragraph 22. On this basis the application seeks the potential for enabling development for both housing and employment uses with one element helping to enable the other. Furthermore, the provision of the commercial units will provide some facilities/amenities for the existing residential properties as to support the sustainable local communities without affecting the Town Centre of Stowmarket. It is highly likely these units will be delivered given the interest from certain providers. These units will also support the employment use of the Stowmarket Business and Enterprise Park.

7.11. Cedars Park Masterplan included a local centre which could provide shops, doctors surgery and pub. This local centre was proposed to be located adjacent to the Cedars Park Primary School. The local centre has never been delivered given the expansion of the school due to the level of dwellings constructed and the provision of the Cedrus House (care home). The provision of the pub, café/restaurant and hot food takeaway would provide some additional facilities to support the existing residential properties on Cedars Park. Whilst this is not a local centre it does provide some level of facilities that would benefit the existing residents. Something, that industrial uses would not provide.

7.12. On balance, while the development is contrary to policy in part, it is considered that in this instance the principle of residential development to enable some employment use and encourage economic growth overall is acceptable. This is considered to accord to NPPF subject to other material considerations.

8. Site Access, Parking, and Highway Safety Considerations

8.1. The development proposes to use existing accesses and would join one of the main routes across the Cedars Park estate with short distance to the main roads of Stowmarket and A14. Access has been designed for employment purposes and would adequately serve a mixed development. A Traffic Assessment has been provided which indicates that the level of traffic would not cause significant harm to the highway network. Interim Travel Plans for the residential and commercial areas have also been provided to indicate how the development will encourage sustainable modes of transport. The Travel Plan will be secured via the S106.

8.2. Several issues have been resolved regarding issues raised by SCC Highways. SCC Highways final concerns related to the level of parking for the apartments Plots 3 to 11. Highways advise that 17 spaces are required for this apartment block; 1.5 space is required per apartment along with 1 visitor parking space per 4 apartments. Highways would also prefer some visitor parking spaces to be provided to serve Plots 26 to 35 and Plots 41 to 46 where demand for visitor parking is at its greatest. They also recommend that the footpath link to the existing trim trail be widened to accommodate the use of cyclists.

8.3. The agent commented that the development provides 12 visitor parking spaces across the site which accords with SCC Parking Standards. The agent also stated that the average number of cars per household in the Stowmarket North (ward) is 1.37 and, applying this figure to the apartment block results in a requirement for 12.3 spaces which this scheme provides. Plots 3 to 11 will have a communal parking court for the apartments, rather than allocated parking along with secure cycle storage. The agent also noted that the footway connection to the trim trail is to be kept to a minimum as it is an ecologically sensitive area forming the wildlife protection area. The agent suggests 'cyclist dismount signs' could be secured by condition.

8.4. Highways disagree with the agent's comments but advise the shortcomings are not sufficient to warrant refusal of the application and as such Highways raise no objection to the development. Conditions are set out within their response.

8.5. Given the size of the site and the distribution of the visitor parking spaces Officers consider the provision to be acceptable. Furthermore, due to the proximity of local services and the town centre, the connectivity of the site with these facilities by cycle, footways, and public transport, and considering the proposed level of visitor parking across the site along with the provision of secure cycle storage; the level of parking for the 2 bed apartments is sufficient. Finally, it is agreed that the path connecting to the trim trail is kept to a minimum due to the wildlife protection area. It is unlikely however that 'cyclist dismount signs' would have prohibit cyclists from using this path. Whilst Highways note 'shortcomings' the planning authority are satisfied that the level of parking and size of footways are acceptable to allow safe and secure access and not harm highway safety.

8.6. Highways also raised concern regarding the delivery to the A3/A5 unit. The service vehicle swept paths indicate that deliveries will require some of the parking area to be cordoned off to facilitate the projected 3 deliveries per week. The agent provided additional information regarding the end user of the A3/A5 Health and Safety processes regarding the delivery process. Staff are given warning of a delivery as to ensure areas which the delivery vehicle requires to manoeuvre or park on, are coned off in advance of the delivery slot to ensure access can be achieved. The delivery slot is two hours long, and the vehicle will be on site for between 15-60 minutes depending upon the size of the delivery on that occasion. Deliveries will be three times a week. When a delivery occurs, a minimum of two staff will assist with the storage of goods and any marshalling or banksmen duties. All staff (and delivery drivers) wear high-visibility clothing when taking part in deliveries, to ensure visibility to traffic and customers within the car park. Given the capability to manage deliveries whilst remaining under operation the proposed development is considered acceptable.

8.7. Overall the proposal is considered to achieve safe and secure access for all, promote sustainable modes of transport and provide adequate parking spaces as to accord with National Policy.

9. Rights of Way

9.1. Footpath no. 23 runs directly across the western section of the site. However, given the installation of the trim tail adjacent to the site and the informal footpaths around the existing drainage lagoon north of the site; this footpath is undistinguishable. The right of way also terminates at the north-west corner with the boundary of Climax Molybdenum.

9.2. Public Rights of Way raised concern that if the footpath appears to be obstructed by the proposed landscaping. A revised layout plan was provided which shows the public right of way which will remain in-situ although it serves limited function due to the trim trail to the north providing better access to the nearby open space containing the drainage lagoon.

10. Design and Layout [Impact On Street Scene]

Residential element

10.1. The residential element provides for a range of property types and size that will complement and enhance the available housing in Stowmarket and the Mid Suffolk District. The development is considered to accord with paragraph 50 of the NPPF by delivering a wide choice of high quality homes and a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. The proposal also accords with Policy CS9 of the Core Strategy and Policy H14 of the Mid Suffolk Local Plan 1998 where development should provide a range of house types.

10.2. The residential units do draw from the 'New England' style with timber cladding, chimneys, steep pitched roofs, and front porches/verandas. This is an early American style dwelling reminiscent of the houses in the south-east of England. The Stowmarket Society comment that the New England style would be overly artificial, overbearing and Disneyesque. Varying the facing materials would relate more to the vision of the Suffolk Design Guide and to the local vernacular.

10.3. It is appreciated that the proposed development would sit somewhat in contrast to the existing residential development which is largely pastiche drawing from a variety of traditional forms and materials. However, the application site is well separated from these residential areas as to provide an opportunity to respond to local distinctiveness and create a strong sense of place. The proposed dwellings whilst including elements of the New England style such as the cladding, and front articulations, they do still draw from the Suffolk vernacular in terms of gable roofs, chimneys, roofing materials and being largely symmetrical. The dwellings are not uniform in their form and scale as to provide visual interest and variety. The provision of timber cladding and similar front articulations provides cohesion and a strong sense of place. As such the proposed dwellings are considered of good quality design which whilst not distinctly of Suffolk vernacular would complement the adjacent existing residential dwellings and not detrimentally affect local distinctiveness.

10.4. The layout provides for one access into the residential area with properties addressing the new road. The layout provides for shared surfacing and sensitively positions car parking spaces as not to dominate the street scene. The dwellings are positioned close to streets providing a good sense of enclosure.

10.5. The proposal incorporates focal buildings to accentuate the overall character but also to create visual richness. The layout of dwellings addressing the street also provides pleasurable internal views, a

good sense of continuity and well defined streets. The positioning of the dwellings also provides natural surveillance over footways and parking courts.

10.6. The layout embraces the key elements of 'Secured by Design' such as well-defined spaces both public and private, natural surveillance of all areas of the development from dwellings. The layout also allows for suitable back-to-back distances between the proposed and existing properties. It is designed to avoid harmful impacts on privacy, overshadowing and over-bearing development to future occupiers of the site. The types of dwellings have also been appropriately distributed so differentiation between tenure is not easily detected.

10.7. The scheme further will add to the quality of the area, respond to local character, and create a visually attractive area with inclusive design as to accord with paragraph 57 and 58 of the NPPF. The layout accords with paragraph 58, 69 and 70 of the NPPF, CS5 of the Core Strategy and policies SB2 and GP1 of the Mid Suffolk Local Plan. The layout will provide a development which functions well and establishes a strong sense of place. The layout provides for a safe and accessible environment with clear and legible pedestrian routes. It is well integrated with the surrounding area as not to create a stand-alone development un-related to its context.

Commercial area

10.8. The proposed commercial area is subject to outline planning permission with the appearance and site-specific landscaping to be agreed at the reserved matters stage. The layout provides one vehicular access into the site which provides individual access to the three commercial units. Each unit is set behind the car parking areas associated with the unit. As such the commercial area will appear car dominated, with the car parking areas being the prominent feature from the new access road. The provision of soft landscaping, good quality surface materials and high quality design of the units should improve the public realm and reduce the potential visual prominence of the car parks. Adequate lighting should also be provided to improve the perception of safety of these car parks.

10.9. The layout provides direct and separate footway connections to the A3/A5 unit and the A5 unit. This will run alongside the pub garden. The pub garden provides the opportunity for green space to provide a visual relief to the expanse of hard surfacing.

10.10. The proposed units due to the topography of the site will be visible along the A1120 and therefore the buildings must be of a high quality design. The scale of the buildings in terms of floor area is known and the footprint indicated through the layout plans. The overall height of the buildings should account for the prominent location and sit appropriately with the adjacent residential units.

10.11. The Suffolk Secure by Design Team recommended the installation of barriers to the car park as to deter anti-social behaviour from boy racers. As identified by the agent, the A3 and A5 units are to operate 24 hours and as such the car park will be under observation throughout the day. Likewise, the pub will have a manager on site providing some level of security. The provision of three car parks as oppose to one large car park is also likely to act as a deterrent. The 24 hour operation and on site surveillance would also lead to a deterrent to unauthorised access onto the Climax Molybdenum site.

10.12. The proposed layout and scale is considered acceptable. The business units are appropriately located to provide a focal point from the A1120 and relate to the commercial units likely to come forward on the Employment land to the east. The landscaping and appearance of the buildings will help improve the public realm and provide an attractive commercial area.

11. Landscape Impact

11.1. Due to the topography and existing boundary landscaping the site is well contained and relates to the existing built-up area of Cedars Park. As such the development will have a limited impact on the wider landscape. However, the Planning Authority's landscape consultant advises that the development should demonstrate a comprehensive landscape vision for the site to create a high quality new development and mitigating the impact on residential development to the north and limiting views to the south. The consultant recommends conditions regarding the management and details of the landscaping.

11.2. The existing boundary trees and vegetation are largely to be retained nevertheless, a condition will secure tree protection measures. The proposed landscaping plan seeks to provide additional planting along the western section of the site which forms the wildlife protection area. Additional planting is also to be secured around the existing pumping station and internally to break up the car parking area. Precise landscape specifications will be secured via condition.

12. Environmental Impacts - Noise, odour, and contamination

12.1. The site is located close to the Stowmarket Sewage Treatment works but over 400m away. An odour assessment was provided with the application. The results indicate that odour contour of 1.5ouE/m³ did not intrude on any of the application site. An odour less than 3ou is considered unlikely to generate complaints and exposure below this level are unlikely to constitute significant pollution or significant detriment to amenity unless the locality is highly sensitive or the odour highly unpleasant in nature. Environmental Health have advised they are satisfied with the findings of the report and odour is unlikely to harm the sensitive end use.

12.2. The site is located close to heavily trafficked road ways and commercial uses to the south. An Environmental Noise Assessment was submitted with the application which assessed the existing noise levels and predicted noise levels from the three commercial units. The report found that with acoustic fencing and glazing and ventilation systems to the dwellings any noise impact would be sufficiently mitigated.

12.3. The adjacent commercial unit operated by Climax Molybdenum raised concern regarding the noise assessment and the way it was conducted. The Environmental Health Officer advises that the report is appropriate and the assessment conducted in-line with relevant standards. The Climax Molybdenum site is operated in accordance with an environmental permit controlled by the Environment Agency. The Environment Agency identifies that the permit restrictions may not be of a suitable standard as to protect residential amenity and avoid a statutory nuisance.

12.4. Based on the findings of the report it is accepted that the proposed mitigation measures would be sufficient in ensuring suitable levels of amenity to avoid the conflict between the industrial operation to the south and the new residential properties.

13. Heritage Issues [Including The Impact On the Character and Appearance of the Conservation Area and On the Setting of Neighbouring Listed Buildings]

13.1. Along Gun Cotton Way views of the St Peter and St Mary's church spire are visible. The church spire provides a landmark identifying the centre of Stowmarket and its historic core. Due to the tree border to the south and topography of the land, the application site provides limited views of the spire. As such the proposed development is not considered to harm any heritage assets.

14. Impact On Residential Amenity

14.1. The proposed business units are a suitable distance from existing properties as not to adversely affect neighbour amenity to the existing residential properties. Additionally, the residential units will also not harm the amenity of the existing dwellings due to the degree of separation.

14.2. It is considered appropriate to control the hours of construction and agree details regarding any external lighting.

15. Biodiversity and Protected Species

15.1. The application site is designated as Cedars Park Grassland County Wildlife Site (CWS). At the time of designation (2010) the site consisted of a large area of unimproved/semi-improved calcareous grassland which contained a variety of plant species associated with boulder clay substrate. The site also included some wet areas and areas of scrub which added to the diversity of habitats present. It also supports small populations of common lizard and slow worm.

15.2. An application in 2014 (ref.2372/14) was granted permission for engineering operations and ground modelling to include raising of ground level from boulder clay subsoil. The works were to create a wildlife protection area suitable for reptiles so that the area can be used as a receptor site, as well as a receptor for translocated turves from parts of the wider site which currently support boulder clay flora. This is to allow the rest of the site to come forward for development.

15.3. The application seeks to retain the Wildlife Protection Area. However, it is proposed to create a detention basin within the western-most corner of the site within the Wildlife Protection Area. Concern has been raised by Suffolk Wildlife Trust that this basin will undermine the Wildlife Protection Area and result in the almost total loss of the County Wildlife Site. Policy 7.8 and 9.1 of the Stowmarket Area Action Plan states that development should ensure the protection and management of biodiversity and wildlife.

15.4. A detention basin is a vegetated depression that is normally dry except following storm events. Constructed to store water temporarily to attenuate flows. This basin would be used to store water when the AW adopted system (designed for the 1 in 30-year event as agreed in the Cedars Park drainage strategy) capacity is exceeded. The basin will therefore rarely be used to store water. The translocated turves agreed under 2372/14 will not be lost and a bund will be formed with appropriate materials sensitive to the requirements of the Wildlife Protection Area. Subsequently, it is not considered that the creation of a detention basin in this area would significantly undermine the Wildlife Protection Area and that this section of land would remain as a protected area mitigating the loss of the County Wildlife Site and ensuring the conservation of protected species.

15.5. Additional information was provided on the 19 April 2017 to address issues raised by the Council's Ecology Consultant and Suffolk Wildlife Trust. The additional information advised that a reptile fence was installed in April 2014 and reptile translocation was completed between 2014 and 2015. Reptiles were translocated to the Wildlife Protection Area and then to a receptor site on the parcel of land to the north of the application site known as site 3a. The original intention was to capture reptiles from the Site 3A extension area and release them back to the Wildlife Protection Area permanent receptor once the habitats were sufficiently established. The creation of the detention basin precludes its use as a receptor area until work is complete and habitats are once again sufficiently re-established.

15.6. An inspection of the application site was undertaken on 27 March 2017 to check the development site and Wildlife Protection Area condition. This identified that except for some marginal areas of long grass the site has been ploughed and is therefore unsuitable for reptiles. No further reptile survey is considered necessary of the cleared areas at the current time. The existing reptile fence separating the WPA from the wider site is still in place and in good overall condition. A damaged fence section was repaired. The soil/turf translocation was completed by Seamans in August 2015 and the turf appears to be healthy and well-established.

15.7. The additional comments recommended that a reptile mitigation strategy is prepared following completion of an up to date reptile survey to confirm reptile presence, distribution, and estimated numbers within these areas. It also details a broad mitigation approach. Suffolk Wildlife Trust raise concern that the level of reptiles to be translocated and the level of handling of these species may not accord with best practice. It is agreed that a condition to secure a reptile mitigation strategy will secure the best approach for managing the Wildlife Protection Area and managing reptiles on site. The Council's Ecologist raises no objection to the development subject to conditions including the reptile mitigation strategy,

15.8. In conclusion it is accepted that a large proportion of the County Wildlife Site will be lost but the creation and management of the Wildlife Protection Area along with a detention basin would allow the acceptable management and conservation of wildlife, biodiversity and protected species. A reptile mitigation strategy will inform the approach to relocating the reptiles. The strategy is also to be secured through the S106 to allow for the possibility of additional or alternative receptor sites and secure its implementation.

16. Floods and drainage

16.1. The site is in a flood zone 1 and therefore is an acceptable site for residential and commercial use. Details regarding surface water drainage were submitted with the application and additional details following comments from SCC Floods. The proposal seeks to connect to the existing Cedars Park Drainage System. Discussions have been undertaken with Anglian Water regarding connection to the existing system and they have raised no objection to the proposed scheme. The drainage system for this site includes a detention basin in the western-most corner. SCC Flood are satisfied with the proposed scheme and recommend approval subject to conditions. These conditions will be worded to ensure they are enforceable and reasonable.

17. Sustainable Construction

17.1. Policy CS3 of the Core Strategy sets out that all non-residential development proposals over 1,000 square metres will be required to integrate renewable energy technology in order to provide at least 10% of their predicted energy requirements. The commercial units have a cumulative floor area which exceeds 1000sqm and as such is subject to this policy.

17.2. No details have been submitted regarding renewable energy technology to be integrated into the construction of the buildings. Details of the business operation of the potential end users of the site were submitted. However, as the Environmental Health Officer's points out the building may not always serve those operators and the operators policies are easily altered.

17.3. As such it is agreed that construction details should be submitted. However, the proposal is for outline planning permission where the appearance of the buildings is a reserved matter. Subsequently it is recommended that details regarding the sustainable construction is provided concurrent with the submission of the Reserved Matters when the design of the buildings are known.

17.4. The Environmental Health Officer also seeks to secure details regarding the sustainable construction details of the dwellings. Policy CS3 recommends new dwellings achieve level 3 of the code for sustainable homes. The code for sustainable homes has been revoked and superseded by new building regulations. Consequently, this part of the policy is no longer applies and any measures would be secured through building regulations.

18. Planning Obligations / CIL

18.1. The development is liable for CIL contributions based on £50 per square metre of residential floor space. As the development will comprise affordable dwellings the scheme may claim some relief. The Council's Infrastructure Team will determine the overall contribution should permission be granted.

18.2. The County Council and the NHS have set out that they are likely to seek CIL contributions to mitigate the infrastructure impact. The County Council identify that Cedars Park Primary School is at capacity and therefore children from this development will be offered a placement in a nearby school in Combs. Due to the distance from the site and the school Suffolk County would seek to provide free school travel to eligible children. A contribution fund of £39,750 to be paid to SCC to facilitate the free school travel. This is agreed as a site-specific contribution and would be agreed through a Section 106 agreement. This is the same approach taken for the recent permission in Phase 6C of Cedars Park which was granted consent in 2016. The agent has advised they consider this to be covered by CIL. Clarity on this matter is being sought from the CIL team. The resolution of this matter will be presented to Members during Committee.

18.3. The travel plan and contributions will also be agreed and secured through the S106 obligation.

18.4. In addition, several areas of public/open space are likely to fall within the site and would not readily fall under the likely management or responsibility of the individual property occupiers. In such an event, and in the interests of proper planning and amenity, it is considered reasonable to secure the ongoing provision and management of those areas; and this can be secured by planning obligation.

18.5. Altered Policy H4 of the Local Plan seeks to promote inclusive and mixed communities and requires that all residential development provides a provision for affordable housing; ordinarily this would equate to 35% of the total homes to be provided on the site. The application provides for 9 affordable rented properties, 3 shared ownership and 4 discount market dwellings. Strategic Housing have verbally advised that this is acceptable and a formal response will be presented to Members at Committee.

18.6. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

18.7. SCC Highways seek contributions towards bus stop improvements and improvements to rights of way. The CIL 123 list includes improvements to passenger transport. SCC can therefore utilise CIL monies to improve these bus stops. It is not considered that the improvements to the bus stop are necessary to make the development acceptable. Likewise, the contributions towards upgrading the public footpaths are not considered to be necessary to make the development acceptable in planning terms and directly relate to the development. One footpath put forward for improvement is footpath 15 which runs along the northern boundary of the Tomo Industrial Estate and behind the sewage treatment works where it appears to terminate. Informal paths then lead to the adjacent trim trail. This footpath is not distinguishable from the Trim Trail and is considerably overgrown (and has been for a while). As such this footpath is not well used. Most likely due to the proximity to the industrial unit and the proximity to the sewage treatment plant. The other footpaths are along the River Gipping on the other side of the railway line to this application site. Given the limited connectivity from this site to this footpath and the nature of this path; its improvement is not considered necessary to make the development acceptable. The development does not require the improvement of the footpath to make the scheme acceptable.

18.8. Whilst it is appreciated that this is an attractive walk and it is highly likely residents will use this path it is not considered to directly relate to development or again be necessary to make the scheme acceptable.

18.9. It is noted that the development will provide new footways along the site frontage and within the development site connecting to the Trim Trail. Additionally it will allow for footpath 23 to be re-instated. This footpath extends through this site. As such the development does provide access to the open space area which includes the drainage lagoon to the north.

19. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

19.1. The development will result in CIL payments to the Council and contributions to Suffolk County Council for the provision of free bus service. The new dwellings will provide additional council tax payments to Mid Suffolk District Council and the commercial units will provide additional business rates to Mid Suffolk District Council.

PART FOUR – CONCLUSION

19. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

19.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

19.2. In this case the Planning Authority worked with the applicant and agent to overcome issues regarding floods, highways, ecology, viability and rights of way.

20. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

20.1. It is not considered that there are any legal or equality implications with the determination of this application.

21. Planning Balance

20.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which 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, determination must be made in accordance with the plan unless material considerations indicate otherwise.

20.2. When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan in part and other material planning considerations including the NPPF. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development in accordance with paragraph 14 of the NPPF and Policy FC1 and FC1.1 of the Core Strategy Focused Review.

20.3. The presumption in favour of sustainable development is further reinforced by advice relating to decision taking in the NPPF. Paragraph 186 of the Framework requires local planning authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that local planning authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

20.4. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm. A positive recommendation to Members is then presented below.

RECOMMENDATION

1) That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Full Planning Permission for 48 dwellings and Outline Planning Permission for three commercial units of A3, A4 and A3/A5 use, subject to the prior completion of a Section 106 to secure the following heads of terms and that such permission be subject to the conditions as set out below:

Section 106-

- * Secure the provision of affordable housing as submitted with the application
- * Secure contribution towards funding free school transport
- * Land Management details
- * Reptile Mitigation Strategy
- * Travel Plan and Contributions towards
- * Secure the provision of the commercial units alongside the residential units.

Conditions relating to the Outline element-

- * Standard time limit for outline
- * Submission of Reserved Matters
- * Accord with approved plans
- * Materials to be agreed
- * Prior to occupation provision of new footway/cycleway to be installed
- * New Access relating to commercial site to be provided prior to first use
- * Details of estate roads and footpaths relating to commercial site to be agreed and implemented
- * No unit occupied until road serving that unit is provided
- * Parking to be provided prior to first use and thereafter retained
- * Details of secured cycle storage to be agreed and thereafter retained
- * Details of electric vehicle charging points to be agreed and thereafter retained.
- * Fire Hydrants to be agreed and implemented
- * Tree Protection Measures to be implemented
- * Detailed soft landscaping plan and specification to be agreed (including details of the bund).
- * Implement soft and hard landscaping as agreed
- * Hard landscape material plan and specification to be agreed and implemented
- * Boundary Treatment Plan and specification to be agreed and implemented
- * Landscape Management Plan to be agreed and implemented thereafter
- * Surface water drainage scheme in accordance with the Flood Risk Assessment shall be agreed and implemented
- * Details of the implementation, maintenance, and management of the surface water drainage scheme to be agreed and implemented, managed and maintained in accordance with the approved details.
- * Prior to occupation, details of all the Sustainable Drainage System to be submitted.
- * Prior to commencement, details of construction surface water management plan to be agreed and implemented in accordance with the approved details.
- * Mitigation measures in noise assessment to be installed and thereafter retained prior to occupation.
- * Construction Management Plan to be agreed and implemented accordingly.
- * Construction working hours to be between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays with no works on Sundays or bank holidays

- * Concurrent with Reserved Matters details of sustainable construction measures including renewable technology to be agreed and implemented
- * Compliance with Ecological Management Plan received 07 November 2016 and additional notes received 19 April 2017.
- * Reptile Mitigation Strategy to be agreed and implemented prior to commencement
- * Prior to occupation lighting to be agreed and implemented. No other lighting to be installed except for the agreed details- including signage lighting.

Conditions relating to the Full element-

- * Time limit condition
- * Accord with approved plans
- * Materials to be agreed
- * Prior to occupation provision of new footway/cycleway to be installed
- * New Access relating to commercial site to be provided prior to first use
- * Details of estate roads and footpaths relating to residential area to be agreed and implemented
- * No unit occupied until road serving that unit is provided
- * parking to be provided prior to first use and thereafter retained
- * Fire Hydrants to be agreed and implemented
- * Tree Protection Measures to be implemented
- * Detailed soft landscaping plan and specification to be agreed (including details of the bund)
- * Implement soft and hard landscaping as agreed
- * Hard landscape material plan and specification to be agreed and implemented
- * Boundary Treatment Plan and specification to be agreed and implemented
- * Landscape Management Plan to be agreed and implemented thereafter
- * Strategy for the disposal of surface water and Flood Risk Assessment
- * Details of all sustainable urban drainage system components and piped networks to be submitted prior to the occupation of 22nd dwelling or as agreed in writing with the council and implemented in accordance with the approved plans.
- * Prior to commencement details of a construction surface water management plan shall be agreed and implemented.
- * Mitigation measures in noise assessment to be installed and thereafter retained prior to occupation.
- * Construction Management Plan to be agreed and implemented accordingly.
- * Construction working hours to be between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays with no works on Sundays or bank holidays
- * Compliance with Ecological Management Plan received 07 November 2016 and additional notes received 19 April 2017.
- * Reptile Mitigation Strategy to be agreed and implemented prior to commencement
- * Prior to occupation lighting to be agreed and implemented. No other lighting to be installed except for the agreed details.

2) That, in the event of the Planning Obligation referred to in Recommendation (1) above not being secured the Corporate Manager - Growth and Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including-

- * Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to Policies CS6 of the Core Strategy.